Attachment 1: Exhibits To The Save Open Space (SOS) Revocation Request

Exhibits 10 – 36

Click This Link For Exhibits 1-9

NOTE: Due to the large file size, the exhibits submitted by Save Open Space are provided as a separate attachment to the report. Attachments 1 is not included as part of the printed document but is available as part of the digital version of this staff report on the California Coastal Commission's website at www.coastal.ca.gov under the Commission's June 2011 Agenda, Item 14a.

REQUEST FOR

PLOT PLAN REVIEW

PLOT PLAN NO. 48295

Los Angeles County Department of Regional Planning 320 W. Temple St. (213) 974-6411

APPLICATION FORM

RECORD OWNER

Name: Malibu Valley Farms, Inc.
Address: 2200 Stokes Canyon Road
City: Calabasas Zip Code: 91302
Daytime Phone: (310) 5890773
Fax: ( )

OWNER'S CONSENT: *I consent to the submission of this application.*

Stuart Andreae, PRESIDENT
(Owner's Signature) (Date)

APPLICANT:

Name: Malibu Valley Farms, Inc.
Address: 2200 Stokes Canyon Road
City: Calabasas Zip Code: 91302
Daytime Phone: (310) 5890773
Fax: ( )

APPLICANT'S AGENT:

Name: Schmitz & Associates, Inc.
Address: 29350 West Pacific Coast Highway, #12
City: Malibu Zip Code: 90265
Daytime Phone: (310) 5890773
Fax: (310) 5890353

APPLICANT/AGENT CERTIFICATION: *I hereby certify under penalty of perjury that the information I provided herein is correct to the best of my knowledge.*

Stuart Andreae, PRESIDENT
(Applicant or Agent's Signature) (Date)

NOTE: When review is completed, copies are sent to the appropriate Building and Safety office and to the Applicant unless otherwise directed. Please check here if "will call" pickup is preferred:

PROJECT DESCRIPTION: (Describe fully purpose of request) SEE ATTACHED

LOCATION/ADDRESS OF SUBJECT PROPERTY: North east corner of Mulholland Highway and Stokes Canyon Road, Calabasas

LEGAL DESCRIPTION: (Attach Exhibit 'A' if legal is extensive) SEE ATTACHED

HNM: 1504073

PROJECT DATA:

Thomas Guide Reference:	page 588, H-4	Lot Size:	31.02 acres
Assessor's Parcel Number:	4455-028-044	Zoning:	A1-1
Supervisorial District:	3	Number of Floors:	one
Zoned District:	Malibu	Gross Floor Area:	97,102 sq. ft.
Building & Safety Office:	Calabasas	Maximum Height:	15 feet
Residential Density:	1 unit per acre		
General/Community Plan Designation:	North Area Plan ML-10		
Previous Cases on Subject Property:			

TYPE OF CASE:

- ☐ Residential Consistency
- ☐ Yard Modification
- ☐ Commercial/Industrial Consistency
- ☐ Sign Review
- ☒ Coastal Approval in Concept/Zoning Consistency
- ☒ Environmental Review Board
- ☐ Hillside Management
- ☐ Significant Ecological Area

STAFF USE ONLY:

Fees Paid: $3,771.00 Receipt No.: 33563

Filing Date: 9-26-02 Intake Planner: Richard Clough

RESIDENTIAL PARKING DATA:

Total Units:	n/a	Bachelor:	n/a	One Bedroom:	n/a
Two bedroom and larger:	n/a	Total Parking:	10	Covered Parking:	n/a
Guest Parking:	n/a	Uncovered Parking:	10		

PROJECT DESCRIPTION

Retention of a portable equipment shop, grain room, portable rollaway bin/container, arena with 5-foot high surrounding wooden wall and post 5-feet o.c. with possible future cover, 200 sq. ft. portable tack room with 4-foot porch, three (3) roofed corals, 576 sq.ft pipe corral, covered shelter, riding arena with possible future cover, parking stalls, back to back mare motel, cross tie area, one-story barn, 160 sq. ft. storage container, 3-foot rail road tie walls, and fencing as depicted in site plan sheet 3 of 3; and Removal of storage shelter, portable storage trailer, cross tie area, twenty-eight (28) 24x24-foot portable pipe corrals, tack room with no porch, cross tie shelter, 101 sq.ft. portable tack room with 4-foot porch and four (4) 20x20-foot portable pipe corrals as depicted in site plan sheet 2 of 2. For private ~~recreat~~ equestrian use, not commercial use.

Exhibit "A" to Grant Deed

Legal Description of the Property

EXHIBIT A

PARCEL 7:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF STOKES CANYON ROAD, 80 FEET WIDE, AS SHOWN ON THE MAP OF TRACT NO. 24043, RECORDED IN BOOK 625 PAGES 51 TO 54 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF MULHOLLAND HIGHWAY, 80 FEET WIDE.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID SECTION 6 WITH THE CENTER LINE OF MULHOLLAND HIGHWAY, 80 FEET WIDE, AS SAID INTERSECTION IS SHOWN ON THE MAP OF TRACT NO. 24043 RECORDED IN BOOK 625 PAGES 51 TO 54 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID CENTER LINE, SOUTH 62 DEGREES 39 MINUTES 20 SECONDS EAST 66.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2000 FEET; THENCE CONTINUING ALONG SAID CENTER LINE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5 DEGREES 14 MINUTES 03 SECONDS AN ARC DISTANCE OF 182.71 FEET; THENCE RADIAL TO SAID CURVE, NORTH 22 DEGREES OF 06 MINUTES 37 SECONDS EAST 50.00 FEET TO A POINT IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 25.00 FEET, A RADIAL LINE OF SAID LAST MENTOINED CURVE TO SAID POINT BEARS SOUTH 22 DEGREES 06 MINUTES 37 SECONDS WEST; THENCE WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91 DEGREES 22 MINUTES 09 SECONDS AN ARC DISTANCE OF 39.87 FEET; THENCE TANGENT TO SAID CURVE, NORTH 23 DEGREES 28 MINUTES 46 SECONDS EAST 24.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 142.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33 DEGREES 28 MINUTES 46 SECONDS AN ARC DISTANCE OF 82.97 FEET; THENCE TANGENT TO SAID CURVE, NORTH 10 DEGREES 00 MINUTES 00 SECONDS, WEST 25.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST 235.46 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS EAST 185.00 FEET; THENCE SOUTH 10 DEGREES 00 MINUTES 00 SECONDS EAST 235.46 FEET; THENCE SOUTH 80 DEGREES 00 MINUTES 00 SECONDS WEST 185.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED BY THE CLARETIAN THEOLOGICAL SEMINARY, A CORPORATION, IN DEED RECORDED APRIL 20, 1964.

PLOT PLAN NO. _____

SUGGESTED LETTER OF AUTHORIZATION
TO SIGN FOR OWNER

Date: August 6, 2002

I (we) are the owners of the property legally described as Malibu Valley Farms, Inc.

and located at 2200 Stokes Canyon Road, Calabasas, CA 91302.

The assessor's parcel number for this property is 4455-028-044.

I (we) hereby authorize the following person to act on my (our) behalf to sign and submit the above planning/zoning application as provided by the Los Angeles County Code.

PERSON AUTHORIZED TO SIGN FOR OWNER(S):

Schmitz & Associates, Inc _____
Print Name

_____
Signature

NOTE: This authorization shall continue in force and effect until the Department of Regional Planning is notified in writing of its cancellation.

OWNER(S)

By _____
Signature Print Name Position

By _____
Signature Print Name Position

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CERTIFICATION OF LOBBYIST REQUIREMENTS
(Ordinance No. 93-0031)

Ordinance No. 93-0031, Los Angeles County Lobbyist Ordinance, effective May 7, 1993 requires certification that each person who applies for a County permit is familiar with the requirements of Ordinance No. 93-0031 (Lobbyist Ordinance) and that all persons acting on behalf of the applicant have complied and will continue to comply with the requirements of said Ordinance through the application process.

I hereby certify that I am familiar with the requirements of Ordinance No. 93-0031. I further understand that the making of such a certification, and compliance with this ordinance, shall be conditions precedent to the granting of the requested permit, license, contract or franchise.

Malibu Valley Farms, Inc. — Applicant

August 6, 2002 — Date

PERMIT NO(S):

_____ _____

_____ _____

_____ _____

PLEASE SEE OTHER SIDE FOR INFORMATION ABOUT THE ORDINANCE

DEPARTMENT OF REGIONAL PLANNING
&
ENVIRONMENTAL REVIEW BOARD
CHECKLIST

CLIENT Malibu Valley Farms, Inc.
PROJECT ADDRESS NE corner of Mulholland HWY & Stokes Canyon Rd
DATE August 6, 2002

1. Color photographs of the site. Photos must be large enough to show detail and they should be taken from ground level. Must depict all areas to be developed including fuel modification areas. May be clear, color photocopies. Must have photo locations keyed on a property map.

2. A copy of the U.S.G.S. Quad Sheet at 1:24,000 scale with the property *accurately* plotted. (Important for comparison for the site to appropriate planning maps.)

3. Site plan including all existing and proposed developments as well as topographic contour lines, the fuel modification zone (200 feet fire clearance) and the existing condition of the area, if the 200 feet extends beyond the subject property the adjoining properties must also be depicted, all off-site improvements must also be shown, the building pad (the disturbed areas and total site acreage, and the north arrow should point up.

4. The grading plan must depict all areas to be graded including heights, depths of cuts and fills, and it must provide total cubic yards to be graded including any off-site removal.

5. Surrounding land use map to 50 feet, may be 8 ½ x 11.

6. The Assessor's Map Book pages depicting the subject property and all contiguous parcels must be included as well as a list of all owners of all contiguous parcels.

MALIBU VALLEY FARMS, INC.

CONTIGUOUS PARCEL OWNERS

1. APN: 4455-028-044
   Applicant
   2200 Stokes Canyon Road
   Calabasas, California 91302

2. William G. and Barbara J. Edmonds. – APN: 4455-028-031
   902 Mesa Drive
   Roswell, New Mexico 88201

3. Spectrum Development, Inc. – APN: 4455-028-045
   26885 Mulholland Highway
   Calabasas, California 91302

4. Soka University of America, Inc. – APN: 4455-033-026
   26800 W. Mulholland Highway
   Calabasas, California 91302

5. Soka University of America, Inc. – APN: 4455-028-054
   26800 W. Mulholland Highway
   Calabasas, California 91302

6. Soka University of America, Inc. APN: 4455-028-077
   26800 W. Mulholland Highway
   Calabasas, California 91302

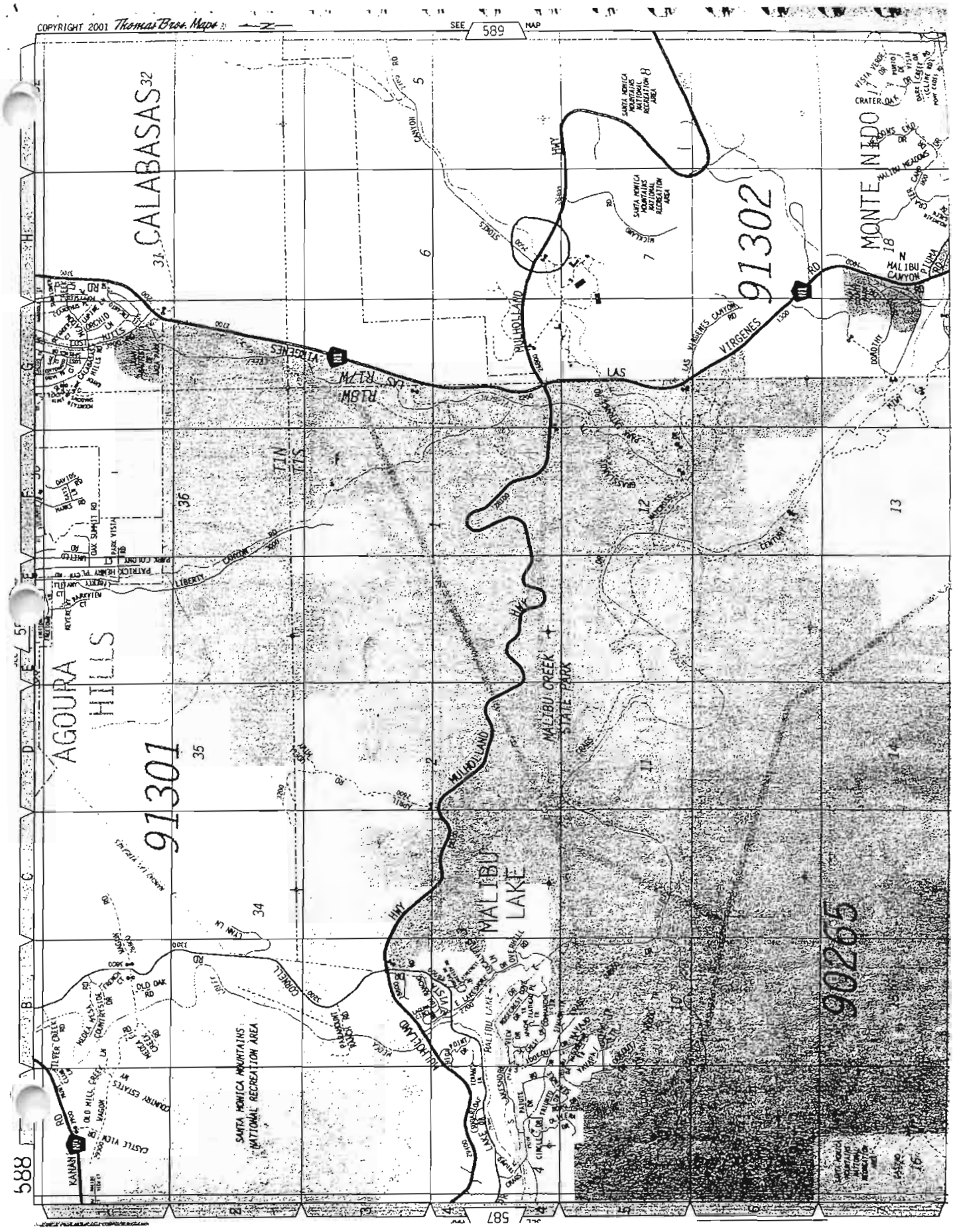
7. APN: 4455-028-085
   Chester Otting Trust
   Beverly Anderson
   2 North Cascade, 850 Holy Sugar Building
   Colorado Springs, CO 80903

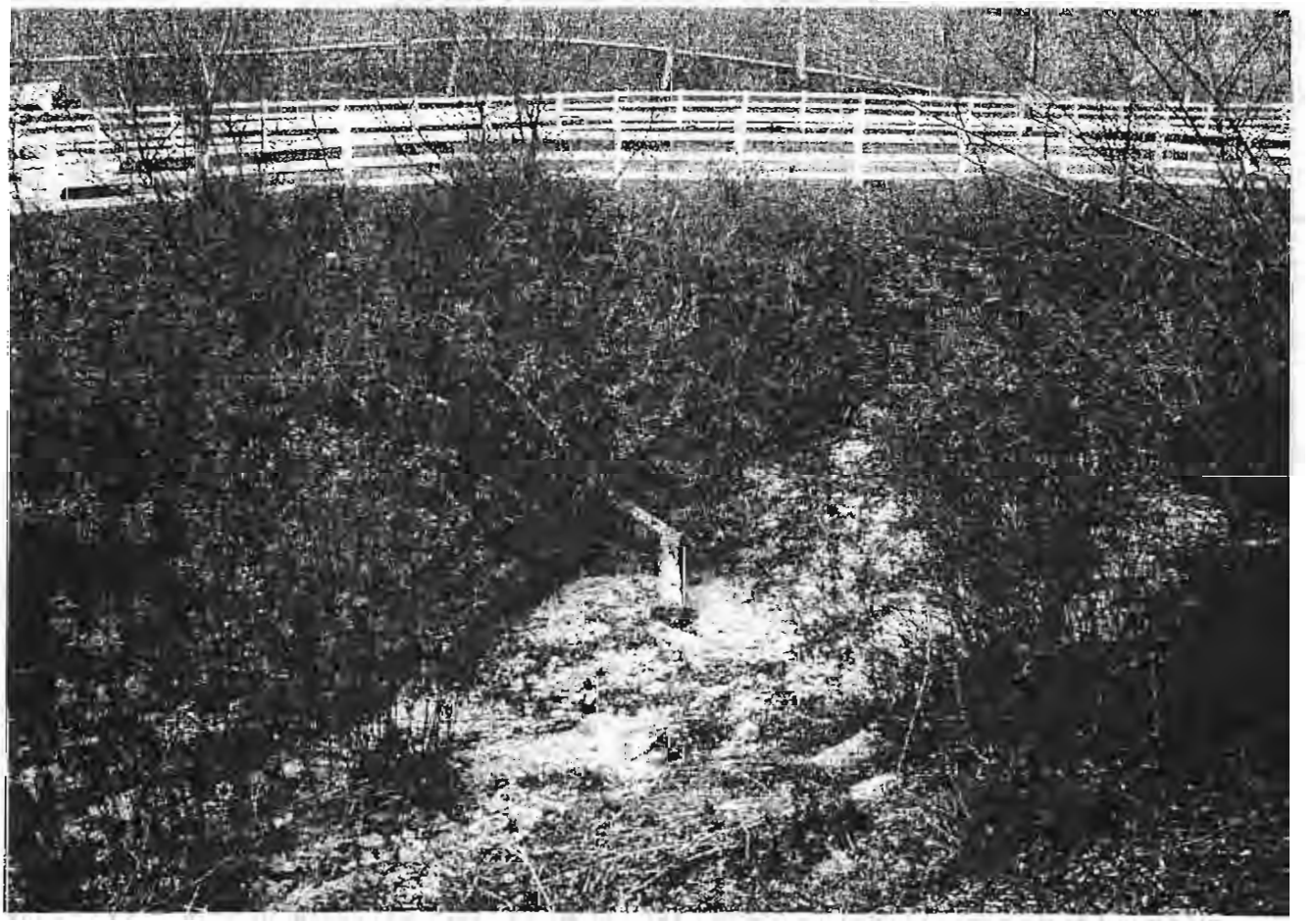
8. Robert M. and Sharon D. Tate – APN: 4455-028-086
   29052 Woodcreek Court
   Agoura Hills, California 91301

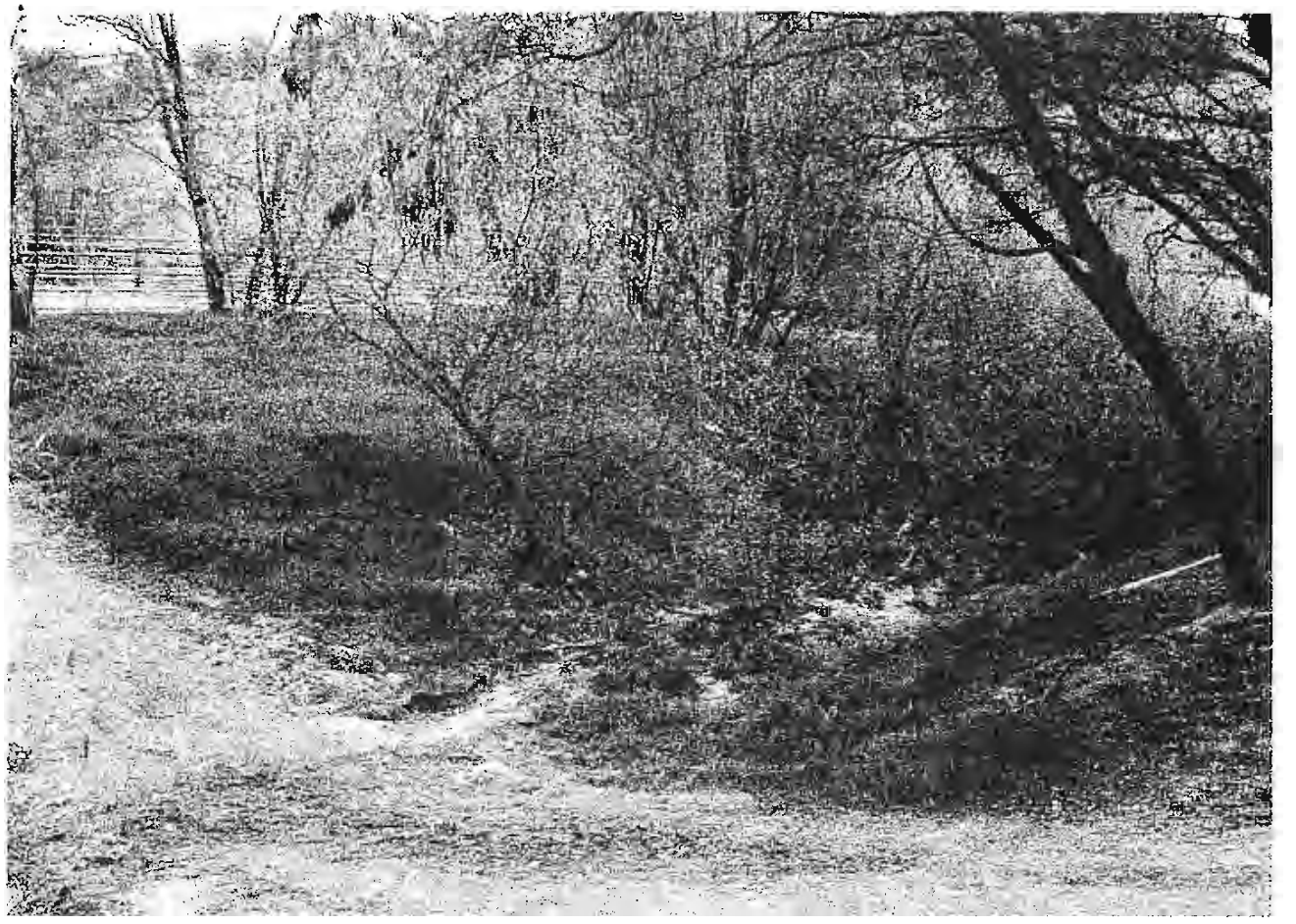
9. David and Barbara Ireland – APN: 4455-043-001
   2320 Stokes Canyon Road
   Calabasas, California 91302

10. Malibu Canyon LP - APN: 4455-043-007
26885 Mulholland Highway
Calabasas, California 91302

11. Soka University of America, Inc. – APN: 4455-028-043
26800 W. Mulholland Highway
Calabasas, California 91302

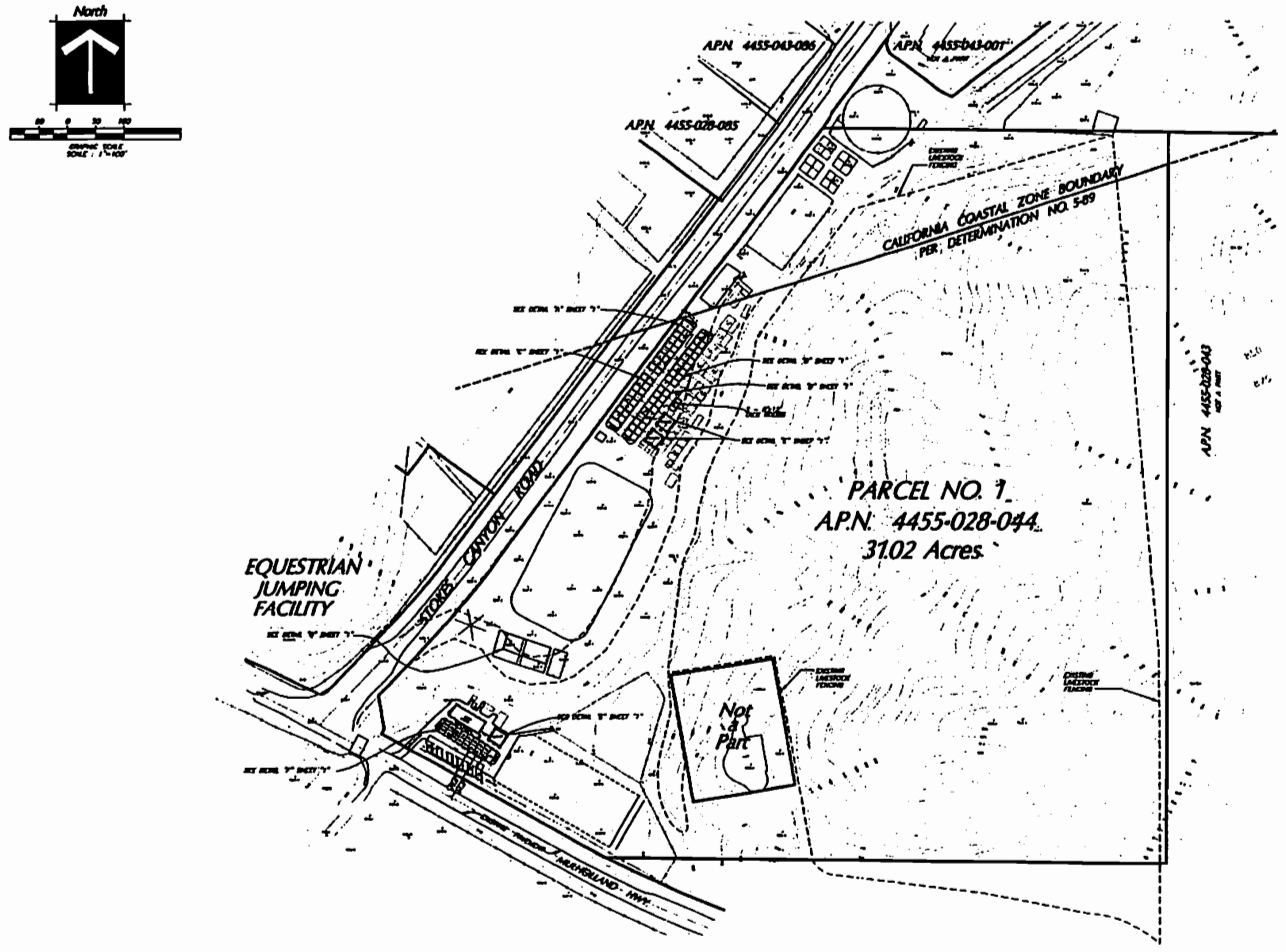

COPYRIGHT 2001 Thomas Bros. Maps
SEE 589 MAP
CALABASAS
AGOURA HILLS
MONTE NIDO
MALIBU LAKE
MALIBU CREEK STATE PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
91301
91302
90265
588
587





SITE PLAN

PROPOSED CONDITIONS
for
A.P.N. 4455-028-044
2200 Stokes Canyon Road
Calabasas, California 91302

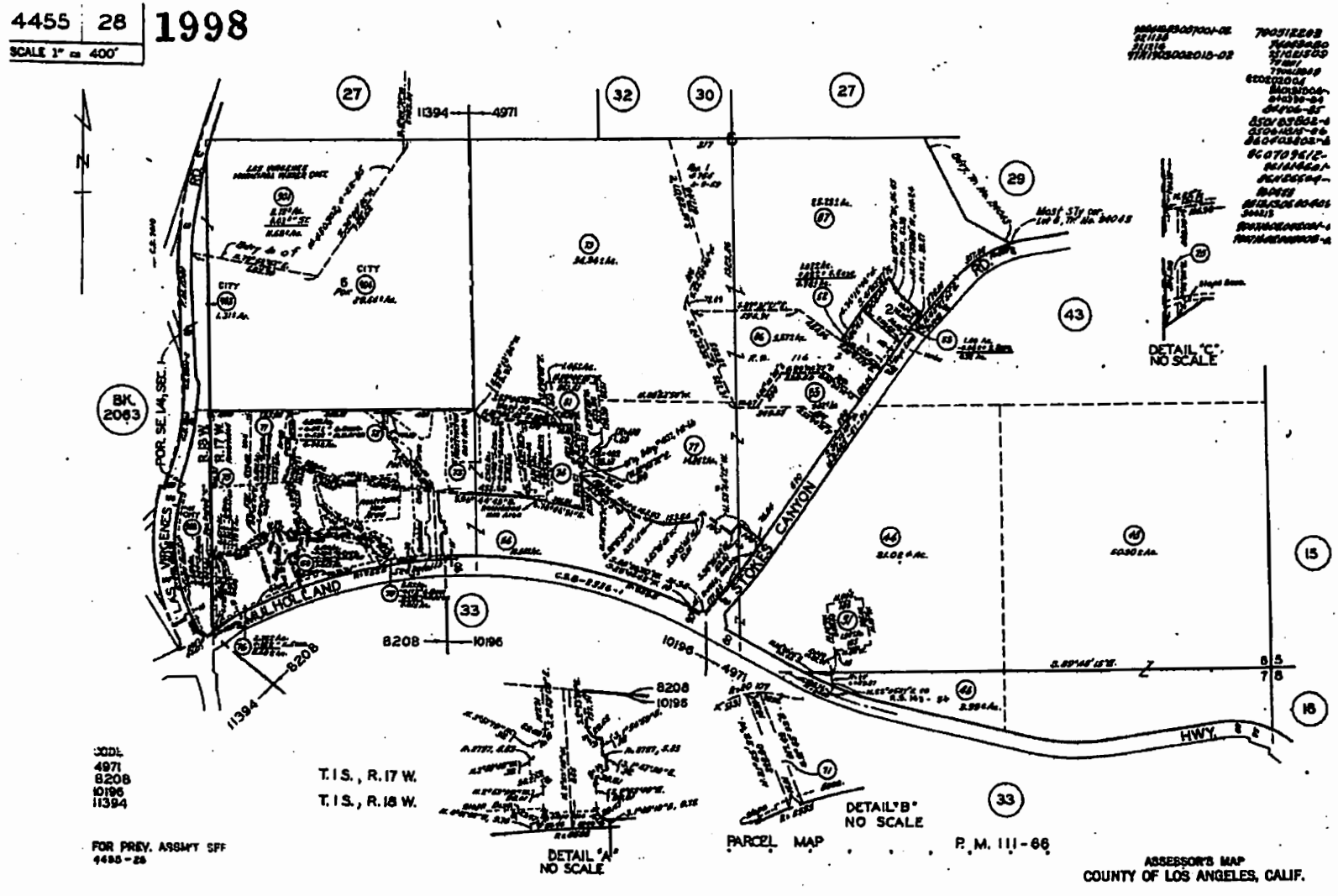


DIAMOND WEST ENGINEERING, INC.
ENGINEERING • LAND PLANNING • LAND SURVEYING
4784 PARK GRANADA, SUITE 110
CALABASAS, CALIFORNIA 91302
Phone: (818) 223-3453 • Fax: (818) 223-9215

SHEET NO.
3

View Enlarged Map | View Printing Instructions

County of Los Angeles: Rick Auerbach, Assessor



Site Plan

for

A.P.N. 4455-028-044

2200 Stokes Canyon Road

Calabasas, California 91302

Legal Description

PROVIDED BY: FIRST AMERICAN TITLE COMPANY OF LOS ANGELES

ORDER NO. 5711-HDP-JL DATED JUNE 24 1999

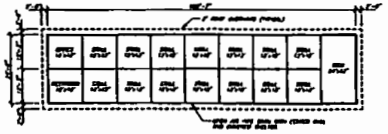
AL 4455-028-044 (PARCEL NO. 1)

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 17 WEST, IN THE RANCHO LAS VIRGENES, AS SHOWN ON MAP OF LOS ANGELES, COUNTY OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LICKED CANYON ROAD, 80 FEET WIDE, AS SHOWN ON THE MAP OF TRACT NO. 31641, RECORDED IN BOOK 629 PAGES 31 TO 34, INCLUSIVE, OF MAPS, RECORDS OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID SECTION 15 WITH THE CENTER LINE OF MALIBU CANYON ROAD, AS SAID INTERSECTION IS SHOWN ON THE MAP OF TRACT NO. 31641, RECORDED IN BOOK 629 PAGES 31 TO 34 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID CENTER LINE, SOUTH 43 DEGREES 20 MINUTES 30 SECONDS EAST 2540.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1000 FEET; THENCE CONTINUING ALONG SAID CENTER LINE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3 DEGREES 14 MINUTES 03 SECONDS AN ARC DISTANCE OF 102.71 FEET; THENCE RADIAL TO SAID CURVE, SOUTH 23 DEGREES 07 MINUTES 27 SECONDS EAST 30.00 FEET TO A POINT IN A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 33.00 FEET, A RADIAL LINE OF SAID LAST MENTIONED CURVE TO SAID POINT BEARS SOUTH 23 DEGREES 06 MINUTES 57 SECONDS WEST; THENCE WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91 DEGREES 23 MINUTES 00 SECONDS AN ARC DISTANCE OF 52.63 FEET; THENCE TANGENT TO SAID CURVE SOUTH 23 DEGREES 29 MINUTES 58 SECONDS EAST 74.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 1450.00 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5 DEGREES 24 MINUTES 00 SECONDS AN ARC DISTANCE OF 136.44 FEET; THENCE TANGENT TO SAID CURVE, NORTH 28 DEGREES 53 MINUTES 58 SECONDS EAST 1.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 28 DEGREES 53 MINUTES 58 SECONDS EAST 1018.00 FEET; THENCE NORTH 61 DEGREES 06 MINUTES 02 SECONDS WEST 1000.00 FEET; THENCE SOUTH 28 DEGREES 53 MINUTES 58 SECONDS WEST 1018.00 FEET TO THE TRUE POINT OF BEGINNING.

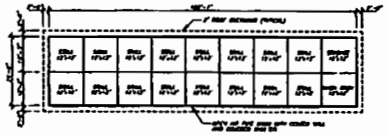
EXCEPT ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED BY THE CLARITON INCORPORATED, REMARKS, A CORPORATION, IN DEED RECORDED APRIL 30, 1964 AS INSTRUMENT NO. 1230.



DETAIL OF ADDITIONAL STRUCTURE (A)

NO SCALE

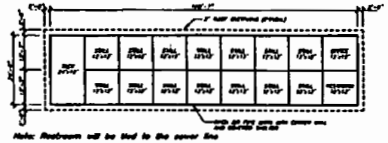
Building Area = 2,880 sq.ft.



DETAIL OF ADDITIONAL STRUCTURE (B)

NO SCALE

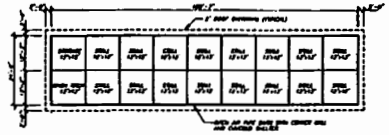
Building Area = 2,880 sq.ft.



DETAIL OF ADDITIONAL STRUCTURE (C)

NO SCALE

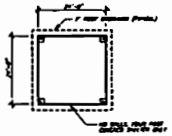
Building Area = 2,880 sq.ft.



DETAIL OF ADDITIONAL STRUCTURE (D)

NO SCALE

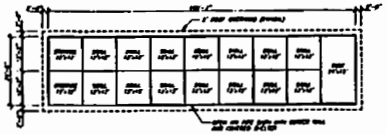
Building Area = 2,880 sq.ft.



24' x 24' x 10' SHELTER (E)

Building Area = 576 sq.ft.

NO SCALE

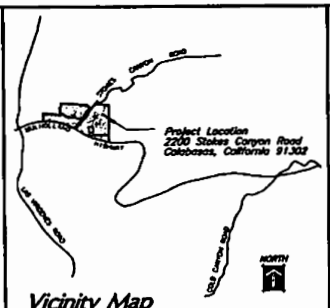


BACK TO BACK MARE MOTEL

Building Area = 2,880 sq.ft.

DETAIL OF ADDITIONAL STRUCTURE (F)

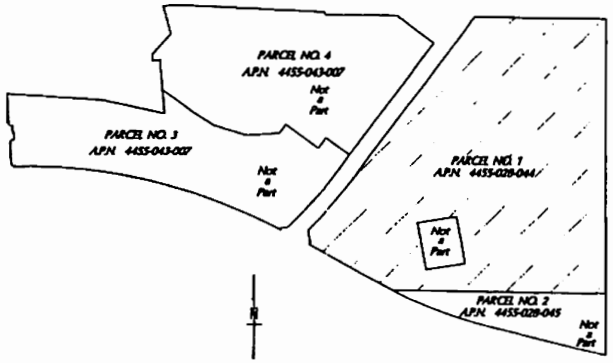
NO SCALE

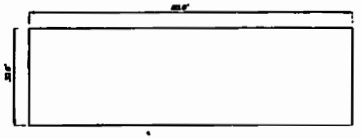


Vicinity Map

NO SCALE

INDEX MAP FOR PROPERTY

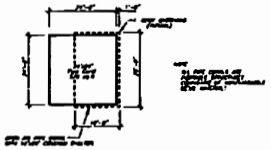




HAY/STORAGE BUILDING (G)

NO SCALE

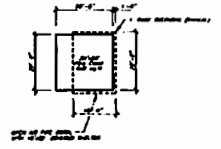
Building Area = 2,400 sq.ft.



24' x 24' Pipe Coral

Building Area = 576 sq.ft.

NOT TO SCALE



20' x 20' Pipe Coral

Building Area = 400 sq.ft.

NOT TO SCALE

Detail of Existing Pipe Corals

NO SCALE

Aerial Topography Notes:

Record Owners:

Applicant:

Applicant's Agents:

Earthworks Quantities:

Proposed Building Area:

Parking Data: (New Stalls)

Existing Building Area:

Total Site Area:

Existing Zoning:

RECEIVED

MAY 31 2002

4-06-163

DIAMOND WEST ENGINEERING, INC.

ENGINEERING • LAND PLANNING • LAND SURVEYING

4784 PARK GRANADA, SUITE 110

CALABASAS, CALIFORNIA 91302

Phone: (818) 222-3433 • Fax: (818) 225-6215

No.	BY	DATE	REVISION DESCRIPTION
1			
2			
3			
4			
5			

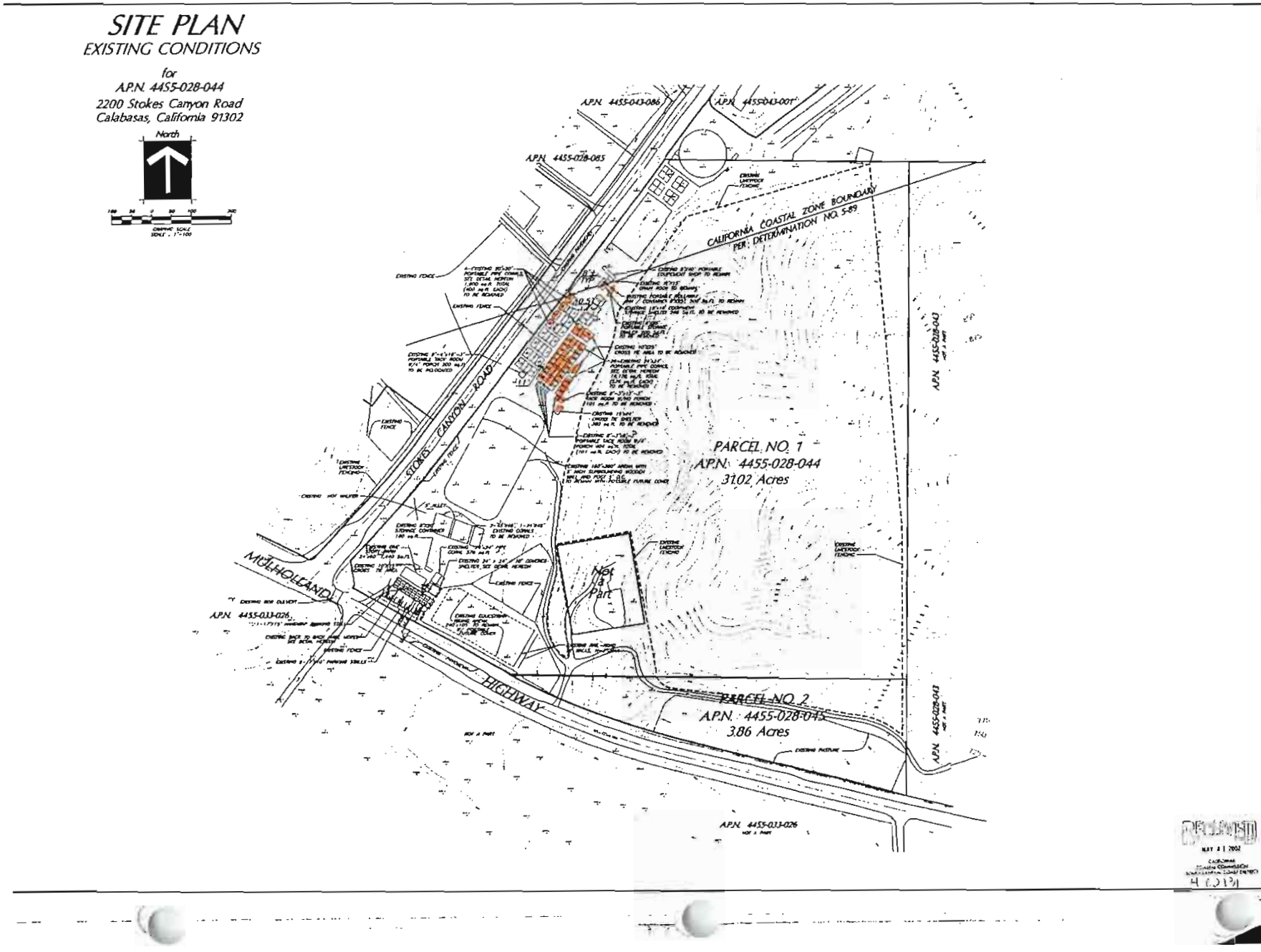
M.S.A.R.D.		DATE
DRAWN		
CHECKED		
SUBMITTED		
PROJ. ENGINEER		
DATE		
DRAWING SCALE		
SHEET JOB NUMBER		

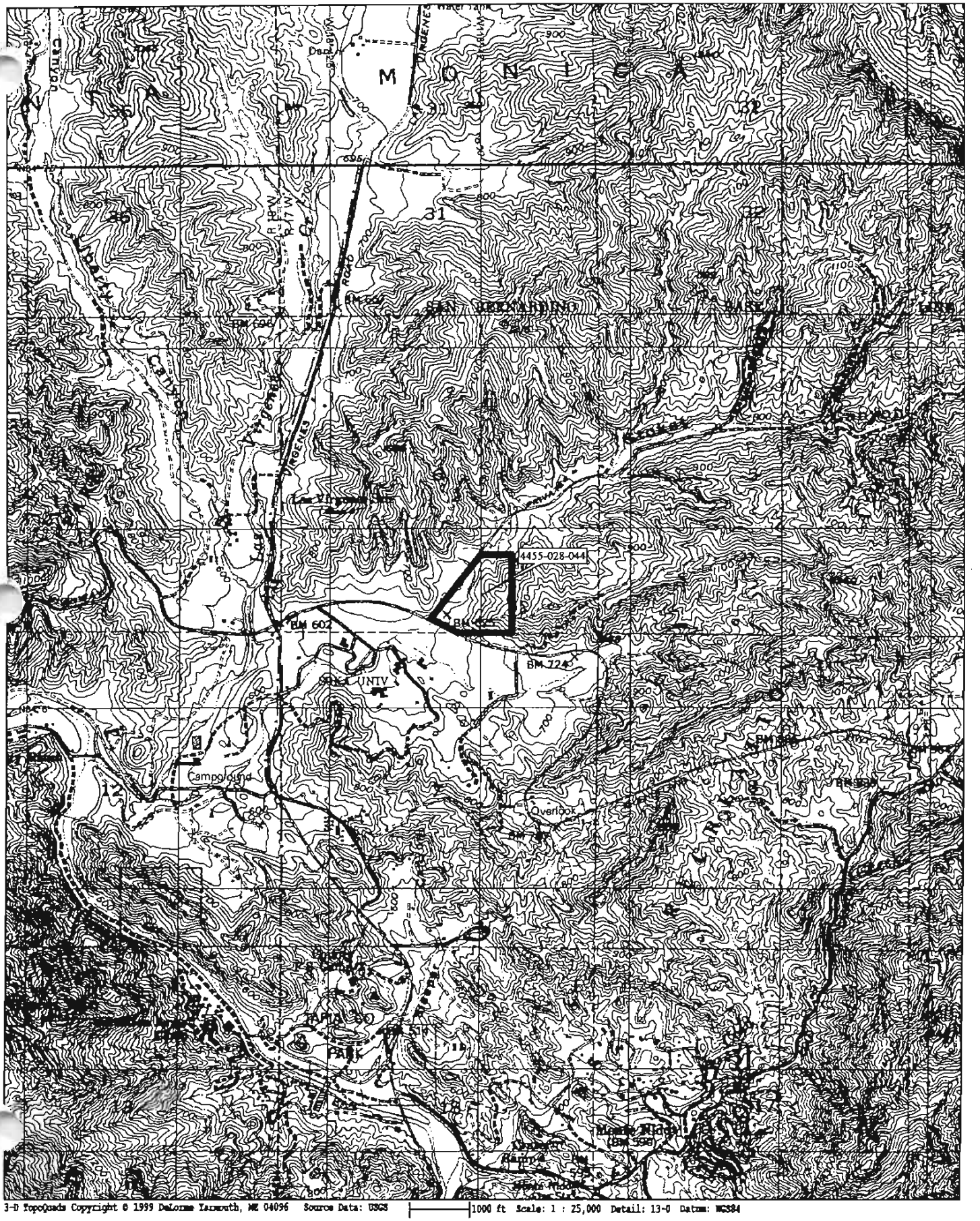
SHEET NO.

1

OF 3 SHEETS

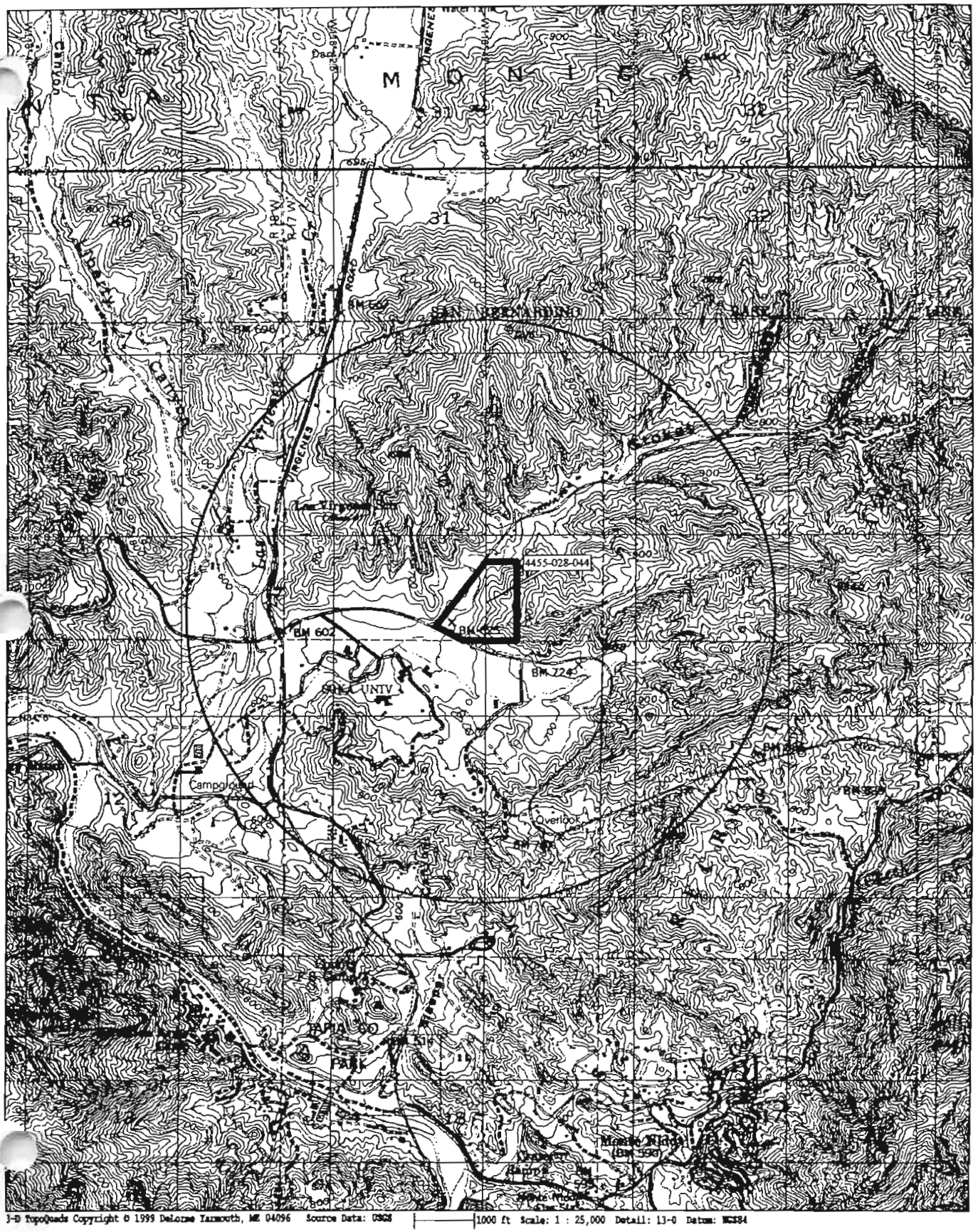
R-4-06-163, Attachment A: Revocation Request Exhibits


SITE PLAN
EXISTING CONDITIONS
for
A.P.N. 4455-028-044
2200 Stokes Canyon Road
Calabasas, California 91302
North
A.P.N. 4455-043-086
A.P.N. 4455-043-001
A.P.N. 4455-028-085
CALIFORNIA COASTAL ZONE BOUNDARY
PER DETERMINATION NO. 5-89
STOKES CANYON ROAD
MULHOLLAND
HIGHWAY
PARCEL NO. 1
A.P.N. 4455-028-044
31.02 Acres
Not a Part
PARCEL NO. 2
A.P.N. 4455-028-045
3.86 Acres
A.P.N. 4455-033-026
A.P.N. 4455-028-043
DIAMOND WEST ENGINEERING, INC.
ENGINEERING - LAND PLANNING - LAND SURVEYING
SHEET NO.
2
OF

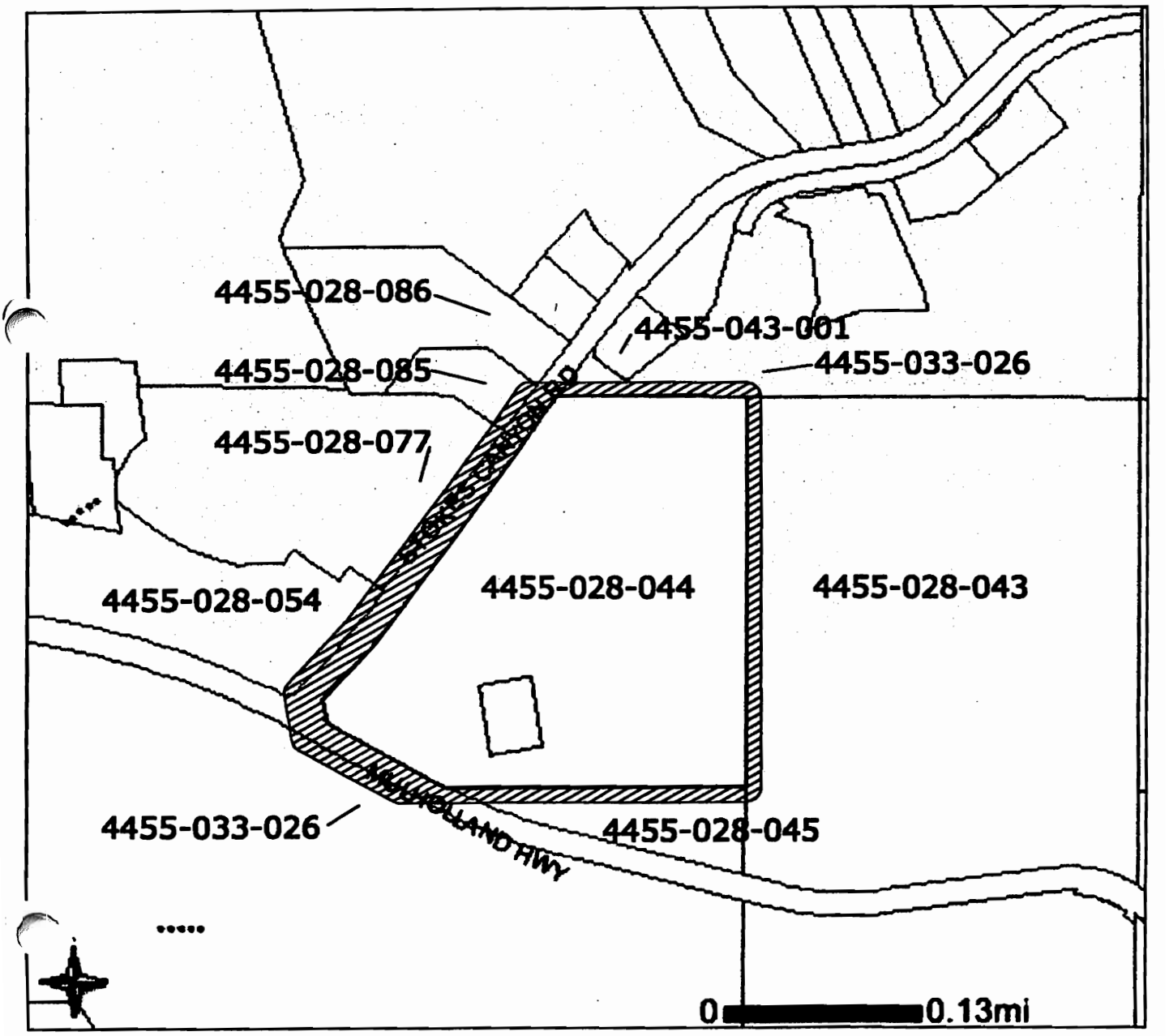


3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS

1000 ft Scale: 1 : 25,000 Detail: 13-0 Datum: WGS84


4455-028-044
BM 602
BM 724
Campground
Overlook
SAN BERNARDINO
VIRGENES
ROAD
PARK
Monte Nido
3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS
1000 ft Scale: 1 : 25,000 Detail: 13-0 Datum: WGS84

50' Foot Radius



OAK TREE STATEMENT

[ ] The subject property contains no oak trees.

[X] The subject property contains one or more oak trees, however the applicant anticipates that no activity (grading and/or construction) will take place within five (5) feet of the outer dripline of any oak tree.

[ ] The subject property contains one or more oak trees and the applicant states that activity (grading and/or construction) will take place within five (5) feet of the outer dripline of any oak tree. An Oak Tree Permit has been or will be applied for prior to any activity taking place on the property.

Juan Andreas President

Applicant's Signature

Date

OTS89MG

http://www.malibusurfsidenews.com/archives/08162007.pdf
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Coastal Tells Tapia to Stay Out of Malibu Creek

■ Commission Votes 6-4 Against Las Virgenes Proposal to Put Treated Effluent in Ponds

Concerns about adding additional water to overburdened Malibu Lagoon were voiced last week by the California Coastal Commission, when it rejected a request from operators of the Tapia Wastewater Treatment Plant to build a series of disposal ponds on the banks of Malibu Creek upstream of the coast.

Meeting in San Francisco on Aug. 8, the commission voted 6-4 against a proposal from the Las Virgenes Municipal Water District to reconstruct ponds covering 2.5 acres adjacent to the creekbed.

Because of the nature of the sandy soils there, these ponds would be connected to the stream, said commissioner Sara Wan, a Malibu resident, voicing worries that adding water to the Malibu Creek watershed would increase groundwater levels in Malibu Lagoon. "There is a reason why the regional water board has prohibited discharge [into the creek] during the dry season."

The district had hoped to use the ponds to hold treated effluent at times throughout the year at varying intervals, let it evaporate and then seep into the ground. The Tapia plant treats 9.5 million gallons of sewage every day from five cities along U.S. 101 from Westlake Village to Calabasas, and during the warmer rainy season, reclaimed water that is described as nearly clean enough to drink is dumped into the creek.

But during dry summer months, the Los Angeles Regional Water Quality Control Board does not allow Tapia to put its so-called clean water into the creek. Although the district sells most of the cleansed water for agriculture and park use in the Conejo Valley and Calabasas areas, it has too much clean water on its hands during spring and fall, when recycled water demand is low.

The seepage pits would have formed a wildlife sanctuary and been open to the public for bird-watching. But they would have been located within 10 feet of the creek, and would have fed the underground plume of water that flows down Malibu Canyon into central Malibu, raising groundwater levels and causing Malibu Lagoon to breach during summer months, polluting beaches.

Sarah Abramson, a scientist at Heal The Bay, testified that her group and Santa Monica Bay-

[redacted]

> "We view [this as] an attempt to sidestep the [dry weather discharge] prohibition..."

keeper are both opposed to the seepage ponds. "We view these as simply an attempt to sidestep the prohibition against dry-weather discharge into the creek," she said.

She noted that the federal government has set a zero level for dissolved nutrients to be discharged into the creek, and charged that Tapia's owners have been violating that limit for five years.

"Their discharge causes additional breaching of the lagoon at Surfrider Beach," she said, "and as a resident of Malibu and a surfer at that beach, I am particularly disturbed by that.

"Tapia has neither earned the right nor demonstrated the need to discharge to these proposed ponds," she said.

Malibuite Council Everts blames a massive die-off of an endangered fish species in the creek last year on too much water flowing into the creek and lagoon from Tapia. "Two hundred of the remaining steelhead trout turned yellow and died last year as a result of the nutrients in that creek," he said.

"To put further nutrients in the form of new water in that creek would exacerbate the problems that we have had," Everts told the commission.

Tapia's operators had sent a new $60 million upgrade being built at Tapia now will remove nitrogen and phosphorous to a level below drinking water regulations.

The ponds would be built where similar ponds existed before floods in 1983 washed them out, just above the Malibu Canyon Road bridge over the creek.

Commissioners said they might approve seepage ponds if Tapia moved them further away from the creek. But some commissioners said the surplus water should be sold to farmers and recreational interests in the Oxnard area.

In other Malibu-related action the Coastal Commission unanimously approved the State Parks Department's plan to rehabilitate the old Rodeo Grounds housing area in Topanga State Park, that is located northwest of the Pacific Coast Highway intersection with Topanga Canyon Boulevard.

Some 26,000 tons of material will be excavated from a berm along the creek, which will be restored to its natural condition.

BY HANS LAETZ

State of California – The Resources Agency ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FISH AND GAME
1508 North Harding Avenue
Pasadena, CA 91104
(626) 797-3170

RECEIVED
MAR 10 2005
BY:----------

RECEIVED
DEC 12 2006
Flex
SOUTH ... DISTRICT
POWER

March 15, 2005

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

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

Dear Ms. Palmer:

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

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

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

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

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

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

Sincerely,

Scott Harris
Associate Wildlife Biologist

For Department Use Only					
Notification Number:		Date Received		Date Completed	
Fee Enclosed?	☐ Yes $_____		☐ No_____		
Action Taken/Notes					

RECEIVED
DEC 12 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

All fields must be completed unless otherwise indicated.
(See enclosures for instructions.)

Notification Type	
☐ Timber Harvesting Plan (No._____)	☐ Water Application (No._____)
☐ Commercial Gravel Extraction (No._____)	☒ Other

Application Information			
	Name	Address	Telephone/FAX
Applicant:	Malibu Valley Farms, Inc. Brian Boudreau	2200 Stokes Cyn., Calabasas 91302	Business:818-880-5139 Fax: 818-223-9215
Operator:	Malibu Valley Farms, Inc. Brian Boudreau	2200 Stokes Cyn., Calabasas 91302	Business: 818-880-5139 Fax: 818-223-9215
Contractor: (if known)	Malibu Valley Farms, Inc. Brian Boudreau	2200 Stokes Cyn., Calabasas 91302	Business: 818-880-5139 Fax: 818-223-9215
Contact Person: (if not applicant)	Cox, Castle & Nicholson Beth Palmer	2049 Century Park East, 28th Floor Los Angeles, CA 90067	Business: 310-284-2206 Fax: 310-277-7889
Property Owner:	Same as Applicant		Business: Fax:

Project Location				
Location Description:	2200 Stokes Cyn., Calabasas 91302			
County		Assessor's Parcel Number		
Los Angeles		4455-028-044		
USGS Map	Township	Range	Section	Latitude/Longitude
Malibu Quad				
Name of River, Stream, or Lake:	Stokes Canyon Creek			
Tributary To?	Malibu Creek			

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
(Continued)

Name of Applicant: Malibu Valley Farms, Inc.

Project Description							
Project Name:	**Malibu Valley Farms**						
Start Date:	02/01/05	**Completion Date:**	12/01/05	**Project Cost:**	$0	**Number of Stream Encroachments: (Timber Harvesting Plans Only)**	

Describe project below: (Attach separate pages if necessary)

Retention of a portable equipment shop, grain room, portable rollaway bin/container, arena with 5-foot high surrounding wooden wall and post 5 feet o.c. with possible future cover, 200 sq. ft. portable tack room with 4-foot porch, three roofed corals, 576 sq. ft pipe corral, covered shelter, riding arena with possible future cover, parking stalls, back to back mare motel, cross tie area, one-story barn, 160 sq. ft. storage container, 3 ft. rail road tie walls, and fencing as depicted in site plan sheet 3 of 3, and removal of storage shelter, portable storage trailer, cross tie area, twenty eight 24X24 foot portable pipe corrals, tack room with no porch, cross tie shelter, 101 sq. ft. portable tack room with 4 foot porch and four 20X20 foot portable pipe corrals as depicted .

☐ Continued on separate page (s)

Attachments/Enclosures		
Attach or enclose the required documents listed below and check the corresponding boxes.		
☒ Project Description	☒ Map showing project location, including distances and/or directions from nearest city or town	☐ Construction plans and drawings pertaining to the project
Completed CEQA documents:	☒ Notice of Exemption ☐ Negative Declaration ☐ Mitigated Negative Declaration ☐ Draft or Final Environmental Impact Report ☐ Notice of Determination	
Copies of applicable local, State, or federal permits, agreements, or other authorizations:	☒ Local. Describe: Los Angeles County Dept. of Regional Planning Plot PLan No. 48295	
	☐ State. Describe:	
	☐ Federal. Describe:	

I hereby certify that all information contained in this notification is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand that this notification is valid only for the project described herein and that I may be subject to civil or criminal prosecution for undertaking a project that differs from the one described herein, unless I have notified the Department of that project in accordance with Fish and Game Code Section 1602.

I understand that a Department representative may need to inspect the property where the project described herein will take place before issuing a Lake or Streambed Alteration Agreement pursuant to this notification. In the event the Department determines that a site inspection is necessary, I hereby authorize the Department to enter the property where the project described herein will take place to inspect the property at any reasonable time and certify that I am authorized to grant the Department permission to access the property.

☐ I request the Department to first contact me at (insert telephone number) _____ to schedule a date and time to enter the property where the project described herein will take place and understand that this may delay the Department's evaluation of the project described herein.

Duane Goudreau PRESIDENT 11/12/04

Operator or Operator's Representative — Date

Form FG2023 (Effective January 12, 2004)

Lake and Streambed Alteration Program

Project Questionnaire

Complete the following questionnaire and submit it with your notification package. Please attach or enclose any addional information or documents that support or relate to your response.

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
1. Will the project or activity involve work on the bank of a river, stream, or lake?			✔	
2. If you answered "yes" to #1, will the project or activity involve any of the following:				
a. Removal of any vegetation?				
b. Excavation of the bank?				
c. Placement of piers?				
d. Placement of bank protection or stabilization structures or materials (e.g., gabions, rip-rap, concrete slurry/sacks)?				
3. Will the project or activity take place in, adjacent to, or near a river that has been designated as "wild and scenic" under state or federal law?			✔	
4. Will the project or activity involve work in the bed or channel of a river, stream, or lake?			✔	
5. Will the project or activity involve the placement of any permanent or temporary structure in a river, stream, or lake?			✔	

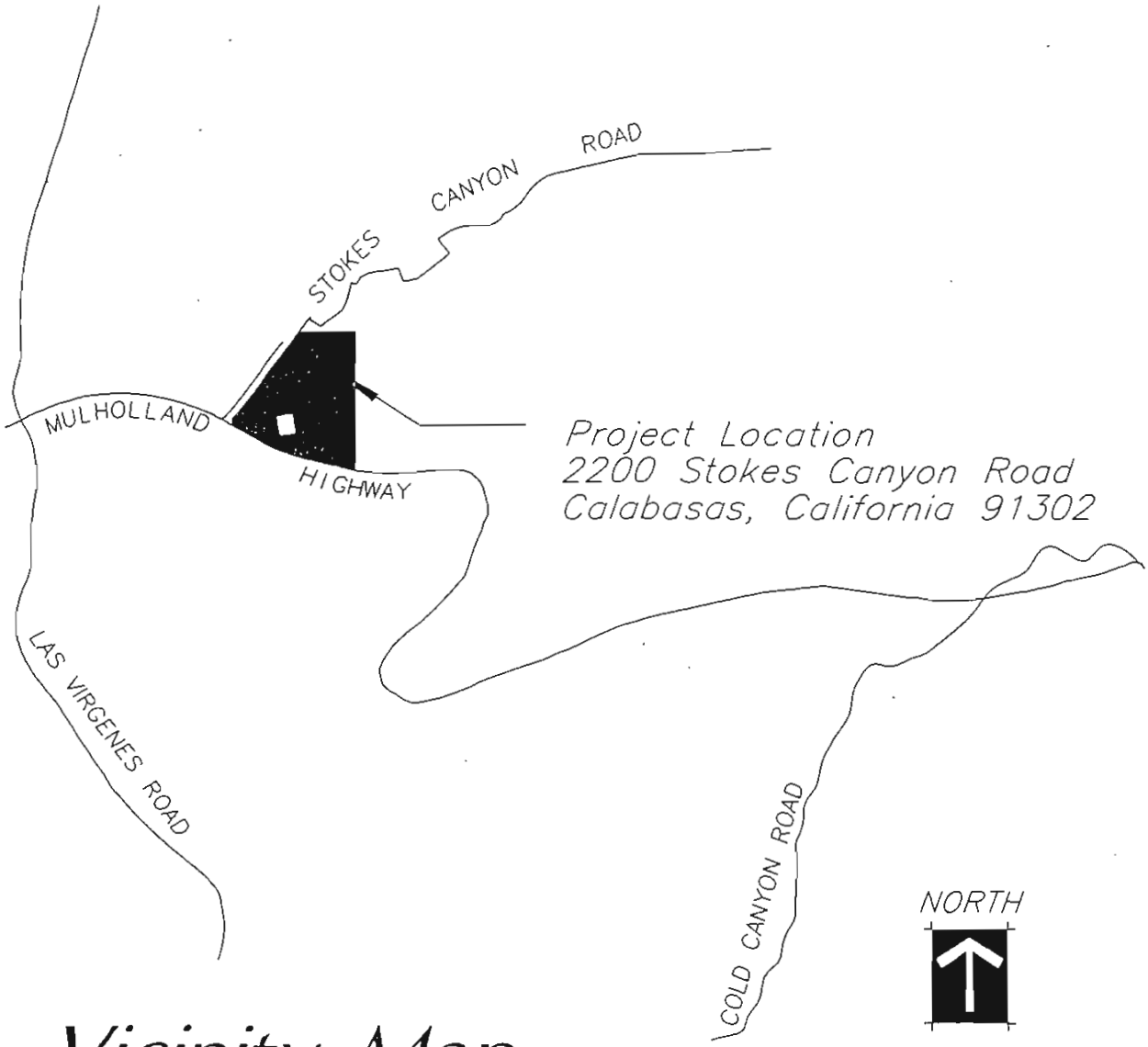
	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
6. Will the project involve the use of material from a streambed?			✔	
7. Will the project or activity result in the disposal or deposition of debris, waste, or other material in a river, stream, or lake?		✔		
a. If you answered "yes" to #7, describe the material that will be disposed of or deposited in the river stream, or, lake:				
8. Will any type of equipment be used in a river, stream, or lake?			✔	
a. If you answered "yes" to #8, describe the type of equipment that will be used:				
9. Does the project or activity area flood or periodically become inundated with water?			✔	
10. Will water need to be diverted from a river, stream, or lake for the project or activity?			✔	
11. If you answered "yes" to #10, please answer the following:				
a. Will this be a temporary diversion?				
b. Will water quality be affected by the deposition of silt, an increase in water temperature, a change in the pH level, or in some other way?				
c. Will the water be diverted by means of a dam, reservoir, or other water impoundment structure?				
12. Will the project or activity be done pursuant to a water right application or permit?			✔	
13. a. Has a wildlife assessment or study been completed for the area where or near where the project or activity will take place? (If "yes", attach or enclose a copy of the assessment or study.)	✔			SEE FH & A by Frank Hovore for Biological Resource Analysis of Proposed ESHA

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
14. Will the project or activity affect fish, amphibians, insects, or other aquatic resources?			✔	
15. Will the project or activity affect terrestrial wildlife?			✔	
16. Are any endangered or rare plant species thought or known to occur in the area where the proposed project or activity will take place?			✔	
17. Are any endangered or threatened fish, bird, or animal species thought or known to occur in the area where the proposed project or activity will take place?			✔	
18. Have you contacted any other local, State, or federal agency regarding the project or activity?			✔	
a. If you answered "yes" to #18, please list the names of the agencies you have contacted:				
19. Have you applied for or obtained any permit, agreement, or other authorization for your project or activity from any government agency?	✔			
a. If you answered "yes" to #19, please list the names or describe the permit, agreement, or authorization you have applied for or obtained:	California Coastal Commission # 4-02-131			
20. Have any environmental documents pertaining to your project or activity been prepared?			✔	
a. If you answered "yes" to #20, please list the environmental documents that have been prepared:				

I hereby certify that all information contained in this form is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider my notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to my notification.

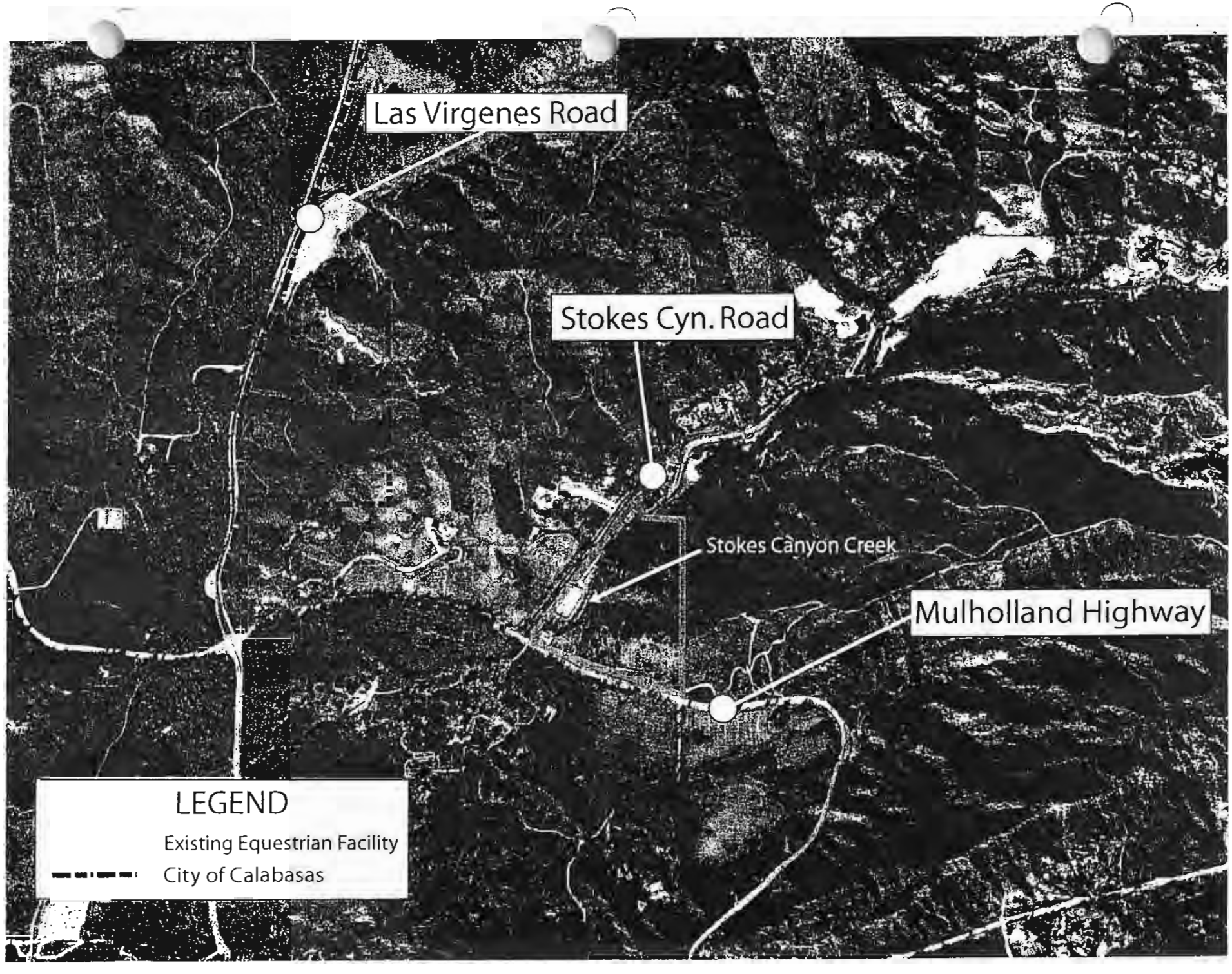
Brian Goudreau PRESIDENT
Operator or Operator's Representative

11/12/04
Date



Vicinity Map

NO SCALE


Las Virgenes Road
Stokes Cyn. Road
Stokes Canyon Creek
Mulholland Highway
LEGEND
Existing Equestrian Facility
City of Calabasas

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

DIAMOND WEST
engineering a better tomorrow
26800 Agoura Rd., Suite 100
Agoura Hills, CA 91301-5116
(818) 444-1800

PACIFIC WESTERN NATIONAL BANK
5526 Etiwanda Ave., Ste. 110
Tarzana, CA 91356

90-3820/1222

4049

11/15/2004

PAY TO THE ORDER OF Department of Fish & Game

$ **154.00

One Hundred Fifty-Four and 00/100********** DOLLARS

Department of Fish & Game

Cheri Sloczek

MEMO Applications (private)-Fish and Game, Job #034

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

⑈004049⑈ ⑆122238200⑆ 00381752 0⑈

State Water Resources Control Board

Alan C. Lloyd Ph D
Secretary for Environmental Protection

Division of Water Quality
1001 I Street • Sacramento, California 95814 • (916) 341-5536
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977
FAX (916) 341-5543 • Internet Address: http://www.waterboards.ca.gov
Email Address: stormwater@waterboards.ca.gov

Arnold Schwarzenegger
Governor

RECEIVED
JUL 13 2005
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 27, 2005

Date Processed: November 12, 2004

RECEIVED
DEC 12 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Brian Boudreau
Malibu Valley Farm Inc
2200 Stokes Canyon Rd
Calabasas, CA 91302-2984

RECEIPT OF YOUR NOTICE OF INTENT

The State Water Resources Control Board (State Water Board) has received and processed your NOTICE OF INTENT TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT TO DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY. Accordingly, you are required to comply with the permit requirements.

The WDID identification number is: **4 19C330921**
Please use this number in any future communications regarding this permit.

SITE DESCRIPTION

OWNER:	Malibu Valley Farm Inc
DEVELOPER:	Malibu Valley Farm Inc
COUNTY:	Los Angeles
SITE ADDRESS:	2200 Stokes Canyon Rd Calabasas, CA 91302-2984
COMMENCEMENT DATE:	1/1/05
EST. COMPLETION DATE:	

When construction is complete or ownership has been transferred, dischargers are required to notify the Regional Water Board by submitting a Notice of Termination (NOT). All State and local requirements must be met in accordance with Special Provision No. 7 of the General Permit. If you do not notify the State Water Board that construction activity has been completed you will continue to be invoiced for the annual fee each October. Please visit the storm water web page at www.waterboards.ca.gov/stormwtr/index.html to obtain an NOT and other storm water related information and forms.

If you have any questions regarding permit requirements, please contact your Regional Water Board at (213) 576-6600.

Sincerely,

Storm Water Section
Division of Water Quality

06/27/2005 14:38 9163415543 STORMWATER PAGE 02

Attachment 2

State Water Resources Control Board

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 99-08-DWQ)

I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM 1. [x] New Construction 2. [ ] Change of Information for WDID#

II. PROPERTY OWNER

Name	Contact Person		
Malibu Valley Farm, Inc.	Brian Boudreau		
Mailing Address	Title		
2200 Stokes Cyn.	Owner		
City	State	Zip	Phone
Calabasas	CA	91302	818-880-5139

III. DEVELOPER/CONTRACTOR INFORMATION

Developer/Contractor	Contact Person		
Malibu Valley Farm, Inc.	Brian Boudreau		
Mailing Address	Title		
26855 Mulholland Hwy.	Owner		
City	State	Zip	Phone
Calabasas	CA	91302	818-880-5139

IV. CONSTRUCTION PROJECT INFORMATION

Site/Project Name	Site Contact Person		
Malibu Valley Farm, Inc.	Mark Cardiel		
Physical Address/Location	Latitude	Longitude	County
2600 Stokes Cyn. Road, Calabasas 91302	____°	____°	Los Angeles
City (or nearest City)	Zip	Site Phone Number	Emergency Phone Number
Calabasas	91302	(818) 880 – 5139	(818) 652-2974 –

A. Total size of construction site area: 9354 sq.ft (0.21) Acres

B. Total area to be disturbed: 9354 sq.ft (0.21) Acres (% of total 100)

C. Percent of site imperviousness (including rooftops):
Before Construction: 0 %
After Construction: 0 %

D. Tract Number(s): ____

E. Mile Post Marker: ____

F. Is the construction site part of a larger common plan of development or sale?
[ ] YES [x] NO

G. Name of plan or development: Equestrian Facilities

H. Construction commencement date: 01 / 01 / 05

I. % of site to be mass graded: NO Grading

J. Projected construction dates:
Complete grading: N/A/____/____ Complete project: ____/____/____

K. Type of Construction (Check all that apply):

1. [ ] Residential 2. [ ] Commercial 3. [ ] Industrial 4. [x] Reconstruction 5. [ ] Transportation

6. [ ] Utility Description: _____ 7. [x] Other (Please List): Retention of a portable equipment shop, grain room, portable rollaway bin/container, arena with 5-foot high surrounding wooden wall and post 5 feet o.c. with possible future cover, 200 sq. ft. portable tack room with 4-foot porch, three roofed corals, 576 sq. ft pipe corral, covered shelter, riding arena with possible future cover, parking stalls, back to back mare motel, cross tie area, one-story barn, 160 sq. ft. storage container, 3 ft. rail road tie walls, and fencing as depicted in site plan sheet 3 of 3, and removal of storage shelter, portable storage trailer, cross tie area, twenty eight 24X24 foot portable pipe corrals, tack room with no porch, cross tie shelter, 101 sq. ft. portable tack room with 4 foot porch and four 20X20 foot portable pipe corrals as depicted .

V. BILLING INFORMATION

SEND BILL TO:	Name	Contact Person	
[ ] OWNER (as in II. above)			
[x] DEVELOPER (as in III. above)	Mailing Address	Phone/Fax	
[ ] OTHER (enter information at right)	City	State	Zip

VI. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan? ☐ YES ☒ NO

Does the erosion/sediment control plan address construction activities such as infrastructure and structures? ☐ YES ☒ NO

Name of local agency: County of Los Angeles -Bldg. & Safety Phone: (818) 880-4150

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification? ☐ YES ☒ NO

If yes, provide details: _____

VII. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):

1. ☒ **Indirectly to waters of the U.S.**
2. ☐ **Storm drain system - Enter owner's name:** _____
3. ☐ **Directly to waters of U.S. (e.g. , river, lake, creek, stream, bay, ocean, etc.)**

B. Name of receiving water: (river, lake, creek, stream, bay, ocean): Stokes Creek

VIII. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)

☐ A SWPPP has been prepared for this facility and is available for review: Date Prepared: ___/___/___ Date Amended: ___/___/___

☐ A SWPPP will be prepared and ready for review by (enter date): ___/___/_

☒ A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.

B. MONITORING PROGRAM

☐ A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.

If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes. YES ☐ NO ☐

Name: _____ Phone: ( ) -

C. PERMIT COMPLIANCE RESPONSIBILITY

A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:

1. Preparing an annual compliance evaluation. ☒ YES ☐ NO

Name: Mark Cardiel Phone: (818- 652-2974) -

2. Eliminating all unauthorized discharges. ☒ YES ☐ NO

IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

Have you included a vicinity map with this submittal? ☒ YES ☐ NO

Have you included payment of the annual fee with this submittal? ☒ YES ☐ NO

X. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: Brian Boudreau

Signature: _____ Date: _____

Title President

SCHMITZ & ASSOCIATES INC

August 6, 2002

Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Attention: Rudy Silvas

RE: PLOT PLAN REVIEW PERMIT APPLICATION FOR THE- Retention of a portable equipment shop, grain room, portable rollaway bin/container, arena with 5-foot high surrounding wooden wall and post 5-feet o.c. with possible future cover, 200 sq. ft. portable tack room with 4-foot porch, three (3) roofed corals, 576 sq.ft pipe corral, covered shelter, riding arena with possible future cover, parking stalls, back to back mare motel, cross tie area, one-story barn, 160 sq. ft. storage container, 3-foot rail road tie walls, and fencing as depicted in site plan sheet 3 of 3; and Removal of storage shelter, portable storage trailer, cross tie area, twenty-eight (28) 24x24-foot portable pipe corrals, tack room with no porch, cross tie shelter, 101 sq.ft. portable tack room with 4-foot porch and four (4) 20x20-foot portable pipe corrals as depicted in site plan sheet 2 of 2. **(Malibu Valley Farms)**

HAND DELIVERED

Dear Rudy:

You will find attached to this correspondence the following documents for your review in support of our Plot Plan Review permit application 17 sets of the following:

1. Completed Plot Plan Review Permit application form, signed by Brian Boudreau as president of Malibu Valley Farms, Inc, owner of record.
2. Assessor's Parcel Map
3. Approval in Concept for the County of Los Angeles Fire Department/Access

29350 West Pacific Coast Highway • Unit 11 • Malibu, California 90265 • email: dons@schmitzandassociates.net • 310.589.0773 • 818.889.2460 • Fax 310.589.0353

4. Site plans
5. 8½" by 11" reduction for each page of the full size plans.
6. Equestrian Center Conceptual Site Plan for Malibu Valley Farms, Inc., approved by Building and Safety Land Development Division Department of Public Works.
7. 50t. radius map and list of contiguous property owners.
8. A check made out to the Los Angeles County Department of Regional Planning in the amount of $3771.00 the application fee.
9. A grading and drainage plan, as well as a geologic report, are not included with this application because the proposed development does not require any grading.
10. Pursuant to previous discussions with the local coastal staff, local agency review has been waived as provided for in California Code of Regulations, Title 14 §13053.

REGARDING ON SITE INSPECTION: It is important that we be contacted for an appointment to inspect the property. Please coordinate all site visits with our office at (310) 589-0773. Thank you for your cooperation.

The following is a review of compatibility of the development with the relevant policies of the coastal act.

Policies 1-27 pertain to recreational opportunities. The proposed development provides recreational opportunities in a neighboring community conducive to equestrian uses.

Policies 28-46 pertain to trails; there are no mapped trails along the subject access road or lot, not is the development significantly visible from any trails.

Policies 47-56 pertain to beach access and are not germane.

Policies 57-69 pertain to mapping of ESHA's and SEA'. The proposal is consistent with the germane policies in that there will be no significant disruption of sensitive resources and all regulatory constraints are complied with.

P71 The proposal clusters all development along the existing rights of way.

P72 The burdening of the property with an open space easement is unwarranted as the project is focused and not sprawling, and no riparian areas will be disturbed.

P73 & 96 The applicant accepts the restriction on toxic chemicals.

P74 The proposed development is located as close as feasible to existing roadways, services, and existing development.

P75 The development will not require any brush clearance on parklands.

P76-79 The development has no detrimental impact on any streams.

P80 A septic system is not proposed.

P81,86,87,154 The applicant agrees to implement a drainage plan which will not change the rate or direction of runoff.

P82 There is no proposed grading for this project.

P84 There is no proposed landscaping for this project.

Policies 97-124 pertain to marine resources and are not relevant.

P125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138b, 138e, 142, & 143 These policies deal with visual impacts to the public, which this project will minimize.

P127 pertains to turnouts on major highways and is not germane.

P128 pertains to beachfront development and is not germane.

P138 pertains to commercial structures and is not germane.

P138c pertains to beach fronting development and is not relevant.

P138d pertains to the Malibu Civic Center and is not relevant.

P138f pertains to development along PCH and is not relevant.

P139 pertains to advertising and is not relevant

P140 Utilities are not proposed for this project.

P141 Fencing will be used as necessary for the maintenance of the equestrian facility.

P144 No grading is proposed.

P151, 152, 152b, 153, 155 The proposed development is designed in conformance with flood hazard requirements.

P156, 157, 158, 159, & 160 The project will have the requisite brush clearance around the structures should it be required by the Los Angeles County Fire Department.

P163-167 pertain to shoreline development are not germane.

P168, 169, 170, 171, 172, 173, 174, 175, & 176 The proposed development is not located near an identified archaeological/paleontological site, nor have any artifacts ever been discovered.

P177, 178, 179, & 180 The proposed development will not disturb traditional run off patterns, and will not adversely impact ground water recharge.

P181-216c pertains to public works and are not germane.

P217, 218, 225, 227, 228, 231, & 232 A septic system is not proposed.

P 219, 220, 222, 223, 224, 227, 227b 227c & 229 These policies pertain to the development of a sewer or specific geographic locations and are not germane.

P239, 240, 241, 242, 243, 244, 245, 246, & 247 Pertain to public policies and infrastructure improvements and not germane.

P248-258 pertains to shoreline development and are not germane.

P259-265 pertains to industrial development and commercial fisheries-not germane.

P266, 267, 268, 269 & 270 The subject property has been continuously used for agricultural purposes since at least the 1930's.

P271 is voluminous- addresses general development policies, GSA formulas, etc.

P273-274 pertains to subdivisions and not germane.

Agricultural and livestock facilities have operated continuously on the subject property since at least the 1930's, more than 40 years prior to the effective date of the Coastal Act. The property is currently being operated as a facility for breeding, raising and training, stabling, exercising, boarding and rehabilitation of horses, and grazing of cattle and other livestock. The current application arises out of the equestrian portion of the operation, which has been ongoing since before the effective date of the Coastal Act. The Commission has been aware of this operation for more than 10 years.

The equestrian facility on the subject property is nationally renowned for raising thoroughbreds. The Los Angeles County Department of Public Works ("County") has recognized the facility as achieving the highest levels of best management practices. The facility recently received a County award for exemplary leadership through its participation in the County Smartbusiness Recycling Program, one of only ten facilities, out of over 2000 participating commercial facilities, that received the County award.

The applicant maintains that the equestrian facilities currently existing on the property are vested and not subject to Coastal Act jurisdiction. The applicant has an application for a vesting determination on file with the Commission, which the applicant is deferring pursuing pending the Commission's action on this application. Following discussions with staff, the applicant is submitting this application in an

attempt to resolve its dispute with the Commission regarding its vested rights. Neither this application nor anything contained herein is or should be deemed to be a waiver of any of the applicant's rights, claims, remedies or defenses, which are expressly reserved. The applicant's legal counsel, Stanley W. Lamport of Cox, Castle & Nicholson LLP, has confirmed with Ms. Goldberg that the applicant's submission and processing of this application will not be construed as a waiver of any of the applicant's vested right claims.

Thank you for your time and consideration regarding this matter. Please feel free to contact our office should you require additional information or have any questions or comments.

Sincerely,
SCHMITZ & ASSOCIATES

Stephanie Dreckmann
Managing Associate

YAHOO! MAIL

Print - Close Window

Subject: BMPs for equestrian uses

Date: Tue, 14 Aug 2007 12:29:20 -0700

From: "Natoli, Gina" <gnatoli@planning.lacounty.gov>

To: sguil5d@gmail.com

Dear Mr. Gillford,

Good afternoon. I apologize for the delay in responding to your telephone inquiry regarding BMPs for equestrian uses. I have been in meetings virtually every working hour since first thing Monday morning.

I understand you would like to know whether the County is using the Malibu Valley Farms as a model for BMPs for equestrian uses. I can tell you that the Department of Regional Planning is not using Malibu Valley Farms as a model for BMPs in the Santa Monica Mountains . We have not spoken to Malibu Valley Farms about their BMPs.

Please feel free to contact me if you have any questions.

Very truly yours,

Gina M. Natoli, AICP
Supervising Regional Planner
Community Studies II Section
Department of Regional Planning
320 West Temple Street 13th Floor
Los Angeles CA 90012-3223
213/974-6422

Mary Hubbard <maryahubbard@gmail.com>

Answer to your question submitted on 08/20/2008 (Reference #26019)

7 messages

questions@ladpw.org <questions@ladpw.org> Mon, Aug 25, 2008 at 12:09 PM
Reply-To: LKHACHATRYAN@ladpw.org
To: maryahubbard@gmail.com

Question:
5411 Ruthwood Calabasas, CA 91302 August 14, 2008 Smartbusiness Recycling Program Los Angeles County Department of Public Works Environmental Programs Division 900 S. Fremont Avenue, 3rd Floor Annex Alhambra, CA 91803-1331 Dear Program Manager: Under the Freedom of Information Act, Save Open Space is requesting a copy of all documentation and records of The Boudreau Trust's past or present participation in LA County's Smartbusiness Recycling Program, including any application that may have been filed, whether or not a site visit was conducted and when, the location of the site, the resulting recommendations from the site visit, the type and quantity of materials that were being recycled by MVF if it participated in the program, the duration of MVF's participation, the reasons for both the initial inclusion in the program and the eventual exclusion from the program if the organization is no longer a participant. If the Boudreau Trust continued to participate under a different name, please extend all facets of this request to such organization as well. If any of the following organizations participated separately or jointly in the program at any time, please include them in all facets of this request and, if they did not ever appear in your database, please so state: Malibu Valley Farms Malibu Valley, Inc. Mlibu Canyon L.P. Malibu Valley Spectrum Development Diamond West Engineering Diamond West Realty Although we were able to obtain much information about the general nature of the Smartbusiness Recycling Program from the website, we still need some specific information about the criteria and process for initial acceptance into the program, for continuing participation, and for how claims are verified and/or monitored. Thank you for your assistance. Mary Hubbard Vice President, Save Open Space 818-251-0055

Answer:
Hello,

A business can receive a site visit if they contact the program and request a site visit. In the past, some businesses were selected randomly by the County for site visits.

Below is information in the Los Angeles County SmartBusiness Program database on the "Boudreau Trust of 1990:". "Malibu Valley Farms, Inc." and the other business names you listed, do not exist in our database. The business is on file in the program's archives under completed site visits. All information obtained is based on information given by the business combined with assessment of the waste and waste diversion practices of the business. We are not aware if the business still operates, operates under a different name, or any other information about the business.

Business: "Boudreau Trust of 1990"

Site Location:
26885 Mulholland Hwy
Calabasas, CA. 91302
SmartBusiness Recycling ID#: 960492015

Activity Log:
March 24, 2000- Business was contacted and agreed to site visit.

April 10, 2000- Site visit conducted and completed.
November 29, 2001- Follow up call was completed to inquire about progress.

ormation obtained from site visit:
ne property is owned, as opposed to leased. It is a free-standing property, as opposed to an office building or a strip mall.
Employees: 1-5
Square ft. category: 1,000 to 4,999 Sq. Ft.
SAIC 2 Group: Engineering, accounting, research, management, and related services.
SAIC 4 Description: Engineering services
Waste Hauler: Hillside Rubbish Co., 29431 Agoura Rd., Agoura CA., 91301, 818-707-8800. The disposal was self-hauled by the business and paid for by the "Boudreau Trust of 1990."

According the site visit on April 10, 2000, The business had one 40 cubic yard container serviced weekly, only 27% full (10.80 cubic yards). The annual tons of actual disposal was 32.38. The trust oversees several businesses, but this address is for their thoroughbred horse farm. Waste generated is primary manure and landscape (tumble weeds, brush, etc.) The annual tons of actual diversion was 321.3 tons consisting of horse manure, disposable diapers, high grade office white ledger paper, newspaper w/out inserts, and plastic.

Award
In Spring 2002, "Boudreau Trust of 1990" received the SmartBusiness Recycling Award. in order to qualify for an award, each business voluntarily agreed to a SmartBusiness Recycling Program site visit, where their disposal and waste reduction activities were surveyed. At the conclusion of the site visit, the existing diversion was assessed and/or recommendations to the business were made. If the business showed existing significant waste diversion or implemented the waste diversion suggestions provided from the site visit, they became eligible for the award.

---

ditional Information:

This e-mail originated at:	*http://ladpw.org/epd/brtap/recyclingsite/results.cfm?search=green*
Name:	*Mary Hubbard*
Address:	*2200 Stokes Canyon Road*
Cross Streets:	*Stokes Canyon Road, Mulholland Highway*
City:	*Calabasas , 91302*
Email:	*maryahubbard@gmail.com*

Note: Information is accurate at the time of response and is subject to change without notice.
lkhachatryan

Mary Hubbard <maryahubbard@gmail.com> **Sun, Aug 31, 2008 at 9:17 PM**
To: rds2301@yahoo.com

[Quoted text hidden]

---

rds2301@yahoo.com <rds2301@yahoo.com> **Tue, Sep 2, 2008 at 8:50 AM**
Reply-To: rds2301@yahoo.com
To: Mary Hubbard <maryahubbard@gmail.com>

P

nt via BlackBerry by AT&T

From: "Mary Hubbard" <maryahubbard@gmail.com>
Date: Sun, 31 Aug 2008 22:17:10 -0700
To: <rds2301@yahoo.com>
Subject: Fwd: Answer to your question submitted on 08/20/2008 (Reference #26019)

[Quoted text hidden]

Mary Hubbard <maryahubbard@gmail.com> **Thu, Sep 18, 2008 at 10:30 AM**
To: LKHACHATRYAN@ladpw.org

You stated in response to my earlier request (see prior e-mail below) that the Boudreau Trust of 1990 had become eligible to receive the SmartBusiness Recycling Award by meeting with a consultant and either already having diverted sufficient waste through recycling or following the consultant's recycling recommendations.

I have several follow-up questions:

Did The boudreau Trust become eligible by already having diverted sufficient waste or by the waste it diverted upon following the consultant's recommendations?

What were the consultant's recommendations?

After becoming eligible, what had to happen in order for The Boudreau Trust to actually receive the award or are "becoming eligible" and "receiving the award" synonymous?

Was the award granted to all eligible participants similar to a certificate of recognition or did all eligible participants form a pool from which final recipients were selected in a competitive award process?

If the process was competitive, how were the winners determined and against how many entities did the Boudreau Trust of 1990 compete?

Were they businesses in a similar line of enterprise or were there a variety of business categories represented?

Why was there a one year gap between the site visit and the bestowing of the award?

Is there any record of the company or companies The Boudreau Trust was contracting with for waste diversion?

Thank you so much for taking the time to help me understand the nature of this award?

Mary Hubbard
Save Open Space
818-251-0055

[Quoted text hidden]

Khachatryan, Levon <lkhachatryan@dpw.lacounty.gov> **Thu, Sep 18, 2008 at 1:48 PM**
To: Mary Hubbard <maryahubbard@gmail.com>
Cc: "Fong, Wilson" <WFONG@dpw.lacounty.gov>

Hello Mary,

Here are the answers to your questions:

Did The boudreau Trust become eligible by already having diverted sufficient waste or by the waste it diverted upon following the consultant's recommendations?

No info, but generally it is from existing waste diverted.

What were the consultant's recommendations?

The information I provided is all the information we have on their green practices. The specific recommendations were given by our consultant at the time, who no longer works with us.

After becoming eligible, what had to happen in order for The Boudreau Trust to actually receive the award or are "becoming eligible" and "receiving the award" synonymous?

Our consultant who conducted the site assessment has to write a nomination for recommending to award the business. The recommendation discusses the attributes why the business should be awarded. County program officials will review nomination list and select businesses for award.

Was the award granted to all eligible participants similar to a certificate of recognition or did all eligible participants form a pool from which final recipients were selected in a competitive award process?

Eligible participants are placed in a potential pool to be selected for the award. The award and selection process is in large part based on our discretion to recognize businesses.

The process was competitive. how were the winners determined and against how many entities did the Boudreau Trust of 1990 compete?

Potential winners were determined by the judgment of the site assessor, who writes a recommendation to award a business. The recommendation discusses the attributes why the business should be awarded. County program officials will review nomination list and select businesses for award.

Were they businesses in a similar line of enterprise or were there a variety of business categories represented?

The winners were a variety of business types. We have no info on the competitors or their types.

Why was there a one year gap between the site visit and the bestowing of the award?

We have no info on the reason. In general, the program visits not a large number of businesses each year, and therefore requires a period to accumulate potential winners.

Is there any record of the company or companies The Boudreau Trust was contracting with for waste diversion?

The only record we have of a waste hauler is Hillside Rubbish Co., 29431 Agoura Rd., Agoura CA., 91301, 818-707-8800. The disposal was self-hauled by the business and paid for by the "Boudreau Trust of 1990."

Levon Khachatryan
Department of Public Works
Environmental Programs Division
(626) 458-2535
achatryan@dpw.lacounty.gov

om: Mary Hubbard [mailto:maryahubbard@gmail.com]
Sent: Thursday, September 18, 2008 11:31 AM
To: Khachatryan, Levon
Subject: Re: Answer to your question submitted on 08/20/2008 (Reference #26019)

[Quoted text hidden]

Mary Hubbard <maryahubbard@gmail.com> **Tue, Sep 23, 2008 at 11:41 AM**
To: "Khachatryan, Levon" <lkhachatryan@dpw.lacounty.gov>

Thank you for your help in clarifying the nature of this award. Bear with me...I need a few more pieces of information. I have been trying to verify a claim made by an equestrian center applying for a Coastal Development Permit. In trying to get approval to put a large equestrian center right next to a stream, they made the following statement to convince Commissioners that they had an exemplary manure management program:

> "We have won the manure management award from the County of Los Angeles. Out of 700 equestrian facilities in the County of Los Angeles, we were deemed the very best...The supervisor's office had provided us the Manure Management Plan Award"

From the information you provided in your previous e-mails, this statement does not seem to be consistent with the process you described. On your website, I could not find any companies that recycle manure, so I have a few more questions.

1. Was the award given for "manure management" practices?
2. Does your agency assess manure management programs or provide any publications or guidance on best management practices specifically for manure?
3. Were there other equestrian centers in the pool of candidates that The Boudreau Trust was in?
4. Does the SmartBusiness Recycling Award issued by the Board of Supervisor's, by Zev Yaroslavsky's office, or by another agency?
5. Does the above statement accurately capture the character of the SmartBusiness Recyling Award given to The Boudreau Trust?
6. If not, which parts would you correct and how would you change them to make this statement more accurately reflect the scope and intent of the SmartBusiness Recycling Award received by The Boudreau Trust?

Thank you for your help once again. I'm sorry to keep bothering you with this, but the Coastal Commissioners need to know the accuracy of this statement since manure is the critical waste material generated by an equestrian center and has the most potential to get into the stream.

Sincerely,
Mary Hubbard
[Quoted text hidden]

Khachatryan, Levon <lkhachatryan@dpw.lacounty.gov> **Tue, Sep 23, 2008 at 1:34 PM**
To: Mary Hubbard <maryahubbard@gmail.com>
Cc: "Fong, Wilson" <WFONG@dpw.lacounty.gov>

Here are the answers to your questions:

Was the award given for "manure management" practices?
The award was given for overall waste reduction and diversion efforts. However, if manure is what composes the

main part of the waste stream, then technically, that is what they are reducing and diverting from going to waste.

2. Does your agency assess manure management programs or provide any publications or guidance on best management practices specifically for manure?
No, not that we are aware.

3. Were there other equestrian centers in the pool of candidates that The Boudreau Trust was in?
We do not have any information on this.

4. Does the SmartBusiness Recycling Award issued by the Board of Supervisor's, by Zev Yaroslavsky's office, or by another agency?
The award is issued by the Los Angeles County Department of Public Works.

5. "We have won the manure management award from the County of Los Angeles. Out of 700 equestrian facilities in the County of Los Angeles, we were deemed the very best...The supervisor's office had provided us the Manure Management Plan Award"

Does the above statement accurately capture the character of the SmartBusiness Recycling Award given to The Boudreau Trust?
No, for these reasons. The award is not specific only to manure management. The latter sentence is untrue in that we did not deem any comparative ranking of the subject facility with regard to equestrian facilities in Los Angeles County, nor is the award for "Manure Management Plan."

6. If not, which parts would you correct and how would you change them to make this statement more accurately reflect the scope and intent of the SmartBusiness Recycling Award received by The Boudreau Trust?
The statement should be replaced with: "The Boudreau Trust was presented with a SmartBusiness Recycling Program award by the Los Angeles County Department of Public Works for notable waste diversion practices."

Lyon Khachatryan
Department of Public Works
Environmental Programs Division
(626) 458-2535
lkhachatryan@dpw.lacounty.gov

From: Mary Hubbard [mailto:maryahubbard@gmail.com]
Sent: Tuesday, September 23, 2008 12:41 PM
[Quoted text hidden]

[Quoted text hidden]

Department of Public Works

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SMARTBUSINESS RECYCLING

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RECYCLER LOCATOR

Choose the material you want to recycle
all materials

or type in a specific material e.g.cardboard

Go

Welcome to the County of Los Angeles' SmartBusiness Recycling web site. This is designed to help businesses reduce the amount of trash they generate and t away – practices that will save your company money, conserve landfill space, a protect the environment by conserving natural resources.

Use the "Recycler Locator" found on each page of this site to access more thar recyclers that can recycle or reuse most everything from bottles, cans, papers plastics, to computers, concrete, textiles, tires and wood. This site also include industry-specific tips for reducing trash as well as case studies of businesses th have already successfully implemented waste reduction techniques. In additior the Resources page you will find links to valuable web sites and other resource help you reduce your trash.

If you're serious about running your business more efficiently by generating ar disposing of less trash then you truly are a smart business. Glad you joined us!

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SMARTBUSINESS RECYCLING

Listed below are a few companies the SmartBusiness Recycling Program has helped to reduce their waste over the past several years. Read about these businesses and learn how you can benefit from the efforts of the SmartBusiness Recycling Program.

Los Angeles Southwestern College

The Los Angeles Southwestern College is a 76-acre campus located in the Athens unincorporated area, near Hawthorne. It includes 30 acres of landscaping where grasscycling and chipping of branches and stumps takes place. Suggestions were made by the Business Recycling Consultant to start a campus "3-R's" (reduce, reuse, recycle) paper campaign. After implementing this paper recycling program (and adding toner cartridges), the College's waste disposal has been reduced by approximately 50%. As a result, over 110 tons of waste is being recycled and not going to local landfills every year.

Pasadena Waldorf School

The Pasadena Waldorf School has an enrollment of approximately 250 kindergarten through eighth grade students. In the past, the school had unsuccessfully tried to implement a composting program. Additionally, they had a recycling program but had been mixing trash with the recyclable materials. The Business Recycling Consultant helped to re-institute the school's composting program while suggesting improvements, and arranged for the separate collection of trash and recycling material. As a result, the Pasadena Waldorf School is now successfully diverting over 18 tons of paper and cardboard annually.

Community Thrift Store

Located in the unincorporated area near Covina, this high-volume thrift store was recycling metal, textiles, and cardboard . By implementing additional Business Recycling Consultant recommendations, they were able to additionally divert cell phones, tennis shoes, and books from landfill disposal.

As a result, the Community Thrift Store is now diverting a total of over 1,750 tons of materials annually.

COUNTY RECOGNITION AWARDS

In addition to the success stories noted above, the County has recognized more than 70 businesses with commendation plaques for their outstanding efforts to reduce waste as a result of implementing recommendations from the Business Recycling Consultants. Listed below by business type are the companies that have received plaques from the County for their waste reduction and recycling efforts. If your business is interested in receiving a site visit or being considered for an award, contact us by email by clicking Schedule a Site Visit.

Construction

Aranda Woodcraft, Inc., Gardena area

Education

Chadwick School, Rolling Hills area
Los Angeles College of Chiropractic, Whittier area
Pasadena Waldorf School, Altadena

Finance/Insurance/Legal/Real Estate

Capital Commercial Real Estate, Gardena area

Hospitality

Hilton Garden Inn, Santa Clarita area

Manufacturing

ADM Furniture, Gardena area
Air Cargo Equipment, Rancho Dominguez
All American Manufacturing, Compton area
Athearn, Inc., Rancho Dominguez
Berg Electronics, Gardena area
BJ Textile, Rancho Dominguez
CP Auto Products, Los Angeles area
Cast-Rite Corp., Gardena area
Fleetwood Continental, Rancho Dominguez
Foam Factory, Rancho Dominguez
Industrial Glass Products, East Los Angeles
Just In Time Cutting, Compton area
La Reina, Inc., Los Angeles area
Old Country Millwork, Los Angeles area
Quaker City Plating & Silversmith, Whittier area
Remo, Inc., Santa Clarita area
River Oaks, Rancho Dominguez
Simmons Company, Rancho Dominguez
Sungdo, Rancho Dominguez
Union Texprint, Rancho Dominguez

Public Administration

Social Security Administration, Whittier area

Restaurants

Amapola Mexican Deli, Los Angeles area
Denny's, Los Angeles area
Green Burrito, Rowland Heights
Harbor House, Marina del Rey
Islands Restaurant, Marina del Rey
La Pizza Loca, Lennox
Lui's Place, Whittier area
Main Street Grill, Gardena area
Mario's Mexican Food & Catering, Pasadena area
Standard Ice Cream, Altadena
Wild Goose, Inglewood area

Retail Trade

98 Cent World, Altadena
Architectural Antiques West, Los Angeles area
Cardoz Bakery, Whittier area
Cost Plus World Market, Pasadena area
Fair Oaks Mini-Mart, Altadena
Food 4 Less, Los Angeles area (Wilmington Ave)
Hacienda Liquors, Hacienda Heights
King Armenian Cheese, Pasadena area
Lakeshore Learning Store, Pasadena area
Lazzar Furniture Company, Los Angeles area
Little Rose, Pasadena area
Los Angeles Frieghtliner, Whittier area
Men's Wearhouse, Rowland Heights
Mighty Soy, Los Angeles area
Millbrook Bakery, East Los Angeles
Mimosa Nursery, Los Angeles area
New Creation Picture Framing, Pasadena area
One Stop Market, Altadena
Robert Allan Sportswear, Santa Clarita area
Steve's Bike Shop, Altadena
Steve's Pets, Altadena

Services – Health/Medical

AA & A Chiropractic Center, Altadena
Andrea Comroe, DDS, Inglewood area
Fairmont Terrace, Los Angeles area
Kaiser Permanente Pharmacy, Los Angeles area (South Atlantic Blvd)
Whittier Medical Therapy, Whittier area
View Heights Convalescent Hospital, Willowbrook area

Services – Other

American Youth Soccer Organization, Hawthorne area
Aramark Clean Room Services, Los Angeles area (East 58th Place)
Aramark Uniform Services, East Los Angeles area
Century Automotive, Los Angeles area

Ensco (Environmental Services Company), Rancho Dominquez
Jay Cee Dee Childrens Home, Pasadena area
Lorrymage, Rancho Dominguez
Roto Rooter, Los Angeles area
Valley Crest Landscape, San Fernando area

Transportation

All Cartage Transportation, Gardena area
ATE Management, Los Angeles area
Chun II Cargo Import Company, Gardena area
Korean Cargo Consolidators, Gardena area
Pan Pacific Express Company, Compton area

Wholesale Trade

Chemtex Print, Rancho Dominguez
Three Star Refrigeration Engineering, Gardena area

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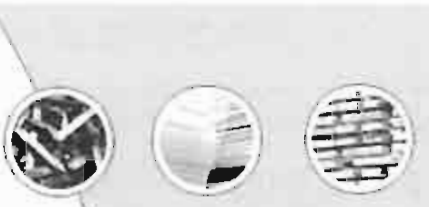

RECYCLER LOCATOR

Choose the material you want to recycle all materials

or type in a specific material e.g. cardboard Go

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Waste reduction or waste minimization is one of the most cost-effective ways of reducing the amount of trash you generate. In addition, it also makes your busin operate more profitably, by reducing unnecessary waste.

The SmartBusiness Recycling Program has compiled waste reduction resources ta for specific business types. If your business falls into any one of the following categories, click the appropriate type for information to reduce waste that you ca utilizing today. You can click on the industries below to read them onscreen, or y print them out and post for employees to read. Even if your business does not fit one of these categories there still may be many useful tips from one or more cate that you can put into practice.

Eating Establishments (PDF, 84 KB)

Food Processors (PDF, 72 KB)

Food Retailers (PDF, 80 KB)

Health Care (PDF, 36 KB)

Hospitality

Manufacturing (PDF, 36 KB)

Office and Educational (PDF, 36 KB)

Printing and Publishing (PDF, 36 KB)

Retail Sales (PDF, 36 KB)

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Choose the material you want to recycle all materials

or type in a specific material e.g. cardboard Go

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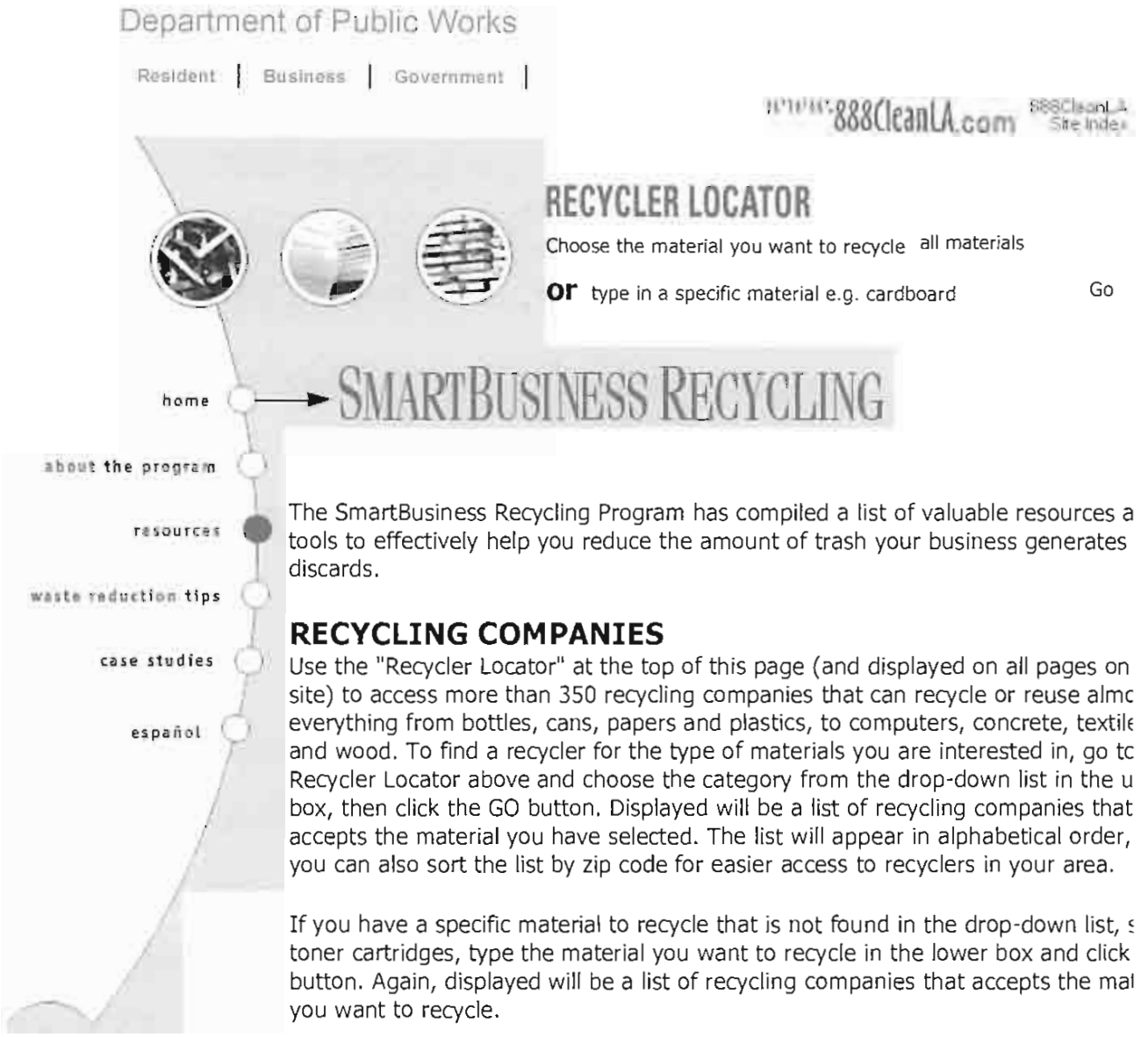
The SmartBusiness Recycling Program is designed to help businesses reduce the amount of trash they generate and throw away. If your business is located in unincorporated Los Angeles County, our Business Recycling Consultants can assist you in setting up or expanding waste prevention and recycling programs by visiting your business and providing recommendations for Reducing Your Waste at no charge. To reach us for questions, comments, or to schedule a site visit, simply give use this web site to Schedule a Site Visit.

Sponsored by the County of Los Angeles
Department of Public Works
Environmental Programs Division
900 S. Fremont Ave, 3rd Floor Annex
Alhambra, CA 91803-1331
Call toll free at 1(888)CLEAN LA



The SmartBusiness Recycling Program has compiled a list of valuable resources a tools to effectively help you reduce the amount of trash your business generates discards.

RECYCLING COMPANIES

Use the "Recycler Locator" at the top of this page (and displayed on all pages on site) to access more than 350 recycling companies that can recycle or reuse almc everything from bottles, cans, papers and plastics, to computers, concrete, textile and wood. To find a recycler for the type of materials you are interested in, go tc Recycler Locator above and choose the category from the drop-down list in the u box, then click the GO button. Displayed will be a list of recycling companies that accepts the material you have selected. The list will appear in alphabetical order, you can also sort the list by zip code for easier access to recyclers in your area.

If you have a specific material to recycle that is not found in the drop-down list, s toner cartridges, type the material you want to recycle in the lower box and click button. Again, displayed will be a list of recycling companies that accepts the mat you want to recycle.

Please remember to always contact the recycler to verify location, hours of opera minimum quantities, restrictions on materials, etc. before delivering materials. In of recycling companies in the database does not constitute an endorsement of ar business entity, product, process, or service by the County of Los Angeles. The C has attempted to include all appropriate recycling companies in this database, bu responsible for the omission of companies to this list.

CITY RECYCLING COORDINATORS

If your business is located in an incorporated area (city) within Los Angeles Coun you need information on the recycling services offered in your city, click to the lis Recycling Contacts in Los Angeles County, a web site operated by the Sanitation of Los Angeles County.

MATERIALS EXCHANGE

A materials exchange is designed to help businesses find markets for materials traditionally discarded, helping to save resources and money.

The Los Angeles County Materials Exchange Program (LACoMAX) is a materials exchange web site operated by the Department of Public Works that features upd listings of available and wanted materials within Los Angeles County that would otherwise be discarded. There is no charge to list materials on the site, and items offered free of charge or for sale. Listings are updated frequently on this site.

The California Materials Exchange (CalMAX) is a statewide materials exchange op by the California Integrated Waste Management Board. There is no charge to list materials that you want to donate, sell, or acquire on this materials exchange boa more information, contact CalMAX by email at CalMAX@ciwmb.ca.gov or toll free phone at (877) 520-9703 (CalMAX)

JUNK MAIL

In 1990, 418,000 tons of bulk mail was thrown away unopened in the United Stat help you reduce the amount of junk mail your business receives, the County of L Angeles has created a web site that contains information on how to remove your from advertising lists. For more information, visit www.888CleanLA.com and click Junk Mail page.

TIRES

In Los Angeles County, 10 million waste tires are generated every year. Old tires particularly problematic when improperly or illegally disposed because they provid ideal habitat for disease-carrying mosquitoes, pests, and rodents that can affect r communities. Tires, and especially tire stockpiles, are also prone to uncontrollable resulting in significant air, soil, and water pollution.

For a list of waste tire disposal and recycling facilities or for more information on tire management practices, visit www.888CleanLA.com and click on the link to th Waste Tire Recycling Home page.

CONSTRUCTION & DEMOLITION DEBRIS RECYCLING

Construction and demolition debris is various materials generated during the build remodeling, or removal of buildings, roads, homes, tenant improvements, and landscaping projects. Materials resulting from these activities include, but are not to: concrete, asphalt, gypsum, wood, glass, metal, red clay brick, soil, tree trimm and shrubs.

If your business generates and wants to recycle any of these materials, click here resources. To download a list of recyclers, click the Construction & Demolition De Recycling Guide (PDF, 500 KB).

STATE LOAN PROGRAM

The State of California makes available low interest rate loans for manufacturers use recycled materials in their products. The Los Angeles County Recycling Marke Development Zone (RMDZ) can provide assistance with the loan application and l you through the funding process. Visit the Los Angeles County RMDZ website for information.

ILLEGAL DUMPING

Illegal dumping refers to the improper disposal of solid waste, which is primarily i hazardous material dumped in open areas or on the property of others to avoid e disposal fees or the time and effort required for proper disposal.

Illegal dumping is not only an eyesore, but also costs taxpayers millions of dollars cleanup costs. Moreover, it can pose serious hazards to human health and the environment. Illegal dumping on public and private property is punishable by a fi up to $5,000 and up to six months in jail (California Penal Code Section 374.3, Ca Health and Safety Code, Section 117555).

What Can You Do to Help?

- Dispose of your own waste properly and spread the word to friends and nei that illegal dumping is a crime.
- Contact your waste hauler for bulky item or special item pickup information.
- Do not transport unsecured debris in the back of a vehicle. Always use a tar other type of cover.
- Support cleanup of vacant lots and other sites commonly used for illegal dur
- Take your used motor oil and other household hazardous waste to proper collection facilities. Call 1-888-CLEAN LA for disposal facility locations.
- If you observe illegal dumping, report it by calling 1-888-8DUMPING.

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Department of Public Works
Environmental Programs Division
900 S. Fremont Ave. 3rd Floor Annex
Alhambra, CA 91803-1331
Call toll free at 1(888)CLEAN LA

Claghorn, Richard

From: Koutnik, Daryl
Sent: Tuesday, February 03, 2004 6:34 AM
To: Claghorn, Richard
Cc: Silvas, Rudy; Dea, Samuel
Subject: RE: pp48295

Richard:

You are correct. This issue about the "commercial" versus "private" use of Mr. Boudreau's property was extensively discussed during the public hearings on CUP 97-142, his property on the west side of Stokes Canyon Road. It was purported that Malibu Valley Farms was boarding horses on properties on both sides of the roadway. I vaguely recall that he testified to the effect that he would confine all of the horses on the east side of the road and not "board" them for a fee. You may wish to ask Frank Meneses (who was section head of the Zoning/Permits section at the time) what he recalls of the hearing process.

So you are correct, Richard, that without the "boarding" of horses a CUP is not required. Your suggestion to condition the plot plan with "no boarding" is absolutely appropriate. Even better would be an affidavit form the applicant stating the no horse boarding occurs on that parcel of land. If you want any further clarification or validation concerning the need for a conditional use permit in the A-1 zone, I suggest that you speak with either Sam Dea or Russell Fricano in the Zoning/Permits 1 section.

I hope this is what you want.

Daryl

-----Original Message-----
From: Claghorn, Richard
Sent: Monday, February 02, 2004 5:34 PM
To: Koutnik, Daryl
Subject: pp48295

I spoke to Rudy about this case for the equestrian center (Malibu Valley Farms) at the northeast corner of Mulholland Hwy and Stokes Cyn. Rd. (PP48295). He wants you to confirm in writing what you told me earlier today, that the plot plan does not need a CUP. The property is in an A-1 zone, which requires a CUP for Riding Academies and Stables with the boarding of horses. My understanding is that this property is used for private equestrian use and not commercial use and will not involve the commercial boarding of horses. I will place that condition on the plot plan (no boarding). Thank you for your help on this case.

Richard Claghorn
Regional Planning Assistant II
Los Angeles County
Department of Regional Planning

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

January 06, 1999

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

URGENT NOTICE

Inspection File No. EF89865

Dear Mr. Boudreau:

This letter is in response to numerous complaints received by this Department concerning the boarding of horses without a Conditional Use Permit (CUP) at the property located on the northeast corner of Mulholland Highway and Stokes Canyon Road, also known as parcel number 4455-028-044 and the property located at 2200 Stokes Canyon Road.

According to our records, a Conditional Use Permit for the boarding of horses, has not been filed for parcel 4455-028-044, owned by Robert Levin. This is not a permitted land use in the A-1-1 zone classification without an approved Conditional Use Permit, and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Sections 22.24.070 and 22.24.100. To assist you in achieving full compliance, you are requested to provide proof of horse ownership for all horses kept on both properties to ensure that the boarding of horses is not occurring. Please be advised, that failure to comply with this request, will require a Conditional Use Permit be filed and approved.

Please consider this an order to comply with the provisions of the Zoning Ordinance upon receipt of this letter. Failure to comply as requested may cause this matter to be referred to the District Attorney with the request that a criminal complaint be filed. Conviction may result in a penalty of up to six months in jail and/or a one thousand ($1000) dollar fine, each day in violation constituting a separate offense.

Any inquiry regarding this matter may be addressed to the Department of Regional Planning, 320 W. Temple Street, Los Angeles, CA 90012; Attention: Zoning Enforcement. To speak directly with the investigator, Carmen Sainz, please call (213) 974-6483, Monday through Thursday before 11:30 a.m. Our offices are closed on Fridays.

Very truly yours,

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

Morris J. Litwack, Acting Section Head
Zoning Enforcement

MJL:CS

Post-it® Fax Note 7671	Date 1/19/99	# of pages ▶ 1
To Robert Singer	From Carmen S.	
Co./Dept.	Co.	
Phone #	Phone # 213/974-6483	
Fax # 818/880-6370	Fax #	

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

February 17, 1999

SECOND NOTICE OF VIOLATION

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

Inspection File No. EF89865

Dear Mr. Boudreau:

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

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

This is not a permitted use in the A-1-1 zone classification without an approved CUP and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Sections 22.24.070 and 22.24.100.

Please consider this an order to comply with the provisions of the Zoning Ordinance within ten (10) days after receipt of this letter.

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

Any inquiry regarding this matter may be addressed to the Department of Regional Planning, 320 W. Temple Street, Los Angeles, CA 90012; Attention: Zoning Enforcement, telephone (213) 974-6483 To speak directly with the investigator, **Carmen Sainz**, please call before 10:00 a.m., Monday through Thursday. Our offices are closed on Fridays.

Very truly yours,

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

Morris J. Litwack, Acting Section Head
Zoning Enforcement II

MJL:CS:ar

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

April 6, 1999

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

Dear Mr. Lamport:

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

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

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

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

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

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Director of Planning

JEH:RL:ar

320 West Temple Street • Los Angeles, CA 90012 • 213 974-6411 Fax: 213 626 0434 • TDD: 213 617-2292

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

SECTION I. APPLICANT

1. Name, mailing address, and telephone number of all applicants.

Malibu Valley Farms, Inc.

2200 Stokes Canyon Road

Calabasas, CA 91302 (818) 880-5139

(Area code/daytime phone number)

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

2. Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

1. Fred Gaines, Esq., Gaines & Stacey LLP, 16633 Ventura Blvd., Suite 1220

Encino, CA 91436 (818) 933-0200

2. Don Schmitz, Schmitz & Associates, 29350 Pacific Coast Highway

Malibu, CA 90265 (310) 589-0773 *(Area code/daytime phone number)*

SECTION II. PROPOSED DEVELOPMENT

Please answer all questions. Where questions do not apply to your project (for instance, project height for a land division), indicate **Not Applicable** or **N.A.**

1. **Project Location**. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

Northeast corner of Mulholland Highway and Stokes Canyon Road

number *street*

Calabasas Los Angeles

city *county*

Assessor's Parcel Number(s) (obtainable from tax bill or County Assessor):
4455-028-044

FOR OFFICE USE ONLY	RECEIVED	
	FILED	
	FEE	
APPLICATION NUMBER	DATE PAID	

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. (Attach additional sheets as necessary.)

Facility for horse breeding, raising, training, stabling, exercising, boarding and rehabilitation depicted in Site Plan A. Existing facilities depicted in Site Plan B will be removed and replaced with new facilities depicted in Site Plan A. Minimal grading with no landform alteration. Existing perimeter fencing along existing public streets with be retained.

a. If multi-family residential, state:

Number of units			Number of bedrooms per unit (both existing and proposed)	Type of ownership proposed
Existing units	Proposed new units	Net number of units on completion of project		☐ rental ☐ condominium ☐ stock cooperative ☐ time share ☐ other_____

b. If land division or lot line adjustment, indicate:

Number of lots			*Size of lots to be created (indicate **net** or **gross** acreage)*	
Existing Lots	Proposed new lots	Net number of lots on completion of project	Existing	Proposed

3. Estimated cost of development (not including cost of land) $500,000

4. Project height: Maximum height of structure (ft.)
   - above existing (natural) grade .....
   - above finished grade .....
   - as measured from centerline of frontage road .....

5. Total number of floors in structure, including subterranean floors, lofts, and mezzanines..... single story

6. Gross floor area excluding parking (sq.ft.)..... 97,012 sq. ft.

   Gross floor area including covered parking and accessory buildings (sq.ft.)..... 97,012 sq. ft

7. Lot area (within property lines) (sq.ft. or acre)..... 31.02 acres

Lot coverage	*Existing (sq.ft. or acre)*	*New proposed (sq.ft. or acre)*	*Total (sq.ft. or acre)*
Building	100,893 sq.ft.	-3,881 sq. ft.	97,012 sq. ft.
Paved area	4,800 sq. ft.	8,650 sq. ft.	13,450 sq. ft.
Landscaped area	18,352 sq. ft.	704 sq. ft.	19,056 sq. ft.
Unimproved area	1,227,186 sq. ft.		1,221,713 sq. ft.
Grand Total (should equal lot area as shown in #7 above)			1,351,231

8. Is any grading proposed?..... ☐ Yes ☐ No

If yes, complete the following.			
a) Amount of cut	cu. yds.	d) Maximum height of cut slope	ft.
b) Amount of fill	cu. yds.	e) Maximum height of fill slope	ft.
c) Amount of **import** or **export** (circle which)	cu. yds.	f) Location of borrow or disposal site	

Grading, drainage, and erosion control plans must be included with this application, if applicable. In certain areas, an engineering geology report must also be included. See page 7, items # 7 and 11.

Please list any geologic or other technical reports of which you are aware that apply to this property:

9. Parking:

Number of parking spaces (indicate whether standard or compact)		
Existing Spaces	Proposed new spaces	Net number of spaces on completion of project
10	0	10

Is any existing parking being removed? ..... ☐ Yes ☒ No

If yes, how many spaces? _____ size _____

Is tandem parking existing and/or proposed? ..... ☐ Yes ☒ No

If yes, how many tandem sets? _____ size _____

10 Are utility extensions for the following needed to serve the project? (Please check **yes** or **no**)

a) water	*b) gas*	*c) sewer*	*d) electric*	*e) telephone*
☐ Yes	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☒ No	☒ No	☒ No	☒ No	☒ No

Will electric or telephone extensions be above-ground? ..... ☐ Yes ☒ No

11. Does project include removal of trees or other vegetation? ..... ☐ Yes ☒ No

If yes, indicate **number**, **type** and **size** of trees _____

_____

or **type** and **area** of other vegetation _____

_____

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. Present use of property.

a. Are there existing structures on the property? ..... ☒ Yes ☐ No

If yes, describe
Pipe corrals and other structures as shown on Site Plan B.

b. Will any existing structures be demolished? ☐ Yes ☒ No

Will any existing structures be removed? ☒ Yes ☐ No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

Pipe corrals along Stokes Creek will be removed or set back 50' as indicated on Exhibit A as compared with Exhibit B

2. Is the proposed development to be governed by any Development Agreement? ☐ Yes ☒ No

3. Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? ☐ Yes ☒ No

If yes, state previous application number(s) _____

4. a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea) ☐ Yes ☒ No

b. If yes, is public access to the shoreline and along the coast currently available on the site **or** near the site? ☐ Yes ☐ No

If yes, indicate the location and nature of the access, including the distance from the project site, if applicable.

c. Will the project have an effect on public access to and along the shoreline, either directly or indirectly (e.g., removing parking used for access to the beach)? ☐ Yes ☒ No

If yes, describe the effect

5. Does the development involve diking, filling, draining, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes? (Please check **yes** or **no**)

a) diking	*b) filling*	*c) dredging*	*d) placement of structures*
☐ Yes	☐ Yes	☐ Yes	☐ Yes
☒ No	☒ No	☒ No	☒ No

Amount of material to be **dredged** or **filled** (indicate which) _____ cu. yds

Location of dredged material disposal site _____

Has a U.S. Army Corps of Engineers' permit been applied for? ..... ☐ Yes ☒ No

6. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? ..... ☐ Yes ☒ No

For projects on State-owned lands, additional information may be required as set forth in Section IV, paragraph 10.

7. Will the development protect existing lower-cost visitor and recreational facilities? ..... ☒ Yes ☐ No

Will the development provide public or private recreational opportunities? .. ☒ Yes ☐ No

If yes, explain.

The Facility provides equestrian opportunities for the public.

8. Will the proposed development convert land currently or previously used for agriculture to another use? ..... ☐ Yes ☒ No

If yes, how many acres will be converted? _____

9. Is the proposed development in or near:

a. Sensitive habitat areas (Biological survey may be required) ..... ☐ Yes ☐ No

b. Areas of state or federally listed rare, threatened, or endangered species ..... ☐ Yes ☒ No

c. 100-year floodplain (Hydrologic mapping may be required) ..... ☒ Yes ☐ No

d. Park or recreation area ..... ☒ Yes ☐ No

10. Is the proposed development visible from:

a. State Highway 1 or other scenic route ..... ☐ Yes ☒ No

b. Park, beach, or recreation area ..... ☐ Yes ☒ No

c. Harbor area ..... ☐ Yes ☒ No

11. Does the site contain any: (If yes to any of the following, please explain on an attached sheet.)

a. Historic resources ..... ☐ Yes ☒ No

b. Archaeological resources ..... ☐ Yes ☒ No

c. Paleontological resources ..... ☐ Yes ☒ No

12. Where a stream or spring is to be diverted, provide the following information:

Estimated streamflow or spring yield (gpm) _____

If well is to be used, existing yield (gpm) _____

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

SECTION IV. REQUIRED ATTACHMENTS

The following items must be submitted with this form as part of the application.

1. **Proof of the applicant's legal interest in the property.** A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

   The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided.

2. **Assessor's parcel map(s)** showing the page number, the applicant's property, and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor.)

3. Copies of required **local approvals** for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B. Appendix B must be completed and signed by the local government in whose jurisdiction the project site is located.

4. **Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same.** The envelopes must be plain (i.e., no return address), and regular business size (9 1/2" x 4 1/8"). Include first class postage on each one. **Metered postage is not acceptable**. Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.)

5. **Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development** (such as persons expressing interest at a local government hearing, etc.).

6. **A vicinity or location map** (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.

7. Copy(s) of plans drawn to scale, including (as applicable):

- site plans
- floor plans
- building elevations
- grading, drainage, and erosion control plans
- landscape plans
- septic system plans

Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects. NOTE: See Instruction page for number of sets of plans required.

8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.

9. A copy of any **Draft or Final Negative Declaration, Environmental Impact Report (EIR) or Environmental Impact Statement (EIS)** prepared for the project. If available, comments of all reviewing agencies and responses to comments must be included.

10. **Verification of all other permits, permissions or approvals** applied for or granted by public agencies such as:

- Department of Fish and Game
- State Lands Commission
- Army Corps of Engineers
- U.S. Coast Guard

For projects such as seawalls located on or near state tidelands or public trust lands, the Coastal Commission must have a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment. See memo to *"Applicants for shorefront development"* dated December 13, 1993.

11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific **geology and soils report** (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION V. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required,

preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire..... ☒ Yes ☐ No

SECTION VI. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information available to all commissioners and the public. Therefore, permit applicants and interested parties and their representatives are advised not to discuss with commissioners any matters relating to a permit outside the public hearing. Such contacts may jeopardize the fairness of the hearing and result in invalidation of the Commission's decision by court. Any written material sent to a commissioner should also be sent to the commission office for inclusion in the public record and distribution to other Commissioners.

SECTION VII. CERTIFICATION

1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** card in a conspicuous place on the property within three days of submitting the application to the Commission office.

2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.

3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.

Dian Dendman PRESIDENT

Signature of Authorized Agent(s) or if no agent, signature of ***Applicant***

NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.

SECTION VIII. AUTHORIZATION OF AGENT

I hereby authorize Fred Gaines & Don Schmitz to act as my representative$_S$

and to bind me in all matters concerning this application.

Dian Dendman PRESIDENT

Signature of Applicant(s)
(Only the applicant(s) may sign here to authorize an agent)

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner from voting on a project if he or she has received campaign contributions in excess of $250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify himself or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the listed **Commissioners** or **Alternates** (see last page).

CHECK ONE

☒ The applicants, their agents, employees, family and/or any person with a financial interest in the project **have not contributed** over $250 to any Commissioner(s) or Alternate(s) within the past year.

☐ The applicants, their agents, employees, family, and/or any person with a financial interest in the project **have contributed** over $250 to the Commissioner(s) or Alternate(s) listed below within the past year.

Commissioner or Alternate _____

Commissioner or Alternate _____

Commissioner or Alternate _____

Brian Boudreau, President 12/11/06

Signature of Applicant or Authorized Agent *Date*

Please type or print your name Brian Boudreau, President

Application No. _____

APPENDIX C

LIST OF PROPERTY OWNERS AND OCCUPANTS WITHIN 100 FEET AND THEIR ADDRESSES
(MAKE ADDITIONAL COPIES OF THIS SHEET AS NECESSARY)

APN: 4455-028-044 Applicant 2200 Stokes Canyon Rd. Calabasas, CA 91302	APN: 4455-028-045 Spectrum Development 26800 Agoura Rd., Ste 200 Calabasas, CA 91301	APN: 4455-028-905 MRCA 570 W. Ave. 26, Ste. 100 Los Angeles, CA 90065
APN: 4455-028-054 Malibu Canyon LP 26800 Agoura Rd., Ste 200 Calabasas, CA 91301	APN: 4455-028-093 Malibu Canyon LP 26800 Agoura Rd., Ste 200 Calabasas, CA 91301	APN: 4455-028-085 Javaheri Kambiz 21031 Ventura Blvd. # 412 Woodland Hills, CA 91364
APN: 4455-028-086 Robert and Sharon Tate 2291 Stokes Canyon Road Calabasas, CA 91302	APN: 4455-043-001 David & Barbara Ireland 2320 Stokes Canyon Road Calabasas, CA 91302	APN: 4455-033-912 MRCA 26800 Mulholland Hwy Calabasas, CA 91302

A horse and buggy show

IRIS SMOOT/Acorn Newspapers

OLD AND NEW—While cars wait, horses and riders cross the intersection of Las Virgenes Canyon Road and Mulholland Highway during the ninth annual Recreation and Equestrian Coalition Ride from Malibu Valley Farms last Sunday. Following the ride, participants enjoyed a barbecue lunch, silent auction and raffle. The event was a fundraiser for REC programs and activities.

R-4-06-163, Attachment A: Revocation Request Exhibits

Compton Jr. Posse's Program Provides Alternatives

It's a program that provides inner city children an alternative to gangs and drugs

Compton, May 2, 2006 - Mayisha Akbar never imagined that her dream of having a safe place to raise her children would lead her to this horse property in the heart of Compton. "When we came to this community, we weren't really aware of a lot of the maladies. There are a lot of latch key children who are just out there that my kids took under their wing and they came over to my house," Akbar said. From that the Compton Jr. Posse was born. It's a program that provides inner-city children with an alternative to gangs and drugs. Each rider is assigned a horse and all the responsibilities that go with it. They learn to groom and to tack. They ride English and Western, even bareback. Many are accomplished equestrians who've competed in shows. "Their growth has been phenomenal, their personal esteem, their responsibility, discipline, just their excitement about life," Akbar said.

To be a member of the posse, each rider must be enrolled in school. Ten-year-old Justin Parron has been coming here for five years. He plans to become a veterinarian. "It gives me a chance to spend time with my horses and with other horses. It makes me feel good to be out here," Justin said. His father, Robert Parron, says the program has opened his son's eyes to a whole new world. "I want him to understand that there's more to life than standing on the corner ... I'd like to give him a lot of options to do things in life," Robert said.

Most of the animals are donated and some have been abused. Akbar says it's the perfect union. The children provide comfort for the horses and in turn the horses provide therapy for the children.

"In society people become disjointed, they don't respect life, with the animals they learn a Riding lessons are given to the kids every Thursday at Richland Farms in ComptonThe Compton Jr. Posse meets at Richland Farms, an little-known area of Compton zoned for horses. Our kids compete in Dressage events all around Southern California. Here, Christopher, 17, rides dressage at the ETI National Convention held at the Los Angeles Equestrian Center. Several gifted riding instructors volunteer their time and their professionally trained horses to help make the Jr. Posse kids winners. BreAnna, 16, also rides at the ETI National Dressage competition. The discipline the kids must learn to be competitive in Dressage will serve them throughout their lives. The joy of a job well done is so apparent on BreAnna's face! Our kids compete in many dressage and western competitions. Here, BreAnna Lamar, 16, rides in the Dressage by the Sea competition in Malibu hosted by the Trancas Riders and Ropers.

Preview File Edit View Go Tools Bookmarks Window Help
http://www.jrposse.com/competitions.html
Apple Yahoo! Google Maps YouTube Wikipedia
Compton Jr. Posse
Home
Activities
Gallery
Help Needed
Links
Contact
Make A Donation
Our kids compete in Dressage events all around Southern California. Here, Christopher, 17, rides dressage at the ETI National Convention held at the Los Angeles Equestrian Center.
Several gifted riding instructors volunteer their time and their professionally trained horses to help make the Jr. Posse kids winners.

PayPal Verified

It all began when Maylene Akbar, founder of the Compton Jr. Posse, bought a home with stables in the heart of Compton so her kids could grow up in a positive, inspiring environment.

The Jr. Posse provides inner-city kids with an after school program that supports alternatives to the gang and drug lifestyles luring our children.

The Compton Jr. Posse meets at Richland Farms, an little-known area of Compton zoned for horses.

The Jr. Posse is a year-round program, serving youth ages 5 – 17 and their families. These youth come from diverse ethnic backgrounds and tend to live in single parent households in the inner city.

Safari File Edit View History Bookmarks Window Help
Compton Jr. Posse Home Page
http://www.jrposse.com/
Show the previous page.
We have found that investing in these children with our equestrian program motivates our kids to achieve their goals. We believe there can be no better investment in the future of our country.
Our kids compete in many dressage and western competitions. Here, BreAnna Lamar, 16, rides in the Dressage by the Sea competition in Malibu hosted by the Trancas Riders and Ropers.
The Jr. Posse participates in dozens of events every year like the Magic Johnson Foundation Carnival held in Compton.
To participate in the Jr. Posse, we ask that our kids stay in school and maintain at least a "B" average.

It all began when Maylsha Akbar, founder of the Compton Jr. Posse, bought a home with stables in the heart of Compton so her kids could grow up in a positive, inspiring environment.

The Jr. Posse provides inner-city kids with an after school program that supports alternatives to the gang and drug lifestyles facing our children.

This not for profit activity is dedicated to encouraging youth to become productive members of society. We help them to set both academic and career goals.

Jr. Posse's approach using horses is affirmed by international studies that show learning youth with animals teaches them responsibility, discipline, and increases self-esteem.

We have found that investing in these children with our equestrian program motivates our kids to achieve their goals. We believe there can be no better investment in the future of our country.

The Compton Jr. Posse meets at Richland Farms, an little-known area of Compton zoned for horses.

The Jr. Posse is a year-round program, serving youth ages 5 – 17 and their families. These youth come from diverse ethnic backgrounds and tend to live in single parent households in the inner city.

Our kids compete in many dressage and western competitions. Here, BreAnna Lamar, 16, rides in the Dressage

Safari File Edit View History Bookmarks Window Help
Compton Jr. Posse Home Page
http://www.jrposse.com/
Apple Yahoo! Google Maps YouTube Wikipedia News (195) Popular
Compton Jr. Posse
COMPTON
JR POSSE
CASINO NIGHT FUNDRAISER
LIVE AND SILENT AUCTIONS, CELEBRITIES,
LIVE ENTERTAINMENT, FOOD AND DANCING!
Home
Activities
Gallery
Help Needed
Links
Contact
Make A Donation
abc7.com
Hey, we're on television!
ABC in Los Angles came out to visit and aired a wonderful story about the Jr. Posse.
You can watch it here. You'll find a transcript of the story and, on the right side of their web page, a link to the video.

Safari File Edit View History Bookmarks Window Help
Riding Lessons
http://www.jrposse.com/lessons.html
Compton Jr. Posse
Home
Activities
Gallery
Help Needed
Links
Contact
Make A Donation
Riding lessons are given to the kids every Thursday at Richland Farms in Compton.

Gmail BETA

Valerie Burkholder <valerie.burkholder@gmail.com>

FW: Public Information Act Request

9 messages

Van Nuys <vannuys@assessor.lacounty.gov> **Fri, Sep 12, 2008 at 2:51 PM**
To: valerie.burkholder@gmail.com

In response to your email on 9/12/08

Owner of record: Alisi, Arthur A and Mary M Trs

Mailing address: 26717 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Alisi, Arthur A and Mary M Trs

ailing address: Van Nuys Email Desk

#3

Owner of record: Malibu Canyon Lp

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

Van Nuys Email Desk

From: L.A. County - Office of The Assessor
Sent: Friday, September 12, 2008 3:26 PM
To: Van Nuys
Subject: FW: Public Information Act Request

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]
Sent: Friday, September 12, 2008 1:44 PM
To: L.A. County - Office of The Assessor
Subject: Public Information Act Request

Please send me the names and mailing addresses of all owners of the following properties:

4455-028-099

4455-028-090

4455-028-091

Thank you.

Valerie Burkholder

Valerie Burkholder <valerie.burkholder@gmail.com> **Mon, Sep 15, 2008 at 9:54 AM**
To: Van Nuys <vannuys@assessor.lacounty.gov>

Please provide me with the current owner and mailing address for the following properties:
4455-028-075
4455-028-096
4455-028-093

[Quoted text hidden]

Van Nuys <vannuys@assessor.lacounty.gov> **Mon, Sep 15, 2008 at 9:57 AM**
To: Valerie Burkholder <valerie.burkholder@gmail.com>

In response to your email on 9/15/08

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

#2

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

#3

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]
Sent: Monday, September 15, 2008 10:54 AM
To: Van Nuys
Subject: Re: FW: Public Information Act Request

[Quoted text hidden]

Valerie Burkholder <valerie.burkholder@gmail.com> **Tue, Sep 16, 2008 at 10:02 AM**
To: Van Nuys <vannuys@assessor.lacounty.gov>

Please provide me with the current owner and mailing address for the following properties:
4455-028-074
4455-028-054
4455-043-007
Thank you for your continued assistance.

Valerie Burkholder
[Quoted text hidden]

Van Nuys <vannuys@assessor.lacounty.gov> **Tue, Sep 16, 2008 at 10:19 AM**
To: Valerie Burkholder <valerie.burkholder@gmail.com>

In response to your email on 9/16/08

#1 Has a new parcel number 4455 028 091

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#3

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]
Sent: Tuesday, September 16, 2008 11:02 AM
[Quoted text hidden]

[Quoted text hidden]

Valerie Burkholder <valerie.burkholder@gmail.com> **Thu, Sep 18, 2008 at 1:00 PM**
To: Van Nuys <vannuys@assessor.lacounty.gov>

Please provide me with the current owner and mailing address of the following parcels:
4455-028-085
4455-028-088
4455-028-052

Thank you for your help.

Mary Hubbard
Save Open Space
818-251-0055

[Quoted text hidden]

Van Nuys <vannuys@assessor.lacounty.gov> **Fri, Sep 19, 2008 at 7:29 AM**
To: Valerie Burkholder <valerie.burkholder@gmail.com>

In response to your email on 9/18/08

Owner of record: Javaheri, Kambiz

Mailing address: 10660 Wilshire Blvd No 908 LA CA 90024

2

Owner of record: Stokes Calabasas Project LLC

Mailing address: 25187 Jim Bridger Rd Hidden Rd Hidden Hills CA 91302

3

Owner of record: Singer, Robert D and Barbara Y

Mailing address: Same as property

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]
Sent: Thursday, September 18, 2008 2:00 PM
To: Van Nuys
[Quoted text hidden]

[Quoted text hidden]

Valerie Burkholder <valerie.burkholder@gmail.com> **Fri, Sep 19, 2008 at 11:12 AM**
To: Van Nuys <vannuys@assessor.lacounty.gov>

Please provide me with the current owner and mailing address of the following parcels:
4455-015-005
4455-028-905
4455-043-900

[Quoted text hidden]

Van Nuys <vannuys@assessor.lacounty.gov> **Fri, Sep 19, 2008 at 12:19 PM**
To: Valerie Burkholder <valerie.burkholder@gmail.com>

response to your email on 9/19/08

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Mountains Recreation and
Conservation Authority

Mailing address: 570 W Avenue 26 Ste 100 LA CA 90065

#3

Owner of record: L A Co Flood Control Dist

Mailing address: 500 W Temple St RM 754 LA CA 90012

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]
Sent: Friday, September 19, 2008 12:13 PM
[Quoted text hidden]

[Quoted text hidden]

FW: Public Inquiry Form

From: **Eskidjian, Angela** (aeskidjian@assessor.lacounty.gov) on behalf of **Van Nuys** (vannuys@assessor.lacounty.gov)
Sent: Fri 9/19/08 11:33 AM
To: maryahubbard@hotmail.com

In response to your email on 9/18/08

Owner of record: Young, Mary

Mailing address: 2391 Stokes Canyon Rd Calabasas CA 91302

#2
Owner of record: Guilford, Steven S

Mailing address: 2397 Stokes Canyon Rd Calabasas CA 91302

#3
Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

Van Nuys Email Desk

From: Mary Hubbard [mailto:maryahubbard@hotmail.com] **Sent:** Thursday, September 18, 2008 2:06 PM **To:** Van Nuys **Subject:** RE: Public Inquiry Form

Please provide me with the name of the current owner and mailing address for the following parcels:
4455-028-101
4455-027-038
4455-028-097

Thank you for your help.

Subject: RE: Public Inquiry Form Date: Tue, 16 Sep 2008 11:15:18 -0700 From: vannuys@assessor.lacounty.gov To: maryahubbard@hotmail.com

In response to your email on 9/16/08

Owner of record: Levin, Robert K

Mailing address: PO BOX K Moab Ut 84532

#2
Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#3
Owner of record: Levin, Robert K

Mailing address: PO BOX K Moab UT 84532

Van Nuys Email Desk

From: Mary Hubbard [mailto:maryahubbard@hotmail.com] **Sent:** Tuesday, September 16, 2008 11:10 AM **To:** Van Nuys **Subject:** RE: Public Inquiry Form

Please provide me with the mailing address and current name(s) of the owner(s) of the following properties: 4455-028-045 4455-028-054 4455-028-044 > Subject: FW: Public Inquiry Form > Date: Wed, 10 Sep 2008 09:23:52 -0700 > From: vannuys@assessor.lacounty.gov > To: maryahubbard@hotmail.com > > In response to your email on 9/10/08 > > Owner of record: Calabasas City > > Mailing address: 26135 Mureau Rd Ste 200 Calabasas CA 91302 > > Van Nuys Email Desk > > -----Original Message----- > From: L.A. County - Office of The Assessor > Sent: Wednesday, September 10, 2008 7:34 AM > To: Van Nuys > Subject: FW: Public Inquiry Form > > > > -----Original Message----- > From: maryahubbard@hotmail.com [mailto:maryahubbard@hotmail.com] > Sent: Tuesday, September 09, 2008 2:08 PM > To: L.A. County - Office of The Assessor > Subject: Public Inquiry Form > > Name: Hubbard, Mary > Business Name: Save Open Space > > Address: 5411 Ruthwood > > Calabasas, CA 91302 > > Email: maryahubbard@hotmail.com > > Phone: 818-251-0055 > > Fax: > > Situs: vacant land--no address available > > Calabasas, CA 91302 > >

AIN: 4455-028-904 > > Company Name: > > Routing Index: > > Comments: Please provide me with the name(s) of all current owners of > this property and past owners for the last ten years.

FW: Public Inquiry Form

Fro m: **Eskidjian, Angela** (aeskidjian@assessor.lacounty.gov) on behalf of **Van Nuys** (vannuys@assessor.lacounty.gov)
You may not know this sender.Mark as safe|Mark as unsafe

Sen t: Mon 9/15/08 5:56 PM

To: maryahubbard@hotmail.com

In response to your email on 9/15/08

Owner of record: Dickerson, Eric D

Mailing address: Same as property

#2
Owner of record: Malibu Canyon LP

Mailing address: Same as property

#3
Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy

Van Nuys Email Desk

From: L.A. County - Office of The Assessor **Sent:** Monday, September 15, 2008 2:47 PM **To:** Van Nuys **Subject:** FW: Public Inquiry Form

From: Mary Hubbard [mailto:maryahubbard@hotmail.com] **Sent:** Monday, September 15, 2008 10:49 AM **To:** L.A. County - Office of The Assessor **Subject:** RE: Public Inquiry Form

Please provide me with the current owner and mailing address for the following three parcels: 4455-028-069 4455-028-076 4455-028-071 Thank you for your assistance. Mary Hubbard Save Open Space

FW: Public Inquiry Form

From: **Eskidjian, Angela** (aeskidjian@assessor.lacounty.gov) on behalf of **Van Nuys** (vannuys@assessor.lacounty.gov)
You may not know this sender. Mark as safe | Mark as unsafe

Sent: Fri 9/12/08 6:46 PM

To: maryahubbard@hotmail.com

In response to your email on 9/12/08

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#2
Owner of record: Boudreau, Brian

Mailing address: Same as property

#3
Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Way Calabasas CA 91302

Van Nuys Email Desk

From: L.A. County - Office of The Assessor **Sent:** Friday, September 12, 2008 3:26 PM **To:** Van Nuys **Subject:** FW: Public Inquiry Form

From: Mary Hubbard [mailto:maryahubbard@hotmail.com] **Sent:** Friday, September 12, 2008 1:37 PM **To:** L.A. County - Office of The Assessor **Subject:** RE: Public Inquiry Form

Please provide me with the name(s) and address(es) of the current owner(s) of the following properties: AIN: 4455-028-070 4455-028-072 4455-028-073 Thank you, Mary Hubbard Save Open Space

Van Nuys <vannuys@assessor.lacounty.gov>
To: Valerie Burkholder <valerie.burkholder@gmail.com>
In response to your email on 9/19/08

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Mountains Recreation and Conservation Authority

Mailing address: 570 W Avenue 26 Ste 100 LA CA 90065

#3

Owner of record: L A Co Flood Control Dist

Mailing address: 500 W Temple St RM 754 LA CA 90012

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]

Sent: Friday, September 19, 2008 12:13 PM

To: Van Nuys

Subject: Re: FW: Public Information Act Request

Please provide me with the current owner and mailing address of the following parcels:

4455-015-005

4455-028-905

4455-043-900

On Fri, Sep 19, 2008 at 8:29 AM,

Van Nuys <vannuys@assessor.lacounty.gov> wrote:

In response to your email on 9/18/08

1

Owner of record: Javaheri, Kambiz

Mailing address: 10660 Wilshire Blvd No 908 LA CA 90024

2

Owner of record: Stokes Calabasas Project LLC

Mailing address: 25187 Jim Bridger Rd Hidden Rd Hidden Hills CA 91302

3

Owner of record: Singer, Robert D and Barbara Y

Mailing address: Same as property

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]

Sent: Thursday, September 18, 2008 2:00 PM

To: Van Nuys

Subject: Re: FW: Public Information Act Request

Please provide me with the current owner and mailing address of the following parcels:

4455-028-085

4455-028-088

4455-028-052

Thank you for your help.

Mary Hubbard

Save Open Space

818-251-0055

On Tue, Sep 16, 2008 at 11:19 AM,

Van Nuys <vannuys@assessor.lacounty.gov> wrote:

In response to your email on 9/16/08

#1 Has a new parcel number 4455 028 091

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

#3

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]

Sent: Tuesday, September 16, 2008 11:02 AM

To: Van Nuys

Subject: Re: FW: Public Information Act Request

Please provide me with the current owner and mailing address for the following properties:

4455-028-074

4455-028-054

4455-043-007

Thank you for your continued assistance.

Valerie Burkholder

On Mon, Sep 15, 2008 at 10:57 AM,

Van Nuys <vannuys@assessor.lacounty.gov> wrote:

In response to your email on 9/15/08

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

#2

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

#3

Owner of record: Malibu Canyon LP

Mailing address: 26885 Mulholland Hwy Calabasas Ca 91302

Van Nuys Email Desk

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]

Sent: Monday, September 15, 2008 10:54 AM

To: Van Nuys

Subject: Re: FW: Public Information Act Request

Please provide me with the current owner and mailing address for the following properties:

4455-028-075

4455-028-096

4455-028-093

On Fri, Sep 12, 2008 at 3:51 PM,

Van Nuys <vannuys@assessor.lacounty.gov> wrote:

In response to your email on 9/12/08

Owner of record: Alisi, Arthur A and Mary M Trs

Mailing address: 26717 Mulholland Hwy Calabasas CA 91302

#2

Owner of record: Alisi, Arthur A and Mary M Trs

Mailing address: Van Nuys Email Desk

#3

Owner of record: Malibu Canyon Lp

Mailing address: 26885 Mulholland Hwy Calabasas CA 91302

Van Nuys Email Desk

From: L.A. County - Office of The Assessor

Sent: Friday, September 12, 2008 3:26 PM

To: Van Nuys

Subject: FW: Public Information Act Reques

From: Valerie Burkholder [mailto:valerie.burkholder@gmail.com]

Sent: Friday, September 12, 2008 1:44 PM

To: L.A. County - Office of The Assessor

Subject: Public Information Act Request

Please send me the names and mailing addresses of all owners of the following properties:

4455-028-099

4455-028-090

4455-028-091

Thank you.

Valerie Burkholder

State of California
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

OCT 20 2008

DEBRA BOWEN
Secretary of State

SW

965879

ARTICLES OF INCORPORATION

OF

MALIBU VALLEY FARMS, INC.

FILED
in the office of the Secretary of State
of the State of California
MAY 15 1978
MARCH FONG EU, Secretary of State
By Bill Hilde
Deputy

I

The name of this corporation is MALIBU VALLEY FARMS, INC.

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is:

Mary Ann Cohen
10889 Wilshire Boulevard
Suite 1410
Los Angeles, California 90024

IV

This corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is 100,000.

Dated: May 10, 1978.

Mary Ann Cohen
Mary Ann Cohen

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, which execution is my act and deed.

Mary Ann Cohen
Mary Ann Cohen

OFFICE OF THE SECRETARY OF STATE

State of California
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

OCT 20 2008

Debra Bowen

DEBRA BOWEN
Secretary of State

State of California

Bill Jones
Secretary of State

P.O. Box 944230
Sacramento, CA 94244-0230
Phone (916) 445-2020

95-211701

FILED
SACRAMENTO, CALIF.
MAY 26 1995

Bill Jones
BILL JONES
SECRETARY OF STATE

STATEMENT BY DOMESTIC STOCK CORPORATION

THIS STATEMENT MUST BE FILED WITH CALIFORNIA SECRETARY OF STATE (SEC. 1502, CORPORATIONS CODE)

A $5 FILING FEE MUST ACCOMPANY THIS STATEMENT.

WHEN COMPLETING FORM, PLEASE USE BLACK TYPEWRITER RIBBON OR BLACK INK

IMPORTANT—Please Read Instructions On Back Of Form

DO NOT ALTER PREPRINTED NAME. IF ITEM NO. 1 IS BLANK, PLEASE ENTER CORPORATE NAME.

1.

C0865679 DUE DATE 05-31-95 08935S
MALIBU VALLEY FARMS, INC.
2200 STOKES CANYON RD
CALABASAS, CA 91302

* IF THERE HAS BEEN NO CHANGE IN ANY OF THE INFORMATION ON FILE—PROCEED TO LINE 16.

DO NOT WRITE IN THIS SPACE

THE CALIFORNIA CORPORATION NAMED HEREIN, MAKES THE FOLLOWING STATEMENT

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE 26885 Mulholland Highway	ROOM NO.	2A. CITY AND STATE Calabasas, California	2B. ZIP CODE 91302
3. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA (IF ANY) 26885 Mulholland Highway	ROOM NO	3A. CITY Calabasas CA	3B. ZIP CODE 91302
4. MAILING ADDRESS 26885 Mulholland Highway	ROOM NO.	4A. CITY AND STATE Calabasas CA	4B. ZIP CODE 91302

THE NAMES OF THE FOLLOWING OFFICERS ARE:
Must have these three officers (Sec. 312, Corporations Code). An officer may hold more than one office.

5. CHIEF EXECUTIVE OFFICER Brian Boudreau	5A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Highway	5B. CITY AND STATE Calabasas, CA	5C. ZIP CODE 91302
6. SECRETARY Brian Boudreau	6A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Highway	6B. CITY AND STATE Calabasas, CA	6C. ZIP CODE 91302
7. CHIEF FINANCIAL OFFICER Brian Boudreau	7A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Highway	7B. CITY AND STATE Calabasas, CA	7C. ZIP CODE 91302

INCUMBENT DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS
Officers may also be directors. Must have one or more directors (Chap. 3, Sec. 301a, Corporations Code). Statements not listing directors will be rejected.

8. NAME Brian Boudreau	8A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Highway	8B. CITY AND STATE Calabasas, CA	8C. ZIP CODE 91302
9. NAME	9A. STREET ADDRESS (DO NOT USE P.O. BOX)	9B. CITY AND STATE	9C. ZIP CODE
10. NAME	10A. STREET ADDRESS (DO NOT USE P.O. BOX)	10B. CITY AND STATE	10C. ZIP CODE

11. THE NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY. _____

DESIGNATED AGENT FOR SERVICE OF PROCESS (Only one agent may be named and must reside in California.)

12. NAME
Brian Boudreau

13. CALIFORNIA STREET ADDRESS IF AGENT IS AN INDIVIDUAL (DO NOT USE P.O. BOX) DO NOT INCLUDE ADDRESS IF AGENT IS A CORPORATION.
26885 Mulholland Highway, Calabasas, CA 91302

14. DESCRIBE TYPE OF BUSINESS OF THE CORPORATION NAMED IN ITEM 1.
Thoroughbred Stallion Breeding & Ownership

15. I DECLARE THAT I HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE.

Brian Boudreau — Brian Boudreau — CEO — 5-23-95
TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT — SIGNATURE — TITLE — DATE

OFFICE OF THE SECRETARY OF STATE FILED

* 16. I DECLARE THERE HAS BEEN NO CHANGE IN THE INFORMATION CONTAINED IN THE LAST STATEMENT OF THE CORPORATION WHICH IS ON FILE IN THE SECRETARY OF STATE'S OFFICE. DOES NOT APPLY ON INITIAL FILING.

(CHECK HERE) — TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT — SIGNATURE — TITLE — DATE

SO-200 NE REV 9/94

State of California
Secretary of State

08-146879

FILED
in the office of the Secretary of State
of the State of California

APR 03 2008

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STATEMENT OF INFORMATION
(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): $25.00. If amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

8 EC

S

1 CORPORATE NAME (Please do not alter if name is preprinted.)
C0665679
MALIBU VALLEY FARMS, INC.
26885 MULHOLLAND HIGHWAY
CALABASAS CA 91302

DUE DATE: 05-31-08

NO CHANGE STATEMENT (Not applicable if agent address of record is a P.O. Box address. See instructions.)

2 [X] If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 16.
If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement has been previously filed, this form must be completed in its entirety.

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 3 and 4 cannot be P.O. Boxes.)

3 STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE		CITY	STATE	ZIP CODE
4 STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY		CITY	STATE CA	ZIP CODE
5 MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 3		CITY	STATE	ZIP CODE

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

6 CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
7 SECRETARY/	ADDRESS	CITY	STATE	ZIP CODE
8 CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

9 NAME	ADDRESS	CITY	STATE	ZIP CODE
10 NAME	ADDRESS	CITY	STATE	ZIP CODE
11 NAME	ADDRESS	CITY	STATE	ZIP CODE

12 NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 14 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 14 must be left blank.)

13 NAME OF AGENT FOR SERVICE OF PROCESS

14 STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE CA	ZIP CODE

TYPE OF BUSINESS

15 DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

16 BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

3-31-2008	Brian Boudreau	President	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-200 N/C (REV. 01/2006) APPROVED BY SECRETARY OF STATE

2146318

OFFICE OF THE SECRETARY OF STATE

State of California
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

OCT 20 2008

Debra Bowen

DEBRA BOWEN
Secretary of State

State of California

Bill Jones
Secretary of State

P.O. Box 944228
Sacramento, CA 94244-2000
Phone (916) 657-5587

98-273524

STATEMENT BY DOMESTIC STOCK CORPORATION

THIS STATEMENT MUST BE FILED WITH CALIFORNIA SECRETARY OF STATE (SEC. 1502, CORPORATIONS CODE)

FILING FEE MUST ACCOMPANY THIS STATEMENT.

WHEN COMPLETING FORM, PLEASE USE BLACK TYPEWRITER RIBBON OR PRINT IN BLACK INK

Important — Read Instructions On Back Of Form

DO NOT ALTER PREPRINTED NAME. IF ITEM 1 IS BLANK, PLEASE ENTER CORPORATE NAME AND NUMBER

C1782744 DUE DATE 04-30-98 09413S
SPECTRUM DEVELOPMENT, INC.
26885 MULHOLLAND HWY
CALABASAS, CA 91302

FILED
SACRAMENTO, CALIF.
JUN 15 98

Bill Jones
BILL JONES
SECRETARY OF STATE

* If There Has Been No Change In Any Of The Information On File, Complete Item 1a Only
Please indicate on return envelope if no change statement is enclosed.

DO NOT MARK IN THIS SPACE

THE CORPORATION NAMED IN ITEM 1 MAKES THE FOLLOWING STATEMENT

1A. I DECLARE THERE HAS BEEN NO CHANGE IN THE INFORMATION CONTAINED IN THE LAST STATEMENT OF THE CORPORATION WHICH IS ON FILE IN THE SECRETARY OF STATE'S OFFICE (DOES NOT APPLY ON INITIAL FILING.

(CHECK HERE)	TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT	SIGNATURE	TITLE	DATE
X	Brian Boudreau		Presidnet	

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE #1	ROOM NO.	2A. CITY AND STATE		2B. ZIP CODE
3. STREET ADDRESS OF FINANCIAL BUSINESS OFFICE IN CALIFORNIA (IF ANY)	ROOM NO.	3A. CITY CA		3B. ZIP CODE
4. MAILING ADDRESS	ROOM NO.	4A. CITY AND STATE		4B. ZIP CODE

ALL OF THE FOLLOWING DIRECTORS ARE: (Must Have Three Directors (Sec. 312, Corporations Code) Unless Otherwise Stated, Do Not Allow Or Disclose Personal Titles (Mr., Mrs., Ms., Dr.) Unless You Must Add A Title Appropriate For Your Corporation.)

5. CHIEF EXECUTIVE OFFICER Brian Boudreau	5A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Hwy.	5B. CITY AND STATE Calabasas, California		5C. ZIP CODE 91302
6. SECRETARY Brian Boudreau	6A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Hwy.	6B. CITY AND STATE Calabasas, California		6C. ZIP CODE 91302
7. CHIEF FINANCIAL OFFICER Brian Boudreau	7A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Hwy.	7B. CITY AND STATE Calabasas, California		7C. ZIP CODE 91302

DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS: (Attach supplemental list if necessary.)
Must have one or more directors (Chap. 3, Sec. 301a, Corporations Code). Statements not listing directors will be rejected.

8. NAME Brian Boudreau	8A. STREET ADDRESS (DO NOT USE P.O. BOX) 26885 Mulholland Highway	8B. CITY AND STATE Calabasas, California		8C. ZIP CODE 91302
9. NAME	9A. STREET ADDRESS (DO NOT USE P.O. BOX)	9B. CITY AND STATE		9C. ZIP CODE
10. NAME	10A. STREET ADDRESS (DO NOT USE P.O. BOX)	10B. CITY AND STATE		10C. ZIP CODE

11. THE NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY: _____

DESIGNATED AGENT FOR SERVICE OF PROCESS: Agent for service of process must be a person who is a resident of California, or the agent may be another corporation which has filed a certificate pursuant to Section 1505, California Corporations Code.

12. NAME
Brian Boudreau

13. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL, THE RESIDENCE ADDRESS; IF A CORPORATION, THE ADDRESS OF ITS BUSINESS OFFICE IF IDENTICAL TO ITEM 3, OR IF AGENT IS A CORPORATION THAT HAS FILED A CERTIFICATE PURSUANT TO SECTION 1505, CORPORATIONS CODE
26885 Mulholland Highway, Calabasas, California 91302

DESCRIBE TYPE OF BUSINESS OF THE CORPORATION NAMED IN ITEM 1.

14. TYPE OF BUSINESS
Real Estate Dev., Management

35

15. I DECLARE THAT I HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE.

TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT	ORIGINAL SIGNATURE	TITLE	DATE
Brian Boudreau	Brian Boudreau	Presidnet	5/27/98

SO-SOS NO (REV. 1/96)

State of California
Secretary of State

08-075473

FILED
In the office of the Secretary of State
of the State of California

FEB 22 2008

This Space For Filing Use Only

STATEMENT OF INFORMATION
(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): $25.00. If amendment, see instructions.
IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

39

EC

1. CORPORATE NAME (Please do not alter if name is preprinted.) S
C1782744
SPECTRUM DEVELOPMENT, INC.
26885 MULHOLLAND HWY
CALABASAS CA 91302

DUE DATE: 04-30-03

NO CHANGE STATEMENT (Not applicable if agent address of record is a P.O. Box address. See instructions.)

2. ☒ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 16.
If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement has been previously filed, this form must be completed in its entirety.

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 3 and 4 cannot be P.O. Boxes.)

	CITY	STATE	ZIP CODE
3. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE			
4. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE CA	ZIP CODE
5. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 3	CITY	STATE	ZIP CODE

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

	ADDRESS	CITY	STATE	ZIP CODE
6. CHIEF EXECUTIVE OFFICER/				
7. SECRETARY/				
8. CHIEF FINANCIAL OFFICER/				

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

	ADDRESS	CITY	STATE	ZIP CODE
9. NAME				
10. NAME				
11. NAME				

12. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 14 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 14 must be left blank.)

13. NAME OF AGENT FOR SERVICE OF PROCESS

	CITY	STATE	ZIP CODE
14. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL		CA	

TYPE OF BUSINESS

15. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

16. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

1/30/08	BRIAN BOUDREAU	PRESIDENT	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

OFFICE OF THE SECRETARY OF STATE

SI-200 N/C (REV 01/2008) APPROVED BY SECRETARY OF STATE

State of California
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

OCT 20 2008

Debra Bowen

DEBRA BOWEN
Secretary of State

1782744

FILED
In the office of the Secretary of State
of the State of California

APR 2 6 1996

BILL JONES, Secretary of State

ARTICLES OF INCORPORATION

OF

SPECTRUM DEVELOPMENT, INC.

I

The name of this corporation is SPECTRUM DEVELOPMENT, INC.

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is Brian Boudreau, 26885 Mulholland Highway, Calabasas, California 91302.

IV

This corporation is authorized to issue only one class of shares of stock, to be designated as "common shares," and the total number of shares which this corporation is authorized to issue is one thousand (1,000) shares.

DATED: April 25, 1996.

Brian Boudreau

I declare that I am the person who executed the above Articles of Incorporation, and that this instrument is my act and deed.

Brian Boudreau

A0612579

FILED
In the office of the Secretary of State
of the State of California

MAY - 3 2004

KEVIN SHELLEY, SECRETARY OF STATE

1782744

CERTIFICATE PURSUANT TO SECTION 1505, CALIFORNIA CORPORATIONS CODE

Spectrum Development, Inc.
(Name of Corporation)

_____, a corporation organized and

existing under the laws of California, makes the following statement:
(State or Place of Incorporation)

1. The complete address of its office in the state of California wherein any entity designating it as agent may be served with process is 26885 Mulholland Hwy.
Calabasas CA 91302

2. The name of each person employed by it at such office to whom it authorized the delivery of any copy of any such process is Isabel Supetran, Cherri Skoczek

3. The corporation consents that delivery thereof to such person at the address designated shall constitute delivery of any such copy to it, as such agent.

Spectrum Development, Inc, a California Corporation
(Name of Corporation)

Juan Boudreau President
(Signature of Corporate Officer)

Brian Boudreau, President
(Typed Name and Title of Officer Signing)

OFFICE OF THE SECRETARY OF STATE

Secretary of State Form
1505 (01/2003)

Parcel Viewer

http://maps.assessor.lacounty.gov/mapping/viewer.asp

Apple Yahoo! Google Maps YouTube Wikipedia News (547) Popular

Assessor's Home Page Search Menu Feedback Help/FAQs

Property Assessment Information System

Los Angeles County
Office of the Assessor

Records for this property are kept at the North District Office

(How frequently is the information updated on this site?)

Property Information

Assessor's ID No.	4455-028-044
Site Address	No Address Available
Property Type	Single Family Residence
Region / Cluster	02 / 02020
Tax Rate Area (TRA)	04971

Click Here to View Assessor's Map

(Click Here to View Index Map)

Recent Sale Information

Latest Sale Date

Indicated Sale Price

Search for Recent Sales

2008 Roll Values

Recording Date	09/23/1996
Land	$198,387
Improvements	$57,264
Personal Property	$0
Fixtures	$0
Homeowners' Exemption	$0
Real Estate Exemption	$0
Personal Property Exemption	$0
Fixture Exemption	$0

Click Here for 2008 Annual Taxes

(I have a question regarding my property tax payment)

Estimate Supplemental Taxes

Property Boundary Description

LOT COM AT SE COR OF SW 1/4 OF SE 1/4 OF SEC 6 T 1S R 17W

Alternate Site

Parcel Viewer

http://maps.assessor.lacounty.gov/mapping/viewer.asp

Apple Yahoo! Google Maps YouTube Wikipedia News (547) Popular

Assessor's Home Page Search Menu Feedback Help/FAQs

Property Assessment Information System

Los Angeles County
Office of the Assessor

Records for this property are kept at the North District Office

(How frequently is the information updated on this site?)

Property Information

Assessor's ID No.	4455-028-093
Site Address	No Address Available
Property Type	Vacant Land
Region / Cluster	02 / 02020
Tax Rate Area (TRA)	04971

Click Here to View Assessor's Map

(Click Here to View Index Map)

Recent Sale Information

Latest Sale Date

Indicated Sale Price

Search for Recent Sales

2008 Roll Values

Recording Date	04/12/2005
Land	$2,634,893
Improvements	$0
Personal Property	$0
Fixtures	$0
Homeowners' Exemption	$0
Real Estate Exemption	$0
Personal Property Exemption	$0
Fixture Exemption	$0

Click Here for 2008 Annual Taxes

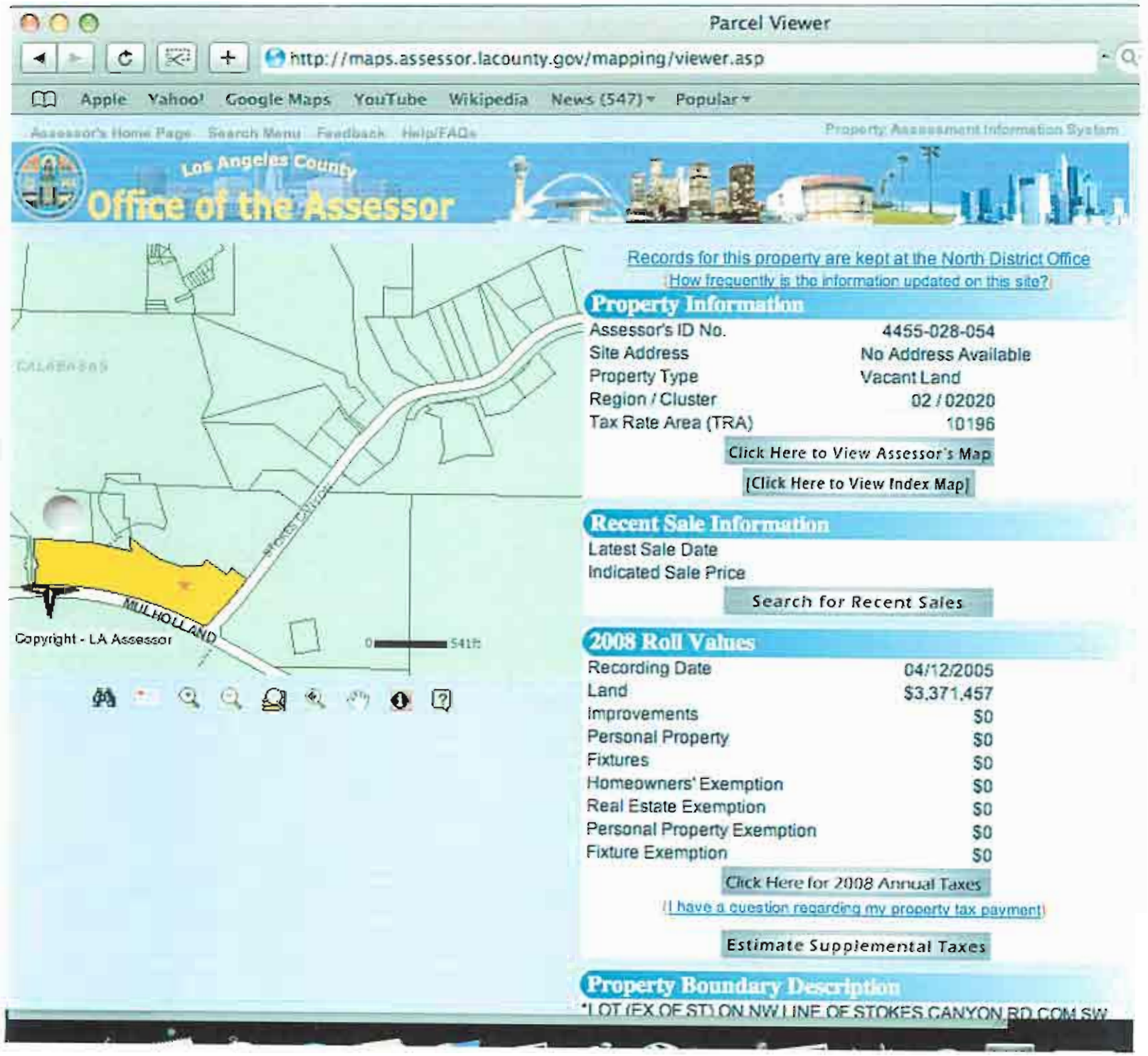
(I have a question regarding my property tax payment)

Estimate Supplemental Taxes

Property Boundary Description

FOR DESC SEE ASSESSOR'S MAPS POR OF S 1/2 OF SEC 6 T1S

Alternate site



Alternate Site

Parcel Viewer

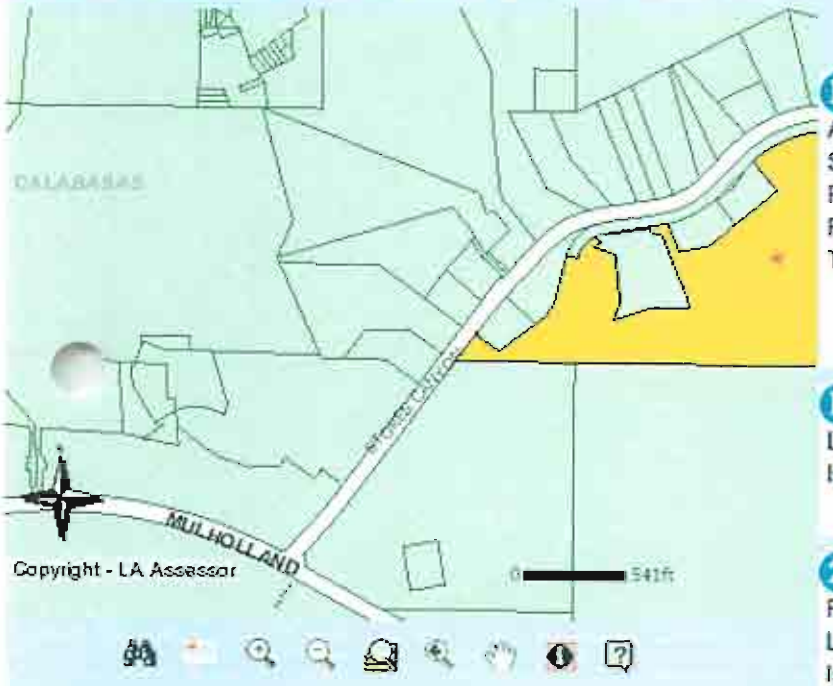
http://maps.assessor.lacounty.gov/mapping/viewer.asp

Apple Yahoo! Google Maps YouTube Wikipedia News (547) Popular

Assessor's Home Page Search Menu Feedback Help/FAQs

Property Assessment Information System

Los Angeles County
Office of the Assessor



Records for this property are kept at the North District Office
(How frequently is the information updated on this site?)

Property Information

Assessor's ID No.	4455-043-007
Site Address	No Address Available
Property Type	Vacant Land
Region / Cluster	02 / 02020
Tax Rate Area (TRA)	04971

Click Here to View Assessor's Map

(Click Here to View Index Map)

Recent Sale Information

Latest Sale Date

Indicated Sale Price

Search for Recent Sales

2008 Roll Values

Recording Date	07/15/1998
Land	$250,279
Improvements	$0
Personal Property	$0
Fixtures	$0
Homeowners' Exemption	$0
Real Estate Exemption	$0
Personal Property Exemption	$0
Fixture Exemption	$0

Click Here for 2008 Annual Taxes

(I have a question regarding my property tax payment)

Estimate Supplemental Taxes

Property Boundary Description

LOT COM AT SE COR OF N 1/2 OF SE 1/4 OF SEC 6 T 1S R 17W TH

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

September 24, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Brian Boudreau
Diamond West Engineering, Inc.
26885 Mulholland Highway
Calabasas, CA 91302

RE: **CONDITIONAL USE PERMIT CASE NO. 97-142-(3)**
Construction, maintenance and operation of two caretakers' mobilehomes and to continued the maintenance of one existing caretaker's mobilehome in the A-1-1 (Light Agriculture, one acre required area) zone.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary appeal form at (213) 974-6409 between the hours of 7:30 a.m. and 4:00 p.m., Monday through Thursday. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. If the appeal is filed in person, please make an appointment with the commission's secretary. The processing fee for an appeal is $880.00 for the applicant or $440.00 for non-applicants; a check for the appropriate amount payable to the County of Los Angeles must be submitted with the appeal form. Your appeal will be rejected if the check is not submitted.

The Hearing Officer's decision may also be called up for review by the affirmative vote of the majority of the members present of the Regional Planning Commission; a call for the review shall be made during the 15-day appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

One person presented testimony in opposition of the request. The testifier expressed concerns regarding the view of the proposed mobilehomes from surrounding public roads, non-native landscape materials, fire safety and the office use on a different parcel.

The Hearing Officer asked the Fire Department representative to comment about their requirements. The Fire Department representative responded that their requirements consisted of fire hydrants within a required distance of the mobilehomes and other alternative fire prevention measures that could include water tanks.

Written objections were received, considered, and made part of the administrative record.

The Hearing Officer closed the public hearing and indicated his intent to approve this case with 5-year term and fire prevention measures to the satisfaction of the Fire Department.

Findings

The applicant requested a conditional use permit to continue the use of an existing caretaker's mobilehome and to authorize the placement, maintenance and operation of two additional caretakers' mobilehomes in the A-1-1 (Light Agriculture, one acre required area) zone.

The project site consists of an irregular-shaped parcel, approximately 14.26 acres in size, located at 2200 Stokes Canyon Road, Calabasas, in the Malibu Zoned District.

Surrounding zoning consists of A-1-1 to the north, east and west, A-1-20-DP (Light Agriculture, 20 acres lot required area – Development Program) and O-S-DP (Open Space-Development Program) to the south.

The project site is designated as "Rural Land III", in the Malibu/Santa Monica Mountains Area Plan. The maximum permitted density of this category is of one dwelling unit per two acres.

A thoroughbred broodmare farm stable and a pasture currently exist on the subject property. The surrounding land use consists of open fields and vacant land to the north, south, east and west.

The submitted site plan (Exhibit "A") depicts two proposed caretakers' mobilehomes on an irregular shaped parcel. One of the caretaker's mobilehomes is depicted at the southerly portion of the subject site. The other caretaker's mobilehome is depicted at the northerly portion of the site. The site plan also depicts an existing horse stable on the eastern portion of the subject site. The proposed locations for the proposed mobilehomes are the same locations they occupied prior to being destroyed by fire in October of 1996. The existing mobilehome which is located in the vicinity of the stable is not depicted on the site plan.

The site takes access from Stokes Canyon Road to the east.

Conditional Use Permit 1433 to allow the construction, maintenance and operation of three mobile homes (two existing and one proposed) for workers of a horse farm was approved November 28, 1979. The permit expired on November 28, 1984.

As a condition of approval, Los Angeles County Fire Department recommended that minimum water flow, new fire hydrants, road access, sprinklers in mobilehomes, turn around for each unit (fire hydrants), and brush clearance be required. At the public hearing, the Fire Department representative indicated that other alternatives could be applied to mitigate potential fire hazards.

At the public hearing, the Hearing Officer declared that this grant does not authorize any activity that is not permitted in the zone, or any structures other than the caretakers' mobilehomes, and that a five year term would be appropriate, particularly so since the previous grant expired nearly fourteen years ago.

The project has been granted a Categorical Exemption under CEQA reporting requirements.

Prior to the public hearing, staff received telephone calls and correspondence regarding the nature of the proposal, opposing the proposal due to the nature and intensity of the traffic generated by the use, the legality of a commercial office use on an adjacent parcel, the current zone and the use of the subject property as a horse boarding facility without a conditional use permit.

The proposed use is consistent with the zoning, general plan designations and existing land uses.

During a field investigation on July 16 staff noticed a stable facility on the subject property. The applicant has informed staff that he is temporarily boarding horses on the subject property. There are no permits on file with the Department of Regional Planning allowing for the use of the property for the boarding of horses. The A-1 Zone allows the raising, breeding, training, and grazing of horses as permitted uses. However, riding academies and stables with the boarding of horses, require a conditional use permit.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:
REGARDING THE CONDITIONAL USE PERMIT:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.

6. This grant will terminate September 30, 2003.

b. Permanent residences are not permitted as part of the grant;

c. Only a bonafide caretaker and the caretaker's immediate family shall occupy each caretakers' residence. No rent of any kind shall be charged for use of the caretaker's residence; and, none of the mobilehomes shall be used for any non-residential use;

d. Should the property cease to function as a working ranch, the caretakers' residences shall be removed;

e. No construction, encroachment or damage, as defined in Section 22.56.2060 of the County Code, may occur within the dripline of any oak tree and extending there from to a point at least five feet outside the dripline, or 15 feet from the trunk of the oak tree, whichever distance is greater;

f. The proposed mobilehomes shall be in substantial conformity with the elevations and specifications submitted by the applicant at the September 15, 1998 hearing;

g. Any future water tanks shall be approved by the Fire Department and the Director of Planning for location and screening.

13. Prior to placement of the two replacement caretakers' mobilehomes on the site, the permittee shall provide fire protection improvements to the satisfaction of the Los Angeles County Fire Department. The permittee shall submit fuel modification plans for review and approval of the Fire Department and shall continuously maintain the subject property in compliance with the approved fuel modification plan.

14. The permittee shall obtain all necessary permits and clearances from the Department of Public Works.

15. Landscaping shall be provided so that caretakers' mobilehomes are screened from views from Mulholland Highway and surrounding residents.

16. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before issuance of a building permit or placement of the mobilehome on the subject property. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. All landscaping shall consist of plants native to the Santa Monica Mountains which are identified on a list compiled by the California Native Plant Society and shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. The landscape plans shall comply with the fuel modification plans approved by the Fire Department.

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. 97-142-(3)
CONDITIONAL USE PERMIT

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM 5	
PUBLIC HEARING DATE August 4, 1998	

APPLICANT	OWNER	REPRESENTATIVE
Malibu Valley Farms, Inc.	Soka University of America	Diamond West Engineering, Inc.

REQUEST
To authorize three mobilehomes for caretakers in conjunction with a horse farm.

LOCATION/ADDRESS	ZONED DISTRICT
2200 Stokes Canyon Road, Calabasas	The Malibu
	COMMUNITY: Calabasas
ACCESS: Mulholland Highway to the south	EXISTING ZONING: A-1-1

SIZE	EXISTING LAND USE	SHAPE	TOPOGRAPHY
91.5 Acres	Office, Horse Pastures, Caretakers	Irregular	Gentle to moderate sloping

SURROUNDING LAND USES & ZONING	
North: Open field/A-1-1	East: Open field/A-1-1
South: Open field/A-1-20-DP, O.S. DP	West: Horse Corrals/A-1-1

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
COUNTYWIDE	---	---	---
AREA PLAN	Non Urban/Rural III	1 du/2 acres	---

ENVIRONMENTAL STATUS
Categorical Exemption

DESCRIPTION OF SITE PLAN
The site plan depicts three mobilehomes for caretakers on a parcel fronting on Stokes Canyon Road, two of which, are proposed to be constructed at the same location where similar structures stood prior to being destroyed by fire in 1996.

KEY ISSUES
- Satisfaction of Sections 22.52.550 and 22.56.090, Title 22, Los Angeles County Code mobilehome for caretakers requirement and Conditional Use Permit Burden of Proof requirements.

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
)) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor

STAFF ANALYSIS

CONDITIONAL USE PERMIT CASE NO. 97-142-(3)

PROJECT DESCRIPTION

The applicant has requested a conditional use permit to authorize the constructions, maintenance and operation of two caretakers' mobilehomes in the A-1-1 (Light Agriculture, one acre minimum required area) zone.

The project site consists of an irregular-shaped parcel, approximately 14.26 acres in size, located at 2200 Stokes Canyon Road, Calabasas, in the Malibu Zoned District.

SURROUNDING ZONING AND LAND USE

Surrounding zoning consists of A-1-1 to the north, east and west, A-1-20-DP (Light Agriculture, 20 acres lot required area - Development Program) and O-S-DP (Open Space-Development Program) to the south.

The project site is designated as "Rural Land III", in the Malibu/Santa Monica Mountains Area Plan. The maximum permitted density of this category is of one dwelling unit per two acres.

A thoroughbred broodmare farm stable and a pasture currently exist on the subject property. The surrounding land use consists of open fields and vacant land to the north, south, east and west.

SITE PLAN DESCRIPTION

The submitted site plan (Exhibit "A") depicts two caretakers' mobilehomes in an irregular shaped parcel. One of the caretaker's mobilehome is depicted at the southerly portion of the subject site. The other caretaker's mobilehome is depicted at the northerly portion of the site. The site plan also depicts an existing horse stable in the eastern portion of the subject site. The proposed locations for the proposed mobilehomes are the same locations they occupied prior to being destroyed by fire in October of 1996.

The site takes access from Stokes Canyon Road to the east.

CONDITIONAL USE PERMIT REQUEST

A. Need/Justification for the Conditional Use Permit.

ISSUES

Section 22.24.100 allows mobilehomes for caretakers subject to the approval of a conditional use permit and the provisions of section 22.52.550. According to Sec. 22.52.550, Title 22, Los Angeles County Code:

ENVIRONMENTAL

The project has been granted a Categorical Exemption under CEQA reporting requirements.

PUBLIC COMMENT

At the time of this report, staff received several telephone calls inquiring about the nature of the proposal, opposing the proposal due to the nature and intensity of the traffic generated by the use. There have been questions raised regarding the use of the subject property as a horse boarding facility.

STAFF EVALUATION

The proposed use is consistent with the zoning, general plan designations and existing land uses. During a field investigation on July 16 staff noticed a stable facility on the subject property. The applicant has informed staff that he is temporarily boarding horses on the subject property. There are no permits on file with the Department of Regional Planning allowing for the use of the property for the boarding of horses. The A-1 Zone allows the raising, breeding, training, and grazing of horses as permitted uses. However, riding academies and stables with the boarding of horses, require a conditional use permit.

RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Any additional testimony;

Clarification by the applicant on the impact of the development on the oak trees and the horse boarding use;

Whether the request complies with the following requirements specified in the County Code:

- Burden of proof requirements for a conditional use permit (section 22.56.090):

If the Hearing Officer finds that these issues have been addressed, then staff recommends approval.

Attachments: Draft Conditions
Burden of Proof

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.

11. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage by the close of the next business day following such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

12. This grant allows the construction, operation and maintenance of two mobilehomes to be used as caretaker's residences, subject to the following restrictions as to use:

    a. Not less than one off-street parking space shall be provided for each mobilehome;

    b. Permanent caretaker's residences are not permitted as part of the grant;

    c. Only a bonafide caretaker and the caretaker's immediate family shall occupy said caretakers' residences. No rent of any kind shall be charged for use of the caretaker's residence;

    d. Should the property cease to function as a working ranch, the caretakers' residences shall be removed or modified to be in conformance with the zoning ordinance requirements;

    e. No construction, encroachment or damage, as defined in Section 22.56.2060, may occur within the dripline of an oak tree and extending there from to a point at least five feet outside the dripline, or 15 feet from the trunk of the oak tree, whichever distance is greater.

13. The permittee shall comply with the following requirements to the satisfaction of Los Angeles County Fire Department:

    a. The required fire flow for this development shall be of 1250 gallons per minute per two (2) hours. The water mains in the street shall must be capable of delivering this flow at 20 pounds per square inch residual pressure;

CP 97142

CONDITIONAL USE PERMIT CASE-BURDEN OF PROOF SEC. 22.56.040

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The caretaker trailers/residences are necessary to provide security & 24 hour availability for a Thoroughbred Broodmare Farm. The trailer locations are not detrimental to adjoining properties and they are a continuation of an existing use (CUP 1433). The office is located in a relatively unpopulated area and therefore would not affect the quality of life of those living or working in the area. There is nothing being generated from the office that would endanger public health, safety or welfare.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The property is more than sufficient in size to accomodate the caretakers' trailers.

The office and parking is taking up only a small percentage of the two acre parcel.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

Streets and highways are sufficient to carry the 12 cars or less that are anticipated, utilities and other public services are adequate for this facility. Adequate streets and infrastructure are avialable for the caretaker's trailers and it will reduce the amount of traffice to and from the site.

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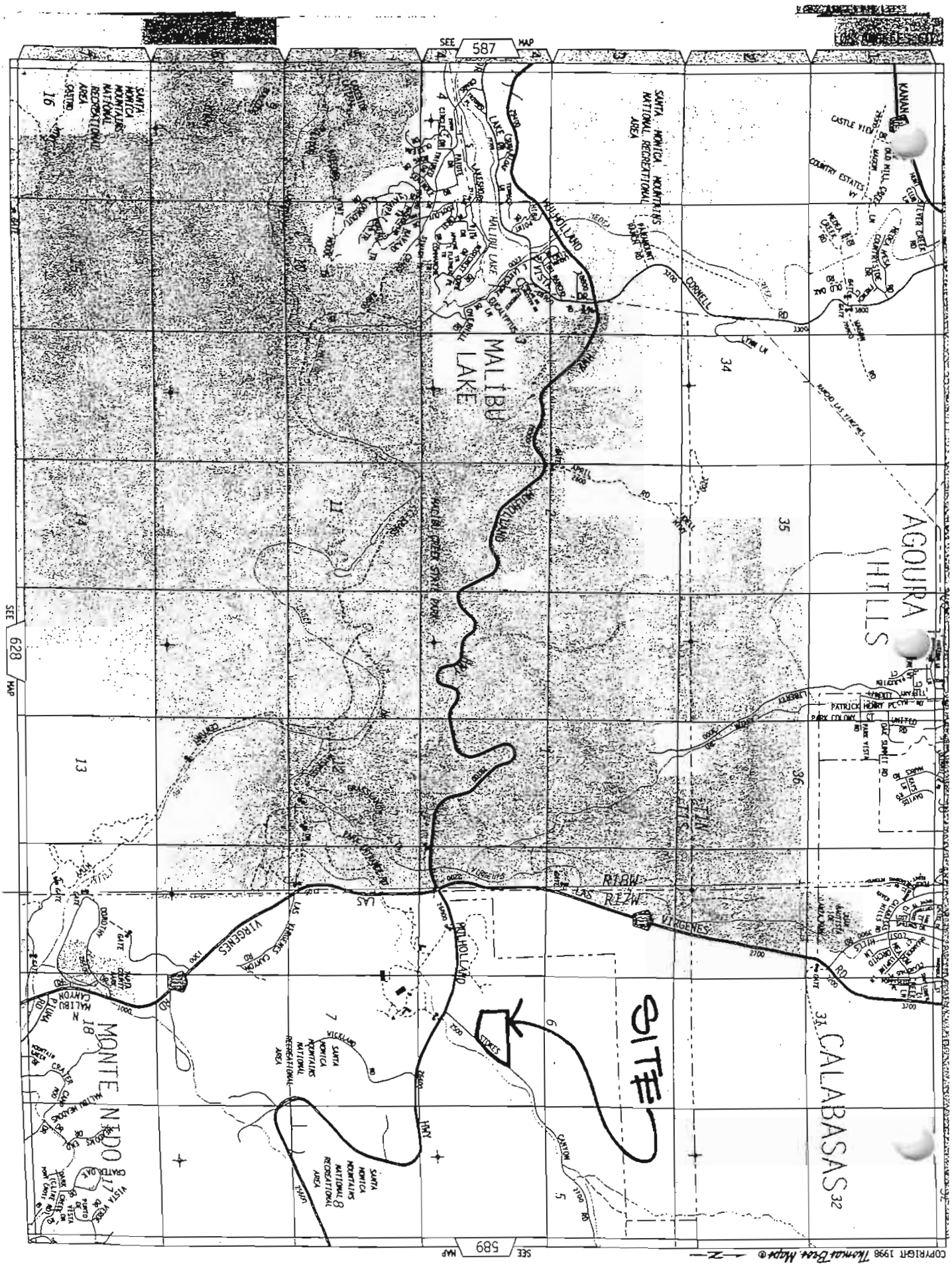
SEE 587 MAP
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MALIBU LAKE
AGOURA HILLS
CALABASAS
MONTE NIDO
SITE
SANTA MONICA MOUNTAINS NATIONAL RECREATIONAL AREA
MALIBU CREEK STATE PARK
MULHOLLAND
CORNELL RD
LAS VIRGENES RD
R18W
R17W
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FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

CONDITIONAL USE PERMIT NO. 97-142-(3)

COMMISSION HEARING DATES
January 20, 1999; November 17, 1999; January 12, 2000

SYNOPSIS:
The applicant, appealed the Hearing Officer's conditions of approval for the continued use of an existing caretaker's mobilehome and to authorize the placement, maintenance and operation of two additional caretakers' mobilehomes in the A-1-1 (Light Agriculture, one acre required area) zone without the boarding of horses.

Opponents to the project also appealed the Hearing Officer's decision to approve the continued use of an existing mobilehome and the placement of two additional caretaker's residences. The opposition cited concerns about past zoning violations on the subject site and other building code violations on the property located across the street from the subject site. Opponents of the project also questioned the need for and justification for three caretakers' mobilehomes to support ranch operations and expressed concern about the illegal boarding of horses on the property.

PROCEEDINGS BEFORE THE COMMISSION:
January 20, 1999
A duly noticed public hearing was held. The applicant presented supportive testimony. The applicant-contrary to staff's interpretation- indicated that the boarding of horses is a permitted use without requiring a conditional use permit. The applicant further stated that the intent of Title 22 Los Angeles County Code, Section 22.24.100 is to require a conditional use permit for a riding academy and stable when associated with the boarding of horses. Staff disagreed with the applicant's position and interprets the ordinance to require a conditional use permit for the boarding of horses.

Citing the pending violations on the property, the Planning Commission indicated its intent to take the case off calendar and directed the applicant to eliminate all zoning violations from the site including the boarding of horses.

November 17, 1999
A duly noticed public hearing was held. Nine persons presented testimony; five persons presented testimony in support of the applicant, Malibu Valley Farms, Inc. and four persons presented testimony in opposition. The applicant presented testimony and provided historical information about the history of horse breeding operations on the site. The applicant also expressed his intent to withdraw the appeal with respect to the boarding of horses and to continue with the horse breeding and thoroughbred operations without the boarding of horses. Additional testifiers in support of the applicant expressed the need for horse boarding facilities in the area, the need for the number of caretakers at the site and the benefits of having their horses cared for at a well managed and operated facility.

One of the facility's caretakers who previously lived on-site presented testimony indicating that a 1996 fire swept through the area and destroyed their home. The displaced caretaker indicated the need to approve the three caretakers' units so his home could be reestablished on-site and the horse farm operations returned to normal.

Opposition testifiers objected to the number of caretakers' residences being requested and did not see the justification for approving three caretaker units. The opposition also expressed concerns about the visual impacts the proposed caretakers' residences would have on adjacent properties along Mulholland Highway and on the neighboring residents. Opposition testifiers also cited the pending zoning violation on a site located across the street from the horse farm and on which the applicant retains property rights and conducts horse breeding and boarding operations. Opposition also indicated that different county agencies have already issued letters of violations on that site. Members of the opposition also objected to the commercialization of the area, the length of time the applicant has been in noncompliance with zoning and building code provisions, and the nexus between the three caretakers' residences and the applicant's facility located on a site across the street. Finally, opponents of the project stated their support for only one caretaker residence since the applicant did not demonstrate the need for three caretakers' residences.

The Planning Commission inquired about the status of zoning violations on a property used by the applicant located across the street from the subject site. The applicant's representative indicated that a letter was forwarded to the Department of Regional Planning requesting a grant to apply for a conditional use permit for the boarding of horses on the site located directly across the street and which also has zoning violations. At the time of the public hearing no decision by the Director had been made regarding said request. The Planning Commission also asked the applicant about other conditions being appealed. The applicant responded that those conditions were no longer objectionable.

Upon hearing testimony, the Commission continued the public hearing to January 29, 2000 and directed staff to provide the Commission with a description and chronology of the previous case proceeding, describe the nexus between the caretakers' residences and the site located across the street and to identify all known zoning, building and coastal code violations on the property located across the street from the subject site.

January 12, 2000

A duly noticed public hearing was held. Four individuals presented testimony. Three of the testifiers presented testimony in support and one in opposition. The applicant's representative expressed his client's decision not to apply for a conditional use permit for the boarding of horses, and that the applicant was in the process of evicting boarders on the property located across the street. The applicant's representative also presented testimony regarding the number horses owned by his client and information on the number of caretakers necessary to operate the horse care and breeding operation. The applicant's representative agreed that the caretaker units be sited and designed to minimize any adverse visual impacts.

One appellant presented testimony indicating that one of the three caretakers' residences would be located within the local coastal zone boundary and therefore would require a coastal development permit.

Concluding testimony, the Planning Commission upheld the Hearing Officer's decision to approve three caretaker units. The Commission directed staff include conditions for screening three caretakers' residences with native vegetation, to site the most southern caretaker residence at a location where the visual impact would be lessened and require all exterior illumination be low intensity using low profile foot lighting to minimize impact on surrounding neighbors.

FINDINGS

1. The applicant, Malibu Valley Farm, Inc. appealed the Hearing Officer's decision to approve a conditional use permit for continued use of an existing caretaker's mobilehome and placement, maintenance and operation of two additional caretakers' mobilehomes without the boarding of horses in the A-1-1 (Light Agriculture, one acre required area) zone.

2. Malibu Valley Farms, Inc. is a thoroughbred breeding and foaling farm that also raises and trains sport horses. The thoroughbred operations include breeding, foaling broodmares, racing, training, breaking young horses and taking care of retired stock.

3. To support overall farm operations at Malibu Valley Farms requires a staff of six employees under normal circumstances.

4. Staff members who work at Malibu Valley Farms must have special training and experience since the thoroughbred stock require a high level of care.

5. The Hearing Officer's decision to approve the construction of three caretaker units was appealed by community members who opposed establishment of three caretakers' residences at the site.

6. The project site is an irregular-shaped parcel, approximately 14.26 acres in size, located at 2200 Stokes Canyon Road, Calabasas, in the Malibu Zoned District.

7. The project site is traversed by the Local Coastal Zone Boundary. However, none of the proposed or existing caretaker units are within the Local Coastal Zone.

8. Surrounding zoning consists of A-1-1 to the north, east and west, A-1-20-DP (Light Agriculture, 20 acres lot required area – Development Program) and O-S-DP (Open Space-Development Program) to the south.

9. The project site is designated as "Rural Land III", in the Malibu/Santa Monica Mountains Area Plan. The maximum permitted residential density within this category is of one dwelling unit per two acres.

10. A thoroughbred broodmare farm stable and a pasture currently exist on the subject property. The surrounding land uses consist of open fields and vacant land to the north, south, east and west.

11. The submitted site plan (Exhibit "A") depicts two proposed caretakers' mobilehomes on an irregular shaped parcel. One of the caretaker's mobilehome is depicted at the southerly portion of the subject site. The other caretaker's mobilehome is depicted at the northerly portion of the site. The site plan also depicts an existing horse stable on the eastern portion of the subject site and the existing mobilehome immediately to the south. The proposed locations for two new mobilehomes are at the same approximate locations they occupied prior to being destroyed by fire in October of 1996.

12. The site takes access from Stokes Canyon Road to the east.

13. The preliminary landscape plan submitted during the Hearing Officer proceedings held on September 15, 1998 were found to be unacceptable because of the use of a non-native tree (California Pepper), two deciduous trees (California Sycamore and White Alder), and the proximity of the proposed landscaping to the mobilehomes.

14. To reduce visual impacts, the Commission requires the planting of native plants around the proposed caretakers' mobilehomes to screen and buffer their view from surrounding neighbors and Mulholland Highway.

15. The office use at 26885 Mulholland Highway is not part of the conditional use permit request and would be allowed in the A-1 zone only if it is accessory to permitted uses on the property.

16. Section 22.24.100 allows mobilehomes for caretakers subject to the approval of a conditional use permit and the provisions of section 22.52.550. Section 22.52.550 (A) specifies density requirements and states: "The use of a mobilehome as a residence for a caretaker shall not exceed the density permitted by the Zoning Ordinance set out in Title 22, or the adopted general plan, whichever is less."

17. The site is designated as "Rural Land III" in the Malibu/Santa Monica Mountains Area Plan, which has a maximum permitted density of one dwelling unit per two acres. Under this proposal, caretakers' mobilehome would be consistent with the land use category. The proposed site's area is of 14.26 acres which would allow a maximum of seven units. The proposed density is less than the density allowed by the A-1-1 zone and less than the density permitted by the Malibu/Santa Monica Mountains Area Plan.

18. Section 22.52.550 (B) specifies: "Mobilehomes shall contain not more than one dwelling unit."

19. The proposed caretakers' mobilehomes are single dwelling units.

20. Section 22.52.550 (C) states: "The placement of the mobilehomes shall be at the location where the erection of residential structures is otherwise permitted."

21. The proposed location of the mobilehomes is the same approximate location where two caretakers' mobilehome units were previously sited prior to being destroyed by fire in 1996. There are existing access driveways serving the proposed mobilehome locations.

22. Title 22, Section 22.52.550 (D) of the Los Angeles County Code limits the time periods for mobilehomes as follows: "Such mobile home shall be removed from the site prior to the end of five years unless a different time period is specified by the Commission/Hearing Officer."

23. To comply with zoning ordinance provisions, an expiration date has been incorporated into the conditions of approval.

24. Conditional Use Permit 1433 was previously approved to allow the construction, maintenance and operation of three mobile homes (two existing and one proposed) for housing horse farm caretakers. The permit was approved November 28, 1979. The permit expired on November 28, 1984.

25. As a condition of approval, Los Angeles County Fire Department recommended that the project provide minimum water flow, install new fire hydrants, provide dequate driveway access, sprinkler mobilehome units, and provide adequate turn-around areas for each unit including adequate brush clearance. At the public hearing, the Fire Department representative indicated that other alternatives could be applied to mitigate potential fire hazards.

26. The project has been granted a Categorical Exemption under CEQA reporting requirements.

27. The proposed use as conditioned is consistent with the zoning and existing general plan designations.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;

E. Compatibility with surrounding land use will be ensured through implementation of the attached conditions;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

COMMISSION ACTION:

1. In view of the findings of fact presented above, Conditional Use Permit No. 97-142-(3) is **APPROVED**, subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: February 9, 2000

JG:REG:reg

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.

6. This grant will terminate February 9, 2004.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity

not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of $500.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 annual inspections.

If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. The permittee shall submit three (3) copies of revised plans to the director, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following conditions as can be shown on a plan. Said revised plans shall show the specific location of the three mobilehomes. The mobilehomes shall be sited away from public view and screened to not to be visible from/or adjacent properties and from public roadways. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.

9. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.

10. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use being operated on the premises or that do not provide pertinent information about said premises.

11. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage by the close of the next business day following such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

12. This grant allows the construction, operation and maintenance of three mobilehomes to be used as caretaker's residences, subject to the following conditions as to use:

    a. Not less than one off-street parking space shall be provided for each mobilehome unit;

    b. Permanent residences are not permitted as part of the grant;

    c. Only a bonafide caretaker and the caretaker's immediate family shall occupy each

caretakers' residence. No rent of any kind shall be charged for use of the caretaker's residence; and, none of the mobilehomes shall be used for any non-residential use or purpose;

d. Should the property cease to function as a working horse ranch with breeding operations, the caretakers' residences shall be removed;

e. No construction, encroachment or damage, as defined in Section 22.56.2060 of the County Code, may occur within the dripline of any oak tree and extending there from to a point at least five feet outside the dripline, or 15 feet from the trunk of the oak tree, whichever distance is greater;

f. The proposed mobilehomes shall be in substantial conformity with the elevations and specifications submitted by the applicant at the September 15, 1998 Hearing Officer's hearing;

g. Any future water tanks shall be approved by the Fire Department and the Director of Planning for location and shall be appropriately buffered from public view using native landscape.

13. Prior to placement of the two replacement caretakers' mobilehomes on the site, the permittee shall provide fire protection improvements to the satisfaction of the Los Angeles County Fire Department. The applicant shall submit fuel modification plans for review and approval by the Fire Department and shall continuously maintain the subject property in compliance with the approved fuel modification plan.

14. The applicant shall obtain all necessary permits and clearances from the Department of Public Works.

15. Native landscaping shall be planted to buffer the view of each caretaker mobilehomes and screen views from Mulholland Highway and surrounding residents.

16. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before issuance of a building permit or placement of the mobilehome on the subject property. The landscape plan shall show native vegetation, the size, type, and location of all plants, trees, and watering facilities. All landscaping shall consist of plants native to the Santa Monica Mountains which are identified on a list compiled by the California Native Plant Society and shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. The landscape plans shall comply with the fuel modification plans approved by the Fire Department. Native vegetation shall be used in the landscaping plan and planted in a manner to screen the visibility of the mobilehomes from surrounding neighbors and Mulholland Highway.

17. All exterior lighting shall be low profile, low intensity and hooded to prevent lighting spills onto adjacent areas. All foot-paths (walkways, stairs pathways) shall be illuminated with lighting fixtures with a maximum height of 18 inches from the finish ground. The ground lighting fixtures served to illuminate the walkways around the buildings and structures and shall be directed to illuminate road/pathways only. All lighting shall be shielded and/or directed downward in order to minimize excessive on-site illumination and to avoid illumination of surrounding properties.

18. Pursuant to Section 22.24.100, use of the subject property for a riding academy or stable, with the boarding of horses, is prohibited unless a conditional use permit authorizing such use is approved.

JRG:REG:reg

2-03-2000

1-12-2000
Item 6

CONDITIONAL USE PERMIT CASE NO. 97-142-(3)
SUMMARY OF ISSUES
January 12, 2000

PURPOSE OF HEARING

- Continued public hearing to receive the applicant's and opponents rebuttal testimony.
- Render a decision to approve, deny, or modify the conditional use permit.

PROJECT DESCRIPTION

- The placement, maintenance and operation of 2 caretakers' mobilehomes and the continued maintenance of one existing caretaker's mobilehome
- A-1-1 (Light Agriculture, One acre required area) Zone located in the Malibu Zoned District
- 14.26 acre irregular shaped parcel at 2200 Stokes Canyon Road

PLANNING COMMISSION'S PROCEEDING

- Public hearing was last held on November 17, 1999; was presented by proponents and opponents.
- The Planning Commission directed staff to describe the issues presented at the public hearing relating to the violations on the east side and west side of Stokes Canyon Road.
- Three testifiers presented testimony in support of the request, expressing the urgent need to approve the proposed caretakers' residences.
- Two testifiers presented testimony in opposition to the request and expressed concerns relating to the past violations on the site where applicant proposes the caretakers' residences and on a site on the east side of Stokes Canyon Road where the applicant provides horse boarding facilities.
- Regional Planning Zoning Enforcement actions on the site(s):
  - Zoning violations (boarding of horses) on the site west side of Stokes Canyon Road have been cleared by Zoning Enforcement Section.
  - Pending violations on the east side of Stokes Canyon Road:

    1. Coastal Commission Violation: Coastal Development Permit for the stables was obtained by the applicant but later rescinded by Coastal Commission staff.
    2. Building and Safety Violations: building permits for the stables were suspended due to the lack of a Coastal Development Permit.
    3. Regional Planning Violations: the boarding of horses on the site is taking place without a Conditional Use Permit.
    4. "Clean hands" waiver to allow the applicant to apply for a Conditional Use Permit for the boarding of horses was denied on December 20, 1999.
    5. The applicant is in the process removing the boarded horses from the east side of Stokes Canyon Road and clearing all horse boarding violations on the property. Upon clearing the violations, the applicant may then apply for a conditional use permit for the boarding of horses on both sides of Stokes Canyon Road.

RECOMMENDATION

- Sustain the Hearing Officer's approval of three mobilehomes without the boarding of horses.

Attachments: Map indicating approximate locations of existing violations and the proposed location of the caretakers' residences.
"Clean Hands Waiver" letter dated December 20, 1999
Hearing Officer's Decision Letter (September 24, 1998)
Staff Report
Thomas Brother's map
Photographs

APOLLO FARMS

Consignment Program

Apollo Farms prides itself on its inventory of horses for sale. If you are interested in selling your horse through Apollo Farms please see below for services offered. If you feel your horse* would be a good candidate for the Apollo Farms consignment program, please contact us and/or send a video demonstrating your horse's talents.

General Services**

- Box stall, bedding, and cleaning
- Training, exercising, and care of the horse
- Tack
- Timothy hay, feed, and supplements
- Daily supplies
- Laundry
- Show rides/care
- Body clipping
- Medication management
- Blacksmith
- Veterinarian
- Transportation

* All consignment horses must be pre-approved by John Endicott.
** Fees vary based on types of services used.

Sales Horse Show

An Apollo Farms Horse Show is an all-encompassing event in which those who want to independently display their horses for sale, and those who want to see our inventory, can do so in one day!

Apollo Farms will host 4 'classes', in which a course of obstacles will be set at 1.1M, 1.2M, 1.3M, and 1.4M. For those interested in show entries, a separate 'trial arena' is available.

If you are interested in attending, or entering a horse in, one of our Horse Shows, please contact us for more information.

APOLLO FARMS

See our successful leased horses below.

Name: Albateh
Age: 14
Breed: Belgium Stallion
Notes: Shown 1.50
For lease or sale.

Name: Cartier
Age: 11
Breed: Dutch Gelding
Notes: Very careful winner
Modified Jr / Am.

APOLLO FARMS

HOME ABOUT UPDATES HORSES FOR SALE HORSES SOLD HORSES LEASED CONTACT US

CONTACT APOLLO FARMS | TRAVEL AND ACCOMMODATIONS

Required Field

Name

Email

Phone

Message

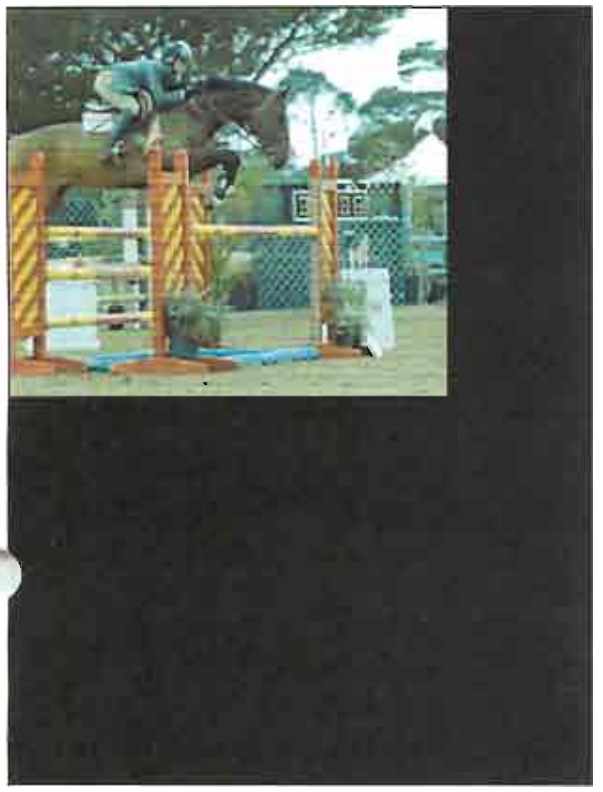
Send Message

2200 Stokes Canyon Road
Calabasas, CA 91302
(818) 878-3071 Barn/Fax
(310) 717-3940 John Endicott Cell
(561) 758-1438 Helen McNaught Cell

APOLLO FARMS

HOME ABOUT UPDATES HORSES FOR SALE HORSES SOLD HORSES LEASED CONTACT US

APOLLO FARMS | APOLLO FARMS STAFF | SERVICES OFFERED



Incorporated in 1993, Apollo Farms has become an internationally established sales barn. Based on integrity and a passion for the sport, John Endicott and the Apollo Farms team make every effort to maintain a diverse and talented inventory of showjumpers for sale. Each horse is carefully studied, cared for, and conditioned according to its specific needs.

During the show season, sale horses travel to, and compete in, A-rated horseshows in USEF Zone 10/Southern California circuit.

Contact us for more information, and/or to schedule a visit to the farm.

Jeff DeHaven, Malibu Valley Farms

In The News:

No Recent Articles

Biography and Highlights

Jeff DeHaven ... Born: Dec. 1, 1957, in Albany, Calif. ... DeHaven owned 1/32 of Afleet when he ran third in the 1988 Sprint. However, due to his small share in the horse, DeHaven considers Regal Thunder his first Breeders' Cup starter ... Family: wife, Kimberly; 3 1/2-year-old son, Chase; and a 1 1/2-year-old daughter, Savannah ... DeHaven went to Sacramento State University, then moved to the San Diego area, where he stayed for 14 years. His company transferred him up north to Fulsom, Calif., and eventually he opened his own business in Fulsom. He owns Natoma Advisers Inc., a merchant banking company that deals in real estate ... DeHaven was a San Diego Chargers fan and when he moved to San Diego, he bought season tickets. He had always admired the Spanos family, developers in Stockton, Calif., due to their contributions to the community. When the Spanos family bought the Chargers, DeHaven became an even bigger fan. He eventually designed silks bearing the Chargers' navy blue with a lightning bolt. The first horse to wear the silks was Sicy d'Alsace when she won the San Clemente Handicap. The day after the race, the Chargers' public relations office called DeHaven, who thought he was in trouble for using the Chargers' colors. To the contrary, the Spanos family thanked him for his support and invited him and his family to their skybox for a game ... History in the sport: In the late 1980s, DeHaven made his first venture in ownership and "took a pretty severe beating." He had a poor experience with bloodstock agents and withdrew from horse racing. However, he said he still loved the game and couldn't get it out of his system. About two years ago, he aligned himself with French bloodstock agent Hubert Guy and purchased a three-horse package from Guy that included Regal Thunder. The gelding has not been worse than third in 11 starts for DeHaven and partners and captured his first stakes event at Del Mar this summer, the Pat O'Brien Handicap ... Regal Thunder is the only horse DeHaven has in training with Julio Canani. "Basically, Julio took a piece of glass and turned it into a diamond," said DeHaven ... Current stable: DeHaven has nine horses in training. With the exception of Regal Thunder, all are with Nick Canani, Julio's son. Three stakes winners are among the bunch, including grade I winner Sicy d'Alsace and grade II winner Sayarshan. The latter broke down recently and left DeHaven "devastated. He was so sound. He just had a little bit of filling in a tendon and the vet said he was fine" ... DeHaven also has 25 broodmares and their offspring, including Regal Thunder's dam and full sister, which he boards at Malibu Valley Farms in Calabasas, Calif. The owner of Malibu Valley is Brian Boudreau, a partner in both Regal Thunder and Sicy d'Alsace.

Malibu Valley Farms ... Located in Calabasas, Calif. ... President: Brian Boudreau ... Malibu Valley Farms was founded in 1978 by Brian's father, the late Charles Boudreau, along with California breeder Fred Purner ... 70 acres of current farm property are used for Thoroughbred operation ... Through his Spectrum Development Co., Brian Boudreau is developing large estates with homes encompassing 8,000 to 9,000 square feet on 650 acres of former farm property ... Brian Boudreau is a partner with Jeff DeHaven and

others in several racehorses, including stakes winner Sicy d'Alsace ... Malibu Valley also owns six Thoroughbred broodmares and stands Kingdom of Spain as a stallion.

Dana Levy ... Resident: Agora Hills, Calif. ... Occupation: Real estate investor and agent ... Friend and associate of Brian Boudreau in real estate development ... Encouraged to participate in partnership that owns Regal Thunder by Boudreau ... Regal Thunder is first horse ever owned by Levy.

NOTE: *Biographies are from the Breeders' Cup World Championships events from 2001 through 2008 , and are intended as informational resources. Biographies will be updated if an individual is again a participant in the Breeders' Cup World Championships.*

IV. PROJECT DESCRIPTION

A. PROJECT APPLICANT

The applicant for the Malibu Valley Inn & Spa Project is Malibu Canyon L.P. a California Limited Partnership, 26885 Mulholland Highway, Calabasas, CA 91302.

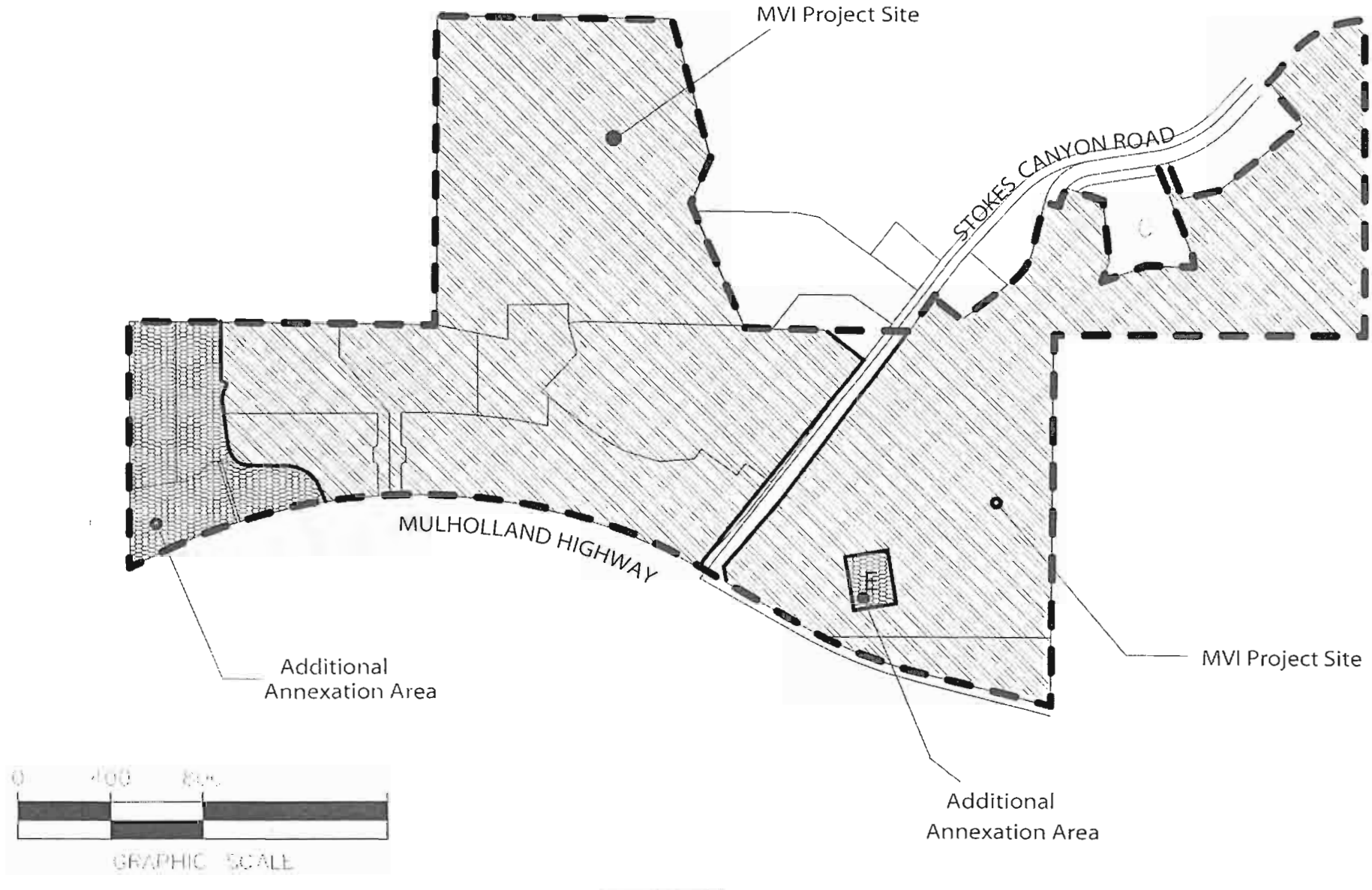
B. PROJECT LOCATION

The proposed Annexation Area (approximately 152.25 acres) is located in the Santa Monica Mountains area of western unincorporated Los Angeles County, adjacent to the City of Calabasas (see Section III, Environmental Setting, Figure III-1 and Figure III-2). More specifically, the Annexation Area is located at the northeast corner of the intersection of Mulholland Highway and Las Virgenes Road. Stokes Canyon Road (a roughly north-south roadway) bisects the Annexation Area into western and eastern portions. The western portion of the Annexation Area consists of a portion of the Project Site (i.e., the development area of the Malibu Valley Inn & Spa, 81.65 acres), and an Additional Annexation Area (i.e., the four unrelated lots, 9.49 acres). The eastern portion of the Annexation Area consists of the remainder of the Project Site (Malibu Valley Farms, 60.11 acres) and a one-acre Additional Annexation Area. The Annexation Area is generally bounded by Las Virgenes Road and vacant hillsides to the west, by Mulholland Highway to the south, by vacant hillsides and low density single family residences located along Stokes Canyon Road to the north, and by vacant hillsides to the east. Figure IV-1, Proposed Annexation Area, shows the location of the boundaries of the Annexation Area, and the location and boundaries the Project Site and Additional Annexation Areas.

As discussed above, the western Additional Annexation Area (9.49-acre portion of the Annexation Area (and not a part of the Malibu Valley Inn Project Site) consists of four legal lots bounded by Las Virgenes Road on the west, Mulholland Highway on the south, undeveloped hillsides to the north, and by the Malibu Valley Inn & Spa Project Site to the east.

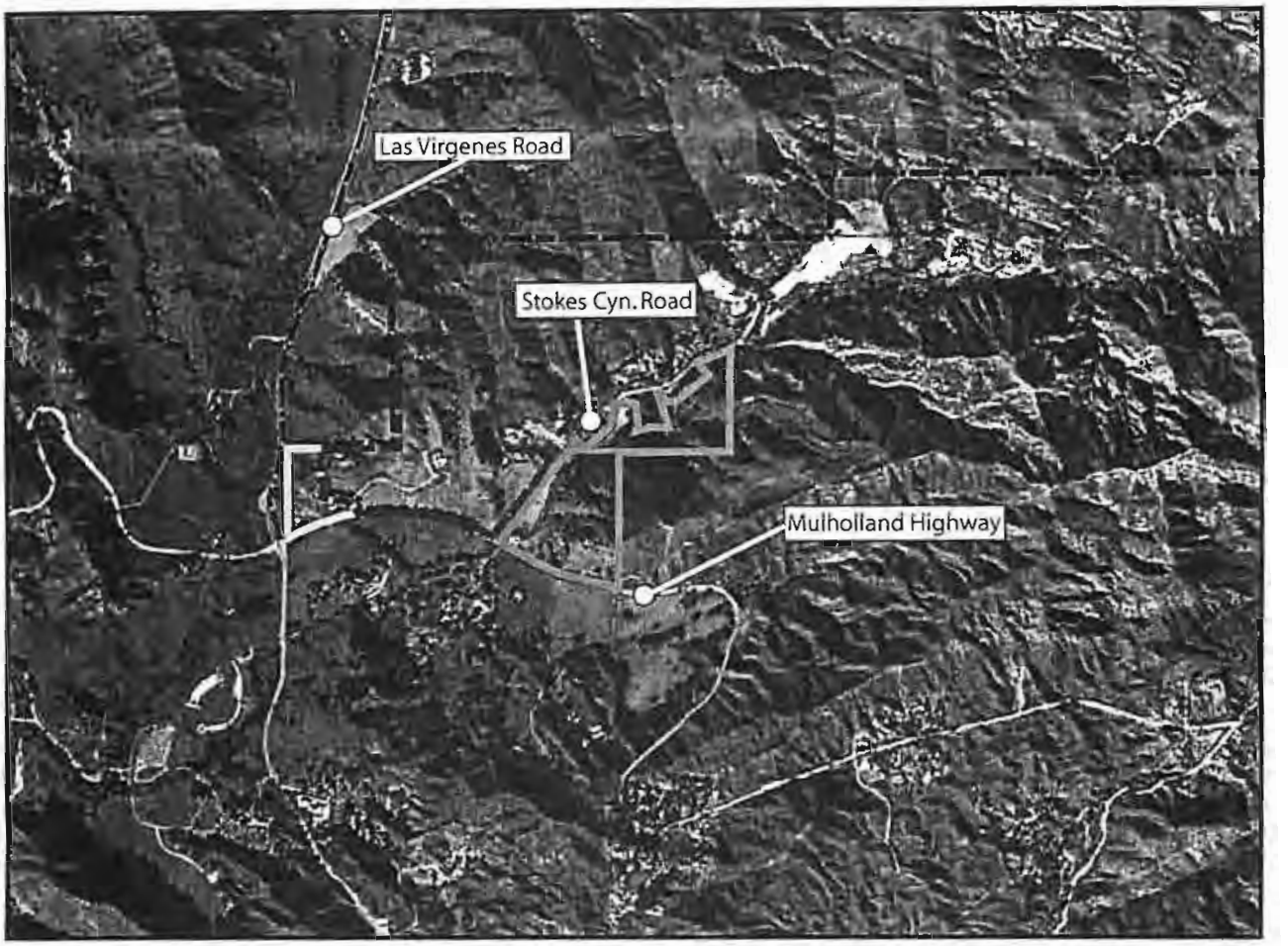
The Malibu Valley Inn & Spa Project Site is bounded by Additional Annexation Area to the west, Mulholland Highway to the south, vacant hillsides and low density single family homes to the north, and vacant hillsides to the east.

The Los Angeles Campus of SOKA University (totaling 588.5 acres) is located to the south and east of Mulholland Highway, directly across from the Annexation Area. The 7,472-acre Malibu Creek State Park is located on the west side of Las Virgenes Road, directly across from the Annexation Area.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure IV-1
Proposed Annexation Area



LEGEND

- Malibu Valley Inn and Spa Development Area
- Existing Equestrian Facility
- Additional Annexation Area
- City of Calabasas

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure III-4
Vicinity Aerial Photograph

Swim and Tennis Club	(1)	58 on-grade
Single-Family Residences	(5)	Not included in total count (minimum 2-car garage plus surface parking)
	Total	***408***

Proposed Project Landscape Plan

As shown in Figure IV-38, approximately 75% of the Project Site would be landscaped or retained as open space. A variety of species would be utilized incorporating trees, shrubs, ground cover, and perennials. The landscape design articulated by the applicant would contain a variety of native plant materials which are intended to blend in the new construction areas with existing surrounding native plant materials and also utilize a reduced level of water consumption. A preliminary Plant Pallet for proposed plant materials to be used in the landscape design is provided in Appendix 4-D. In addition, all landscaping would be designed to minimize fire hazard and conform to a long-term fuel modification plan in accordance with the requirements of the County of Los Angeles Fire Department.

Construction Schedule

Construction is anticipated to begin by April/May of 2006.

Malibu Valley Farms

The existing Malibu Valley Farms Equestrian Facility makes up the portion of the project site on the east side of Stokes Canyon Road. No new construction or expansion of the equestrian center or the undeveloped hillsides, in conjunction with the Proposed Malibu Valley Inn & Spa, is proposed. However, since this portion of the project site falls within the California Coastal Zone, it is subject to the land use authority of the California Coastal Commission. The Commission has determined that a Coastal Development Permit is required to operate the equestrian facility to ensure that water quality is regulated consistent with coastal development standards. In response to the water quality concerns expressed by the Commission, some minor realignment of the existing corrals will be conducted in order to provide greater separation from Stokes Canyon Creek (see Figure IV-37. The California Coastal Commission is currently reviewing the Coastal Development Permit Application for this existing facility.

D. ADDITIONAL ANNEXATION AREA OVERVIEW

As previously discussed, the Additional Annexation Area consists of four legal residential lots on the west side of the Project Site (comprising a total area of 9.49 acres) and a one-acre parcel on the east site of Stokes Canyon Road. These additional parcels are not part of the Proposed Project, but rather are proposed for annexation to prevent the creation of "peninsulas" of Los Angeles County jurisdiction surrounded by the City of Calabasas. No development on these lots has been proposed.

10 June, 2007

VIA FAX: (805) 641-1732

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: 4-06-163

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and urge that the Coastal Commission approve their Coastal Development Application No. 4-06-163. This farm has a part of the community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local ETI Corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in the area that provides so much to the community and it would be a huge loss if this farm no longer exists.

Malibu Valley Farms has proven time and again to be an operation that cares for their facilities, horses, community and the environment by going above and beyond what is required to ensure that there are no issues with waste. They even won the award from Los Angeles County for their Best Management Practices with regards to waste management. In its application for a Coastal Development Permit, Malibu Valley Farms is proposing a 50-foot set back from the creek and a water run-off mitigation plan which addresses any concerns the Commission may have with run off.

Malibu Valley Farms is a very important asset to its community. This farm cares about the environment and is proposing a very environmentally friendly plan as a solution to keeping both the farm and environment in the best condition possible. Please do not take this farm away from our community. Show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,

Judith E Walter

Ms. Judith Walter
27524 Rondell St.
Agoura Hills, CA 91301

cc: Malibu Valley Farms (via fax: (818) 880-5414)

STATE OF CALIFORNIA – THE RESOURCES AGENCY

Arnold Schwarzenegger, Governor

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

ADDENDUM

DATE: July 5, 2007

TO: Commissioners and Interested Parties

FROM: South Central District Staff

SUBJECT: Agenda Item **M 13e**
Application No. **4-06-163 (Malibu Valley Farms, Inc.)**

The purpose of this addendum is to attach correspondence to the Commission received from:

- Interested parties opposed to the proposed project (see attached **Exhibit 28**), and
- Interested parties supportive of the proposed project (see attached **Exhibit 29**).

The following letter was submitted along with identical letters from 44 other parties

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
05) 585-1800

M 13e

Filed:	3/21/07
49th Day:	5/9/07
180th Day:	9/17/07
Staff:	D. Christensen
Staff Report:	6/21/07
Hearing Date:	7/9/07

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: 4-06-163

APPLICANT: Malibu Valley Farms, Inc.

AGENT: Fred Gaines and Don Schmitz

PROJECT LOCATION: Northeast corner of Mulholland Highway and Stokes Canyon Road, Santa Monica Mountains (Los Angeles County)

APN NO: 4455-028-044

PROJECT DESCRIPTION: Request for after-the-fact approval for an equestrian facility, including a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 1,440 sq. ft. one-story barn, approximately 15,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek.

The proposed project also includes removal of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with 4-ft. porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft. The proposed project also includes new construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, two 225 sq. ft. manure storage areas, vegetative swales totaling 1,400 feet in length, an approximately 850 sq. ft. retention basin, 250 sq. ft. riprap pad, 65.8 cu. yds. of grading (32.9 cu. yds. cut, 32.9 cu. yds. fill), and 0.5-acre riparian restoration.

Lot Area:	***31.02 acres***
Lot Area within Coastal Zone (CZ):	***~28 acres***
Proposed development area (in CZ):	***~6 acres***
Zoning:	***Rural Land III (1 du/2 acres)***

SUMMARY OF STAFF RECOMMENDATION

Staff recommends ***DENIAL*** of the proposed project, as the project would allow extensive development to remain, and new development to occur, on an approximately 31.02 acre site

Continued on next page

containing riparian, oak woodland, and chaparral environmentally sensitive habitat areas, and that development either is or would be inconsistent with the Coastal Act's requirements to protect those environmentally sensitive habitat areas (ESHAs), streams, and water quality, as listed in Sections 30231, 30236, and 30240 of the Coastal Act. The development is also inconsistent with the visual resource protection policies of Section 30251. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. Staff notes that, with respect to the existing development, the Commission has already found it to be inconsistent with these policies, in the context of issuing two enforcement orders in November of last year. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

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

Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA in the Malibu-Santa Monica Mountains Land Use Plan (LUP). The policies of the LUP, which the Commission uses as guidance, require a minimum setback of 100 feet from all designated ESHA, prohibit alteration of streambeds in ESHA, require road crossings to be minimized, and require any such crossings that are unavoidable to consist of bridging. Staff biologist John Dixon visited the site on August 22, 2005, and has confirmed that the stream and surrounding riparian habitat are ESHA. Therefore, all of the ESHA protections, including the 100-foot setback, required by the LUP and the Coastal Act apply to those portions of this site.

The proposed equestrian facility, including the as-built components, is located in and adjacent to Stokes Creek. With proposed removal of various as-built structures on the site that currently abut the creek's riparian canopy, the proposed development will be situated approximately 30 feet from the edge of the riparian canopy at its closest point in the northern portion of the property, and approximately 10 feet from the riparian canopy in the southern portion of the property. The existing unpermitted arena in the northern portion of the property (for which the applicant proposes after-the-fact approval) is located approximately 30 feet west of the riparian dripline. The existing dirt paths that surround the arenas and structures (for which the applicant proposes after-the-fact approval) are situated immediately adjacent to the edge of the riparian canopy. In addition, the proposed project includes a request for after-the-fact approval for two at-grade dirt crossings of Stokes Creek, which have reduced the existing streambed to compacted bare soil, inconsistent with the ESHA protection standards of the Malibu-Santa Monica Mountains LUP. Drainage devices to capture and treat site runoff, consisting of vegetative swales and a retention basin, are proposed near the top of bank of Stokes Creek. Lastly, the proposed project includes livestock fencing enclosing an approximately 23-acre hillside area of the property east of Stokes Creek, which contains oak woodland and chaparral ESHA.

Continued on next page

A 100 foot buffer from the riparian woodland ESHA and the oak woodland ESHA is necessary to prevent impacts that would significantly degrade these ESHAs. Because the proposed development is set back less than 50 feet from the riparian woodland ESHA on the site and would not maintain an adequate natural vegetation buffer area to protect riparian habitat and water quality, the proposed development is inconsistent with Sections 30240(b) and 30231 of the Coastal Act, and the associated standards provided in the certified LUP for the area. The livestock fencing and the two proposed stream crossings that extend into the riparian canopy, which involve development directly in ESHA, are also inconsistent with Section 30240.

The two stream crossings would significantly disrupt habitat values of Stokes Creek by reducing the streambed to compacted bare soil and increasing the transport of pollutants into the stream, inconsistent not only with Section 30240, but with Section 30231 of the Coastal Act and the stream protection standards of the Malibu-Santa Monica Mountains LUP. The proposed crossings are furthermore inconsistent with the LUP policies regarding stream crossings and alteration of streams, and with Section 30236 of the Coastal Act. In addition, the proposed project would have significant adverse impacts on non-ESHA biological coastal resources, such as individual oak trees, inconsistent with Section 30250 of the Coastal Act.

Lastly, the subject as-built development replaced riparian habitat and oak woodland, chaparral, and coastal sage scrub vegetative communities with many structures, fencing, and access roads, including dirt road crossings through Stokes Creek, that are visible along a designated scenic highway and along public trails above the subject property. As such, the proposed development is not consistent with Section 30251 of the Coastal Act because it was not sited and designed to protect the scenic and visual characteristics of the surrounding area, and it contributes to a cumulative adverse impact of increased development along Stokes Creek and the adjacent upland areas.

In summary, the applicant's proposal would allow intensive equestrian-related development and livestock use within and adjacent to a riparian, oak woodland, and chaparral ESHA and is thus inconsistent with Coastal Act policies for the protection of environmentally sensitive habitat and water quality. As noted above, the proposed project is also inconsistent with the stream protection and visual resource policies of the Coastal Act. Furthermore, alternatives exist that would be consistent with Coastal Act policies. Therefore, staff recommends **denial** of the subject application.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, February 2, 2004; County of Los Angeles Environmental Review Board Evaluation, Consistent after Modifications, January 27, 2003; County of Los Angeles Fire Prevention Engineering Approval in Concept, June 5, 2002; County of Los Angeles Preliminary Fuel Modification Plan, December 18, 2002; State Water Resources Control Board Receipt of Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Construction Activity, WDID No. 419C330921, June 27, 2005; Letter re: Lake or Streambed Alteration Notification No. 1600-2004-0539-R5, California Department of Fish and Game, March 15, 2005.

SUBSTANTIVE FILE DOCUMENTS: "Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements," Frank Hovore & Associates, January 2002, updated October 2004; "Biological Assessment in Support of Malibu Valley Farms, Inc., Coastal Development Permit Application No. 4-02-131," Sapphos Environmental Inc., October 25, 2005; "Evaluation of Surface Water and Groundwater Quality

Impacts Resulting from the Proposed Equestrian Facility at 2200 Stokes Canyon Road, Calabasas, California," by Jones & Stokes, July 3, 2002; "Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas," California Coastal Commission, January 2007; Claim of Vested Rights File No. 4-00-279-VRC (Malibu Valley); "Malibu Valley Farms Comprehensive Management Plan", by Malibu Valley Farms, Inc., dated December 2006; Coastal Development Permit Application No. 4-02-131 (Malibu Valley Farms, Inc.); Claim of Vested Rights No. 4-00-279-VRC (Malibu Valley Farms, Inc.); Cease and Desist Order No. CCC-06-CD-14 and Restoration Order No. CCC-06-RO-07.

I. Staff Recommendation

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-06-163 for the development proposed by the applicant.***

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 grounds that the development will not conform with the policies of Chapter Three 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 Three. 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. Project Description

The applicant, Malibu Valley Farms, Inc. (MVF), requests after-the fact approval for an equestrian facility that is used for breeding, raising, training, stabling, exercising, rehabilitation, and boarding of horses. The facility includes a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 1,440 sq. ft. one-story barn, approximately 15,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek (**Exhibits 4-6**).

The proposed project includes removal of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls,

101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft.

The proposed project also includes new construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, two 225 sq. ft. manure storage areas, vegetative swales totaling 1,400 feet in length, an approximately 850 sq. ft. retention basin, 250 sq. ft. riprap pad, 65.8 cu. yds. of grading (32.9 cu. yds. cut, 32.9 cu. yds. fill), and 0.5-acre riparian restoration (**Exhibits 7-15**).

The applicant has not provided any information regarding the maximum number of horses that are intended to be maintained on the project site. However, a March 2005 Draft Environmental Impact Report (EIR) prepared for the proposed Malibu Valley Inn and Spa, which was to be developed by the applicant on a site located nearby, estimated that an average of 50 horses were stabled on the subject project site at that time. Based on the existing and proposed site facilities, staff estimates that a larger numbers of horses (approximately 76) could be accommodated.

The subject property is an approximately 31.02-acre parcel at the northeast corner of Mulholland Highway and Stokes Canyon Road in the Santa Monica Mountains area of unincorporated Los Angeles County (**Exhibits 1-2**). The parcel is bisected by the coastal zone boundary. The southern approximately 28 acres of the parcel is located within the coastal zone and is subject to the Coastal Commission's jurisdiction (**Exhibit 3**). Stokes Canyon Creek, an intermittent blue-line stream recognized by the United States Geological Survey (USGS), runs in a southwesterly direction through the western half of the parcel and supports riparian habitat within its boundaries and along its banks. The parcel area east of the creek consists of mountainous terrain containing chaparral, oak woodland, and annual grassland habitats; the parcel area west and south of the creek is level and contains the approximately six-acre unpermitted equestrian facility that is the subject of this application (**Exhibits 26, 27**).

The site is located immediately north of the former campus of Soka University, which is now public parkland. Scattered rural and residential development is located west and south of the project site, and undeveloped hillside containing primarily chaparral habitat is located to the east of the property. The site is visible from Mulholland Highway, a designated scenic highway in the Malibu-Santa Monica Mountains Land Use Plan (LUP), as well as from various public viewing points, including along the Backbone Trail and the Las Virgenes View trail, that afford scenic vistas of the relatively undisturbed natural area. Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA in the Malibu-Santa Monica Mountains Land Use Plan (LUP). Commission staff biologist John Dixon has visited the site, most recently on August 22, 2005, and has confirmed that the stream and surrounding riparian habitat, as well as the hillside oak woodland and chaparral habitat, on the site constitutes ESHA. In addition, some of the existing unpermitted development that the applicant proposes to retain is within the protected zones of individual oak trees outside of the hillside oak woodland.

Correspondence that has been received to date from interested parties in support of the proposed project are attached as **Exhibit 21**. Staff has received approximately 205 copies of the same letter from different individuals. One example of this letter has been attached. The letters express that the horse facility is a valuable asset to the equestrian community and should be preserved. Commissioner ex parte communications are attached as **Exhibit 22**.

B. Background

Previous Commission Actions on the Project Site

As described above, there is a large equestrian facility existing on the proposed project site. The Commission has not previously approved any coastal development permit for this development or any other development on the site. However, the Commission has taken several other actions that relate to the project site, including the denial of the applicant's claim of vested rights and the approval of Cease and Desist and Restoration Orders. Commission staff first became aware that there is unpermitted development on the site in 1999.

On November 20, 1998, Brian Boudreau, president of Malibu Valley Farms, Inc., submitted an exemption request for replacement of pipe corrals and related improvements that had been destroyed by wildfire in 1996. On December 7, 1998, the Commission issued Exemption Letter No. 4-98-125-X for replacement of 14 pipe corrals (totaling 2,500 sq. ft). However, the Commission rescinded this exemption letter shortly thereafter, in January 1999, because staff discovered that the equestrian facility on the site was constructed after the January 1, 1977 effectiveness date of the Coastal Act, without benefit of a coastal development permit. Exemptions from the Coastal Act's permit requirements for replacement of structures destroyed by disaster (Section 30610(g)) only apply to structures that were either legally constructed prior to the Coastal Act, or were constructed after the Coastal Act with the appropriate authorization under the Act.

Commission staff contacted Mr. Boudreau on January 14, 1999 and sent him a letter dated January 22, 1999 informing him that the exemption was revoked. The letter also stated that a Coastal Development Permit (CDP) is required for the horse riding area, polo field, numerous horse corrals, barn, and accessory buildings at the site and directed the applicant to submit a CDP application requesting after-the-fact approval of the unpermitted development.

Commission staff visited the site in November 1999 and March 2000. In March 2000, Commission staff notified Mr. Boudreau that it intended to initiate cease and desist order proceedings regarding the development at the site. Mr. Boudreau, Malibu Valley Farms, Inc., and Robert Levin, the owner of the property at the time, submitted a Statement of Defense dated April 10, 2000. The Executive Director scheduled a Cease and Desist Order hearing at the Commission's June 2000 meeting. However, just prior to the June 2000 hearing, MVF expressed a desire to cooperate and take necessary steps to resolve the violation and on June 12, 2000 submitted a Claim of Vested Rights application for all of the unpermitted development. On June 13, 2000, Malibu Valley, Inc. (a separate corporation also owned by Mr. Boudreau) submitted a Claim of Vested Rights application (Vested Rights Claim Application No. 4-00-279-VRC). The application contended that a vested right exists to conduct agricultural and livestock activities and erect and maintain structures in connection with those activities on the site.

A public hearing on Vested Rights Claim Application No. 4-00-279-VRC was scheduled for the February 2001 Commission meeting, with a staff recommendation of denial. On February 15, 2001, at the applicant's request, the hearing on the application was continued to allow for the submittal and processing of a coastal development permit application for the unpermitted development instead. More than a year later, the applicant submitted a CDP application (No. 4-02-131). Unfortunately, the CDP application did not contain enough information to deem the application "complete" under the applicable regulations. Over the next four years numerous contacts were made by Commission staff to the applicant attempting to obtain the necessary

information. In March 2006, the CDP application was deemed complete and Commission staff scheduled the hearing for the Commission's August 2006 hearing.

Unfortunately, after years of Commission staff time and effort to obtain the information necessary to complete the CDP application, and after preparation of a staff recommendation of denial for the Commission's consideration, the applicant withdrew the application (in a July 27, 2006 letter) just before the Commission hearing was to be held and stated that it wished to proceed with its Claim of Vested Rights application (4-00-279-VRC). This was the Vested Rights application that was previously scheduled for Commission action at the February 2001 hearing and postponed at the request of the applicant so it could submit the very CDP application (4-02-131) that it later withdrew in July 2006.

The Commission heard the applicant's Claim of Vested Right No. 4-00-279-VRC (Malibu Valley Farms, Inc.) at the November 2006 Commission hearing. The applicant claimed that it had a vested right to: "conduct agricultural and livestock activities on the property that were commenced prior to 1930, right to build new structures in connection with that use, and right to construct, operate, and maintain the equestrian facility that currently exists on the property". The Commission considered the applicant's claim, including supporting evidence. The Commission denied the applicant's claim, finding that the evidence provided by the applicant did not substantiate the claim of vested rights for any of the development existing on the project site. The findings adopted by the Commission in its denial of Vested Rights Claim 4-00-279-VRC are attached as **Exhibit 17**.

A Cease and Desist Order (CCC-06-CD-14) and Restoration Order (CCC-06-RO-07) regarding the subject development were also heard at the November 2006 Commission hearing, following the Commission's denial of the Claim of Vested Rights (**Exhibit 18**). The Commission approved the orders, requiring the applicant to cease and desist from maintaining the unpermitted development on the site, to remove the unpermitted development, and to restore the site (including the implementation of restorative grading, erosion control, and revegetation). However, the Commission also provided for the applicant to again submit a coastal development permit application to retain some or all of the unpermitted development on the site. Cease and Desist Order (CCC-06-CD-14) and Restoration Order (CCC-06-RO-07) contained the following provision:

> If a complete CDP application is not received within 60 days from issuance of these Orders (unless the Executive Director makes the determination that additional water quality studies cannot be completed within this timeframe) or if Respondent either withdraws the application or otherwise prevents it from coming to a hearing as per the Commission staff planned hearing schedule, Respondent shall remove all unpermitted development and restore these areas consistent with these Orders, set forth herein. Moreover, in the event that the Commission denies all or any part of such application, Respondent shall remove all unpermitted development, and restore these areas in the same manner and timeframes consistent with these Orders set forth herein.

In approving the orders, the Commission found that the development on the site meets the definition of "development" (as defined by Section 30106 of the Coastal Act), that it is subject to the permit requirements of Section 30600(a) of the Coastal Act, and that no permit had been approved for this development. The Commission further found that this unpermitted development is inconsistent with the applicable Chapter 3 policies of the Coastal Act, including Sections 30231, 30236, 30240, and 30251. It was found that Stokes Canyon Creek and its associated riparian woodland on the project site meet the definition of ESHA under the Coastal Act. The Commission found that the unpermitted development on the site is located within and

adjacent to the riparian ESHA, does not protect the ESHA from significant disruption of habitat values, and has not been sited or designed to prevent impacts that would significantly degrade the ESHA, inconsistent with Section 30240 of the Coastal Act. The Commission further found that the existing confined animal facility does not provide an adequate setback from Stokes Creek, resulting in degradation of water quality, inconsistent with the requirements of the LUP and Section 30231 of the Coastal Act. Additionally, the existing at-grade dirt crossings of Stokes Canyon Creek on the project site required alteration of the stream, but are not for any of the three permittable uses detailed in Section 30236 of the Coastal. As such, the Commission found that the unpermitted development is inconsistent with this policy as well. The Commission also found that the development is not consistent with Section 30251 of the Coastal Act in that it did not minimize alteration of landforms, was not sited or designed to protect the scenic and visual characteristics of the surrounding area, and that it contributes to a cumulative adverse impact of increased development along Stokes Creek and the adjacent upland areas. Finally, the Commission found that the unpermitted development on the site is causing continuing resource damage.

On December 12, 2006 the applicant submitted a new coastal development permit application (No. 4-06-163, the subject of this staff report). The subject permit application contains a few changes to the proposed project previously considered by staff under CDP application No. 4-02-131. These changes include the omission of a proposed 2,400 sq. ft. hay barn south of the northern riding arena, the removal of several structures situated just north of an existing barn, and the incorporation of a site-specific Comprehensive Management Plan that includes vegetative swales, bioretention basin, riparian restoration, and other Best Management Practices to control erosion and runoff from the equestrian facility. Again, the CDP application did not contain enough information to deem the application "complete" under the applicable regulations. After receiving additional information from the applicant, Commission staff deemed the application complete on March 21, 2007 and tentatively scheduled it for the July 2007 Commission hearing.

Previous Commission Actions on Equestrian Facilities in the Santa Monica Mountains

The Commission has considered coastal development permit applications for many equestrian facilities in the Santa Monica Mountains area, although none that have been of the same size, scale, or intensity as the project considered herein. The majority of the projects considered have involved facilities that are accessory to a residence. The Commission has long recognized that confined animal facilities are a major source of non-point source pollution and have the potential to significantly impact the water quality of coastal streams. Additionally, such facilities may result in other impacts associated with their construction, such as landform alteration, habitat displacement or disruption, fuel modification and vegetation removal required to provide fire protection, increased erosion and sedimentation. While the Commission has consistently required the clustering of development in order to minimize impacts to coastal resources, it is difficult to cluster equestrian facilities with other types of development like residential structures. This is because of health restrictions that require a separation of at least fifty feet between confined animal facilities and habitable structures.

The Commission has required equestrian facilities to be appropriately sited and designed to minimize impacts to coastal resources, including ESHA. The overall square footage of such facilities has been counted towards the total allowable development area for project sites that contain ESHA [4-02-110 (Khalsa); 4-03-085-A1 (WF Trust); 4-05-202 (Aurora Family LLC)]. Where there is a larger area on a project site that is not considered ESHA (as a result of clearance or grading that was permitted or carried out prior to the effective date of the Coastal

Act), the Commission has allowed larger facilities so long as they are constructed of non-combustible materials so that fuel modification is minimized [4-00-128 (Farinella); 4-00-143-A2 (Weeger); 4-05-042 (Weintraub); 4-06-032 (Giraldin)].

The Commission has considered several projects with equestrian facilities located in proximity to streams and riparian corridors and has consistently required that such facilities provide adequate buffers between the development and the canopy of riparian vegetation (if riparian vegetation is present). In Permit 4-00-055 (Stark), the Commission considered a residential project including a home and several accessory structures on a 63-acre site. This project site contained existing unpermitted equestrian facilities, including a 2,000 sq. ft. barn, 21,000 sq. ft. graded arena, and stream culverts within a riparian woodland and stream designated ESHA by the Malibu/Santa Monica Mountains LUP. In order to bring the development into conformity with the policies of Chapter 3 and the LUP, the applicant proposed and the Commission required the removal of all of the equestrian facilities, restorative grading, and riparian revegetation. A new barn and smaller arena located 300 feet from the stream was approved as part of the project.

The Commission approved Cease and Desist Order 03-CD-02, and Restoration Order 03-RO-03 (Teherani) to require the removal of unpermitted development, including 1) grading and fencing, 2) clearance of vegetation, 3) construction of a horse corral, 4) construction of a path/road from a previously permitted horse corral to the new, unpermitted horse corral, and 5) construction of railroad tie retaining walls, and restoration of all disturbed areas. The unpermitted development in this case was located within an oak woodland and adjacent to Cold Creek (a blue-line stream designated as ESHA by the Malibu/Santa Monica Mountains LUP). Both the oak woodland and riparian/stream habitats were determined by the Commission to constitute ESHA. The Commission found that the horse corral was constructed within the riparian area (therefore not providing an adequate buffer) and that it was impacting mature oak trees by allowing horses to compact the soil within the dripline. The Commission found that the unpermitted development was not consistent with Section 30240 of the Coastal Act. Further, the corral was located approximately 10 feet from the bank of Cold Creek, and the Commission found that, as long as it remained in that location, there was no means of preventing horse wastes from entering the stream, adversely impacting water quality. The Commission therefore found that the unpermitted development was inconsistent with Section 30231 of the Coastal Act. The Commission also found that the development resulted in increased erosion, inconsistent with Section 30253 of the Coastal Act and that it did not minimize alteration of landforms, inconsistent with Section 30251 of the Coastal Act. Finally, the Commission found that the unpermitted development was causing continuing resource damage. The owner was ordered to remove all of the unpermitted development, to restore the topography, and to implement a habitat restoration plan.

In Permit 4-03-117 (Teherani) for development on this same project site, the Commission approved the construction of an approximately 2,500 sq. ft. horse corral with three-rail split wood fencing and an approximately 35 foot long, 7 foot wide access path adjacent to an existing single family residence, with approximately 50 cu. yds. of grading (25 cu. yds. cut, 25 cu. yds. fill) on the same property. This new development was sited on an existing developed area of the project site that is over 100 feet from the oak woodland and riparian ESHA areas on the site. The Commission found this new development, as sited to provide an adequate buffer from the stream and ESHA, and as conditioned to employ animal waste containment management practices and drainage devices, would be consistent with the ESHA and water quality policies of the Coastal Act.

In Permit Application 4-03-022 (Rex), the Commission denied an after-the-fact request for a small equestrian facility as an accessory to a single family residence, consisting of an 836 sq. ft. horse corral, 45 sq. ft. hay shed, 13 ft. long retaining wall, and a new 144 sq. ft. awning on posts. The proposed development would have been located approximately 42 feet from the top of bank of an un-named tributary to Cold Creek. The on-site tributary is a blue-line stream and is designated ESHA by the Malibu/Santa Monica Mountains LUP. The Commission required development to be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. In denying this permit, the Commission found that not only did the proposed equestrian facilities not provide a 100 foot buffer, but that no area on the project site could provide this buffer, while maintaining the required 50 foot separation from the existing residence. The Commission found that this development would result in significant disruption to habitat values in the ESHA and would not maintain the biological productivity and quality of coastal waters and streams, inconsistent with Sections 30230, 30231 and 30240 of the Coastal Act, and the applicable policies of the LUP.

C. Standard of Review

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As noted above, the applicant's proposal includes a request for after-the-fact approval for equestrian facilities that were constructed after the January 1, 1977 effectiveness date of the Coastal Act without benefit of a coastal development permit. In evaluating such proposals, the Commission considers all development, including existing unpermitted development, as if it were not already constructed, and considers the condition of the site prior to any unpermitted development.

D. Environmentally Sensitive Habitat Areas

Section **30240** states:

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

Section **30107.5** of the Coastal Act defines an environmentally sensitive area as:

> ***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Section **30250(a)** of the Coastal Act states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has relied upon the following policies as guidance in its review of development proposals in the Santa Monica Mountains:

P57 Designate the following areas as Environmentally Sensitive Habitat_Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

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

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.

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.

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

Table 1 (ESHAs)

Land alteration and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands, and any areas designated as ESHAs by this LCP, except that controlled burns and

trails or roads constructed for providing access to recreational areas may be permitted consistent with other policies of the LCP.

Trails or roads permitted for recreation shall be constructed to minimize grading and runoff. A drainage control plan shall be implemented.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act. Road crossings shall be minimized, and where crossings are considered necessary, should be accomplished by bridging. Tree removal to accommodate the bridge should be minimized.

A minimum setback of 100 feet from the outer limit of the pre-existing riparian tree canopy shall be required for any structure associated with a permitted use within or adjacent to an Environmentally Sensitive Habitat Area.

Structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat. Approval of development shall be subject to review by the Environmental Review Board.

Section 30250 of the Coastal Act requires that development be located to ensure that significant adverse impacts, both individual and cumulative, be avoided. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

Environmentally Sensitive Habitat Determination

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must ask four questions:

1) What is the area of analysis?
2) Is there a rare habitat or species in the subject area?
3) Is there an especially valuable habitat or species in the area, based on:
    a) Does any habitat or species present have a special nature?
    b) Does any habitat or species present have a special role in the ecosystem?
4) Is any habitat or species that has met test 2 or 3 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is itself rare, as well as being especially valuable, because of its relatively pristine character, physical complexity, and resultant biological diversity. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act. Therefore, the habitat areas discussed below, which provide important roles in that ecosystem, are especially valuable because of that role and meet the second criterion for the ESHA designation. The subject site contains several habitat types that are part of the Santa Monica Mountains Mediterranean Ecosystem, including riparian woodland, oak woodland, and chaparral.

Woodlands that are native to the Santa Monica Mountains, such as oak woodlands and riparian woodlands, have many important and special roles in the ecosystem. Native trees prevent the

erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape.

In the Santa Monica Mountains, riparian woodland contains the greatest overall diversity of all the plant communities in the area, partly because of its multi-layered vegetation.[1] At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles[2]. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

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

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing[3], and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work[4] has

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[1] National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.
[2] Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.
[3] USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.
[4] Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. Southwestern Naturalist. (*in Press*).

found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat[5]. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed[6]. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost[7]. Writing at the same time as Faber, Bowler asserted that, *"[t]here is no question that riparian habitat in southern California is endangered."*[8] In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances[9]. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.[10] In addition, impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish[11]. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

More recently, surveys conducted in Spring 2006 found the invasive New Zealand mud snail (*Potamopyrgus atipodarum)* in the Malibu Creek watershed. The tiny snails reproduce rapidly and can achieve densities of up to 500,000 organisms per square meter. Because of their massive density and quantity, the New Zealand mud snail can out-compete and reduce the number of native aquatic invertebrates that the watershed's fish and amphibians rely on for

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[5] Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.
[6] Dr, Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.
[7] Faber, P.A., E, Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.
[8] Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 *in* Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.
[9] Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.
[10] Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.
[11] Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.

food. This reduction in aquatic invertebrate food supply can disrupt the entire food web with dramatic consequences.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act, as detailed in **Exhibit 16**.

Additionally, the important ecosystem functions of oak woodlands and savanna are widely recognized[12]. These habitats support a high diversity of birds[13], and provide refuge for many species of sensitive bats[14]. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats. Oak woodlands adjacent to grasslands, such as on the subject site, provide valuable perching opportunities for birds of prey who forage in the grasslands. Therefore, because of their important ecosystem functions and vulnerability to development, the Commission finds that oak woodlands and savanna within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Further, In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in **Exhibit 16**, which is incorporated herein, the Commission finds that large, contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP[15].

The subject parcel contains varied terrain and habitats. Stokes Canyon Creek, a stream recognized by the United States Geological Survey (USGS) as an intermittent blue-line stream, runs in a southwesterly direction through the western half of the parcel. The parcel area east of the creek consists of mountainous terrain containing chaparral habitat, Coast live oak woodland, and annual grassland; the parcel area west and south of the creek is level and is the location of the approximately six-acre proposed equestrian facility that is the subject of this application. This area was graded and disturbed in the 1950's when Los Angeles County constructed the 60-foot wide Stokes Canyon Road off Mulholland Highway. The road alignment required channelizing and relocating portions of Stokes Canyon Creek. Particularly, in the area of the proposed equestrian facility on the subject parcel, the stream channel was relocated from the area where Stokes Canyon Road is now situated to its present configuration. Although this

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

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

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

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

reach of Stokes Canyon Creek was significantly altered in the past, the hydrological connections from the Stokes Canyon watershed to the stream have been maintained and riparian habitat has been established within and along the banks of the modified stream course, as discussed further below.

The applicant has submitted two biological reports that discuss the habitats on site ("Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements," Frank Hovore & Associates, January 2002, updated October 2004; "Biological Assessment in Support of Malibu Valley Farms, Inc., Coastal Development Permit Application No. 4-02-131," Sapphos Environmental Inc., October 25, 2005). The report by Sapphos Environmental provides a map that shows the location of the varied habitats on the subject parcel (**Exhibit 26**).

Stokes Canyon Creek and its associated riparian canopy is a designated inland environmentally sensitive habitat area (ESHA) in the certified Malibu-Santa Monica Mountains LUP. The riparian canopy contains native riparian woodland species including arroyo willow, mulefat and elderberry. The October 2004 biological report by Frank Hovore & Associates states that the riparian habitat is not typical of southern riparian scrub habitat. This report states that:

> A thin, but relatively well-developed mulefat and willow-dominated riparian scrub vegetation occupied the bed and bank of the reach of Stokes Creek passing by and through the facility during surveys. Other woody riparian species present within the banks of the seasonal creek include a few blue elderberry, coffeeberry, Indian tobacco, and bush mallow. The hydrophytic herbaceous component is not well developed, reflecting the ephemeral hydrology, sandy substrate and episodic scouring flows of the water course.

The report goes on to discuss that no sensitive plant or animal species were identified on the site even though riparian habitat might be expected to support them. Of course, it should be noted that these biological surveys were conducted after the unpermitted development had been in place and the facilities were in operation for over 25 years. There is no discussion in the report regarding the likely effects that the ongoing disturbance has had on the stream and riparian habitat or how the riparian habitat in Stokes Creek would be constituted without the impacts that have resulted. Because the existing development on the site has been determined to be unpermitted, as discussed above, the Commission must consider the application as though the development had not occurred and must regard the habitat on the site as though it had not previously been disturbed by this development. Commission staff, including staff biologist John Dixon, have observed native vegetation on the site that is typical of riparian woodlands in the Santa Monica Mountains. Commission staff biologist John Dixon visited the site on August 22, 2005, and has confirmed that Stokes Creek and its associated riparian woodland habitat on the site meet the definition of ESHA pursuant to Section 30107.5 of the Coastal Act. Therefore, the Commission finds the riparian habitat along Stokes Creek on the project site to be an environmentally sensitive habitat area.

In addition, the hillside east of the creek contains an extensive oak woodland, covering approximately 10 acres and containing hundreds of trees, that was also confirmed by staff biologist John Dixon to meet the definition of an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Additionally, although this area is not shown as ESHA on the Malibu/Santa Monica Mountains Land Use Plan Sensitive Resource Map, there is a provision detailed under Policy 57 of the Malibu-Santa Monica Mountains LUP for ESHA not shown as ESHA on the map to be so designated as part of a site specific biotic review or other

means. The Commission finds that, based on the site specific review of the habitats on the project site by Dr. Dixon, that the oak woodland habitat on the project site is ESHA.

In addition, the hillside in the northeast portion of the property contains chaparral habitat that is contiguous with a larger area of chaparral and coastal sage scrub habitat that extends several miles east of the site. Thus the chaparral on the subject site also is considered an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act and the provisions for ESHA designation under Policy 57 of the Malibu-Santa Monica Mountains LUP.

For all of the reasons discussed above, the Commission finds that Stokes Canyon Creek and its associated riparian woodland on the subject site, as well as the chaparral and oak woodland habitats on the subject site, meet the definition of ESHA under the Coastal Act.

Environmentally Sensitive Habitat Protection Policies

Section 30240 requires that "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." Section 30240(b) requires development adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade ESHA, and to be compatible with the continuance of adjacent ESHA.

Additionally, the Los Angeles County certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that require the protection of streams and environmentally sensitive habitat areas. While the County does not have a fully certified Local Coastal Plan, and the standard of review for Commission decisions on coastal developments in the Santa Monica Mountains is the Coastal Act, the Commission has used the policies of the LUP as guidance. The Table 1 (ESHA) development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP limit uses adjacent to ESHA to permitted uses that are set back a minimum of 100 feet, and that are consistent with appropriate erosion control and stream protection policies, as well as any other LUP Policy. Table 1 also requires that a minimum 100-foot setback be provided from the ESHA for structures associated with a permitted use and that this setback is measured from the outer edge of the riparian canopy.

Analysis of Project Impacts

The applicant requests after-the-fact approval for construction of an approximately six-acre equestrian facility, including two riding arenas, fencing, a dirt access road with at-grade crossing through Stokes Creek, corrals, paddock, shelters, tack rooms, barn, and similar structures, as described fully in Section A. above. The proposed project also includes removal of 32 pipe corrals, and several covered corrals, cross-tie areas, storage containers, and tack rooms. In addition, the proposed project includes reduction in the size of the fenced paddock area and construction of four covered pipe barns, two shelters, three tack rooms, and two manure storage areas as also detailed in Section A. above. Finally, the applicant proposes storm water pollution control measures, streambank stabilization, and riparian restoration.

Although the applicant has not provided information regarding the maximum number of horses that it proposes to maintain on the site, the March 2005 Draft Environmental Impact Report (EIR) that was prepared for the nearby Malibu Valley Inn and Spa project (that was to have been developed by the applicant) estimates that an average of 50 horses were stabled on the project site at that time. Based on the proposed new and as-built facilities used for horse

adjacent to the riparian ESHA, does not protect the ESHA from significant disruption of habitat values, and has not been sited or designed to prevent impacts that would significantly degrade the ESHA, inconsistent with Section 30240 of the Coastal Act. The Commission further found that the existing confined animal facility does not provide an adequate setback from Stokes Creek, resulting in degradation of water quality, inconsistent with the requirements of the LUP and Section 30231 of the Coastal Act. Additionally, the existing at-grade dirt crossings of Stokes Canyon Creek on the project site required alteration of the stream, but are not for any of the three permittable uses detailed in Section 30236 of the Coastal. As such, the Commission found that the unpermitted development is inconsistent with this policy as well. The Commission also found that the development is not consistent with Section 30251 of the Coastal Act in that it did not minimize alteration of landforms, was not sited or designed to protect the scenic and visual characteristics of the surrounding area, and that it contributes to a cumulative adverse impact of increased development along Stokes Creek and the adjacent upland areas. Finally, the Commission found that the unpermitted development on the site is causing continuing resource damage.

On December 12, 2006 the applicant submitted a new coastal development permit application (No. 4-06-163, the subject of this staff report). The subject permit application contains a few changes to the proposed project previously considered by staff under CDP application No. 4-02-131. These changes include the omission of a proposed 2,400 sq. ft. hay barn south of the northern riding arena, the removal of several structures situated just north of an existing barn, and the incorporation of a site-specific Comprehensive Management Plan that includes vegetative swales, bioretention basin, riparian restoration, and other Best Management Practices to control erosion and runoff from the equestrian facility. Again, the CDP application did not contain enough information to deem the application "complete" under the applicable regulations. After receiving additional information from the applicant, Commission staff deemed the application complete on March 21, 2007 and tentatively scheduled it for the July 2007 Commission hearing.

Previous Commission Actions on Equestrian Facilities in the Santa Monica Mountains

The Commission has considered coastal development permit applications for many equestrian facilities in the Santa Monica Mountains area, although none that have been of the same size, scale, or intensity as the project considered herein. The majority of the projects considered have involved facilities that are accessory to a residence. The Commission has long recognized that confined animal facilities are a major source of non-point source pollution and have the potential to significantly impact the water quality of coastal streams. Additionally, such facilities may result in other impacts associated with their construction, such as landform alteration, habitat displacement or disruption, fuel modification and vegetation removal required to provide fire protection, increased erosion and sedimentation. While the Commission has consistently required the clustering of development in order to minimize impacts to coastal resources, it is difficult to cluster equestrian facilities with other types of development like residential structures. This is because of health restrictions that require a separation of at least fifty feet between confined animal facilities and habitable structures.

The Commission has required equestrian facilities to be appropriately sited and designed to minimize impacts to coastal resources, including ESHA. The overall square footage of such facilities has been counted towards the total allowable development area for project sites that contain ESHA [4-02-110 (Khalsa); 4-03-085-A1 (WF Trust); 4-05-202 (Aurora Family LLC)]. Where there is a larger area on a project site that is not considered ESHA (as a result of clearance or grading that was permitted or carried out prior to the effective date of the Coastal

Act), the Commission has allowed larger facilities so long as they are constructed of non-combustible materials so that fuel modification is minimized [4-00-128 (Farinella); 4-00-143-A2 (Weeger); 4-05-042 (Weintraub); 4-06-032 (Giraldin)].

The Commission has considered several projects with equestrian facilities located in proximity to streams and riparian corridors and has consistently required that such facilities provide adequate buffers between the development and the canopy of riparian vegetation (if riparian vegetation is present). In Permit 4-00-055 (Stark), the Commission considered a residential project including a home and several accessory structures on a 63-acre site. This project site contained existing unpermitted equestrian facilities, including a 2,000 sq. ft. barn, 21,000 sq. ft. graded arena, and stream culverts within a riparian woodland and stream designated ESHA by the Malibu/Santa Monica Mountains LUP. In order to bring the development into conformity with the policies of Chapter 3 and the LUP, the applicant proposed and the Commission required the removal of all of the equestrian facilities, restorative grading, and riparian revegetation. A new barn and smaller arena located 300 feet from the stream was approved as part of the project.

The Commission approved Cease and Desist Order 03-CD-02, and Restoration Order 03-RO-03 (Teherani) to require the removal of unpermitted development, including 1) grading and fencing, 2) clearance of vegetation, 3) construction of a horse corral, 4) construction of a path/road from a previously permitted horse corral to the new, unpermitted horse corral, and 5) construction of railroad tie retaining walls, and restoration of all disturbed areas. The unpermitted development in this case was located within an oak woodland and adjacent to Cold Creek (a blue-line stream designated as ESHA by the Malibu/Santa Monica Mountains LUP). Both the oak woodland and riparian/stream habitats were determined by the Commission to constitute ESHA. The Commission found that the horse corral was constructed within the riparian area (therefore not providing an adequate buffer) and that it was impacting mature oak trees by allowing horses to compact the soil within the dripline. The Commission found that the unpermitted development was not consistent with Section 30240 of the Coastal Act. Further, the corral was located approximately 10 feet from the bank of Cold Creek, and the Commission found that, as long as it remained in that location, there was no means of preventing horse wastes from entering the stream, adversely impacting water quality. The Commission therefore found that the unpermitted development was inconsistent with Section 30231 of the Coastal Act. The Commission also found that the development resulted in increased erosion, inconsistent with Section 30253 of the Coastal Act and that it did not minimize alteration of landforms, inconsistent with Section 30251 of the Coastal Act. Finally, the Commission found that the unpermitted development was causing continuing resource damage. The owner was ordered to remove all of the unpermitted development, to restore the topography, and to implement a habitat restoration plan.

In Permit 4-03-117 (Teherani) for development on this same project site, the Commission approved the construction of an approximately 2,500 sq. ft. horse corral with three-rail split wood fencing and an approximately 35 foot long, 7 foot wide access path adjacent to an existing single family residence, with approximately 50 cu. yds. of grading (25 cu. yds. cut, 25 cu. yds. fill) on the same property. This new development was sited on an existing developed area of the project site that is over 100 feet from the oak woodland and riparian ESHA areas on the site. The Commission found this new development, as sited to provide an adequate buffer from the stream and ESHA, and as conditioned to employ animal waste containment management practices and drainage devices, would be consistent with the ESHA and water quality policies of the Coastal Act.

In Permit Application 4-03-022 (Rex), the Commission denied an after-the-fact request for a small equestrian facility as an accessory to a single family residence, consisting of an 836 sq. ft. horse corral, 45 sq. ft. hay shed, 13 ft. long retaining wall, and a new 144 sq. ft. awning on posts. The proposed development would have been located approximately 42 feet from the top of bank of an un-named tributary to Cold Creek. The on-site tributary is a blue-line stream and is designated ESHA by the Malibu/Santa Monica Mountains LUP. The Commission required development to be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. In denying this permit, the Commission found that not only did the proposed equestrian facilities not provide a 100 foot buffer, but that no area on the project site could provide this buffer, while maintaining the required 50 foot separation from the existing residence. The Commission found that this development would result in significant disruption to habitat values in the ESHA and would not maintain the biological productivity and quality of coastal waters and streams, inconsistent with Sections 30230, 30231 and 30240 of the Coastal Act, and the applicable policies of the LUP.

C. Standard of Review

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As noted above, the applicant's proposal includes a request for after-the-fact approval for equestrian facilities that were constructed after the January 1, 1977 effectiveness date of the Coastal Act without benefit of a coastal development permit. In evaluating such proposals, the Commission considers all development, including existing unpermitted development, as if it were not already constructed, and considers the condition of the site prior to any unpermitted development.

D. Environmentally Sensitive Habitat Areas

Section **30240** states:

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

Section **30107.5** of the Coastal Act defines an environmentally sensitive area as:

> ***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Section **30250(a)** of the Coastal Act states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has relied upon the following policies as guidance in its review of development proposals in the Santa Monica Mountains:

P57 Designate the following areas as Environmentally Sensitive Habitat_Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

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

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.

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.

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

Table 1 (ESHAs)

Land alteration and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands, and any areas designated as ESHAs by this LCP, except that controlled burns and

trails or roads constructed for providing access to recreational areas may be permitted consistent with other policies of the LCP.

Trails or roads permitted for recreation shall be constructed to minimize grading and runoff. A drainage control plan shall be implemented.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act. Road crossings shall be minimized, and where crossings are considered necessary, should be accomplished by bridging. Tree removal to accommodate the bridge should be minimized.

A minimum setback of 100 feet from the outer limit of the pre-existing riparian tree canopy shall be required for any structure associated with a permitted use within or adjacent to an Environmentally Sensitive Habitat Area.

Structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat. Approval of development shall be subject to review by the Environmental Review Board.

Section 30250 of the Coastal Act requires that development be located to ensure that significant adverse impacts, both individual and cumulative, be avoided. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

Environmentally Sensitive Habitat Determination

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must ask four questions:

1) What is the area of analysis?
2) Is there a rare habitat or species in the subject area?
3) Is there an especially valuable habitat or species in the area, based on:
    a) Does any habitat or species present have a special nature?
    b) Does any habitat or species present have a special role in the ecosystem?
4) Is any habitat or species that has met test 2 or 3 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is itself rare, as well as being especially valuable, because of its relatively pristine character, physical complexity, and resultant biological diversity. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act. Therefore, the habitat areas discussed below, which provide important roles in that ecosystem, are especially valuable because of that role and meet the second criterion for the ESHA designation. The subject site contains several habitat types that are part of the Santa Monica Mountains Mediterranean Ecosystem, including riparian woodland, oak woodland, and chaparral.

Woodlands that are native to the Santa Monica Mountains, such as oak woodlands and riparian woodlands, have many important and special roles in the ecosystem. Native trees prevent the

erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape.

In the Santa Monica Mountains, riparian woodland contains the greatest overall diversity of all the plant communities in the area, partly because of its multi-layered vegetation.[1] At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles[2]. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

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

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing[3], and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work[4] has

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[1] National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.
[2] Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.
[3] USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.
[4] Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. Southwestern Naturalist. (*in Press*).

found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat[5]. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed[6]. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost[7]. Writing at the same time as Faber, Bowler asserted that, *"[t]here is no question that riparian habitat in southern California is endangered."*[8] In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances[9]. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.[10] In addition, impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish[11]. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

More recently, surveys conducted in Spring 2006 found the invasive New Zealand mud snail (*Potamopyrgus atipodarum)* in the Malibu Creek watershed. The tiny snails reproduce rapidly and can achieve densities of up to 500,000 organisms per square meter. Because of their massive density and quantity, the New Zealand mud snail can out-compete and reduce the number of native aquatic invertebrates that the watershed's fish and amphibians rely on for

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[5] Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.
[6] Dr, Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.
[7] Faber, P.A., E, Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.
[8] Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 *in* Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.
[9] Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.
[10] Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.
[11] Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.

food. This reduction in aquatic invertebrate food supply can disrupt the entire food web with dramatic consequences.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act, as detailed in **Exhibit 16**.

Additionally, the important ecosystem functions of oak woodlands and savanna are widely recognized[12]. These habitats support a high diversity of birds[13], and provide refuge for many species of sensitive bats[14]. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats. Oak woodlands adjacent to grasslands, such as on the subject site, provide valuable perching opportunities for birds of prey who forage in the grasslands. Therefore, because of their important ecosystem functions and vulnerability to development, the Commission finds that oak woodlands and savanna within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Further, In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in **Exhibit 16**, which is incorporated herein, the Commission finds that large, contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP[15].

The subject parcel contains varied terrain and habitats. Stokes Canyon Creek, a stream recognized by the United States Geological Survey (USGS) as an intermittent blue-line stream, runs in a southwesterly direction through the western half of the parcel. The parcel area east of the creek consists of mountainous terrain containing chaparral habitat, Coast live oak woodland, and annual grassland; the parcel area west and south of the creek is level and is the location of the approximately six-acre proposed equestrian facility that is the subject of this application. This area was graded and disturbed in the 1950's when Los Angeles County constructed the 60-foot wide Stokes Canyon Road off Mulholland Highway. The road alignment required channelizing and relocating portions of Stokes Canyon Creek. Particularly, in the area of the proposed equestrian facility on the subject parcel, the stream channel was relocated from the area where Stokes Canyon Road is now situated to its present configuration. Although this

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

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

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

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

reach of Stokes Canyon Creek was significantly altered in the past, the hydrological connections from the Stokes Canyon watershed to the stream have been maintained and riparian habitat has been established within and along the banks of the modified stream course, as discussed further below.

The applicant has submitted two biological reports that discuss the habitats on site ("Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements," Frank Hovore & Associates, January 2002, updated October 2004; "Biological Assessment in Support of Malibu Valley Farms, Inc., Coastal Development Permit Application No. 4-02-131," Sapphos Environmental Inc., October 25, 2005). The report by Sapphos Environmental provides a map that shows the location of the varied habitats on the subject parcel (**Exhibit 26**).

Stokes Canyon Creek and its associated riparian canopy is a designated inland environmentally sensitive habitat area (ESHA) in the certified Malibu-Santa Monica Mountains LUP. The riparian canopy contains native riparian woodland species including arroyo willow, mulefat and elderberry. The October 2004 biological report by Frank Hovore & Associates states that the riparian habitat is not typical of southern riparian scrub habitat. This report states that:

> A thin, but relatively well-developed mulefat and willow-dominated riparian scrub vegetation occupied the bed and bank of the reach of Stokes Creek passing by and through the facility during surveys. Other woody riparian species present within the banks of the seasonal creek include a few blue elderberry, coffeeberry, Indian tobacco, and bush mallow. The hydrophytic herbaceous component is not well developed, reflecting the ephemeral hydrology, sandy substrate and episodic scouring flows of the water course.

The report goes on to discuss that no sensitive plant or animal species were identified on the site even though riparian habitat might be expected to support them. Of course, it should be noted that these biological surveys were conducted after the unpermitted development had been in place and the facilities were in operation for over 25 years. There is no discussion in the report regarding the likely effects that the ongoing disturbance has had on the stream and riparian habitat or how the riparian habitat in Stokes Creek would be constituted without the impacts that have resulted. Because the existing development on the site has been determined to be unpermitted, as discussed above, the Commission must consider the application as though the development had not occurred and must regard the habitat on the site as though it had not previously been disturbed by this development. Commission staff, including staff biologist John Dixon, have observed native vegetation on the site that is typical of riparian woodlands in the Santa Monica Mountains. Commission staff biologist John Dixon visited the site on August 22, 2005, and has confirmed that Stokes Creek and its associated riparian woodland habitat on the site meet the definition of ESHA pursuant to Section 30107.5 of the Coastal Act. Therefore, the Commission finds the riparian habitat along Stokes Creek on the project site to be an environmentally sensitive habitat area.

In addition, the hillside east of the creek contains an extensive oak woodland, covering approximately 10 acres and containing hundreds of trees, that was also confirmed by staff biologist John Dixon to meet the definition of an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Additionally, although this area is not shown as ESHA on the Malibu/Santa Monica Mountains Land Use Plan Sensitive Resource Map, there is a provision detailed under Policy 57 of the Malibu-Santa Monica Mountains LUP for ESHA not shown as ESHA on the map to be so designated as part of a site specific biotic review or other

means. The Commission finds that, based on the site specific review of the habitats on the project site by Dr. Dixon, that the oak woodland habitat on the project site is ESHA.

In addition, the hillside in the northeast portion of the property contains chaparral habitat that is contiguous with a larger area of chaparral and coastal sage scrub habitat that extends several miles east of the site. Thus the chaparral on the subject site also is considered an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act and the provisions for ESHA designation under Policy 57 of the Malibu-Santa Monica Mountains LUP.

For all of the reasons discussed above, the Commission finds that Stokes Canyon Creek and its associated riparian woodland on the subject site, as well as the chaparral and oak woodland habitats on the subject site, meet the definition of ESHA under the Coastal Act.

Environmentally Sensitive Habitat Protection Policies

Section 30240 requires that "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." Section 30240(b) requires development adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade ESHA, and to be compatible with the continuance of adjacent ESHA.

Additionally, the Los Angeles County certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that require the protection of streams and environmentally sensitive habitat areas. While the County does not have a fully certified Local Coastal Plan, and the standard of review for Commission decisions on coastal developments in the Santa Monica Mountains is the Coastal Act, the Commission has used the policies of the LUP as guidance. The Table 1 (ESHA) development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP limit uses adjacent to ESHA to permitted uses that are set back a minimum of 100 feet, and that are consistent with appropriate erosion control and stream protection policies, as well as any other LUP Policy. Table 1 also requires that a minimum 100-foot setback be provided from the ESHA for structures associated with a permitted use and that this setback is measured from the outer edge of the riparian canopy.

Analysis of Project Impacts

The applicant requests after-the-fact approval for construction of an approximately six-acre equestrian facility, including two riding arenas, fencing, a dirt access road with at-grade crossing through Stokes Creek, corrals, paddock, shelters, tack rooms, barn, and similar structures, as described fully in Section A. above. The proposed project also includes removal of 32 pipe corrals, and several covered corrals, cross-tie areas, storage containers, and tack rooms. In addition, the proposed project includes reduction in the size of the fenced paddock area and construction of four covered pipe barns, two shelters, three tack rooms, and two manure storage areas as also detailed in Section A. above. Finally, the applicant proposes storm water pollution control measures, streambank stabilization, and riparian restoration.

Although the applicant has not provided information regarding the maximum number of horses that it proposes to maintain on the site, the March 2005 Draft Environmental Impact Report (EIR) that was prepared for the nearby Malibu Valley Inn and Spa project (that was to have been developed by the applicant) estimates that an average of 50 horses were stabled on the project site at that time. Based on the proposed new and as-built facilities used for horse

breeding, raising, training, stabling, exercising, boarding and rehabilitation of horses, staff estimates that the project will provide stalls for approximately 76 horses.

The proposed equestrian facility can be divided into two areas: the northern area, on which the applicant proposes four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, one manure storage area, and an approximately 45,000 sq. ft. riding arena; and the southern area, located south of Stokes Creek, between the stream and Mulholland Highway, on which the applicant proposes a 576 sq. ft. shelter, 1,440 sq. ft. barn, 2,660 sq. ft. mare motel, one manure storage area, an approximately 2,000 sq. ft. parking lot, approximately 24,000 sq. ft. riding arena, and approximately 15,000 sq. ft. fenced paddock. In addition, the northern and southern portions of the facility will be linked by an as-built dirt access road with at-grade crossing through Stokes Creek; the road crosses the creek at the northern riding arena, and then runs parallel to the paddock and smaller arena in the southern portion of the property. A second existing at-grade dirt creek crossing, to be retained as part of the proposed project, runs from the southwest corner of the northern arena to the stable area in the southern portion of the property. Lastly, the proposed project includes livestock fencing enclosing the approximately 23-acre hillside area of the property east of Stokes Creek.

The proposed new and as-built facilities provide a setback of 50 feet from the top of bank of Stokes Canyon Creek. However, the Table 1 development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP, which the Commission uses as guidance, require that structures adjacent to ESHA be set back a minimum of 100 feet from the outer edge of the riparian tree canopy, not the top of the bank of whatever stream happens to be located within the ESHA. When properly measured from the outer edge of the riparian canopy, portions of the proposed equestrian facilities do not even meet a 50-foot setback. The proposed pipe barns and associated development in the northern portion of the property are approximately 30 feet from the edge of the riparian canopy at its closest point. The proposed arena in the northern portion of the property is located as close as 30 feet from the riparian tree canopy. In the southern portion of the site, the proposed development is located as close as 10 feet from the edge of the riparian vegetation canopy. Portions of the dirt access road network that encircles all of the proposed structures and arenas on the site are situated immediately adjacent to the edge of the riparian canopy (**Exhibit 23**).

As noted above, the applicant requests approval for construction of an approximately six-acre equestrian facility within and adjacent to a riparian woodland ESHA, and livestock fencing enclosing the approximately 23-acre hillside area east of Stokes Creek, which contains chaparral and oak woodland ESHA. The portions of the proposed development that are within ESHA are inconsistent with Section 30240 of the Coastal Act. Equestrian facilities and livestock enclosures do not have to be located within ESHA to function. Therefore, the Commission finds that the proposed development within ESHA is not a use dependent on ESHA resources. Thus, the livestock fencing and the two proposed stream crossings that extend into the riparian canopy, which involve development directly in ESHA, are inconsistent with Section 30240.

Furthermore, the two stream crossings would significantly disrupt habitat values of Stokes Creek by reducing the streambed to compacted bare soil and increasing the transport of pollutants into the stream, inconsistent not only with Section 30240, but with Section 30231 of the Coastal Act and the stream protection standards of the Malibu-Santa Monica Mountains LUP. The LUP also prohibits alteration of streambeds in ESHA, requires road crossings to be minimized, and requires any such crossings that are unavoidable to consist of bridging, as discussed further in Section E. below.

The portions of the equestrian facility that are located adjacent to the on-site ESHA are also inconsistent with Coastal Act Section 30240. The majority of these portions of the proposed development are located between 0 and 100 feet from the edge of the stream riparian canopy. Approval of the proposed project would allow intensive equestrian use and equestrian-related development within and immediately adjacent to the boundaries of the riparian woodland ESHA. This development would significantly degrade the riparian woodland ESHA by increasing human and equine activity and its attendant impacts, including noise, lighting, irrigation, erosion, increased introduction of animal waste and other pollutants and, potentially, invasive plant and animal species into the ESHA. The proposed project would also require fuel modification, which would extend into the riparian ESHA. The fuel modification plan submitted by the applicant indicates that riparian vegetation in the southern portion of the property would remain, but does not note the same protection for riparian vegetation on the remainder of the property.

Section 30240(b) requires development in areas adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade such areas, and to be compatible with the continuance of such habitat areas. The Table 1 development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP, which the Commission uses as guidance, limits uses adjacent to ESHA to permitted uses that are set back a minimum of 100 feet, and that are consistent with appropriate erosion control and stream protection policies, as well as any other LUP Policy. The LUP provides that the 100-foot setback from the ESHA is measured from the outer edge of the riparian canopy. Further, in past permit actions, the Commission has consistently required development to be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. All of those concerns are relevant here, and thus, in this case, the Commission finds that a 100 foot buffer from the riparian woodland ESHA and the oak woodland ESHA is necessary to prevent impacts that would significantly degrade these ESHAs. Because the proposed development is set back less than 50 feet from the riparian woodland ESHA on the site, the proposed development is inconsistent with Section 30240(b) of the Coastal Act, and the associated standards provided in the certified LUP for the area.

Furthermore, Section 30231 and 30240(b) require maintenance of natural vegetation buffer areas that protect riparian habitats. Approval of the proposed development would result in placement of structures and confinement of horses adjacent to the riparian habitat on site, and the construction of at-grade crossings within the stream itself. The proposed project thus would not maintain an adequate natural vegetation buffer area to protect the riparian habitat, inconsistent with Section 30231 and 30240(b) of the Coastal Act.

The primary functions of buffers are to protect against human and domestic animal disturbance, that is, to keep disturbance at a distance from sensitive environmental resources, and to provide ecosystem services in benefit of the adjacent ESHA. Riparian buffers adjacent to streams and creeks serve to maintain the integrity of the waterway, stabilize the stream banks, reduce pollution, and provide food, habitat, and thermal protection for both terrestrial and aquatic organisms. Riparian buffers benefit aquatic habitat by improving the quality of nearby waters through shading, filtering, and moderating stream flow. Shade provided by the plants maintains cooler, more even water temperatures. Cooler water holds more oxygen that helps reduce stress on fish and other aquatic animals. The layers of vegetation in a riparian zone include a leafy canopy which provides cover and food to many birds, including flycatchers, owls, and raptors which are helpful to equestrians in insect and rodent control. Plant debris also contributes to a more complex food web providing a food source to microbes, insects, and other invertebrates benefiting all fish and wildlife. Plant roots hold bank soil together and plant stems

protect banks by deflecting the cutting action of storm runoff. The vegetation helps stabilize banks and reduces water velocity and erosion. With the vegetation slowing down the velocity of the runoff, the riparian buffer allows water to infiltrate the soil and recharge the groundwater supply. Another benefit is that near-surface groundwater will reach the waterway at a much slower rate over a longer period of time than if it had directly flowed into the waterway. Water infiltration helps control flooding and maintains water flow even during dry periods. The water infiltration capacity of the riparian buffer area also allows sediments and pollutants to settle out, be modified by soil bacteria, and taken up by plants, thereby minimizing the amount of sediment and pollutants that may enter the waterway.[16] In this case, the applicant proposes an equestrian facility that could accommodate the boarding of up to approximately 75 horses. Given this intensity of development, the water infiltration capacity of the riparian buffer to absorb and filter nutrients and other pollutants that result from confined animals is particularly critical in order to avoid or minimize impacts to environmentally sensitive habitat.

According to a California Coastal Commission January 2007 report entitled, "Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas", which documents and provides assessment of the resource protection policies in the Local Coastal Programs that currently exist in the state of California, research on the effectiveness of riparian buffers have found that 30-60m (97.5-195 feet) wide riparian buffer strips will effectively protect water resources through physical and chemical filtration processes. For the purpose of filtering nitrogen compounds, a study determined that "the most effective buffers are at least 30m (97.5 feet) or 100 feet wide composed of native forest, and are applied to all streams, including small ones." Studies of the distribution of plant and bird species in relation to variable riparian buffer dimensions within several riparian systems have found that to include 90% of streamside plants, the minimum buffer ranged from 10m (32.5 feet) to 30m (97.5 feet), depending on the stream, whereas minimum buffers of 75m (250 feet) to 175m (570 feet) were needed to include 90% of the bird species. Research suggests that recommended widths for ecological concerns in riparian buffer strips typically are much wider than those recommended for water quality concerns, often exceeding 100m (325 feet) in width.[17] In general, as the goals of riparian buffers change from single function to multiple or system functions, the required buffer widths increase. For a riparian ESHA buffer to serve multiple functions, the research indicates that a 100-foot buffer is the absolute minimum required for protecting the habitat area and water quality from adverse environmental impacts caused by development. In the case of an intensive use near a stream, such as the proposed project, the need for a generously sized and functional buffer between development and the waterway becomes greater. As previously described above, the LUP policies require a minimum setback of 100 feet from ESHA. The Commission has consistently required a 100 foot buffer between riparian ESHA and development, including equestrian facilities. It should be noted that in order to protect riparian and other types of ESHA from significant habitat disruption, the Commission has required the 100-foot riparian buffer to be maintained in projects, including equestrian facilities, that are much less dense and intense than the development considered herein. Given the intensity of development proposed and the adverse impacts on ESHA that can result, a buffer of 100-feet is clearly a bare minimum that should be provided in this case.

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[16] Council of Bay Area Resource Conservation Districts, June 2003. Equine Facilities Manure Management Practices Fact Sheet, "Managing Manure: The Role of Riparian Buffers".

[17] "Stream Setback Technical Memo", James D. Robins of Jones & Stokes, October 18, 2002. Prepared for the Napa County Conservation, Development, and Planning Department.

As mentioned previously, the applicant proposes to set back the majority of the proposed development 50 feet from the top of stream bank. The riparian canopy (the dripline of all riparian trees and shrubs) extends outward from the stream top of bank a distance that varies from 1 foot to 20 feet on the development side of the stream. This means that the proposed setback will be less than 50 feet from the stream's riparian canopy. This will not provide an adequate buffer to avoid or minimize impacts to ESHA from noise, activity, human intrusion, equine intrusion, erosion, runoff, or introduction of animal waste or other pollutants.

The applicant proposes to install vegetative swales, a bioretention basin, and restoration of a 0.5-acre area of damaged riparian habitat located within the setback area, approximately 20 feet from the riparian canopy, as part of the proposed project. However, while these proposed improvements attempt to reduce or mitigate for adverse impacts to riparian habitat and water quality as a result of the project and reduced buffer area, these measures do not address many of the impacts listed above and are far from adequate to avoid even the exclusively water quality-related impacts to ESHA from the introduction of animal waste and other pollutants, as discussed in greater detail in Section E below. The buffer will not be of sufficient size to provide physical or chemical filtering of runoff in order to protect the riparian ESHA. Furthermore, siting alternatives exist to comply with the minimum required buffer area of 100 feet and avoid impacts to ESHA.

In addition, some of the proposed development is located within the protected zones of individual oak trees in the equestrian area. Specifically, fencing, as well as a cleared area surrounding the arena, is within the protected zone of a mature oak tree adjacent to Stokes Canyon Road in the northern portion of the property. In addition, the access road, fencing, and paddock are within the protected zones of three oak trees in the southern portion of the property, southeast of Stokes Creek (**Exhibit 27**).

The Commission finds that native oak trees are an important coastal resource. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. The individual oak trees on the subject site (i.e., those that are not part of the oak woodland that is located to the east of Stokes Canyon Creek) provide habitat for wildlife and are an important part of the character and scenic quality of the area. Therefore, even the oak trees on the subject site that are not part of an oak woodland ESHA are still an important coastal resource that is protected by Coastal Act Section 30250.

Oak trees are a part of the California native plant community and need special attention to maintain and protect their health. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree. Oak trees provide important habitat and shading for other animal species, such as deer and bees. Oak trees are very long lived, some up to 250 years old, relatively slow growing becoming large trees between 30 to 70 feet high, and are sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss.

The publication entitled "Oak Trees: Care and Maintenance," prepared by the Los Angeles County Department of Forester and Fire Warden, states:

> ***Oak trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the tree shows obvious signs of disease it is usually too late to help. Improper watering...and disturbance to root areas are most often the causes.***

That publication goes on to state:

> ***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases....The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees....***

In recognition of the sensitive nature of oak trees to human disturbance and to increase protection of these sensitive resources, the Los Angeles County Oak Tree Ordinance defines the "protected zone" around an oak tree as follows:

> *The Protected Zone shall mean that area within the dripline of an oak tree and extending therefrom to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater.*

Equestrian traffic has been found to compact soils and can have detrimental impacts on those oak trees whose driplines are located in or adjacent to equestrian facilities. In regards to a horse facility in the Santa Monica Mountains, Doug McCreary, Program Manager for the University of California Cooperative Extension Integrated Hardwood Range Management Program states:

> *"...my observations are that horses are the worst in causing compaction in a confined situation. Six horses over 2 acres seems like an extremely high density to me (here at the SFREC we have about one cow per 20 acres) and I would guess that after a year, there would be little or no ground vegetation left in the pasture and there would be a risk of heavy compaction during wet periods."*

In addition, the Commission finds that, in the case of soil compaction, it can frequently take many years before damage to oak trees becomes apparent.

As such, the proposed project would have significant avoidable adverse impacts to individual oak trees on the site that are considered an important coastal resource, inconsistent with Section 30250 of the Coastal Act.

Project Alternatives

Alternatives must be considered to determine if there is an alternative project that would lessen or avoid the significant environmental impacts to ESHA to such an extent that it would be consistent with the ESHA protection policies listed above. An alternative is a description of

another activity or project that responds to the major environmental impacts of the project identified through the Commission's analysis. Project alternatives can fall into one of two categories: 1) on-site alternatives, which generally consist of different uses of the land under consideration, or different siting or design of the proposed development; and 2) off-site alternatives, which usually involve similar uses at different locations. In this case, as discussed in great detail above, the proposed project does not provide an adequate buffer to minimize the impacts of the construction and operation of the equestrian facilities on ESHA.

There are on-site siting and design alternatives to the proposed project that would be consistent with Section 30240 of the Coastal Act and the applicable policies of the LUP. Although application of the 100-foot setback significantly reduces the amount of area available for development on the lower portion of the property, it does allow for two areas – an approximately 40,000 sq. ft area adjacent to Stokes Canyon Road in the central portion of the property, and an approximately 20,000 sq. ft. area in the southern portion of the property, adjacent to Mulholland Highway – to be used for development (**Exhibit 24**). These areas could accommodate the majority of the proposed structural development, including the covered corrals, barns, tack rooms, mare motel, storage buildings, shelters and other buildings, although they could not accommodate the riding arenas as well. However, there are already additional equestrian facilities existing on the site, including two riding rings, in the far northern portion of the property, which is outside of the Coastal Zone. Another feasible alternative would be the construction of a single-family residence in the approximately 40,000 sq. ft. area adjacent to Stokes Canyon Road which would provide a reasonable economic use of the property.

There are also potential siting alternatives off-site. Brian Boudreau, president of Malibu Valley Farms, Inc., also owns several other parcels in the project vicinity that appear to contain suitable areas for low-intensity equestrian facility use and are not located in or adjacent to a stream course (**Exhibit 25**). The parcel to the north, APN 4455-043-007, is owned by Malibu Canyon LP (whose president is Brian Boudreau). While this parcel is also bisected by Stokes Creek, there appear to be areas on the property that are level and can provide a 100 setback from the riparian canopy. Another parcel, APN 4455-028-045, located to the south of the subject parcel, is owned by Robert Levin, a partner of Mr. Boudreau. This parcel contains a flat strip of land adjacent to Mulholland Highway and the subject parcel that appears suitable for equestrian-related development. Additionally, there are a few parcels (APN 4455-028-094, -093, and -096) located on the west side of Stokes Canyon Road that are also controlled by Mr. Boudreau (Malibu Canyon LP) and appear to already be in agricultural use. These parcels also contain level areas that appear appropriate for low-intensity equestrian-related facilities. Although the Commission cannot conclusively state what sort of development would be approvable, or approved, on a given site until it is presented with all of the necessary information, there appear to be ample opportunities in the immediate vicinity for development along the lines of what is currently proposed.

In sum, feasible alternatives exist, both on-site and off-site, to accommodate low-intensity equestrian facilities while providing at least a 100-foot setback from streams and avoiding or minimizing impacts to sensitive coastal resources.

For the reasons discussed above, the Commission finds that the proposed project does not protect the Stokes Canyon Creek ESHA from significant disruption of habitat values and has not been sited and designed in a manner that would prevent impacts that would significantly degrade the riparian woodland ESHA on the site. The project is therefore not consistent with Section 30240 of the Coastal Act. The proposed project would also have significant avoidable adverse impacts on non-ESHA biological coastal resources, such as individual oak trees,

inconsistent with Section 30250 of the Coastal Act. Finally, the proposed project is inconsistent with the applicable policies of the Malibu/Santa Monica Mountains Land Use Plan, which the Commission uses as guidance. The project must therefore be denied.

E. Water Quality and Stream Resources

Section **30231** of the Coastal Act states:

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

Section **30236** of the Coastal Act states:

> ***Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) 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.***

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of water quality and marine resources. The Coastal Commission has relied upon the following policies as guidance in its review of development proposals in the Santa Monica Mountains:

P76 ***In accordance with Section 30236 of the Coastal Act, channelizations, dams, or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to 1) necessary water supply projects, 2) flood control projects that are necessary to protect public safety or existing structures, and 3) developments where the primary purpose is the improvement of fish and wildlife habitat.***

P78 ***Stream road crossings shall be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging. Bridge columns shall be located outside stream courses, if feasible. Road crossings of streams within ESHAs designated by the LCP may be allowed as a conditional use for the purpose of providing access to recreational areas open to the public or homesites located outside the ESHA where there is no feasible alternative for providing access.***

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.***

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

P86 ***A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.***

P96 ***Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.***

T 1 ***A minimum setback of 100 feet from the outer limit of the pre-existing riparian tree canopy shall be required for any structure associated with a permitted use within or adjacent to an Environmentally Sensitive Habitat Area.***

Non-point source pollution is the pollution of coastal waters (including streams and underground water systems), by sources that do not discharge from a discernible, confined, discrete conveyance point, such as a pipe outfall. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops and horse facilities.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments are cleared of vegetation and have concentrated sources of animal wastes that are rarely channeled into any sort of sewage conveyance system. Use of horse corrals generates horse wastes, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding, which can be significant contributors to pollution. In addition, horse wastes contain organic matter, nutrients such as phosphorous and nitrogen, as well as microbial pathogens such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts adversely affecting the biological productivity of coastal waters. Other contaminants in runoff from horse facilities can include pesticide residues (fly sprays and wormers), herbicide residues, and chemicals from soaps and other horse-care products.

When the pollutants are swept into coastal waters by storm water or other means, they can cause adverse cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in aquatic organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of aquatic organisms, and can have adverse impacts on human health.

These types of pollutants are particularly significant here since Stokes Creek has been placed on the State of California's list of impaired water bodies (Clean Water Act 303(d) list) in both 2002 and 2006, due to its high coliform count. As noted above, the subject development is located on Stokes Creek, approximately one mile from its outlet into Las Virgenes Creek. Stokes Creek enters Las Virgenes Creek just above the latter stream's confluence with Malibu Creek, in Malibu Creek State Park. Las Virgenes Creek and Malibu Creek are also listed as impaired water bodies (Clean Water Act 303(d) list) by the Los Angeles Regional Water Quality Control Board (LARWQCB). Malibu Creek outlets into Malibu Lagoon and Surfrider Beach, which is consistently one of the most polluted beaches within the Santa Monica Bay[18]. The LARWQCB has developed a Total Maximum Daily Load (TMDL) for bacteria in the Malibu Creek Watershed, including Stokes Creek, which took effect January 24, 2006. This TMDL states[19] "Manure produced by horses, cattle, sheep, goats, birds and other wildlife in the Malibu Creek Watershed are sources of both nutrients and coliforms." The Draft Implementation Plan for this TMDL is currently being reviewed by the LARWQCB, and includes provisions to reduce horse facility-related pollutants from entering the watershed. Therefore, the discharge of additional pollutants into Stokes Creek detracts from the efforts being made by LARWQCB to restore this water body and further degrades an already impaired stream, in contravention of the mandates of Section 30231 of the Coastal Act.

In addition, Stokes Canyon Creek's water quality has also been monitored by *Heal the Bay*, a non-profit environmental organization dedicated to research, education, and advocacy for clean coastal waters in Southern California. *Heal the Bay's* volunteer water quality monitoring program (the Stream Team) for the Malibu Creek watershed has a monitoring station located at the Stokes Creek outlet within Malibu Creek State Park, just downstream from the subject property. According to a letter to the Commission from *Heal the Bay*, dated August 4, 2006, regarding Malibu Valley Farms, Inc. previous permit application (4-02-131), Stokes Creek has periodically exceeded State freshwater bacterial standards for *E. coli* (coliform bacteria) and has commonly had high amounts of algae at the Stokes Creek outlet monitoring station (**Exhibit 20**). In addition, Heal the Bay's Stream Team had documented both hay and horse manure floating in Stokes Creek at discharge points in the southwest corner of the subject property.

The applicant requests after-the-fact approval for construction and operation of an approximately six-acre equestrian facility that includes two riding arenas, fencing, a dirt access road with two at-grade crossings through Stokes Creek, corrals, paddock, shelters, tack rooms, barn, and similar structures, as described fully in Section A. above. The proposed project also includes removal of 32 pipe corrals, and several covered corrals, cross-tie areas, storage containers, and tack rooms. In addition, the proposed project includes reduction in the size of the fenced paddock and construction of four covered pipe barns, two shelters, three tack rooms, and two manure storage areas as also detailed in Section A. above. Although the applicant has not provided information regarding the maximum number of horses that it proposes to maintain on the site, the March 2005 Draft Environmental Impact Report (EIR) that was prepared for the nearby Malibu Valley Inn and Spa project (that was to have been developed by the applicant) estimates that an average of 50 horses were stabled on the project site at that time. Based on

[18] According to Heal the Bay's Beach Report Card: http://www.healthebay.org/brc/gradehistory.asp?beach=10
[19] Taken from the TMDL Staff report, page 20:
http://www.swrcb.ca.gov/rwqcb4/html/meetings/tmdl/santa_monica/malibu/05_0309/TMDL%20Staff%20Report.pdf

the proposed new and as-built facilities used for horse breeding, raising, training, stabling, exercising, boarding and rehabilitation of horses, staff estimates that the project will provide stalls for approximately 76 horses). Ground cover at the facility consists of primarily bare soil, with the exception of the paddock in the southern portion of the property, and lawn areas surrounding the riding arenas.

The proposed equestrian facility is located in and adjacent to Stokes Creek. The proposed pipe barns and associated development in the northern portion of the property provide a setback of approximately 30 feet from the edge of the riparian tree canopy around Stokes Creek at its closest point. The proposed arena in the northern portion of the property is also located approximately 30 feet from the riparian dripline at its nearest point. In the southern portion of the site, proposed development is located approximately 10 feet from the riparian tree canopy at its closest point. In addition, the northern and southern portions of the facility are linked by an existing dirt access road with at-grade crossing through Stokes Creek, which crosses the creek at the northern riding arena, and then runs parallel to the paddock and smaller arena in the southern portion of the property. A second at-grade dirt creek crossing runs from the southwest corner of the northern arena to the stable area in the southern portion of the property.

Drainage from the site is currently by sheet flow runoff. The applicant has submitted a report ("Evaluation of Surface Water and Groundwater Quality Impacts Resulting from the Proposed Equestrian Facility at 2200 Stokes Canyon Road, Calabasas, California," by Jones & Stokes, July 3, 2002) indicating that the proposed project will cause roof runoff and runon water in the northern portion of the project site to be diverted to the area between the riding arena in the central portion of the site and Stokes Canyon Road, or between the riding arena and the stream, and allowed to infiltrate. The report also said that exposed areas between the stream would be stabilized with deer grass (*Muhlenbergia rigens*) in order to serve as filter strips for the overland flow that occurs between the pole corrals and the edge of the stream. The report also notes that the applicant will implement a manure management program that will involve the regular collection, storage, and treatment of manure generated in the pipe corral areas.

The applicant has also submitted a site management plan, entitled "Malibu Valley Farms Comprehensive Management Plan: A Site Specific Animal Management and Emergency Preparedness Manual", dated December 2006 (**Exhibit 15**). The plan includes design details and implementation guidance for proposed best management practices (BMP) to be utilized by the facility regarding erosion control, water quality/runoff mitigation, general housekeeping management, and emergency preparedness/fire safety.

A Storm Water Runoff Plan, prepared by Diamond West Engineering, Inc. and dated December 2006, has been included as part of the submitted Comprehensive Site Management Plan and discusses the proposed water quality measures for the project (**Exhibit 15**). These measures include two vegetated swales, totally 1,400 lineal feet, that are situated between the creek and the developed portions of the site in order to convey and treat runoff from the site prior to discharge, and a retention basin located at the south side of the site designed to capture runoff from only a small portion of the site (0.1 acres). These measures are located less than 20 feet from the stream's riparian canopy. In addition, the applicant is proposing to restore and increase the riparian buffer in certain areas adjacent to the creek (totaling approximately ½ acre). Regarding control of erosion, the plan describes the proposed use of pasture rotation and management to maintain grass cover, rip rap velocity reducers to slow storm flows, stabilization of eroded stream banks, and implementation of dust control measures. Finally, source control measures, including Manure Management and Integrated Pest Management (IPM), are also proposed to protect water quality.

While these proposed measures will help control erosion and polluted runoff from the proposed development to an extent, they are not sufficient to ensure maximum water quality protection, especially for such a large, intensive site use as the proposed project. The proposed project is a large-scale horse facility adjacent to an impaired waterbody, and therefore requires additional protections to prevent pollutants from entering the stream. An increase in the proposed riparian buffer would be necessary to ensure adequate water quality protection and increase the effectiveness of the proposed pollution control measures. The Council of Bay Area Resource Conservation Districts notes that:

> ***"Riparian Buffers...are one of the most effective tools to help assure clean runoff from horse facilities. Buffers can be considered a last line of defense against the natural downslope flow of runoff down streambanks before that runoff reaches the creek. As with all horse keeping practices, buffers should be integrated with other proven pollution control and management practices, and incorporated into a facility's conservation plan to maximize their effectiveness in protecting overall water quality" (Managing Manure: The Role of Riparian Buffers, Fact Sheet, CBARCD, June 2003).***

The aforementioned publication goes on to state that "generally, the wider the buffer, the greater the environmental benefit." A setback distance (for horse facilities) from a water course of 100 feet is specified as ideal by the Resource Conservation District of the Santa Monica Mountains.[20] In past permit actions, the Commission has required horse facilities to be located a minimum distance of 100 feet from streams, in addition to requiring the employment of best management practices to minimize runoff of pollutants, in order to protect water quality. The 100-foot setback is measured from the outer edge of the riparian canopy. This setback is necessary to provide sufficient area for infiltration of runoff, prevention of erosion and sedimentation, minimization of the spread of invasive exotic plant and animal species, and to allow for an adequate and functional natural vegetation buffer consistent with Section 30231.

The primary functions of buffers are to keep disturbance at a distance from sensitive environmental resources and to provide ecosystem services in benefit of the adjacent ESHA, including water quality. Riparian buffers adjacent to streams and creeks serve to maintain the integrity of the waterway, stabilize the stream banks, reduce pollution, and provide food, habitat, and thermal protection for both terrestrial and aquatic organisms. Riparian buffers benefit aquatic habitat by improving the quality of nearby waters through shading, filtering, and moderating stream flow. Plant roots hold bank soil together and plant stems protect banks by deflecting the cutting action of storm runoff. The vegetation catches dust and pollutants carried by the wind and helps stabilize banks and reduce water velocity and erosion. With the vegetation slowing down the velocity of the runoff, the riparian buffer allows water to infiltrate the soil to help control flooding and runoff pollution. Water infiltration allows sediments and pollutants to settle out, be modified by soil bacteria, and taken up by plants, thereby minimizing the amount of sediment and pollutants that may enter the waterway.[21] However, it is also important that pollution control measures, such as vegetative swales and bioretention basins, be situated on the outer edge of the riparian buffer if feasible in order to allow additional infiltration and absorption of excess nutrients, sediments, and pollutants within the buffer before they reach the creek. Buffers are a last line of defense against the natural flow of runoff down slopes and

[20] Stable and Horse Management in the Santa Monica Mountains, A Manual on Best Management Practices for the Reduction of Non-point Source Pollution, RCD/SMM, 1999.
[21] "Managing Manure: The Role of Riparian Buffers", Equine Facilities Manure Management Practices Fact Sheet, Council of Bay Area Resource Conservation Districts, June 2003.

streambanks before that runoff reaches a waterway. Vegetated buffer areas are especially critical when the nature of the development creates organic and chemical waste and is highly compacting of site soils. These conditions result in reduced site infiltration capacity and increased potential for nutrient, chemical, and sediment-loading of coastal waters. As previously described above, the LUP policies require a minimum setback of 100 feet from streams or riparian areas. The Commission has consistently required a 100 foot buffer between riparian areas and development, including equestrian facilities. It should be noted that in order to protect the water quality of streams and other coastal waters, the Commission has required the 100-foot riparian buffer to be maintained in projects, including equestrian facilities, which are much less dense and intense than the development considered herein. Given the intensity of development proposed and the adverse impacts on water quality that can result, particularly in an impaired water body, a buffer of 100-feet is clearly a bare minimum that should be provided in this case.

The proposed new and as-built development, including the vegetated swales and basin, is located less than 50 feet from the edge of the canopy of the riparian ESHA in several areas, and well within 100 feet of the stream for most of the proposed development. In the case of the as-built stream crossings, the development is in the streambed itself. This is all inconsistent with the LUP standard for setbacks (100 feet). Approval of the proposed development would thus allow placement of structures and confinement of horses within and adjacent to the riparian habitat on site and would not maintain a natural vegetation buffer area to protect the riparian habitat, and water quality, as required by Section 30231.

Section 30231 also requires minimal alteration of natural streams. Similarly, the Malibu-Santa Monica Mountains LUP also prohibits alteration of streambeds in ESHA where there are less environmentally damaging feasible alternatives for access, and requires any such crossings that are unavoidable to consist of bridging. In addition, Policy P76 of the LUP limits significant alterations of blue line streams to 1) necessary water supply projects, 2) flood control projects that are necessary to protect public safety or existing structures, and 3) developments where the primary purpose is the improvement of fish and wildlife habitat, consistent with the requirements of Section 30236 of the Coastal Act. Furthermore, Policy P78 of the LUP requires any stream crossings to be undertaken by the least environmentally damaging feasible method, and requires any crossings to consist of bridging unless a less damaging method is recommended by the Los Angeles County Environmental Review Board (ERB).

The proposed project includes two at-grade dirt crossings of Stokes Creek. These as-built creek crossings have reduced portions of the existing streambed to compacted bare soil, and thereby increase the transport of pollutants into the stream, inconsistent with Section 30231 of the Coastal Act and stream protection standards of the Malibu-Santa Monica Mountains LUP. The proposed crossings are furthermore inconsistent with the LUP policies regarding stream crossings and alteration of streams cited above, and with Section 30236 of the Coastal Act.

Further, as mentioned previously, the applicant proposes the use of rip rap as both a velocity reducer for flows discharging into the creek, and to repair and stabilize the streambank on the south side of the creek - a combination of rip rap and erosion control blankets, or other suitable methods, is specifically indicated. In order to minimize the alteration of the stream and protect the integrity of this resource in a manner consistent with Section 30231 and other applicable Coastal Act policies, the most environmentally sensitive methods of reducing flow velocity at creek outlets and stabilizing the streambank, such as the use of bioengineering techniques, should be employed where feasible.

Project Alternatives

Alternatives must be considered to determine if there is an alternative project that can lessen or avoid significant environmental impacts to water quality. An alternative is a description of another activity or project that responds to the major environmental impacts of the project identified through the Commission's analysis. Project alternatives can fall into one of two categories: on-site alternatives which generally consist of different uses of the land under consideration; and off-site alternatives which usually involve similar uses at different locations. In this case, as discussed in great detail above, the proposed project does not provide an adequate buffer or adequate BMPs to reduce the impacts of the construction and operation of the equestrian facilities on water quality to an acceptable level based on the standards provided by Chapter 3 of the Coastal Act.

There are also potential siting and design alternatives to the proposed project that would be consistent with the stream protection and water quality policies of the Coastal Act and LUP. Although application of the 100-foot setback does significantly reduce the amount of area available for development on the lower portion of the property, it does allow for two areas – an approximately 40,000 sq. ft area adjacent to Stokes Canyon Road in the northern portion of the property, and an approximately 20,000 sq. ft. area in the southern portion of the property, adjacent to Mulholland Highway – to be used for development (**Exhibit 24**). These areas could accommodate the majority of the proposed structural development, including the covered corrals, barns, tack rooms, mare motel, storage buildings, shelters and other buildings, although they could not accommodate the riding arenas as well. However, there are already additional equestrian facilities existing on the site, including two riding rings, in the far northern portion of the property, which is outside of the Coastal Zone. Another feasible alternative would be the construction of a single-family residence in the approximately 40,000 sq. ft. area adjacent to Stokes Canyon Road which would provide a reasonable economic use of the property.

There are also potential siting alternatives off-site. Brian Boudreau, president of Malibu Valley Farms, Inc., also owns several other parcels in the project vicinity that contain suitable areas for low-intensity equestrian facility use and are not located in or adjacent to a stream course (**Exhibit 25**). The parcel to the north, APN 4455-043-007, is owned by Malibu Canyon LP (whose president is Brian Boudreau). While this parcel is also bisected by Stokes Creek, there appear to be areas on the property that are level and can provide a 100 setback from the stream. Another parcel, APN 4455-028-045 located to the south of the subject parcel, is owned by Robert Levin, a partner of Mr. Boudreau. This parcel contains a flat strip of land adjacent to Mulholland Highway and the subject parcel that appears suitable for equestrian-related development. Additionally, there are a few parcels (APN 4455-028-094, -093, and -096) located on the west side of Stokes Canyon Road that are also controlled by Mr. Boudreau (Malibu Canyon LP) and appear to already be in agricultural use. These parcels also contain level areas that appear appropriate for low-intensity equestrian-related facilities.

In sum, feasible alternatives exist, both on-site and off-site, to accommodate low-intensity equestrian facilities while providing at least a 100-foot setback from streams and avoiding or minimizing impacts to water quality to such a degree as to make the project consistent with the standard in Chapter 3 of the Coastal Act.

In summary, the proposed development does not maintain or restore the biological productivity and water quality of Stokes Creeks or downstream coastal waters to maintain optimum aquatic populations or for the protection of human health by controlling polluted runoff, maintaining natural vegetation buffer areas, or minimizing alteration of natural stream banks. There are

project alternatives that can reduce or avoid impacts to water quality. Therefore, approval of the proposed development is inconsistent with Section 30231 of the Coastal Act. It is also inconsistent with Section 30236, for the reasons stated above, and the policies of the certified LUP listed above. The project must therefore be denied.

F. Visual Resources

Section **30251** of the Coastal Act states, in 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.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

The subject property is located immediately north of the former campus of Soka University, which is now public parkland. Scattered rural and residential development is located west and south of the subject property, and an undeveloped hillside containing primarily chaparral and oak woodland habitat is located to the east of the property. The subject site is highly visible from Mulholland Highway, a designated scenic highway in the Malibu-Santa Monica LUP, as well as from numerous public viewing points, including along the Backbone Trail, one of the most popular public hiking trails in the Santa Monica Mountains, and the Las Virgenes View trail, that afford scenic vistas of the relatively undisturbed natural area.

The natural landscape of the Santa Monica Mountains consists of lush riparian environments, oak woodlands, and chaparral and coastal sage scrub communities. The landscape ranges from steeply sloping canyons, to high rocky mountain peaks, to relatively flat alluvial flood plains. In addition to the varied landscape and vegetative communities, the Santa Monica Mountains provides habitat for such species as cooper's hawk, western screech owl, mule deer, gray foxes, and steelhead trout. This unique natural experience is one that you would find walking, hiking, or driving through the Santa Monica Mountains.

The as-built equestrian facility was not sited and designed to protect these views to and across this scenic area. The subject as-built development replaced riparian habitat and oak woodland, chaparral, and coastal sage scrub vegetative communities with an extensive equestrian facility. In addition, the as-built development included the grading of a dirt access road with crossings through Stokes Creek, thereby altering the stream bed and carving out a portion of the stream bank on either side of Stokes Creek. The facility's many structures, fencing, and access roads are visible along Mulholland Highway (designated as a scenic highway in the Malibu-Santa Monica LUP), and along the many public trails above the subject property.

Therefore, the Commission finds that the proposed development is not consistent with Section 30251 of the Coastal Act because it was not sited and designed to protect the scenic and visual characteristics of the surrounding area, and it contributes to a cumulative adverse impact of

increased development along Stokes Creek and the adjacent upland areas. As such, the proposed development is inconsistent with Section 30251 and must be denied.

G. Alternatives

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property nor unreasonably limit the owner's reasonable investment-backed expectations of the subject property. Several alternatives to the proposed development exist. Some of those possible alternatives are discussed in Sections D. and E. above, although those discussions are not intended to be, nor are they, comprehensive. Note that although the Commission presents those alternatives in an effort to assist the applicant and to point out potentially approvable alternative projects, the Commission cannot now guarantee that any given alternative would receive Coastal Act approval when it is presented in the future. This is true for many reasons, among them that: (1) the Commission reviews each project independently when it is presented, along with the required information about impacts to coastal resources, (2) the composition of the Commission may not be the same as it is now, and a different Commission may interpret the governing standards differently, view the facts differently, or simply exercise its discretion differently, and (3) the specific details of the project presented may raise additional issues that the general discussion above does not anticipate.

H. Violation

Development has occurred on the subject site without the required coastal development permit, including, but not limited to, an equestrian facility containing a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 200 sq. ft. portable rollaway bin/container, 200 sq. ft. portable tack room with four-foot porch (to be relocated approximately 20 feet west), 576 sq. ft. pipe corral, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 150 sq. ft. cross tie area, 1,440 sq. ft. one-story barn, 160 sq. ft. storage container, three-foot railroad tie walls, twenty-eight 576 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, four 400 sq. ft. portable pipe corrals, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, a 1,080 sq. ft. covered corral, an approximately 20,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek. The unpermitted development occurred prior to submission of this permit application.

The applicant is requesting after-the-fact approval for the unpermitted development, with the exception of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, which the applicant proposes to remove, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft.

As described above, the Commission approved Cease and Desist Order CCC-06-CD-14 and Restoration Order CCC-06-RO-07 (collectively, "Enforcement Orders") at the November 2006 hearing. These orders require the applicant to cease and desist from maintaining unpermitted

development on the site, to remove unpermitted development, and to restore the site (including the implementation of restorative grading, erosion control, and revegetation). The applicant was given the opportunity to apply to retain or remove the unpermitted development before the removal/restoration requirements of the Enforcement Orders would apply. This permit application followed. However, the applicant must remove all unpermitted development that is denied in the subject coastal development permit application and restore the site in the manner and timeframes set forth in the Enforcement Orders. As discussed above, and consistent with the findings in the Enforcement Orders, the proposed project is not consistent with the environmentally sensitive habitat area (ESHA), water quality, or visual resource policies of the Coastal Act or the Malibu/Santa Monica Mountains LUP, and it is therefore being denied.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter Three policies of the Coastal Act. Review of this 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 sites without a coastal development permit.

H. Local Coastal Program

Section **30604** of the Coastal Act states, in part:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that 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 will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. As discussed, there are alternatives to the project that would conform with the ESHA, water quality, and visual resources of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, would prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area that is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a), and the project must therefore be denied.

I. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being

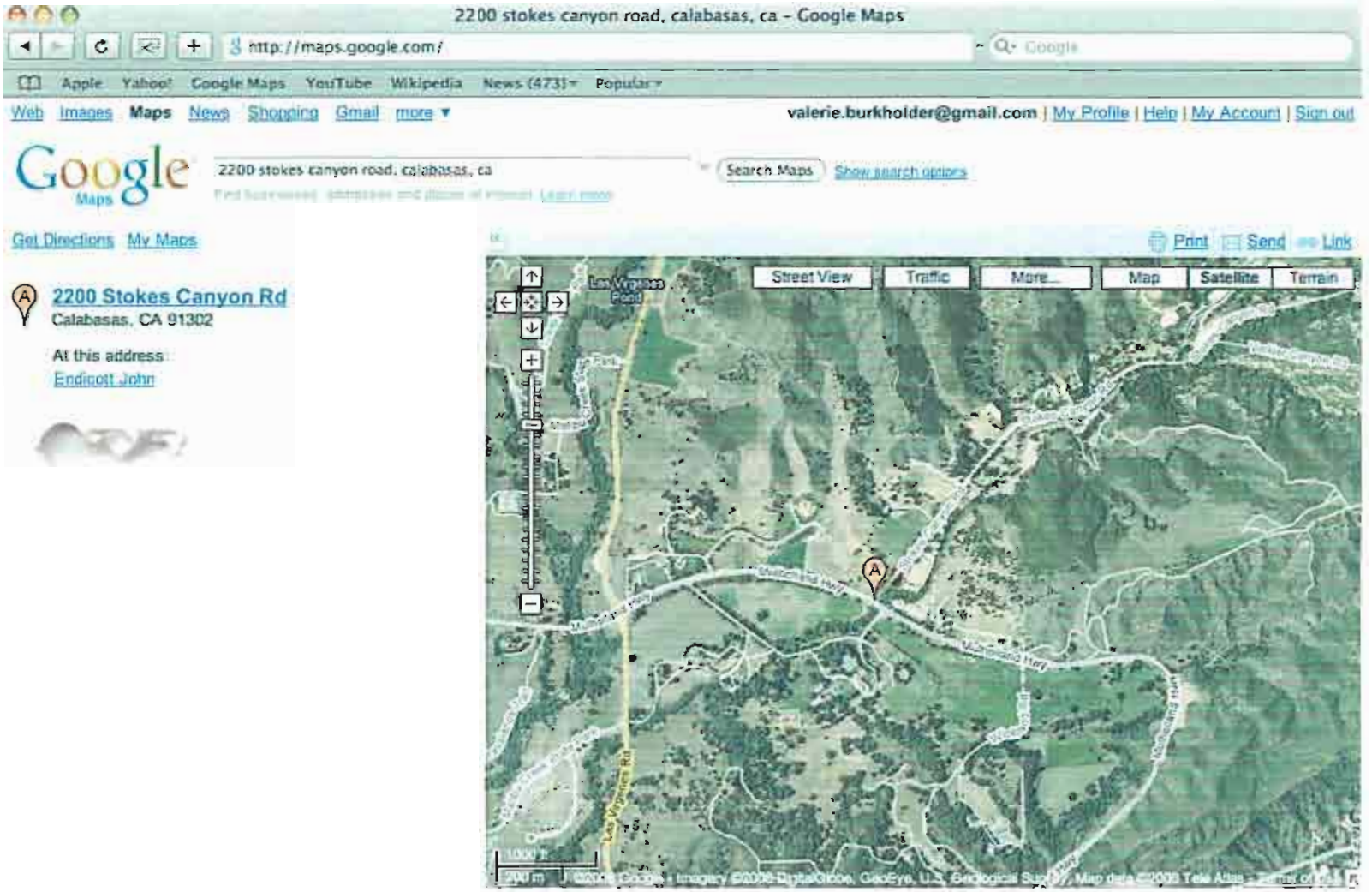
approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Previous sections of these findings contain documentation of the adverse impacts that the proposed equestrian facility would have on the environment. There are feasible alternatives to and mitigation measures for the proposed project that would lessen the impact on the environment. Therefore, for reasons previously cited in the findings above, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and is determined to be inconsistent with CEQA and inconsistent with the policies of the Coastal Act. It is therefore denied.

EXHIBIT LIST

Exhibit Number **Description**

1. Vicinity Map
2. Parcel Map
3. Coastal Zone Boundary Determination
4. Existing Conditions Site Plan
5. Site Detail – North (Existing)
6. Site Detail – South (Existing)
7. Proposed Site Plan
8. Site Detail – North (Proposed)
9. Drainage Detail – North (Proposed)
10. Drainage Cross-Section – North (Proposed)
11. Site Detail – South (Proposed)
12. Drainage Detail – South (Proposed)
13. Drainage Cross-Section – South (Proposed)
14. Structural Details
15. Site Management Plan
16. Dr. Dixon ESHA Memo
17. Claim of Vested Right No. 4-00-279-VRC Staff Report
18. Cease & Desist/Restoration Orders No. CCC-06-CD-14, CCC-06-RO-07 Staff Report (without Exhibits)
19. California Coastal Commission Report on Local Coastal Program Policies Regarding Setbacks and Mitigation Ratios for Wetlands and Environmentally Sensitive Habitat Areas (CCC Setback Report)
20. *Heal the Bay* Comment Letter, August 4, 2006
21. Correspondence
22. Ex Parte Communications
23. Riparian Canopy Site Plan
24. On-site Alternatives Site Plan
25. Off-site Alternatives Aerial Photo
26. Biological Resource Map
27. Aerial Views (2)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