

**CALIFORNIA COASTAL COMMISSION**

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original staff report

# W 14.1 & 14.2

## ADDENDUM

October 7, 2014

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

SUBJECT: ADDENDUM TO **ITEM NOS. W 14.1 & 14.2** – CONSENT CEASE AND DESIST ORDER NO. CCC-14-CD-04 AND CONSENT RESTORATION ORDER NO. CCC-14-RO-04 (THE SALVATION ARMY) FOR THE COMMISSION MEETING OF **OCTOBER 8, 2014**

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### Documents Received:

Documents included in this addendum are the following letters in support of the Consent Cease & Desist Order and Consent Restoration Order:

1. *Correspondence from Los Angeles County, Zoning Enforcement West, dated October 1, 2014*
2. *Correspondence from California Department of Fish and Wildlife, dated October 2, 2014*
3. *Correspondence from Heal the Bay, dated October 3, 2014*

### Changes to staff report for CCC-14-CD-04 AND CCC-14-RO-04

Commission staff recommends correcting a minor typographical omission to the Staff Recommendations and Findings for Consent Cease and Desist Order No. CCC-14-CD-04 & Consent Restoration Order No. CCC-14-RO-04. Language to be added is shown in **bold, italic and underlined**, as shown below:

Page 26, G. SUMMARY OF FINDINGS OF FACT, should read as follows:

7. The Unpermitted Development is inconsistent with Chapter 3 of the Coastal Act Sections **30230**, 30231, 30233, 30240, 30250 and 30253, and is causing “continuing resource damage” within the meaning of Coastal Act Section 30811 and Title 14, California Code of Regulations, Section 13190.

## Naylor, Cody@Coastal

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**From:** Phil Chung <pchung@planning.lacounty.gov>  
**Sent:** Wednesday, October 01, 2014 3:30 PM  
**To:** Naylor, Cody@Coastal  
**Subject:** Salvation Army Camp Site

Good morning Cody,

My supervisor Jose De La Rosa, and I reviewed the proposed resolutions on your staff report, and agreed that the measures will be in great help to conserve the natural resources in the SMM area. Please consider this email as our support the resolution measures. Should you have any question, please feel free to contact me.

Thank you!!

Phil Chung  
Planner  
Zoning Enforcement West  
[pchung@planning.lacounty.gov](mailto:pchung@planning.lacounty.gov)  
213-974-6453

**Naylor, Cody@Coastal**

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**From:** Warmuth, Brock@Wildlife  
**Sent:** Thursday, October 02, 2014 1:35 PM  
**To:** Naylor, Cody@Coastal  
**Subject:** Salvation Army violation Malibu Creek

Hi Cody,

It was good talking to you yesterday. Last Fall I visited the Salvation Army Camp at Malibu Creek and saw an area of riparian vegetation that had been cleared without a Streambed Alteration Agreement from CDFW. I talked to Marty Brown who assured me that in order to rectify the situation a SAA would be acquired and the impacted area restored, yet to my knowledge nothing has happened at this point. I am glad to hear that you are working to have the impacted habitat within and adjacent to Malibu Creek restored. I am in support of the enforcement action you described for this situation.

Brock Warmuth  
Environmental Scientist  
Department of Fish and Wildlife  
PO Box 279  
Newbury Park 91319  
805.652.1004

*Please note that my phone number has changed*

## Naylor, Cody@Coastal

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**From:** Katherine Pease <kpease@healthebay.org>  
**Sent:** Friday, October 03, 2014 2:41 PM  
**To:** Naylor, Cody@Coastal  
**Subject:** Support for Restoration Order No. CCC-14-RO-04

Dear Coastal Commission Staff and Commissioners:

On behalf of Heal the Bay, a non-profit environmental organization with over 15,000 members dedicated to making the Santa Monica Bay and Southern California coastal waters and watersheds safe, healthy, and clean, we are writing to express our support for Item 14.2, Commission Restoration Order No. CCC-14-RO-04 pertaining to the violations by the Salvation Army near Malibu Creek.

Since 1998, Heal the Bay's Stream Team has collected data to assess the health of the Malibu Creek Watershed and other areas in the Santa Monica Mountains. In March 2013, we released a report detailing many of the issues facing the Malibu Creek Watershed, including hardened streambanks, polluted waterways, and the proliferation of invasive plants and animals. The Santa Monica Mountains are one of the few remaining areas in Los Angeles County with significant natural habitat. Yet, many of the streams in this region are degraded, containing high levels of bacteria, nutrients, and sediment. Encroaching development and poor land use practices are exacerbating pollution problems in the Santa Monica Mountains.

We fully support restoration efforts to address and mitigate unpermitted development that occurred on the Salvation Army property, including grading and placement of fill near and in streams, removal of riparian vegetation, and intrusion into the riparian buffer by structures. We are particularly concerned about the impacts to Malibu Creek and its tributaries, given that 14 different streams, lakes, and beaches in the Malibu Creek Watershed are listed as impaired under the Clean Water Act for over 20 different pollutants. We support the proposed restoration order which includes removal of unpermitted structures within the riparian buffer, restoration of damaged streambanks, planting of native plants and trees, and an additional mitigation project to restore and enhance a nearby riparian area.

Please feel free to contact us with any additional questions.

Sincerely,

Katherine Pease

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Katherine Pease | Watershed Scientist  
Heal the Bay | 1444 9<sup>th</sup> Street | Santa Monica, CA 90401  
Tel: 310-451-1500 x 141 | Fax: 310-496-1902 | Email: [kpease@healthebay.org](mailto:kpease@healthebay.org)



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# W14.1 & 14.2

Staff: Cody Naylor – SF  
Staff Report: September 26, 2014  
Hearing Date: October 8, 2014

## **STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders**

<b>Consent Cease and Desist Order No.:</b>	CCC-14-CD-04
<b>Consent Restoration Order No.:</b>	CCC-14-RO-04
<b>Related Violation File:</b>	V-4-13-0273
<b>Parties Subject to these Orders:</b>	The Salvation Army
<b>Property Location:</b>	26801 Dorothy Drive, Calabasas, Los Angeles County, Assessor's Parcel Number 4462-031-007
<b>Violation Description:</b>	Unpermitted development and failure to comply with the terms and conditions of CDP 5-91-857 including, but not limited to: grading and placement of fill; removal of major vegetation (including southern maritime chaparral, riparian, and oak woodland vegetation); placement of habitable and non-habitable structures; additions to existing, legal structures; and demolition of structures.
<b>Substantive File Documents:</b>	1. Public documents in Cease and Desist Order file No. CCC-14-CD-04 and Restoration Order file No. CCC-14-RO-04.  2. Exhibits 1 through 36 and Appendix A of this staff report.
<b>CEQA Status:</b>	Exempt (CEQA Guidelines (CG) §§ 15060(c)(2) and (3)) and Categorically Exempt (CG §§ 15061(b)(2), 15307, 15308, and 15321).

## **SUMMARY OF STAFF RECOMMENDATION AND FINDINGS**

These proceedings address violations of the Coastal Act in the forms of activities inconsistent with a previously issued Coastal Development Permit (“CDP”) and/or undertaken without a CDP, and the potential failures to take actions required by a previously issued CDP. The violations occurred in an environmentally sensitive habitat area (“ESHA”) in the Santa Monica Mountains on property owned and controlled by The Salvation Army.

The Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed. The property that is the subject of these proceedings features a variety of types of plant communities including oak woodlands, chaparral, and riparian habitat in and around Malibu Creek. Malibu Creek is one of the two largest watersheds in the Santa Monica Mountains, extending inland beyond five miles to the Simi Hills and draining approximately 67,000 acres of watershed into the Malibu Lagoon, the only brackish lagoon in Los Angeles County. The majority of the Malibu Creek watershed is dominated by a diverse mosaic of chaparral, coastal sage scrub, grassland, and native woodlands. Malibu Creek is itself biologically distinctive for continuing to sustain the endangered, native Southern California steelhead trout (*Oncorhynchus mykiss*) in the reach below Rindge Dam, which is considered to be the species’ southernmost distribution.

Over the last several months, Commission staff and The Salvation Army have worked together to resolve these Coastal Act issues, and we therefore recommend that the Commission approve Consent Cease and Desist Order No. CCC-14-CD-04 and Consent Restoration Order No. CCC-14-RO-04 (hereinafter collectively referred to as “Consent Orders”), which will establish a process by which The Salvation Army (“Respondents”) will resolve the Coastal Act violations. These Consent Orders, executed by Respondents on September 24, 2014, are included as Appendix A of this staff report.

The activities that are the subject of these proceedings include, but are not necessarily limited to: grading and placement of fill in and adjacent to Malibu Creek; large-scale removal of major vegetation (chaparral, willow shrubs, and California live oak trees); placement of habitable structures, including residences and cabins, and non-habitable structures, including storage buildings, bridges, and a retaining wall; additions to structures; and demolition of structures (“Unpermitted Development”). The Unpermitted Development occurred on Respondents’ approximately 113 acre property at 26801 Dorothy Drive in unincorporated Los Angeles County in the Santa Monica Mountains (“the Property”) (Exhibit 1). Respondents own an additional 419 acres of property contiguous to the Property that is the subject of this proceeding. These proceedings do not allege any violations on these adjacent properties.

Some of the violations involve actions or inaction that is inconsistent with the requirements of Special Condition 1 of CDP 5-91-857, which required the recordation of a deed restriction that specified that a new CDP shall be required for any future development on the Property, explicitly including clearing of vegetation or grading, with limited exceptions not applicable to these proceedings (Exhibit 12).

Respondents, through these Consent Orders, have agreed to resolve all matters related to the Coastal Act violations described herein. Commission staff has worked closely and cooperatively with Respondents to reach an agreement through these Consent Orders. Through the execution of these Consent Orders, Respondents have agreed to, among other things: 1) cease and desist from conducting any further unpermitted development on the Property; 2) remove unpermitted items of development; 3) apply for a CDP to authorize any of a limited number of unpermitted items after-the-fact; 4) restore areas impacted by Unpermitted Development with native vegetation; 5) undertake mitigation measures to account for the temporal losses of habitat; 6) allow the Commission to record a Notice of Violation against the Property; and 7) take all steps necessary to ensure compliance with the Coastal Act and these Consent Orders.

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## APPENDICES

Appendix A: Proposed Consent Cease and Desist and Restoration Orders

## EXHIBITS

Exhibit 1	Vicinity Map
Exhibit 2	Map of Salvation Army Properties
Exhibit 3	CDP P-79-6312
Exhibit 4	CDP P-79-6312 Site Plan
Exhibit 5	CDP A-81-7872
Exhibit 6	CDP 5-86-200-W
Exhibit 7	CDP 5-86-200-W Site Plan
Exhibit 8	CDP 5-87-189-W
Exhibit 9	CDP 5-87-189-W Site Plan
Exhibit 10	CDP 5-91-857
Exhibit 11	CDP 5-91-857 Site Plan
Exhibit 12	Future Development Deed Restriction Dated October 19, 1992
Exhibit 13	CDP 4-96-166
Exhibit 14	CDP 4-96-166 Site Plan
Exhibit 15	CDP 4-96-166 Conference Center Plan
Exhibit 16	Notice of Violation Letter Dated October 18, 2013
Exhibit 17	1983 Annotated Aerial Photo of Property

Exhibit 18	1990 Annotated Aerial Photo of Property
Exhibit 19	2001 Annotated Aerial Photo of Property
Exhibit 20	Photos of Camp Gilmore Wire Bridge
Exhibit 21	Photos of Grading and Placement of Fill
Exhibit 22	Photos of Removal of Riparian Vegetation
Exhibit 23	Photos of Removal of Oak Trees
Exhibit 24	Photos of Removal of Chaparral Vegetation
Exhibit 25	Salvation Army Oak Tree Report (1988)
Exhibit 26	Salvation Army Biota Report (1988)
Exhibit 27	California Natural Diversity Database Map of Property
Exhibit 28	Camp Mount Craggs Footbridges and Yurt Photos and Partial Site Plan Comparison
Exhibit 29	Camp Entrance Guest Facilities Photos
Exhibit 30	Camp Mount Craggs Shade Structure and Locker Room Addition Photo Comparison
Exhibit 31	Camp Mount Craggs Bandshell Photo and Partial Site Plan Comparison
Exhibit 32	Camp Gilmore Cabins Photo and Partial Site Plan Comparison
Exhibit 33	Camp Mount Craggs Office Building Addition Photo and Partial Site Plan Comparison
Exhibit 34	Camp Mount Craggs Block Maintenance Structure
Exhibit 35	Camp Mount Craggs Craft House and Shed Photo and Partial Site Plan Comparison
Exhibit 36	Camp Mount Craggs Pavilion Photo Comparison

## **I. MOTION AND RESOLUTION**

### **Motion 1: Consent Cease and Desist Order**

*I move that the Commission **issue** Consent Cease and Desist Order No. CCC-14-CD-04 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in issuance of the Consent Cease and Desist Order and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution to Issue Consent Cease and Desist Order:**

*The Commission hereby issues Consent Cease and Desist Order No. CCC-14-CD-04, as set forth below, and adopts the findings set forth below on grounds that activities have occurred on property owned and operated by The Salvation Army, and The Salvation Army has undertaken such activities, without a required coastal development permit and in violation of CDP 5-91-857, in violation of the Coastal Act, and that the requirements of the Order are necessary to ensure compliance with the Coastal Act.*

Motion No. 2:

*I move that the Commission issue Consent Restoration Order CCC-14-RO-04 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the Consent Restoration Order and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution to Issue Consent Restoration Order:**

*The Commission hereby issues Consent Restoration Order No. CCC-14-RO-04, as set forth below, and adopts the findings set forth below on grounds that: 1) development has occurred on the Property owned and operated by The Salvation Army without a coastal development permit; 2) the development is inconsistent with the Coastal Act; and 3) the development is causing continuing resource damage.*

## **II. JURISDICTION**

The Property is located within the Santa Monica Mountains in unincorporated Los Angeles County ("County"). On April 10, 2014, the Commission issued its approval of a new Land Use Plan ("LUP") for the Santa Monica Mountains segment of the County's coastal zone, if that LUP is modified as suggested. On July 10, 2014, the Commission issued its approval of the Local Implementation Plan element of the County's Local Coastal Program ("LCP") for the Santa

Monica Mountains, if modified as suggested. While the Commission has thus approved the Los Angeles County LCP, it has yet to be effectively certified.<sup>1</sup> Therefore, Los Angeles County does not currently have a certified LCP for the Santa Monica Mountains, and the Commission retains primary enforcement and permitting jurisdiction.

Even if the County already had a certified LCP for this area, in this case, the Commission has jurisdiction in this matter for multiple reasons. First, the activities at issue occurred when there was no certified LCP, so they were activities that required a permit from the Commission. Second, the violations involve actions (and perhaps also failures to act) in conflict with the requirements of a Commission-issued CDP(s). Third, any development inconsistent with that CDP(s) required an amendment of the permit(s), which must be issued by the Commission, and no CDP nor CDP amendment was ever issued by the Commission for that development at issue. Thus, both prongs of Coastal Act Section 30810(a) conferring enforcement jurisdiction on the Commission are satisfied.

### **III. COMMISSION'S AUTHORITY**

The Commission can issue a Cease and Desist Order under Coastal Act Section 30810 when it finds that the activity that is the subject of the order either (1) required a CDP from the Commission but occurred without that required CDP, or (2) occurred in violation of a CDP previously issued by the Commission. The Commission can issue a Restoration Order under Section 30811 of the Coastal Act if it finds that development 1) has occurred without a CDP from the Commission, 2) is inconsistent with the Coastal Act, and 3) is causing continuing resource damage. These criteria are all met in this case, as briefly summarized here, and discussed in more detail in Section V.E, below.

Coastal Act Section 30600 states that, in addition to obtaining any other permit required by law, a CDP is required when any person wishes to perform or undertake any non-exempt development in the Coastal Zone. The activity that has occurred on the Property meets the definition of "development," as defined in Coastal Act Section 30106, and occurred within the coastal zone. No CDP was obtained, nor was the development exempt from permitting requirements. Additionally, in this case, some of the activities at issue violate a condition of a prior CDP. Therefore, the Commission has authority to issue a Cease and Desist Order under Coastal Act Section 30810.

The Commission has authority to issue a Restoration Order under Section 30811 of the Coastal Act because development 1) has occurred without a CDP from the Commission, 2) is inconsistent with the Coastal Act, including Section 30230 (protection of marine resources); Section 30231 (protection of biological productivity and water quality); Section 30233 (limitations on filling, diking, and dredging of coastal waters); Section 30240 (protection of environmentally sensitive habitat); Section 30250 (limitations of new development); and

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<sup>1</sup> As of the date of this Staff Report, the Commission is scheduled to conduct a "Certification Review" at the October 10, 2014 Commission hearing, and decide whether it concurs with the Executive Director's determination that the actions by the County accepting certification of LUP Amendment No. 4-LAC-14-0108-4 with modifications, and Local Implementation Plan No. 4-LAC-14-0109-4 with modifications, is legally adequate.

Section 30253 (minimization of risks to life and property), and 3) is causing continuing resource damage as that term is defined in the California Code of Regulations, Title 14 ("14 CCR") Section 13190.

#### **IV. HEARING PROCEDURES**

The procedures for a hearing on a Cease and Desist Order and Restoration Order are outlined in 14 CCR Section 13185 and 14 CCR Section 13195, respectively.

For a Cease and Desist Order and Restoration Order hearing, the Chair shall announce the matter and request that all parties or their representatives present at the hearing identify themselves for the record, indicate what matters are already part of the record, and announce the rules of the proceeding, including time limits for presentations. The Chair shall announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, at his or her discretion, to ask of any other party. Staff shall then present the report and recommendation to the Commission, after which the alleged violator(s) or their representative(s) may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair may then recognize other interested persons, after which time staff typically responds to the testimony and to any new evidence introduced.

The Commission will receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in 14 CCR Sections 13186 and 13195, incorporating by reference Section 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner so chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the Cease and Desist Order and Restoration Order, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of the motion above, per the staff recommendation or as amended by the Commission, will result in issuance of the Cease and Desist Order and Restoration Order.

#### **V. FINDINGS FOR CONSENT CEASE AND DESIST ORDER NO CCC-14-CD-04 AND CONSENT RESTORATION ORDER NO. CCC-14-RO-04<sup>2</sup>**

##### **A. DESCRIPTION OF PROPERTY**

The Unpermitted Development addressed in these Consent Orders is located on a 113.55 acre property, approximately 0.5 miles west of Las Virgenes Road, 1.5 miles south of Mulholland Highway, directly adjacent to the west of Tapia Park, and north of Tapia Water Reclamation

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<sup>2</sup> These findings also hereby incorporate by reference the sections "Summary of Staff Report and Findings," "Section II. Jurisdiction," and "Section III. Commission Authority," at the beginning of this September 26, 2014 staff report ("STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders") in which these findings appear.



Facility, in the Santa Monica Mountains region of Los Angeles County (Exhibit 1). That lot is referred to herein as “the Property.” It is one of seven contiguous parcels owned by the Respondents, totaling approximately 532 acres, located at 26801 Dorothy Drive in unincorporated Los Angeles County (Exhibit 2). The Property is oriented in a north-south direction and encompasses three developed, overnight camping facilities owned and operated by The Salvation Army: Camp Mount Craggs, Camp Gilmore, and Wilderness Camp. Primary entrance to the Property is provided through Tapia Park, an entry portal into Malibu Creek State Park, via Dorothy Drive, a public road, which crosses Malibu Creek into the Property. A secondary entrance exists via the Tapia Water Reclamation Facility. The other six parcels owned by Respondents (which bound the Property to the north and west) are undeveloped, and these proceedings do not allege violations on those lots.

The Property is located within Malibu Canyon. Malibu Creek, a blue-line stream, traverses the Property from northwest to southeast for approximately 0.5 miles. Two streams located on the southern boundary of the Property are tributaries of Malibu Creek. Due to the streams and the adjacent slopes that define the sides of Malibu Canyon, a variety of vegetation exists on the Property which can be classified into several broad types, ranging from freshwater aquatic; riparian forest/woodlands/scrub; oak woodlands; and chaparral and coastal sage scrub (Exhibit 26). The Malibu Creek watershed extends inland beyond five miles to the Simi Hills and drains approximately 67,000 acres of watershed into the Malibu Lagoon, the only brackish lagoon in Los Angeles County. The majority of the Malibu Creek watershed is dominated by a diverse mosaic of chaparral, coastal sage scrub, grassland, and native woodlands. In its oak and riparian woodlands, the watershed supports a variety of tree species, featuring black cottonwood and leatherleaf ash as well as an abundance of California bay, white alder, arroyo willow, sycamore, California live oak, wild grape, and giant chain fern.

Originally opened to campers in 1939, the Property has been used as a camp site of The Salvation Army for seventy-five years. Prior to enactment of the Coastal Act, the Property featured numerous structures supportive of The Salvation Army’s recreational camping programs, including cabins, swimming pools, and dining facilities, throughout the areas known as Camp Mount Craggs and Camp Gilmore. According to The Salvation Army, the Property was obtained through funds raised by the Will Rogers Memorial Sanitarium, which allowed for the purchase of the property in 1939. The Salvation Army began its first camp program in the summer of 1939, calling its program the Will Rogers Memorial Camp.

## B. PERMIT HISTORY

Four CDPs and two CDP waivers have been issued for a variety of development activities on the Property. On January 24, 1980, the Commission issued CDP P-79-6312 for demolition of five existing dormitories and one multi-purpose room and construction of five new dormitories (1867 sq. ft. each) and one new multi-purpose room (1359 sq. ft.), all one story in height and fifteen feet above the average finished grade, in approximately the same locations as the buildings which were to be demolished (Exhibit 3). These development activities were authorized within the confines of Camp Mount Craggs.

The following year, on May 29, 1981, the Commission approved CDP A-81-7872 for construction of an 800 sq. ft. addition to an existing “lodge dining hall” and alterations to an adjoining outdoor patio within Camp Gilmore (Exhibit 5).

On April 9, 1986, CDP waiver 5-86-200-W was issued for removal of an existing “substandard dormitory building” and construction of a new, two-story dormitory building in the same location within Camp Gilmore (Exhibit 6). Then, on March 13, 1987, CDP waiver 5-87-189-W was issued for construction of a new main electrical switchboard enclosure (267 sq. ft.) and two substations (87 sq. ft. each) within Camp Mount Craggs (Exhibit 8).

On November 10, 1992, the Commission approved CDP 5-91-857, with standard and special conditions, for the construction of two 25 foot high, multi-use buildings totaling 7,500 square feet, removal of five oak trees, and 10 new parking spaces (Exhibit 10). Of relevance to these proceedings, Special Condition 1 of CDP 5-91-857 required a new CDP for any future development on the Property. The condition required this condition to be recorded as a deed restriction, stating “...any future improvements or additions on the property including clearing of vegetation or grading (except as described below) will require a new coastal development permit from the Commission or its successor agency,” with the limited exception of “...clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 100-150 foot radius of the approved residence as required by the Los Angeles County Fire Department.” This deed restriction was recorded with the Los Angeles County Recorder’s office on October 19, 1992 as Instrument Number 92-1928006 (Exhibit 12). Because subsequent development activities other than those specifically excepted in the Deed Restriction occurred on the Property without a CDP, Special Condition 1 has been violated, as discussed in this report.

Lastly, on April 29, 1997, the Commission issued CDP 4-96-166, with standard and special conditions, to Respondents for construction of a 4-story, 14,240 sq. ft., and up to 43 ft. tall conference and dormitory facility with a meeting room and kitchen (Exhibit 13). This CDP also authorized 800 cubic yards of grading and demolition of an existing dormitory building. That permit also contained several affirmative obligations. Commission staff has not been able to find any evidence of compliance with some of those obligations. The proposed Consent Orders, attached as Appendix A, require compliance with all obligations of all CDPs issued for the Property, and failure to comply with obligations would constitute additional violations of the Coastal Act and these Consent Orders.

### C. DESCRIPTION OF COASTAL ACT VIOLATIONS

The violations being addressed by these Consent Orders include development that was undertaken without a CDP and activities inconsistent with CDP 5-91-857. The violations include, but are not necessarily limited to: grading and placement of fill; removal of major vegetation; placement of habitable and non-habitable structures; additions to structures; and demolition of structures.

A review of aerial photographs and site plans accompanying Respondents’ prior CDP applications show that unpermitted development occurred at numerous dates following

enactment of the Coastal Act, including after the approval of CDP 5-91-857 and recordation of the associated deed restriction on October 19, 1992, which explicitly required a CDP for future development on the Property. The site plans accompanying CDP P-79-6312 (Exhibit 4), CDP 5-86-200-W (Exhibit 7), CDP 5-87-189-W (Exhibit 9), CDP 5-91-587 (Exhibit 11), CDP 4-96-166 (Exhibits 14 and 15), as well as annotated aerial photographs of the Property from 1983 (Exhibit 17) and 1990 (Exhibit 18), are attached to this staff report and demonstrate that development occurred after the Coastal Act and, as discussed herein, occurred without a CDP or an amendment to a previously issued CDP.

There are five general areas of the Property where unpermitted development has been performed: 1) Camp Mount Crags; 2) Camp Gilmore; 3) Wilderness Camp; 4) within and adjacent to Malibu Creek; and 5) in the vicinity of the primary entrance to the Property via Dorothy Drive.

Within the confines of the area of the Property recognized as Camp Mount Crags, numerous items of unpermitted development were placed on the Property without the necessary CDP or CDP amendment, including two footbridges placed across a concrete drainage channel (Exhibit 28); a shade structure on the southern end of the swimming pool and storage shed addition, with associated concrete pad, to the pool's locker room facility (Exhibit 30); a "bandshell" addition to the open music area (Exhibit 31); a structural addition to an existing, legal office building (Exhibit 33); a yurt (Exhibit 28); a block maintenance structure (Exhibit 34); a pavilion structure (Exhibit 36); a craft house with associated concrete pad (Exhibit 35); a storage shed located west of the dining facility (Exhibit 35); and a retaining wall west of the camp's conference center (Exhibit 19). Of these items of unpermitted development within Camp Mount Crags, the following were developed on the Property in violation of Special Condition 1 of CDP 5-91-857: the yurt and footbridge adjacent to the north of the yurt; office building addition; craft house and shed west of the dining facility; block maintenance structure; pavilion; and retaining wall west of the camp's conference center. Removal of oak trees (Exhibit 23, page 2), oak tree limbs (Exhibit 23, page 3), and chaparral vegetation (Exhibit 24, page 3) was also undertaken in this area without a CDP and in violation of CDP 5-91-857.

Within the confines of the area of the Property recognized as Camp Gilmore, numerous items of unpermitted development were placed on the Property without a necessary CDP or CDP amendment, including six cabins which are presently situated within a riparian/oak woodland and between two blue-line tributaries, flowing west to east, which ultimately join Malibu Creek on the eastern side of the Property (Exhibit 32). These six cabins served as replacements for six previously constructed cabins, formerly located within Camp Gilmore, which were demolished without a CDP. In addition, within Camp Gilmore, a wire footbridge that crosses a blue-line tributary of Malibu Creek was installed on the Property without a CDP (Exhibit 20). Of these items of unpermitted development within Camp Gilmore, the wire footbridge was developed on the Property in violation of Special Condition 1 of CDP 5-91-857. Removal of major vegetation was also undertaken in several locations within Camp Gilmore, including the removal of oak trees (Exhibit 23, pages 6 and 7) and chaparral vegetation (Exhibit 24, page 1) without a CDP and in violation of CDP 5-91-857.

Within the confines of the area of the Property recognized as Wilderness Camp, numerous items of unpermitted development were placed on the Property without a necessary CDP or CDP amendment including two cabins, a structure containing a kitchen and bathroom, utility lines, a

stage, a campfire ring made of stones and surrounded by tree stumps, benches and chairs, wooden posts, and numerous large rocks (Exhibit 19). In addition, chaparral vegetation was removed from around these items of unpermitted development (Exhibit 24, page 4). The placement of the items of unpermitted development and the removal of chaparral vegetation occurred in violation of CDP 5-91-857.

Within and adjacent to Malibu Creek on the Property, grading and placement of fill was performed (Exhibit 21), and willow shrubs (Exhibit 22) as well as one oak tree and one oak limb (Exhibit 23, page 1), were removed from the riparian corridor of the creek. These development activities were performed without a CDP and in violation of CDP 5-91-857.

In the vicinity of the primary entrance to the Property via Dorothy Drive, numerous items of unpermitted development were placed on the Property without a necessary CDP or CDP amendment including a driveway, two residences and associated concrete pads, a shed, a large maintenance structure, and a wooden fence between the residences and maintenance structure (Exhibit 29). In addition, oak trees (Exhibit 23, pages 4-5) and chaparral vegetation (Exhibit 24, page 2) were removed from around these items of unpermitted development. The placement of the items of unpermitted development and the removal of chaparral vegetation and oak trees occurred in violation of CDP 5-91-857.

#### D. HISTORY OF VIOLATION/SETTLEMENT DISCUSSIONS

On October 10, 2013, it was reported to Commission staff that development activities were being undertaken within Malibu Creek on the Property. The following day, on October 11, 2013, Commission staff visited the Property and confirmed that unpermitted development had occurred, including grading in and adjacent to Malibu Creek, complete removal of one California live oak, removal of a large limb from a second oak tree, and removal of willows in and adjacent to Malibu Creek. Commission staff then advised two employees of The Salvation Army that the development activities required a CDP and that they should stop work until a CDP is issued. On October 16, 2013, Commission staff received a report (with photographs) that at least two additional oaks (18" and 14" stumps) had also been removed.

Two days later, on October 18, 2013, Commission Enforcement staff sent a "Notice of Violation" letter to the camp director, describing the unpermitted development on the Property and providing options to resolve the matter (Exhibit 16). The following week, on October 24, 2013, Respondents met with Commission staff during which time Respondents explained that heavy equipment was used to move sediment that had built up on and upstream of the creek crossing. Commission staff suggested hiring a restoration specialist and/or civil engineer to prepare an erosion control plan to address the immediate risk of increased sedimentation of Malibu Creek during the coming winter rains. Unfortunately, erosion control measures were not installed and heavy rainstorms occurred from February 27, 2014 to March 1, 2014, which eroded the loose soil and dirt piles adjacent to Malibu Creek into the stream. On March 25, 2014, Commission staff stated to Respondents that Restoration Orders would be needed to address matter and would include, among other things re-contouring the banks of the creek and replanting impacted areas with willows and other appropriate native vegetation, placement of

erosion control measures to stabilize the site until the plantings took hold, and mitigation measures to address temporal losses of habitat.

On May 7, 2014, Commission staff contacted Respondents to discuss formal resolution of the Coastal Act violations and to reiterate our willingness to work towards resolving them amicably through “Consent Orders.” On June 5 and 12, 2014, Commission staff and Respondents spoke to discuss resolution of the Coastal Act issues and the need to address both restoration of the impacted areas as well as mitigation for the temporal losses of habitat. On July 8, 2014, Commission enforcement staff toured the Property with Respondents and a biologist from California State Parks. We discussed options for resolution and locations for appropriate mitigation projects.

Over the next month, through review of the past CDPs issued for Property and analysis of historic aerial photography, Commission staff identified additional items of unpermitted development, including residences and cabins, sheds, a retaining wall, footbridges, and additions to existing legal structures. Over the next few months, Commission staff and Respondents worked together to reach an amicable resolution to the matter and agreed to the proposed Consent Orders, included below as Appendix A.

#### E. BASIS FOR ISSUANCE OF ORDERS

##### 1. Statutory Provisions

The statutory authority for issuance of the Consent Cease and Desist Order is provided in Section 30810 of the Coastal Act, which states, in relevant part:

- (a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist. . . .*
- (b) The cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material . . . .*

The statutory authority for issuance of the Consent Restoration Order is provided in Section 30811 of the Coastal Act, which states, in relevant part:

*In addition to any other authority to order restoration, the commission . . . may, after a public hearing, order restoration of a site if it finds that [a] the development has occurred without a coastal development permit from the commission, local government, or port governing body, [b] the development is inconsistent with this division, and [c] the development is causing continuing resource damage.*

##### 2. Factual Support for Statutory Elements

The following pages set forth the basis for the issuance of the proposed Consent Cease and Desist and Restoration Orders by providing substantial evidence that the Unpermitted Development meets all of the required grounds listed in Coastal Act Sections 30810 and 30811 for the Commission to issue Cease and Desist Order and Restoration Orders.

a) Development Occurred Without a CDP And Inconsistent With a Previous CDP

Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit required by law, and with limited exceptions not applicable here, any person wishing to perform or undertake any development in the Coastal Zone must obtain a CDP.

The term “development” is defined broadly in Section 30106 of the Coastal Act as follows:

*“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....(emphasis added)*

The activities described above in Section V.C constitute “development,” as defined in Section 30106 of Coastal Act, and are subject therefore to the requirements to obtain a CDP unless exempt from the Coastal Act. Because there is no certified LCP for this area, that CDP was required from the Commission, pursuant to Section 30600(c). Commission staff has verified that development on the Property was conducted without the benefit of a CDP and is not exempt.

Additionally, development was undertaken in violation of Special Condition 1 of CDP 5-91-857, which required the recordation of a deed restriction notifying owners of the Property that any future development would require a CDP. The deed restriction states, in part, “...any future improvements or additions on the property including clearing of vegetation or grading ... will require a new coastal development permit from the Commission or its successor agency,” with the limited exception of “clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 100-150 foot radius of the approved residence as required by the Los Angeles County Fire Department.” A deed restriction pursuant to Special Condition 1 of CDP 5-91-857 was recorded by the County of Los Angeles on October 19, 1992 (Exhibit 12). Therefore, some of the Unpermitted Development, as discussed in Section V.C, also violates a condition of a CDP previously issued by the Commission.

Therefore, the criterion for issuance of the proposed Consent Cease and Desist Order has been met, and the first of three criteria necessary to support the Commission's issuance of the proposed Consent Restoration Order has also been met.

b) The Unpermitted Development Is Inconsistent With The Coastal Act

The Coastal Act includes policies to protect, maintain, enhance and restore the quality of coastal resources within the coastal environment.

The Unpermitted Development is inconsistent with the following Chapter 3 policies of the Coastal Act, which are more fully discussed below: Section 30240 (protection of environmentally sensitive habitat); Section 30230 (protection of marine resources); Section 30231 (protection of biological productivity and water quality); and Section 30233 (limitations on filling, diking, and dredging of coastal waters); Section 30250 (limitations of new development); and Section 30253 (minimization of risks to life and property).

Protection of ESHA, Water Quality, and Biological Productivity

Section 30240 of the Coastal Act provides that:

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas.*
- b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30107.5 of the Coastal Act defines an "Environmentally Sensitive Area" and states as follows:

*"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 30230 of the Coastal Act requires the following:

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

Section 30231 of the Coastal Act requires the following:

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

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

Section 30240 of the Coastal Act limits development within and adjacent to ESHA by limiting development in ESHA to resource-dependent uses and requiring, among other things, that where development is allowed, the ESHA is protected against any significant disruption of its habitat values and the development is sited and designed to avoid adverse impacts within ESHA. In addition to protections for ESHA, Sections 30230 and 30231 of the Coastal Act restrict uses of marine resources and require protection of the biological productivity and quality of coastal waters for marine organisms and humans.

In this case, the Property is located within the Santa Monica Mountains, a large and pristine Mediterranean type ecosystem in coastal Southern California. The Commission has found in multiple previous CDP reviews and enforcement actions in the area, through concurrence with the determination of its senior ecologist, that the “Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California.”<sup>3</sup> The Commission has therefore found that “because of the rare and special nature of the Santa Monica Mountains ecosystem,” large, contiguous, substantially intact areas of specific constituent plant communities in that ecosystem are “especially valuable” under the Coastal Act.

There are numerous features of the Property that lend themselves to the Property’s designation as ESHA. Malibu Creek, a blue-line stream, traverses the Property in a north-south direction for approximately one-half mile. Two streams located on the southern boundary of the Property are tributaries of Malibu Creek. In the Santa Monica Mountains, riparian habitats and their associated streams are both rare and especially valuable in the ecosystem. Furthermore, the Property features large oak woodlands and over 800 California live oak trees (Exhibit 25), some of which are located adjacent to riparian habitat on the Property. Finally, large, contiguous, and undisturbed swaths of chaparral habitat exist in numerous locations throughout the Property. The Unpermitted Development has resulted in resource impacts to Malibu Creek, and its associated riparian and adjacent oak woodland and chaparral habitats, as discussed below.

Commission staff has confirmed that development – grading, placement of fill, and removal of riparian vegetation – has occurred within and adjacent to the Malibu Creek without a CDP. The unpermitted removal of at least 18 California live oak trees (*Quercus agrifolia*) and limbs of several other oak trees has also been confirmed. Furthermore, chaparral which rises to the level of ESHA was discovered to have been removed without a CDP. The Unpermitted Development at issue is not consistent with the Coastal Act.

In October 2013, it was reported to Commission staff that grading and removal of willow shrubs within and adjacent to Malibu Creek had been witnessed on the Property. Commission staff visited the Property on October 11, 2013, and directly observed evidence of recent grading, placement of fill, and removal of riparian vegetation within the vicinity of a concrete, box culvert which functions as a shallow

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<sup>3</sup> John Dixon, Ph.D., “Designation of ESHA in the Santa Monica Mountains,” (March 25, 2003), p. 5-6.



crossing through Malibu Creek (Exhibit 22). Soil was seen to have been artificially piled onto the banks of Malibu Creek without measures to control erosion (Exhibit 21). Staff of the property owner explained that the soil observed by Commission staff had originally accumulated on top of the box culvert and been moved by camp personnel to the banks of the stream during the course of grading to clear the crossing. Mixed with the displaced soil, Commission staff identified the remnants of willow shrubs, a common type of riparian vegetation, which also had been removed consequent to the unpermitted grading. Several months later, during a large rainstorm in February 2014, much of the graded soil which had been deposited onto the banks of Malibu Creek was reported to have eroded into the stream. Ultimately, the grading, placement of fill, and removal of riparian vegetation were confirmed by Commission staff to have occurred without the benefit of a CDP.

### Riparian Habitat

Section 30107.5 defines ESHA by whether a habitat or species is rare or especially valuable in an ecosystem and whether it could be easily disturbed or degraded by human activities and developments.

Malibu Creek is one of the two largest watersheds in the Santa Monica Bay Watershed Management Area, as designated by the State Water Resources Control Board. It extends inland beyond five miles to the Simi Hills and drains approximately 67,000 acres of watershed into the Malibu Lagoon, the only brackish lagoon in Los Angeles County. The majority of the Malibu Creek watershed is dominated by a diverse mosaic of chaparral, coastal sage scrub, grassland, and native woodlands. In its oak and riparian woodlands, the watershed supports a variety of tree species, featuring black cottonwood and leatherleaf ash as well as an abundance of California bay, white alder, arroyo willow, sycamore, California live oak, wild grape, and giant chain fern. Much of the watershed is remote and undisturbed, particularly the northwest and central portions.

In the Santa Monica Mountains, riparian habitats and their associated streams are both rare and especially valuable in the ecosystem. Riparian communities are the most species-rich habitats to be found; the multi-layered vegetation, the perennial source of water, dense vegetative cover and adjacency to shrubland habitats renders them attractive to many native wildlife species<sup>4</sup>. During the warm, dry Mediterranean-climate summers, these communities serve as a wildlife oasis, while the streams themselves provide refuge for sensitive species. They also form important links in the Santa Monica Mountains, connecting 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.

Unfortunately, riparian habitats in California have suffered serious losses due to human activities, and such habitats in southern California are currently very rare and seriously threatened. In 1989, it was estimated that 95-97% of riparian habitat in southern California was

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<sup>4</sup> 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.

already lost<sup>5</sup>. In the intervening 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.

On the Property, numerous rare species of animals have been identified (Exhibit 26). The stretch of Malibu Creek is home to the arroyo chub (*Gila orcuttii*), an endemic minnow adapted to warm, slowly flowing waters, such as in Malibu Creek and its tributaries during dry months. Arroyo chub is listed as a Species of Special Concern by the California Department of Fish and Wildlife (“CDFW”). Additionally, Malibu Creek is biologically distinctive for continuing to sustain the endangered, native Southern California steelhead trout (*Oncorhynchus mykiss*) in the reach below Rindge Dam, which is considered to be the species’ southernmost distribution. Steelhead trout historically ranged from Alaska to Baja California and were abundant throughout Southern California streams and rivers. However, due to a combination of dam construction, channelization, urbanization, and water development, most of the species’ habitat has disappeared. This distinct population segment of southern steelhead is federally listed as an Endangered Species under the federal Endangered Species Act (“ESA”) and as a Species of Special Concern in California. The Property also falls within the federal government’s designation of the Santa Monica Bay Hydrologic Unit as Critical Habitat for this species.

By undertaking the Unpermitted Development, Respondents failed to prevent impacts which have significantly degraded this rare and valuable habitat. By grading, placing fill, removing ESHA within and adjacent to Malibu Creek, and installing structures with associated hardscaping adjacent to its riparian corridor, the habitat values of this ESHA have been significantly disrupted. These activities are not uses which depend on the coastal resources of Malibu Creek, nor are they compatible with the continuance of this sensitive habitat area. As such, the Unpermitted Development is inconsistent with Section 30240 of the Coastal Act.

In addition to contradicting the Coastal Act policy requiring protection of ESHA, the Unpermitted Development is inconsistent with the provisions of the Coastal Act in Sections 30230 and 30231, which require the protection and maintenance of the biological productivity and quality of coastal waters.

In the performance of unpermitted grading within and adjacent to Malibu Creek, Respondents removed riparian vegetation and moved earth into piles on the banks of the creek without installing any measures to control erosion. Predictably, large quantities of displaced fill then eroded into Malibu Creek as run-off during a rainstorm, thereby increasing the sediment load in the stream and adversely impacting this sensitive riparian system. The placement of fill, as defined under Section 30108.2, is only allowable in open coastal waters under conditions specified in Section 30233. The Unpermitted Development at issue does not meet the criteria for placement of fill under Section 30233, as discussed later in this report.

Increased sediment loads in streams and coastal waters can degrade riparian areas and disrupt their habitat values by increasing turbidity, which reduces the light transmission necessary for in-stream photosynthesis and thereby reduces food supply and habitat. Eroded soil also contains

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<sup>5</sup> 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.

nitrogen, phosphorus, and other nutrients which, when carried into water bodies, trigger algal blooms that reduce water clarity and deplete oxygen, causing fish kills and odors. Excessive deposition of sediment may harm benthic organisms by changing the composition of the streambed habitat, burying invertebrates, and reducing feeding and nesting success by eliminating nesting habitat and smothering eggs.

Furthermore, the removal of riparian vegetation violates Section 30231 of the Coastal Act which requires "...maintaining natural vegetation buffer areas that protect riparian habitats." The increased erosion resulting from hardscaping and vegetation removal impairs riparian corridors, streams and, ultimately, shallow marine waters by increased sedimentation. Riparian vegetation plays a significant role in the regulation of water quality and maintenance of biological productivity. Riparian buffer zones in upland areas help to protect water quality by slowing the rate and reducing the volume of surface runoff into the stream channel, thereby providing time for infiltration, deposition of suspended solids, filtration of suspended solids by vegetation, absorption to plant and soil surfaces, and adsorption of pollutants by plants. Similarly, vegetation within and immediately adjacent to the stream channel helps to regulate nutrient levels through uptake, and minimizes erosion and sedimentation through bank stabilization.<sup>6</sup> Riparian vegetation also influences biological productivity. For example, riparian vegetation provides habitat, shades and moderates temperatures within the stream channel and riparian corridor, and serves as a primary source of energy (i.e., food) for aquatic organisms.<sup>7</sup> Removing riparian vegetation also reduces cover and protection for animal movement along the banks of the stream. Because of its vast influence on the physical, chemical, and biological integrity of streams, the destruction of riparian vegetation can have cascading effects on water quality and biological productivity.<sup>8</sup>

### Chaparral

Additionally, in the course of investigating the report of unpermitted development, Commission staff discovered that chaparral was removed from the Property without a CDP. Through comparisons of historic aerial photographs, it has been confirmed that chaparral was removed in locations where it was once part of large, contiguous swaths. In past Commission actions, contiguous swaths of chaparral in the Santa Monica Mountains have been found to rise to the level of ESHA<sup>9</sup>.

Removal of chaparral (Exhibit 24), where it was part of large, contiguous, and undisturbed swaths, has occurred in at least four distinct locations on the Property. Chaparral was removed from the slope west of a 4-story, 14,240 square foot conference and dormitory facility authorized pursuant to CDP 4-96-166. In addition, an unpermitted retaining wall was installed within this cleared area. To the north of the primary entrance to the Property via Dorothy Drive, chaparral

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<sup>6</sup> Barling, R. O. and I.O. Moore. 1994. Role of Buffer Strips in Management of Waterway Pollution: A Review. *Environmental Management* 18: 543-558

<sup>7</sup> Knight, A.W. and R.L. Bottorf. 1981. Importance of Riparian Vegetation to Stream Ecosystems. In *California Riparian Systems: Ecology, Conservation, and Productive Management*. (1984) Pp. 160-167

<sup>8</sup> California Coastal Commission. 2007. Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas.

<sup>9</sup> See, e.g., Revised Findings for the City of Malibu Local Coastal Program (certified on September 13, 2002), adopted on February 6, 2003.

was removed from around four unpermitted structures, including two residences, which serve as overnight accommodations for guests of the Respondents. To the north of the swimming pool and dining hall at Camp Gilmore, a large area was cleared of chaparral. Lastly, near the southwestern property boundary of the Property, a circular area of chaparral was removed from around at least five unpermitted structures, including two overnight cabins and a separate facility with water and electricity, within the area described as the Wilderness Camp.

Large, contiguous spans of chaparral are rare and especially valuable habitats in the Santa Monica Mountains for their important and inter-connected roles in the ecosystem. Chaparral provides critical linkages among riparian corridors, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Although only the 113-acre Property whereon the Unpermitted Development occurred is the focus of these proceedings, it bears noting that, in total, the full span of Respondents' property is approximately 532 acres across seven parcels, surrounded by Malibu Creek State Park. While the Property is located within Malibu Canyon and defined by its riparian habitat, oak woodlands, and chaparral covering the steep canyon slopes, the adjacent, contiguous lots owned by Respondents are characterized by undisturbed chaparral habitat.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. Such large, contiguous tracts of land accommodate substantial wildlife movement and gene flow for wildlife species that range over extensive areas, including badger, bobcat, mountain lion, and golden eagle. However, an accelerating rate of land conversion threatens to further isolate and fragment the remaining portions of these and adjacent mountains, ultimately leading to destabilization of existing populations, physical and genetic isolation, and loss of natural diversity. The integrity of such large, contiguous tracts of open space is critical to the maintenance of biological diversity in the Santa Monica Mountains. These habitats also have been, and continue to be, easily disturbed and degraded by human activities and developments in the region.

Chaparral and coastal sage scrub are the predominant, generic community types of the Santa Monica Mountains and provide the living matrix within which some rare plant species exist. According to the California Natural Diversity Database ("CNDDB"), several rare and endangered plant species have been identified on the Property (Exhibit 27). Malibu baccharis (*Baccharis malibuensis*) is listed as "critically imperiled" globally and within California (G1/S1) by NatureServe and as "seriously threatened in California" (1B.1) by the California Native Plant Society ("CNPS"). Marcescent dudleya (*Dudleya cymosa ssp. marcescens*) is listed federally as Threatened under the ESA, by the state as Rare under the California Endangered Species Act ("CESA"), and it is on the CNPS 1B.2 list.

In undertaking the Unpermitted Development, Respondents removed chaparral, which rises to level the ESHA, causing significant adverse impacts and disruption of its habitat values, in violation of Section 30240 of the Coastal Act.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and penetrating the bedrock below<sup>10</sup>, so chaparral literally holds the hillsides together and prevents slippage.<sup>11</sup> In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration.

In undertaking the Unpermitted Development, Respondents removed chaparral, increasing the potential of impacts to the quality and biological productivity of coastal waters caused by erosion into Malibu Creek, in violation of Sections 30230 and 30231 of the Coastal Act.

### Oak Trees

Furthermore, Unpermitted Development on the Property includes the full removal of California live oak trees as well as oak tree limbs in numerous locations, including within oak woodlands and riparian corridors.

The ecosystem health of the stream also depends upon ecological functions of adjacent oak woodlands. Between oak woodlands and riparian areas, there is an ecologically beneficial interface characterized by the provision of large woody debris for habitat, shade that controls water temperature, and the input of leaf detritus that provides the foundation for the stream trophic structure, among other processes. Oak woodlands additionally support a high diversity of birds<sup>12</sup> and many species of sensitive bats<sup>13</sup>. Oak woodlands are a unique habitat area which provides shelter and food for wildlife, and supports a variety of species. The acorns dropped by Coast Live Oaks are a significant food source for squirrels and other small mammals, deer, and many bird species. In addition to providing foodstuffs for wildlife, the overlapping canopies of a mature oak stand provide a path for animals to travel from tree to tree, allowing increased protection from predators on the ground. Oak trees and oak woodlands also minimize noise, deflect wind, filter dust and pollutants, and provide carbon dioxide reduction and oxygen production benefits.

Oak woodlands are not only rare and especially valuable due to their role in the ecosystem, but they are also easily disturbed or degraded by human activities and development. Oak trees and oak woodlands are becoming increasingly rare in the Santa Monica Mountains, particularly

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<sup>10</sup> Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

<sup>11</sup> Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

<sup>12</sup> Cody, M.L. 1977. Birds. Pp. 223–231 in Throver, 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

<sup>13</sup> 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.

along the coast where much of the land has been or is at risk of development.<sup>14</sup> In Los Angeles County, nearly all of the oak woodlands areas outside the inland national parks are already developed.<sup>15</sup> It is critical to protect the remaining oak trees in pristine areas, and to restore those which have been adversely affected by unpermitted development.

In undertaking the Unpermitted Development, Respondents removed oak trees and limbs, causing significant adverse impacts and disruption of its habitat values, in violation of Section 30240 of the Coastal Act.

#### Filling of Coastal Waters

Furthermore, Section 30233 of the Coastal Act states that:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal dependent industrial facilities...*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels...*

*(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access ...*

*(4) Incidental public service purposes including, but not limited to ... maintenance intake of existing intake and outfall line.*

*(5) Mineral extraction ... for restoring beaches, except in environmentally sensitive areas. ...*

*(6) Restoration purposes.*

*(7) Nature study, aquaculture, or similar resource dependent activities.*

*... [Emphasis added]*

Section 30108.2 of the Coastal Act defines “Fill” as:

*"Fill" means earth or any other substance or material... placed in a submerged area.*

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<sup>14</sup> Tom Gaman & Jeffrey Firman, California Oaks Foundation, Oaks 2040: The Status and Future of Oaks in California (2006), available at <http://www.californiaoaks.org/ExtAssets/Oaks%202040%20Main%20Text1108.pdf>.

<sup>15</sup> *Id.*

Coastal Act Section 30233 does not allow the filling of coastal waters unless this activity falls within one or more specified allowable uses, as set forth above. The soil fill placed within Malibu Creek does not align with any of the allowable reasons provided in Section 30233(a). Furthermore, some of this soil fill is still in-place on the Property, adjacent to the stream, without any measures installed to control erosion and prevent continuing resource damage within ESHA.

The grading and consequent placement of fill within Malibu Creek was undertaken without authorization through a CDP and therefore did not undergo any analysis as part of a permitting process; as a result, no less-damaging alternatives to the clearing of the stream crossing were evaluated. Furthermore, if such grading were found to be appropriate on the Property, Section 30233 requires that mitigation measures be developed and implemented to reduce impacts to the area. This was not done. Although filling, diking, or dredging open coastal waters may be permissible (under specified circumstances) pursuant to the criteria found in Section 30233, the unpermitted grading and placement of fill does not meet these criteria. Therefore, it is inconsistent with this provision of the Coastal Act.

#### Location of New Development and Minimization of Risks to Life and Property

Coastal Act Section 30250:

*(a) 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, land divisions...outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average sized of surrounding parcels.*

Coastal Act Section 30253

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Coastal Act requires that development be sited so as to minimize grading and impacts to sensitive resources. The Property subject to the proposed Consent Orders is comprised, in part, of riparian woodlands, which are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat, a function fulfilled in the Santa Monica Mountains by coastal sage scrub and chaparral.

As the interconnectivity of various habitat types is essential to sustaining wildlife populations, siting new development in a manner that least intrudes upon this connectivity is essential; structures should be clustered together and in proximity to extant infrastructure. A number of the unpermitted structures were constructed in theretofore undisturbed areas of woodland or chaparral, distant from existing approved development. As no CDP was obtained for the development subject to the proposed Consent Orders, the Commission was deprived of the opportunity to ensure that development was clustered so as to minimize impacts to coastal resources.

In sum, the unpermitted removal of ESHA, including chaparral, oak woodland, and riparian habitats, and undertaking other unpermitted activities within ESHA have impacted and are still impacting the habitat functions of contiguous blocks of chaparral, oak, and riparian vegetation considered to be ESHA. The Unpermitted Development is contributing to potential erosion across the Property into Malibu Creek, impacting the quality of coastal waters, and does not protect the biological productivity of Malibu Creek and its tributaries. The Unpermitted Development also includes placement of fill in coastal waters/wetlands. Therefore, the Unpermitted Development is inconsistent with the resource protection policies of the Coastal Act, and thus the second criterion for issuance of a restoration order has been met.

#### c) The Unpermitted Development Is Causing Continuing Resource Damage

The Unpermitted Development is causing “continuing resource damage,” as those terms are defined by Section 13190 of the Commission’s regulations, provided below in relevant part.

##### (i) Definition of Continuing Resource Damage

Section 13190(a) of the Commission’s regulations defines the term “resource” as it is used in Section 30811 of the Coastal Act as follows:

*‘Resource’ means any resource that is afforded protection under the policies of Chapter 3 of the Coastal Act, including but not limited to public access, marine and other aquatic resources, environmentally sensitive wildlife habitat, and the visual quality of coastal areas.*

The term “damage” in the context of Restoration Order proceedings is defined in Section 13190(b) as follows:

*‘Damage’ means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development.*

In this case, the resources affected include the habitat and ecosystem functions provided by the impacted riparian, chaparral, and oak woodlands habitat; the biological productivity and water quality of the waterways; and the integrity of the existing waterways. The damage includes the degradation and removal of the riparian habitat, chaparral, and oak woodlands, including ESHA, which is caused by the Unpermitted Development on Property and the degradation of water



quality and biological productivity through grading adjacent to a stream and the filling of coastal waters, as described above.

As of this time, the physical items placed or allowed to come to rest and the physical alteration of the Property by removing ESHA as a result of Unpermitted Development that is the subject of these proceedings remains on the Property. As described above, the Unpermitted Development results in impacts to coastal resources, including the habitat provided by chaparral, oak woodland, and riparian vegetation, and the wildlife corridors such habitat provides; the biological productivity and quality of waterways; and the physical integrity of those waterways. The grading of riparian corridors, removal of native vegetation, and placement of unpermitted structures and fill continues to impact the coastal resources, both by continuing to prevent the native ecosystem from existing or functioning and thereby disrupting the biological productivity of these areas, and by continuing to introduce pollutants into the waterways.

As described above, the Unpermitted Development is causing adverse impacts to resources protected by the Coastal Act that continue to occur as of the date of this proceeding, and therefore damage to resources is “continuing” for purposes of Section 30811 of the Coastal Act. The damage caused by the Unpermitted Development, which is described in the above paragraphs, satisfies the regulatory definition of “continuing resource damage.” The third and final criterion for issuance of a Restoration Order is therefore satisfied.

#### d) Consent Orders Are Consistent With Chapter 3 of the Coastal Act

These Consent Orders, attached to this staff report as Appendix A, are consistent with the resource protection policies found in Chapter 3 of the Coastal Act. These Consent Orders require Respondents to, among other things, cease and desist from conducting any further unpermitted development on the Property, remove the physical items that were placed or allowed to come rest as a result of Unpermitted Development, and restore the areas impacted by the Unpermitted Development through restorative grading, planting native vegetation, and mitigating for the temporal losses of habitat.

Further, the Consent Orders require Respondents to plant native plant species to be compatible with the surrounding riparian, oak woodland, and chaparral habitat, and to ensure that non-native plant species do not colonize the newly restored site and spread from there to supplant the surrounding native habitat. Failure to revegetate the site would lead to potential invasion of non-native plant species, thus decreasing the biological productivity of this habitat, inconsistent with the resource protection policies of the Coastal Act. The primary function of the native habitat revegetation is the restoration of ESHA; therefore, the proposed use is consistent with the Coastal Act.

Therefore, these Consent Orders are consistent with the Chapter 3 policies of the Coastal Act, and their issuance is consistent with section 30810(b).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission finds that issuance of these Orders to compel the removal of the Unpermitted Development and restoration of the property is exempt from any applicable requirements of the California Environmental Quality Act of 1970 (CEQA), Cal. Pub. Res. Code §§ 21000 *et seq.*, and will not have significant adverse effects on the environment, within the meaning of CEQA. The Orders are exempt from the requirement for the preparation of an Environmental Impact Report, based on Sections 15060(c)(2) and (3), 15061(b)(2), 15307, 15308 and 15321 of CEQA Guidelines, which are also in 14 CCR.

G. SUMMARY OF FINDINGS OF FACT

1. The Property is located at 26801 Dorothy Drive, Calabasas in Los Angeles County. It is identified by the Los Angeles County Assessor's Office as APN 4462-031-007.
2. The Salvation Army is the sole property owner of record.
3. The Salvation Army operates Camps Mount Craggs, Gilmore, and Wilderness on the Property.
4. The Coastal Commission has jurisdiction over these violations because they occurred in a non-certified LCP segment area, which remained uncertified at the time of the hearing, and because they involved actions inconsistent with the terms and conditions of a CDP previously issued by the Commission.
5. The Property is located within the Coastal Zone and includes ESHA.
6. Respondents undertook development, as defined by Coastal Act Section 30106, without a coastal development permit, and in violation of a previously issued coastal development permit, on the Property.
7. The Unpermitted Development is inconsistent with Chapter 3 of the Coastal Act Sections 30231, 30233, 30240, 30250 and 30253, and is causing "continuing resource damage" within the meaning of Coastal Act Section 30811 and Title 14, California Code of Regulations, Section 13190.
8. Coastal Act Section 30810 authorizes the Commission to issue a cease and desist order in these circumstances. Coastal Act Section 30811 authorizes the Commission to issue a restoration order in these circumstances.
9. The criteria for issuance of both a Cease and Desist Order and a Restoration Order have been met pursuant to Section 30810 and 30811 of the Coastal Act.
10. The Salvation Army has agreed to undertake the work outlined in and comply with these Consent Orders and signed these Consent Orders agreeing to their issuance.

11. The work to be performed under these Consent Orders, if completed in compliance with the Orders and the plans required therein, will be consistent with Chapter 3 of the Coastal Act.

# **APPENDIX A**

**CONSENT CEASE AND DESIST ORDER  
CCC-14-CD-04**

**AND**

**CONSENT RESTORATION ORDER  
CCC-14-CD-04**

**CONSENT CEASE AND DESIST ORDER NO. CCC-14-CD-04 AND  
CONSENT RESTORATION ORDER NO. CCC-14-RO-04**

**1.0 CONSENT CEASE AND DESIST ORDER CCC-14-CD-04**

Pursuant to its authority under California Public Resources Code ("PRC") Section 30810, the California Coastal Commission ("Commission") hereby orders and authorizes The Salvation Army, and all its successors, assigns, employees, agents, contractors and anyone acting in concert with any of the foregoing (hereinafter collectively referred to as "Respondents") to:

- 1.1 Cease and desist from engaging in any further development, as that term is defined in PRC Section 30106, that would normally require a coastal development permit ("CDP") on the property identified in Section 5.2 below ("the Property"), unless authorized pursuant to the Coastal Act (PRC Sections 30000-30900), which includes through these Consent Orders. Respondents agree that any future repair and maintenance of the crossing over Malibu Creek, as described in Section 5.10, below, requires a CDP and Respondents shall obtain all necessary approvals from Los Angeles County ("County"), the Commission, and/or other agencies having jurisdiction over such a matter prior to conducting any such repair and maintenance activity.
- 1.2 Remove, pursuant to the terms and conditions set forth herein and pursuant to a removal plan consistent with Section 7.0, below, all physical items placed or allowed to come to rest on the Property as a result of Unpermitted Development defined in Section 11.0, below, unless otherwise specifically addressed in Section 6.0, below.
- 1.3 Take all steps necessary to comply with the terms and conditions of all other obligatory approvals or other necessary permits from State or local agencies having jurisdiction over this matter.
- 1.4 Fully and completely comply with the terms and conditions of Consent Restoration Order CCC-14-RO-04 and with the terms and conditions of all CDPs issued for the Property, including CDPs numbered 5-91-857 and 4-96-166.

**2.0 CONSENT RESTORATION ORDER CCC-14-RO-04**

Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes Respondents to restore the Property by complying with the Restoration Order described, and taking all other actions listed herein.

**3.0 NATURE OF ORDERS AND OF CONSENT**

- 3.1 Through execution of Consent Cease and Desist Order CCC-14-CD-04 and Consent Restoration Order CCC-14-RO-04 (herein collectively referred to as “these Consent Orders”), Respondents agree to comply with the terms and conditions of these Consent Orders. These Consent Orders authorize and require restoration activities, among other things, outlined in these Consent Orders. Any development subject to Coastal Act permitting requirements that is not specifically authorized under these Consent Orders requires a CDP. Nothing in these Consent Orders guarantees or conveys any right to development on the Property other than the work expressly authorized by these Consent Orders. Through the execution of these Consent Orders, Respondents agree to comply with these Consent Orders including the following terms and conditions.

#### **PROVISIONS COMMON TO BOTH ORDERS**

##### **4.0 PERSONS SUBJECT TO THESE ORDERS**

The Salvation Army; all its successors, assigns, employees, agents, and contractors, and any persons acting in concert with any of the foregoing (collectively referred to as “Respondents”).

##### **5.0 DEFINITIONS**

- 5.1 “**Consent Orders**” Consent Cease and Desist Order CCC-14-CD-04 and Consent Restoration Order CCC-14-RO-04 are collectively referred to in this document as the(se) Consent Orders.
- 5.2 “**The Property**” The Property that is the subject of these Consent Orders is described as follows: 26801 Dorothy Drive, Calabasas, Los Angeles County, Assessor’s Parcel Number 4462-031-007. It is referred to in these Consent Orders as the “Property.”
- 5.3 “**Restoration Area**” means all areas on which the Restoration Plan is to be implemented, and upon which the restoration will occur.
- 5.4 “**Camp Entrance Guest Facilities**” The phrase “Camp Entrance Guest Facilities” refers to two residences and two sheds, appurtenant concrete pads, and fencing, all of which is located north of the entrance to the Property via Tapia Park, as well as the paved access road emanating from Dorothy Drive to these four structures.
- 5.5 “**Wilderness Camp Structures**” The items of development including, but not limited to, two cabins, three accessory structures, walls, utility lines, and associated grading on the southwestern portion of the Property.

- 5.6 **"Camp Mount Crag Structures"** The structures located within Camp Mount Crag including the yurt, two footbridges across a concrete drainage channel, storage shed located west of the dining facility, craft house and appurtenant concrete pad, retaining wall west of the conference center, pavilion, pool shade structure, block maintenance structure and fencing, 'bandshell' addition to music area, and structural addition to the office building.
- 5.7 **"Camp Gilmore Structures"** The six cabins, formerly located in the vicinity of the Camp Gilmore multi-use building approved pursuant to CDP 5-91-857, which were demolished and subsequently rebuilt in a different location within Camp Gilmore.
- 5.8 **"Camp Mount Crag Pool Shed"** The structural addition to the locker room facilities for the Camp Mount Crag swimming pool and associated concrete pad.
- 5.9 **"Camp Gilmore Wire Bridge"** The wire footbridge on the southern portion of the Property.
- 5.10 **"Malibu Creek Box Culvert"** The paved, box culvert crossing through Malibu Creek located at the primary entrance to the Property via Dorothy Drive.
- 6.0 **SUBMITTAL OF AFTER-THE-FACT COASTAL DEVELOPMENT PERMIT APPLICATION**
- 6.1 If Respondents desire to retain any of the items of development identified in Sections 5.4, 5.5, 5.6, and 5.7, within one hundred and eighty (180) days of the effective date of these Consent Orders, Respondents shall submit, and shall not withdraw or impede final action by the County, or action by the Commission on appeal, in any way on, a 'complete' CDP application for after-the-fact approval of the items of unpermitted development described in Sections 5.4, 5.5, 5.6, and 5.7, above, should they wish to retain said items of unpermitted development.
- A. Respondents shall comply with the terms and conditions of any CDP issued in connection with the application submitted under Section 6.1, above, within two (2) years of final County action or Commission action on appeal, based upon the last action, unless an earlier deadline is established in the CDP(s).
- B. Within one hundred and eighty (180) days of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Remedial Grading, Revegetation, and Monitoring Plan for (a) the removal of any items of development described in Section 6.1, above, that Respondents do not apply to retain in the permit application

required by Section 6.1, and (b) the restoration, erosion control, remedial grading, revegetation, and monitoring of areas impacted by the unpermitted development. These plans shall be consistent with the provisions set forth in Section 7.0, below.

- C. Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Remedial Grading, Revegetation, and Monitoring Plan for the removal of any items of development described in Section 6.1 for which an after-the-fact application to retain the items was denied by the County, or the Commission on appeal. These restoration plans shall be submitted within one hundred and eighty (180) days of final action on said denial, and shall be consistent with the provisions set forth in Section 7.0, below.

## 7.0 RESTORATION PLAN

These Consent Orders require preparation and implementation of a Restoration Plan to restore areas on the Property impacted by Unpermitted Development. Respondents shall submit any Restoration Plan required by these Consent Orders, for review and approval of the Commission's Executive Director, within the deadlines set forth in these Consent Orders.

- 7.1 Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Executive Director, a Restoration Plan. The Restoration Plan shall outline all the proposed restoration, including proposed removal activities, remedial grading, erosion control measures, and revegetation activities on the Property as well as monitoring plans, and shall include the following elements and requirements.

## 7.2 GENERAL PROVISIONS

- A. The Restoration Plan shall be prepared by a qualified restoration ecologist(s), resource specialist(s), and/or engineer ("Specialist"). Prior to the preparation of the Restoration Plan, Respondents shall submit for the Executive Director's review and approval the qualifications of the proposed Specialist, including a description of the proposed Specialist's educational background, training and experience related to the preparation and implementation of the Restoration Plan described herein. If the Executive Director determines that the qualifications of Respondents' Specialist are not adequate to conduct such restoration work, he/she shall notify Respondents and, within ten (10) days of such notification, Respondents shall submit for the Executive Director's review and approval a different Specialist that meets the required qualifications.



- B. The Restoration Plan shall include a schedule/timeline of activities, the procedures to be used, and identification of the parties who will be conducting the restoration activities.
- C. The Restoration Plan shall include a detailed description of all equipment to be used. All tools utilized shall be hand tools unless the Specialist demonstrates to the satisfaction of the Executive Director that mechanized equipment is needed and will not impact resources protected under the Coastal Act, including, but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.
  - 1. If the use of mechanized equipment is proposed, the Restoration Plan shall include limitations on the hours of operations for all equipment and a contingency plan that addresses, at a minimum: 1) impacts from equipment use; 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and responses thereto; and 3) any water quality concerns. The Restoration Plan shall designate areas for staging of any construction equipment and materials, including receptacles and temporary stockpiles of graded materials, all of which shall be covered on a daily basis.
- D. The Restoration Plan shall specify that no demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or runoff erosion and dispersion.
  - 1. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- E. The Restoration Plan shall identify the location of the disposal site(s) for the off-site disposal of all materials removed from the Property and all waste generated during restoration activities pursuant to these Consent Orders. If a disposal site is located in the Coastal Zone and is not an existing sanitary landfill, a CDP is required for such disposal. All hazardous waste must be disposed of at a suitable licensed disposal facility.
- F. The Restoration Plan shall specify the methods to be used during and after restoration to stabilize the soil and make it capable of supporting native vegetation. Such methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid, or similar materials. Any soil stabilizers identified for erosion control shall be compatible with

native plant recruitment and establishment. The Restoration Plan shall also include all measures that will be installed on the Property and maintained until the impacted areas have been revegetated to minimize erosion and the transport of sediment.

- G. The Restoration Plan shall identify the Restoration Area and shall also state that prior to the initiation of any restoration or removal activities, the boundaries of the Restoration Area shall be physically delineated in the field, using temporary measures such as fencing stakes, colored flags, or colored tape. The Restoration Plan shall state further that all delineation materials shall be removed when no longer needed and verification of such removal shall be provided in the annual monitoring report that corresponds to the reporting period during which the removal occurred.

### 7.3 REMOVAL PLAN

- A. As part of the Restoration Plan, Respondents shall submit a Removal Plan, prepared by a qualified Specialist, approved pursuant to Section 7.2(A), to govern the removal and off-site disposal of all unpermitted development required to be removed pursuant to these Consent Orders, unpermitted development for which no authorization is sought by the deadlines established in these Consent Orders pursuant to Section 6.1(B), and unpermitted development for which authorization is denied by the County or the Commission on appeal, pursuant to Section 6.1(C).
- B. The Removal Plan shall include a site plan showing the location and identity of all items of unpermitted development to be removed from the Property.
- C. The Removal Plan shall indicate that removal activities shall not disturb areas outside of the removal and restoration area. Measures for the restoration of any area disturbed by the removal activities shall be included within the Revegetation Plan. These measures shall include the restoration of the areas from which the items of unpermitted development were removed, and any areas disturbed by those removal activities.
- D. The Removal Plan shall indicate that Respondents shall initiate removal of any items of unpermitted development by commencing implementation of any Removal Plan required to be submitted by these Consent Orders no later than thirty (30) days of approval of any Restoration Plan by the Executive Director, and such removal shall proceed in accordance with the terms of the approved Restoration Plan.
- E. Within thirty (30) days from commencing implementation of the Removal Plan, the removal shall be completed.

- F. Within fifteen (15) days of the completion of implementation of any Removal Plan, Respondents shall submit evidence for the Executive Director's review and approval, in the form of a narrative report with supporting photographs from the locations designated by Section 7.7(B), below, showing that the removal has been completed pursuant to the approved plans.

#### 7.4 TEMPORARY EROSION CONTROL PLAN

- A. Respondents shall submit, as part of the Restoration Plan, a Temporary Erosion Control Plan, prepared by a qualified Specialist approved pursuant to Section 7.2(A), to address ground disturbance during any construction or restoration activities and during the establishment of any vegetation planted pursuant to Section 7.6, below, and to stabilize the soil and prevent erosion.
- B. The Temporary Erosion Control Plan shall indicate that all erosion control measures are required to be installed and fully functional on the Restoration Area prior to, or concurrent with, the restoration activities required by these Consent Orders and maintained at all times of the year throughout the restoration process, to minimize erosion across the site and potential sedimentation of streams, drains, and/or culverts.
- C. The Temporary Erosion Control Plan shall: 1) include a narrative report describing all temporary run-off and erosion control measures to be used during restoration activities; 2) identify and delineate on a site plan the location of all temporary erosion control measures; and 3) specify that the construction of erosion control features shall take place only during the dry season (April 1-November 1). This period may be extended for a limited period of time pursuant to Section 18.0, below.
- D. The Temporary Erosion Control Plan shall indicate that all erosion control measures, including measures to encase filtering devices, shall be comprised of bio-degradable materials. Any soil stabilizers shall be compatible with native plant recruitment and establishment. Soil stabilization methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid or similar materials.
- E. The Temporary Erosion Control Plan shall indicate that all erosion control measures are temporary and will be eliminated from the Restoration Area by Respondents once the native plant habitat is established. Verification of such removal shall be provided in the annual monitoring report for the reporting period during which the removal occurred.

- F. The Temporary Erosion Control Plan shall indicate that Respondents shall commence implementation of the Temporary Erosion Control Plan concurrent with the implementation of the Removal Plan, as described in Section 7.3, above, and shall conclude installation of erosion control measures no later than fifteen (15) days after commencing implementation of the Temporary Erosion Control Plan.
- G. Within fifteen (15) days of the completion of implementation of any Temporary Erosion Control Plan, Respondents shall submit evidence for the Executive Director's review and approval, in the form of a narrative report with supporting photographs from the locations designated by Section 7.7(B), below, showing that installation has been completed pursuant to the approved plans.

#### 7.5 REMEDIAL GRADING PLAN

- A. As part of the Restoration Plan, Respondents shall submit a Remedial Grading Plan prepared by a qualified Specialist approved pursuant to Section 7.2(A) for the review and approval of the Commission's Executive Director. The Remedial Grading Plan shall include sections showing original and finished grades, and a quantitative breakdown of grading amounts (cut/fill), drawn to scale with contours that clearly illustrate, as accurately as possible, the pre-development and the current, unpermitted topography. The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore the Property to its original, pre-violation topography, as determined in consultation with the Commission's staff biologist and engineer.
- B. If the Specialist determines that alterations to the original topography are necessary to ensure a successful restoration of the riparian, oak woodland, and chaparral habitat, the Remedial Grading Plan shall also include this proposed topography and a narrative report that explains the justification for needing to alter the topography from the original contours.
- C. The Remedial Grading Plan shall indicate that Respondents shall initiate remedial grading activities by commencing implementation of any Remedial Grading Plan required to be submitted by these Consent Orders within fifteen (15) days of completing implementation of the Removal Plan.
- D. Within thirty (30) days from commencing implementation of any Remedial Grading Plan, the remedial grading shall be completed.
- E. Within fifteen (15) days of the completion of implementation of any Remedial Grading Plan, Respondents shall submit evidence for the

Executive Director's review and approval, in the form of a narrative report with supporting photographs from the locations designated by Section 7.7(B), below, showing that remedial grading has been completed pursuant to the approved plans.

## 7.6 REVEGETATION PLAN

- A. As part of the Restoration Plan, Respondents shall submit a Revegetation Plan, prepared by a qualified Specialist, as approved under Section 7.2(A) above, outlining the measures necessary to revegetate the Restoration Area. The Revegetation Plan shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence as necessary, submitted pursuant to requirements of Section 7.7(B) below, of vegetation in the Restoration Area prior to any Unpermitted Development undertaken on the Property, and the current state of the Property. The Revegetation Plan shall demonstrate that the Restoration Area will be restored using plant species endemic to and appropriate for the area in which the unpermitted activities occurred.
- B. The Revegetation Plan shall identify the natural habitat type that is the model for the restoration and describe the desired relative abundance of particular species in each vegetation layer. This section shall explicitly lay out the restoration goals and objectives for the revegetation. Based on these goals, the plan shall identify the species that are to be planted including, but not limited to, eighteen (18) oak trees, chaparral, and riparian plant species, and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. The Revegetation Plan shall indicate that plant propagules and seeds must come from local, native stock of the Santa Monica Mountains and as close as possible to the Property.
  1. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin (Santa Monica Mountains) and are not cultivars. The Revegetation Plan shall provide specifications for preparation of nursery stock. Technical details of planting methods (e.g. spacing, micorrhyzal inoculation, etc.) shall be included.
- C. The Revegetation Plan shall include a detailed description of the methods that shall be utilized to restore the Restoration Area to the condition that existed prior to the Unpermitted Development occurring.
  1. Prior to the replanting of willows within and adjacent to Malibu Creek, Respondents shall evenly spread out any existing stream sediment which was placed into piles as a result of the unpermitted

development, so as to accommodate the successful revegetation of willows. This grading shall be consistent with the Remedial Grading Plan approved pursuant to Section 7.5, above.

- D. The Revegetation Plan shall include a map showing the type, size, and location of all plant materials that will be planted in the Restoration Area; the location of all non-native plants to be removed from the Restoration Area; the topography of all other landscape features on the Restoration Area and the location of photographs of the Restoration Area that will provide reliable photographic evidence for annual monitoring reports, as described in Section 7.7(B), below. The eighteen (18) oak trees to be planted pursuant to this plan shall be located as close as possible to the locations where they were removed.
- E. The Revegetation Plan shall include a detailed explanation of the performance standards that will be utilized to determine the success of the restoration. The performance standards shall identify that 'x' native species appropriate to the habitat should be present, each with at least 'y' percent cover or with a density of at least 'z' individuals per square meter. The description of restoration success shall be described in sufficient detail to enable an independent specialist to duplicate it.
- F. The Revegetation Plan shall include a schedule for installation of plants and removal of non-native plants. Respondents shall not employ non-native plant species, which could supplant native plant species in the Restoration Area.
  - 1. If the planting schedule requires planting to occur at a certain time of year beyond deadlines set forth herein, the Executive Director may, at the written request of Respondents, extend the deadlines as set forth in Section 18.0 of these Consent Orders in order to achieve optimal growth of the vegetation.
  - 2. The Revegetation Plan shall demonstrate that all non-native vegetation within the Restoration Area will be eradicated prior to any revegetation activities on the Property. In addition, the Revegetation Plan shall specify that non-native vegetation removal shall occur year round, including on a monthly basis during the rainy season (November through April) for the duration of the restoration project, as defined in Section 7.7.
- G. The Revegetation Plan shall describe the proposed use of artificial inputs, such as irrigation, fertilizer or herbicides, including the full range of amounts of the inputs that may be utilized. The minimum amount necessary to support the establishment of the plantings for successful

restoration shall be utilized. No permanent irrigation system is allowed in the Restoration Area. Temporary above-ground irrigation to provide for the establishment of plantings is allowed for a maximum of three (3) years or until the revegetation has become established, whichever comes first.

1. If, after the three (3) year time limit, the vegetation planted pursuant to the Revegetation Plan has not become established, the Executive Director may, upon receipt of a written request from Respondents, allow for the continued use of the temporary irrigation system. The written request shall outline the need for and duration of the proposed extension.
- H. The Revegetation Plan shall specify that Respondents shall commence revegetation by implementing the Revegetation Plan within fifteen (15) days of completion of implementation of the Remedial Grading Plan.
- I. Planting that will occur pursuant to the Restoration Plan shall be completed within ninety (90) days of initiating implementation of the Revegetation Plan.
- J. Within fifteen (15) days of the completion of implementation of any Revegetation Plan, Respondents shall submit evidence for the Executive Director's review and approval, in the form of a narrative report with supporting photographs from the locations designated by Section 7.7(B), below, showing that remedial grading has been completed pursuant to the approved plans.

#### 7.7 MONITORING PLAN

- A. As part of the Restoration Plan, Respondents shall submit a Monitoring Plan that describes the monitoring and maintenance methodology, including sampling procedures, sampling frequency, and contingency plans to address potential problems with restoration activities or unsuccessful restoration of the area. The Monitoring Plan shall specify that the restoration Specialist shall conduct at least four (4) site visits annually for the duration of the monitoring period set forth in Section 7.7(B), at intervals specified in the Restoration Plan, for the purposes of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native species eradication; trash and debris removal; and the health and abundance of original and/or replacement plantings.
- B. Respondents shall submit, on an annual basis and during the same one-month period of each year (no later than December 31<sup>st</sup> of the first year), for five (5) years starting from the completion of implementation of the

Revegetation Plan, according to the procedure set forth under Section 9.0, a written report, for the review and approval of the Executive Director, prepared by the qualified Specialist, evaluating compliance with the approved Restoration Plan. These reports shall also include photographs taken during the periodic site inspections pursuant to Section 7.7(A), at the same time of year, from the same pre-designated locations (as identified on the map submitted pursuant to Section 7.6(D)) indicating the progress of recovery in the Restoration Areas.

1. The locations from which the photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director, pursuant to Section 10.0 of these Consent Orders.
- C. If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan, or these Consent Orders, or has failed to meet the goals and/or performance standards specified in the Restoration Plan, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Revised Restoration Plan shall be prepared by a qualified Specialist, approved by the Executive Director pursuant to Section 7.2(A), and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan, or these Consent Orders. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of these Consent Orders, a new Restoration Order, or a coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period, set forth in Section 7.7(B), shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two (2) annual reporting periods.
- D. At the end of the five (5) year monitoring period (or other duration, if the monitoring period is extended pursuant to Section 7.7(C)), Respondents shall submit, according to the procedure set forth under Section 9.0, a final detailed report prepared by a qualified Specialist for the review and approval of the Executive Director.
1. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved



Restoration Plans, Respondents shall submit a Revised Restoration Plan, in accordance with the requirements of Section 7.7(C) of the Consent Orders, and the monitoring program shall be revised accordingly.

- 7.8 Upon approval of the Restoration Plan (including the Removal, Temporary Erosion Control, Remedial Grading, Revegetation, and Monitoring Plans) by the Executive Director, Respondents shall commence implementation of the Restoration Plan within thirty (30) days after the Restoration Plan is approved. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than two hundred and ten days (210) days from commencing implementation of the Restoration Plan. The Monitoring Plan shall be implemented consistent with the terms of these Consent Orders. The Executive Director may extend this deadline or modify the approved schedule for good cause pursuant to Section 18.0 of these Consent Orders.
- 7.9 Within thirty (30) days of the completion of the Revegetation Plan described pursuant to Section 7.6, Respondents shall submit, according to the procedures set forth under Section 9.0, a written report, prepared by a qualified Specialist, for the review and approval of the Executive Director, documenting all restoration work performed on the Property pursuant to the specific component of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations (as identified on the map submitted pursuant to Section 7.6(D)) documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Property before the work commenced and after it was completed.

## 8.0 MITIGATION PLAN

### 8.1 Habitat Mitigation

- A. Within thirty (30) days of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Executive Director, a plan to mitigate for the temporal loss of native habitat on the Property that was impacted by the Unpermitted Development, which shall include the planting of four hundred (400) oak trees (*Quercus agrifolia*). The mitigation shall be implemented consistent with the terms of the approved Restoration Plan, including that the Mitigation Plan shall be prepared by a qualified resource Specialist and that the plan shall include a statement of goals, performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions, provide a rationale for and describe the size and number of container plants and the rate and method of seed application, all similar to those required in the Restoration Plan.

- B. The mitigation area may either be onsite or offsite elsewhere in the Santa Monica Mountains within the coastal zone. If the plan proposes an offsite mitigation area, Respondents shall demonstrate to the satisfaction of the Executive Director that there are not sufficient areas on the Property that are in need of re-establishment of native vegetation; and Respondents shall propose an alternative area upon public lands or land held subject to a conservation easement for the approval of the Executive Director.
- C. Respondents shall begin implementation of the Mitigation Plan within thirty (30) days of approval of the Mitigation Plan by the Executive Director, and shall complete all elements of mitigation based upon the deadlines provided in the Mitigation Plan, but in any case no later than one hundred and eighty (180) days from approval of the Mitigation Plan by the Executive Director.

## 8.2 Educational Signage Plan

- A. Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit an Educational Signage Plan that shall include a program for a system of signs providing, through photographs, diagrams, and text, educational information about the physical and biological features of the Property.
- B. At a minimum, the Educational Signage Plan shall demonstrate that educational signs shall be placed conspicuously throughout the Property describing information about the importance of native oak woodland and chaparral habitat and Malibu Creek, the Malibu Creek watershed, the associated flora and fauna, and the historical presence and cultural significance of Native Americans in the general area of the Property. The Educational Signage Plan shall include a map with the proposed locations of all educational signs and detailed descriptions and graphic representations of the proposed signs.
  - 1. Development of signage related to the historical presence and cultural significance of Native Americans in the general area of the Property shall be undertaken in consultation with local Native American tribal group(s).
- C. The Educational Signage Plan shall be consistent with all the terms and conditions of the Restoration Plan and these Consent Orders. All educational signage shall clearly acknowledge the Commission's role in creating the signs.
- D. Within ninety (90) days of approval by the Executive Director of the Educational Signage Plan, Respondents shall fully implement the

Educational Signage Plan and install the signs on the Property, consistent with all of its terms, and the terms set forth herein.

8.3 Concrete Debris Removal and Restoration Plan

- A. Within ninety (90) days of the effective of these Consent Orders, Respondents shall submit, for the review and approval of the Executive Director, a plan to remove concrete debris located on the banks of Malibu Creek on the Property and to restore the areas that were impacted by this concrete debris. The Concrete Debris Removal and Restoration Plan shall be implemented consistent with the terms of the approved Restoration Plan, including that the Concrete Debris Removal and Restoration Plan shall be prepared by a qualified resource Specialist and that the plan shall include a statement of goals, performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions, all similar to those required in the Restoration Plan. Respondents shall remove this concrete debris to the extent possible.
- B. Respondents shall begin implementation of the Concrete Debris Removal and Restoration Plan within thirty (30) days of approval of the plan by the Executive Director, and shall complete all elements of the plan based upon the deadlines provided in the Concrete Debris Removal and Restoration Plan, but in any case no later than ninety (90) days from approval of Concrete Debris Removal and Restoration Plan by the Executive Director.

9.0 All plans, reports, photographs and other materials required by these Consent Orders shall be sent to:

California Coastal Commission  
Attn: Cody Naylor  
45 Fremont Street, Ste. 2000  
San Francisco, CA 94105

With a copy sent to:

California Coastal Commission  
Attn: N. Patrick Veasart  
89 S. California Street, Ste. 200  
Ventura, CA 93001

**ADDITIONAL PROVISIONS COMMON TO BOTH ORDERS**

10.0 REVISION OF DELIVERABLES

The Executive Director may require revisions to deliverables under these Consent Orders. The Respondents shall revise any such deliverables consistent with the Executive Director's specifications and resubmit them for further review and approval by the Executive Director by the deadline established by the modification request from the Executive Director.

#### 11.0 DESCRIPTION OF THE UNPERMITTED DEVELOPMENT<sup>1</sup>

"Unpermitted Development" means all "development," as that term is defined in the Coastal Act (PRC Section 30106), that has occurred on the Property and that required authorization pursuant to the Coastal Act but for which no authorization was granted, including, but not necessarily limited to:

##### 11.1 Installation of unpermitted structures, including:

- A. The block maintenance building, located within Camp Mount Craggs, and fencing that extends into the riparian corridor of Malibu Creek;
- B. The pavilion located immediately north of the open lawn area and east of the Camp Mount Craggs dining facility;
- C. The shed located to the west of the Camp Mount Craggs dining facility;
- D. The "craft house" building located to the west of the Camp Mount Craggs dining facility;
- E. The yurt located within Camp Mount Craggs;
- F. The footbridge extending directly from the yurt described in Section 11.1(E), above;
- G. The footbridge located adjacent to the north side of the dormitory authorized pursuant to CDP P-79-6312;
- H. The footbridge located at Camp Gilmore, installed across a blue-line tributary stream, on the southern portion of the Property;

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<sup>1</sup> The description herein of the violation at issue is not necessarily a complete list of all development on the Property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the Property is not indicative of the Commission's acceptance of, or acquiescence in, any such development.

- I. The “bandshell” addition to the Camp Mount Craggs music area;
  - J. The structural addition to the office building located northeast of the Camp Mount Craggs multi-use building authorized pursuant to CDP 5-91-857;
  - K. The structural addition to the Camp Mount Craggs swimming pool locker room facilities and its appurtenant concrete pad, located adjacent to riparian ESHA, which extends towards the riparian corridor of Malibu Creek;
  - L. The shade structure located on the southern side of the Camp Mount Craggs swimming pool;
  - M. The retaining wall, located immediately west of the Camp Mount Craggs conference and dormitory facility authorized by CDP 4-96-166, within an area cleared of native chaparral ESHA;
  - N. The structures, including two cabins, three accessory structures, walls, and utility lines, and associated grading located within the area cleared of native chaparral ESHA, described as “the Wilderness Camp”
  - O. The four structures, appurtenant concrete pads, and fencing, located north of the entrance to the Property via Tapia Park, and paved access road emanating from Dorothy Drive, within an area cleared of chaparral ESHA and oak trees
- 11.2 Native vegetation removal, including removal of ESHA, around the structures described in Sections 11.1(M), 11.1(N), and 11.1(O), and around the Camp Gilmore swimming pool, its adjacent structures, and the Camp Gilmore dining hall
- 11.3 Grading and construction of roads and pads
- 11.4 Demolition of structures and installation of new structures, including:
- A. The six cabins, formerly located in the vicinity of the multi-use building approved pursuant to CDP 5-91-857, which were demolished and subsequently rebuilt in a different location than was originally approved within Camp Gilmore, oriented in north-to-south direction between two blue-line tributaries
- 11.5 Grading and placement of sediment removed from the stream and stream crossing, within and adjacent to Malibu Creek

11.6 Development inconsistent with Special Condition 1 of CDP 5-91-857

12.0 COMMISSION JURISDICTION

The Commission has jurisdiction over resolution of these alleged Coastal Act violations pursuant to PRC Sections 30810 and 30811. Respondents agree not to contest the Commission's jurisdiction to issue or enforce these Consent Orders.

13.0 RESOLUTION OF MATTER VIA SETTLEMENT

In light of the intent of the parties to resolve these matters in settlement, Respondents have not submitted a "Statement of Defense" form as provided for in Sections 13181 and 13191 of Title 14 of the California Code of Regulations ("14 CCR") and have agreed not to contest the legal and factual bases for, the terms of, or the issuance of these Consent Orders, including the allegations of Coastal Act violations contained in Section 11.0. Specifically, Respondents have agreed not to contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding. In the interest of expeditious settlement of this issue, Respondents have agreed not to contest commencement of proceedings to issue these Consent Orders without first receiving a formal written notice of intent to commence cease and desist order and restoration order proceedings pursuant to sections 13181 and 13191, respectively, of the Commission's administrative regulations.

14.0 EFFECTIVE DATE AND TERMS OF THE ORDERS

The effective date of these Consent Orders is the date the Commission votes to issue these Consent Orders. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.

15.0 FINDINGS

These Consent Orders are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled "Staff Report and Findings for Consent Cease and Desist Order CCC-14-CD-04 and Consent Restoration Order No. CCC-14-RO-04." The activities authorized and required in these Consent Orders are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Commission has authorized the activities required in these Consent Orders as being consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act.

16.0 SETTLEMENT/COMPLIANCE OBLIGATION

- 16.1 Strict compliance with these Consent Orders by all parties subject thereto is required. Failure to comply with any term or condition of these Consent Orders, including any deadline contained in these Consent Orders, unless the Executive Director grants an extension under Section 18.0, will constitute a violation of these Consent Orders and shall result in Respondents being liable for stipulated penalties in the amount of \$1,000 per day, per violation. Respondents shall pay stipulated penalties regardless of whether Respondents have subsequently complied. If Respondents violate these Consent Orders, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, including imposition of civil penalties and other remedies pursuant to PRC Sections 30820, 30821.6, and 30822 as a result of the lack of compliance with these Consent Orders and for the underlying Coastal Act violations described herein.

17.0 RECORDATION OF A NOTICE OF VIOLATION

Respondents do not object to recordation by the Executive Director of a notice of violation on the Property, pursuant to PRC Section 30812(b), in order to provide information to parties regarding the Property. Accordingly, a notice of violation will be recorded after issuance of these Consent Orders. No later than thirty (30) days after the Commission determines that Respondents have fully complied with these Consent Orders, and has received from Respondents the rescission fee required by the County Recorder's Office, the Executive Director shall record a notice of rescission of the notice of violation, pursuant to PRC Section 30812(f). The notice of rescission shall have the same effect as a withdrawal or expungement under Section 405.61 of the Code of Civil Procedure.

18.0 DEADLINES

Prior to the expiration of the deadlines established by these Consent Orders, Respondents may request from the Executive Director an extension of the unexpired deadlines. Such a request shall be made no fewer than ten (10) days in advance of the deadline and directed to the Executive Director, care of Cody Naylor at the address identified in Section 9.0, above. The Executive Director may grant an extension of deadlines upon a showing of good cause, if the Executive Director determines that Respondents have diligently worked to comply with their obligations under these Consent Orders but cannot meet deadlines due to unforeseen circumstances beyond their control. A violation of deadlines established pursuant to these Consent Orders will result in stipulated penalties, as provided for in Section 16.1, above.

19.0 SEVERABILITY

Should any provision of these Consent Orders be found invalid, void or unenforceable, such illegality or unenforceability shall not invalidate the whole,

but these Consent Orders shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.

20.0 SITE ACCESS

Respondents shall provide access to the Property at all reasonable times to Commission staff and any other agency having jurisdiction over the work being performed under these Consent Orders. Nothing in these Consent Orders is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. Commission staff may enter and move freely about the portions of the Property on which the alleged violations are located, and on adjacent areas of the Property for purposes, including, but not limited to: viewing the areas where development is being performed pursuant to the requirements of these Consent Orders; inspecting records, operating logs, and contracts relating to the site; and overseeing, inspecting, and reviewing the progress of Respondents' implementation of the Restoration Plan and compliance with these Consent Orders.

21.0 GOVERNMENT LIABILITIES

Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities pursuant to these Consent Orders, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to these Consent Orders.

22.0 SETTLEMENT VIA CONSENT ORDERS

In light of the desire to settle these matters via these Consent Orders and avoid litigation, pursuant to the agreement of the parties as set forth in these Consent Orders, Respondents hereby agree not to seek a stay pursuant to PRC Section 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.

23.0 SETTLEMENT OF CLAIMS

The Commission and Respondents agree that these Consent Orders settle the Commission's monetary claims for relief for those violations of the Coastal Act specifically described in Section 11.0, above occurring prior to the date of these Consent Orders, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under Public Resources Code Sections 30805, 30820, and 30822), with the exception that, if Respondents fail to comply with any term or condition of these Consent Orders, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and



for the violation of these Consent Orders. In addition, these Consent Orders do not limit the Commission from taking enforcement action due to Coastal Act violations on the Property other than those that are the subject of these Consent Orders.

24.0 SUCCESSORS AND ASSIGNS

These Consent Orders shall run with the land, binding Respondents, including successors in interest, heirs, assigns, and future owners of the Property. Respondents agree that they shall provide notice to all successors, assigns, and potential purchasers of the Property of any remaining obligations under these Consent Orders.

25.0 MODIFICATIONS AND AMENDMENTS

Except as provided in Section 18.0, and for other minor, non-substantive modifications subject to agreement between the Executive Director and Respondents, these Consent Orders may be amended or modified only in accordance with the standards and procedures set forth in 14 CCR Section 13188(b) and Section 13197.

26.0 GOVERNMENTAL JURISDICTION

These Consent Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

27.0 LIMITATION OF AUTHORITY

Except as expressly provided herein, nothing in these Consent Orders shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with these Consent Orders.

28.0 CONTRACTUAL OBLIGATION

These Consent Orders constitute both an administrative order issued to Respondents personally and a contractual obligation between Respondents and the Commission, and therefore shall remain in effect until all terms and conditions are fulfilled, regardless of whether Respondents have a financial interest in the Property or any other property within the Coastal Zone.

29.0 INTEGRATION

These Consent Orders constitutes the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in these Consent Orders.

30.0 STIPULATION

Respondents attest that they have reviewed the terms of these Consent Orders and understand that their consent is final and stipulate to their issuance by the Commission.

IT IS SO STIPULATED AND AGREED:

On behalf of Respondents:

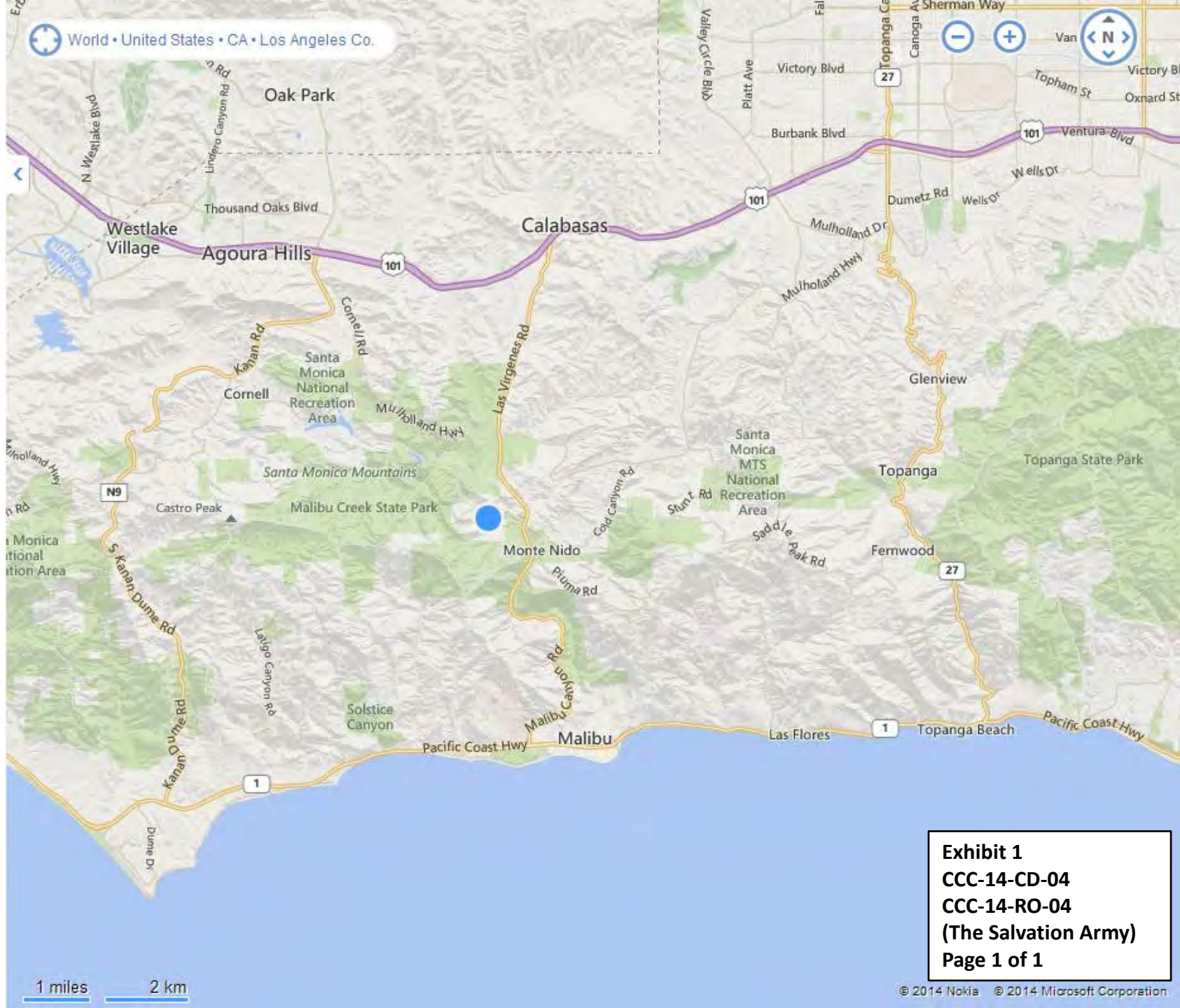
  
\_\_\_\_\_  
Lt. Col Doug Riley

9/24/14  
\_\_\_\_\_  
Date

Executed in \_\_\_\_\_ on behalf of the California Coastal Commission:

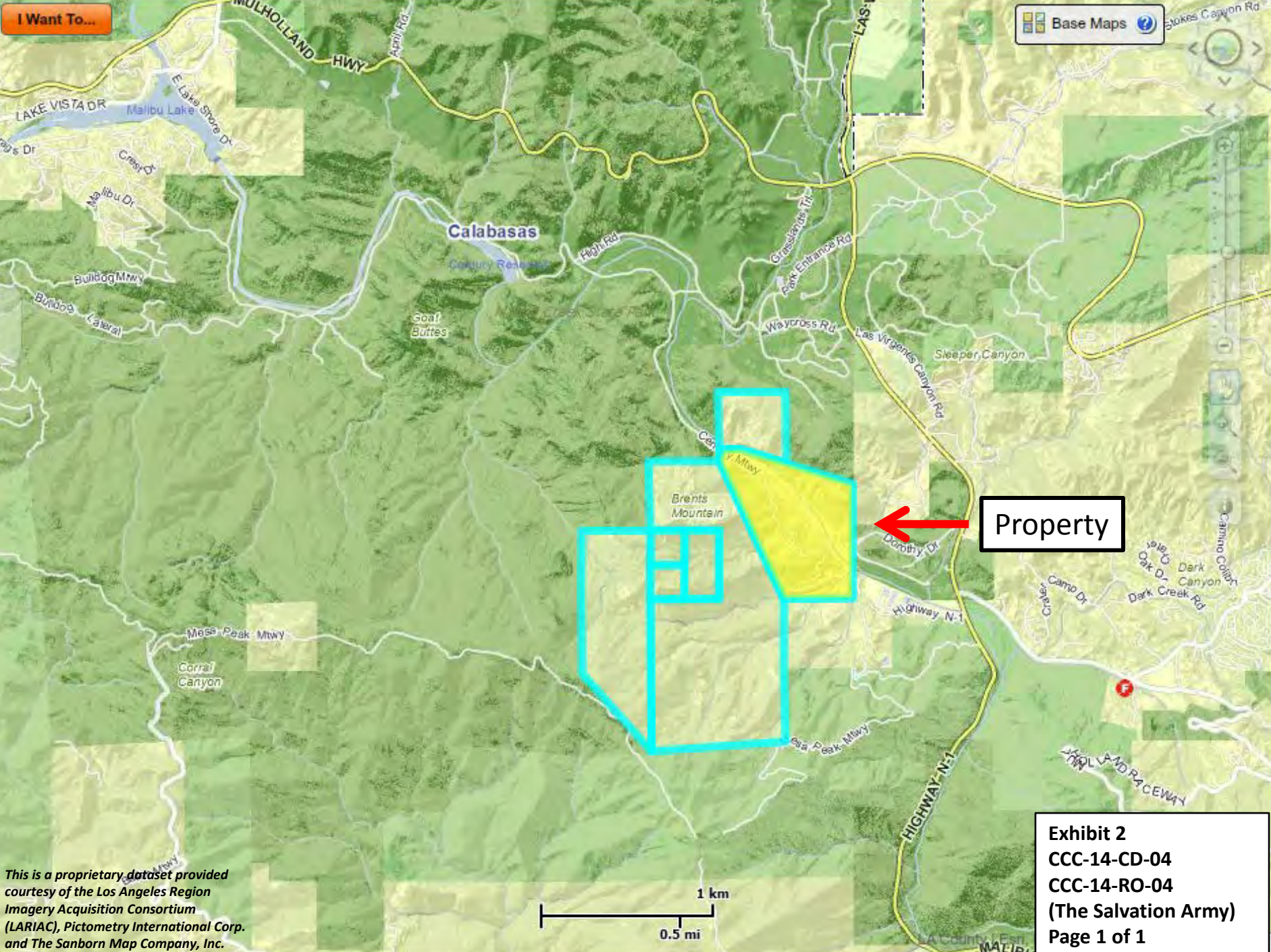
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Charles Lester, Executive Director

\_\_\_\_\_  
Date



**Exhibit 1**  
**CCC-14-CD-04**  
**CCC-14-RO-04**  
**(The Salvation Army)**  
**Page 1 of 1**





This is a proprietary dataset provided courtesy of the Los Angeles Region Imagery Acquisition Consortium (LARIAC), Pictometry International Corp. and The Sanborn Map Company, Inc.

Property

Exhibit 2  
CCC-14-CD-04  
CCC-14-RO-04  
(The Salvation Army)  
Page 1 of 1

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT PERMIT

Application Number: P-79-6312  
Name of Applicant: The Salvation Army (A California Corp.),  
ATTN: Dr. Wm. L. Roberts, 30840 Hawthorne Boulevard, Rancho Palos Verdes, 90274  
Permit Type: ☐ Emergency  
☒ Standard  
☐ Administrative  
Development Location: 26801 Dorothy Drive  
Malibu, California

Development Description: Demolish five existing dormitories and one multi-  
purpose building, and construct multi-purpose building and five dormitories  
(each dormitory is 1867 sq. ft., and the multi-purpose unit is 1359 sq. ft.).  
All are 1-story buildings +15' above average finished grade. Approximately  
same building location.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

none

Condition/s Met On \_\_\_\_\_ By djn Exhibit 3 djn  
CCC-14-CD-04  
CCC-14-PRO-04 of 2  
(The Salvation Army)  
Page 1 of 2

## II. The South Coast Commission finds that:

## A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on January 7, 1980 at Torrance by a unanimous ~~ea~~ vote permit application number P-79-6312 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on January 24, 19 80.



M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-79-6312 and have accepted its contents.

\_\_\_\_\_  
(date)

Exhibit 3  
CCC-14-CD-04  
CCC-14-RO-04  
\_\_\_\_\_  
(The Salvation Army)  
(signature) Page 2 of 2





## CALIFORNIA COASTAL COMMISSION

## SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(213) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

Application Number: A-81-7872

Name of Applicant: The Salvation Army

30840 Hawthorne Blvd., Rancho Palos Verdes, CA 90274

Development Location: 26801 Dorothy Drive

Calabasas, CA

Development Description: Construction of an 800 sq. ft. addition to an existing  
lodge dining hall and alterations to an adjoining outdoor patio within the  
520 acre Salvation Army campground facility.

I. The Executive Director of the South Coast Regional Commission hereby grants, subject to condition(s), a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Plan conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

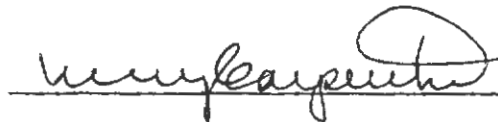
II. Conditions: NONE



Conditions met on \_\_\_\_\_ By Kate Roth vr

- III. This permit may not be assigned to another person(s) except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until:
- A. Completion of the Regional Commission review of the permit pursuant to the notice of public hearing.
- B. A copy of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Any development performed on this permit prior to the review by the Regional Commission is at the applicant's risk and is subject to stoppage upon completion of the review pending the Regional Commission's approval and/or completion of any appeal of the Regional Commission's decision.
- VI. Work authorized by this permit must commence within two years from the date of approval. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

Approved on May 29, 1981.



M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number A-81-7872 and have accepted its contents.

(Date)

(Signature)

Scheduled Hearing Date June 1, 1981

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071



FILE COPY Date: April 9, 1986

TO: The Salvation Army

900 W. Ninth Street

Los Angeles, CA 90015

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis  
Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-86-200 APPLICANT: The Salvation Army

LOCATION: 26801 Dorothy Drive, Malibu, Los Angeles County

PROPOSED DEVELOPMENT: Removal of an existing substandard dormitory building and  
construction of a new two-story dormitory buildingRATIONALE: The proposed development is consistent with the Land Use Plan for Malibu  
as certified with suggested modifications.

This waiver will not become effective until reported to the Commission at their  
May 13-16, 1986 meeting and the site of the proposed development  
has been appropriately noticed, pursuant to 13054(b) of the Administrative  
Code. The enclosed Notice Card shall remain posted at the site until the  
waiver has been validated and no less than seven days prior to the Commission  
hearing. If four (4) Commissioners object to this waiver of permit require-  
ments, a coastal development permit will be required.

TOM CRANDALL  
South Coast District Director

by:

cc: Commissioners/File

Exhibit 6  
CCC-914-CD2045  
CCC-14-RO-04  
(The Salvation Army)  
Page 1 of 1



These plans are the exclusive property and creation of the architect. Incorporated and shall not be reproduced in whole or in part without the written consent of the architect. All dimensions and conditions to be verified in the field by the contractor.

Revision	Date	Description	By	Revision	Date	Description	By
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99				100			

COMBINED CAMP SITE PLANS

Job No.	6601
Date	JAN 9, 1986
Drawn	DMW
Checked	
Scale	1" = 100'

MP-1

RECEIVED  
MAR 11 1986  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

5-86-200

SALVATION ARMY  
MT. CRAGS GILMORE

672 Silver Spur Road  
Reno Valley Peninsula  
California 92274  
Telephone (619) 541-0889  
(619) 377-0270  
Donald L. Wolverton, Architect, A.I.A., Incorporated  
Donald L. Wolverton  
A.I.A., C.S.I., C.C.S.



## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071

FILE COPY

Date: March 13, 1987

TO: The Salvation Army (a California Corporation) c/o: Donald L. Wolverton  
Southern California Division  
900 West Ninth Street  
Los Angeles, CA 90015  
ATTN: Major Ronald Bowles

2601 Airport Drive  
Suite 310  
Torrance, CA 90505

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis  
Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-87-189 APPLICANT: The Salvation Army

LOCATION: 26801 Dorothy Drive

Calabasas, Los Angeles Lots 1 & 2 Tract 11176

PROPOSED DEVELOPMENT: Construction of new main electrical switchboard enclosure  
(267± S.F.) away from Malibu Creek, underground electrical service two 87± sq. ft.  
substation (one at laundry), one story, represents change in location of  
previous approval.

RATIONALE: This represents no change or intensification of use in an existing  
youth camp. The project involves no removal of trees or interference with  
streams or streambed processes and will not have an adverse impact on public  
access.

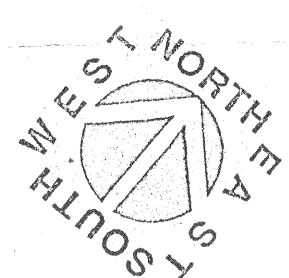
This waiver will not become effective until reported to the Commission at their  
March 24-27, 1987, meeting and the site of the proposed development  
has been appropriately noticed, pursuant to 13054(b) of the Administrative  
Code. The enclosed Notice Card shall remain posted at the site until the  
waiver has been validated and no less than seven days prior to the Commission  
hearing. If four (4) Commissioners object to this waiver of permit require-  
ments, a coastal development permit will be required.

Tom Crandall  
 TOM CRANDALL  
 South Coast District Director

by: [Signature]

cc: Commissioners/File

Exhibit 8  
 CCC-14-CD-04  
 CCC-14-RO-04  
 (0790A) 12/85  
 (The Salvation Army)  
 Page 1 of 1



Rolling Hills Office Plaza  
Suite 310, 2601 Airport Drive  
Torrance, California 90505  
(213) 326-9111

Donald L. Wolverton, Architect, A.I.A., Incorporated

Donald L. Wolverton

SALVATION ARMY  
MT. CRAGS GILMORE

# COMBINED CAMP SITE PLANS

MP-1

These plans are the exclusive property and creation of the architect.					
Incorporated and shall not be reproduced in whole or in part without the express prior written consent of said architect. All dimensions and conditions to be verified in the field by the contractor.					
	Revision	Date	Description	By	
△		4/6/73	M.S. Rev.	PW	
△					
△					
△					
△					

Revision	Date	Description	By
△			
△			
△			
△			

Job No.	6601
Date	JAN 9, 1962
Drawn	DLW
Checked	
Scale	1" = 100'

RECEIVED

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

NOV 16 1992

NOV 12 1992

SOUTHERN CALIFORNIA  
D. H. Q.

Page 1 of 3

Date: November 10, 1992

Permit No. 5-91-857

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

## COASTAL DEVELOPMENT PERMIT

On June 9, 1992, the California Coastal Commission granted to

## SALVATION ARMY

this permit subject to the attached Standard and Special conditions, for development consisting of:

Construction of two 25 foot high, multi-use buildings totaling 7,500 square feet, removal of five oak trees, and 10 new parking spaces at an existing camp facility. No grading is proposed.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 26801 Dorothy Dr., Calabasas

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By:

*Robin Maloney-Rames*

Title: Staff Analyst

## ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

11/13/92

Signature of Permittee

*St. Col. David P. Riley*

Exhibit 10

CCC-14-CD-04

CCC-14-RO-04

(The Salvation Army)

Page 1 of 3



## COASTAL DEVELOPMENT PERMIT

Page 2 of 3  
Permit No. 5-91-857

### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

#### 1. Future Development

Prior to issuance of the permit the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit No. 5-91-857 is for the approved development only and that any future improvements or additions on the property including clearing of vegetation or grading (except as described below) will require a new coastal development permit from the Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 100-150 foot radius of the approved residence as required by the Los Angeles County Fire Department is permitted and shall not require a new permit.

2. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant [landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide, soil erosion and fire, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

3. Replacement of Oak Trees

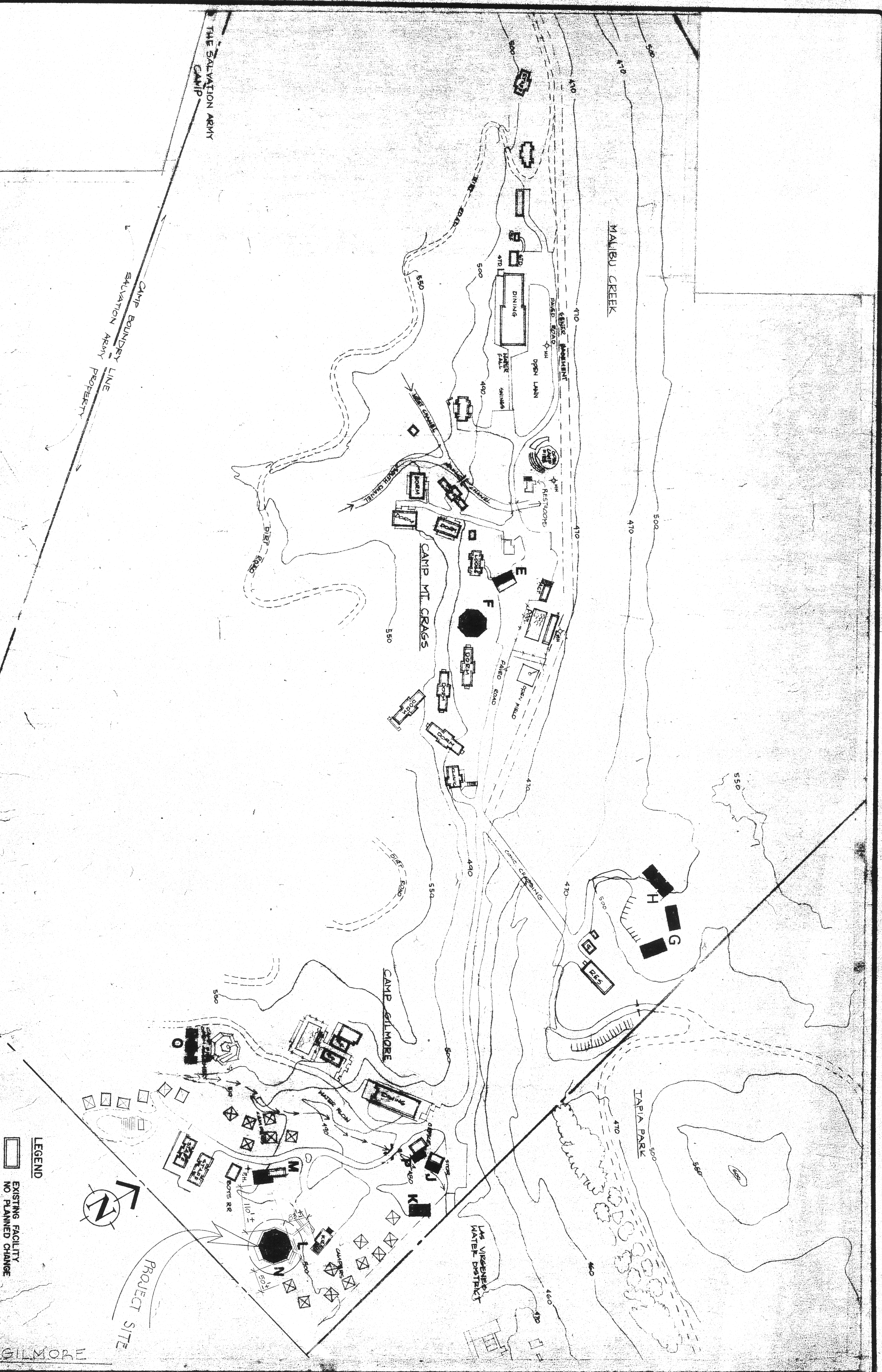
In conformance with the conditions of the County of Los Angeles Oak Tree Permit 87361-(3), the applicant is allowed to remove five oak trees. The conditions of the oak tree permit state that the applicant shall provide for replacement of these five trees on a 2 to 1 ratio (10 trees). The replacement trees shall be at least 15 gallon, indigenous to the area and specimen in size. In addition, the applicant shall plant the replacement trees within 30 days following completion of construction and shall monitor the trees for five years. If the replacement trees do not survive in that five years time, then they shall be replaced.

RMR:tn  
5718E



ARCHITECTS & ENGINEERS SUPPLY CO., INC. 415-25-2841

# THE SALVATION ARMY MT. CRAGS CAMP & CAMP GILMORE



**LEGEND**

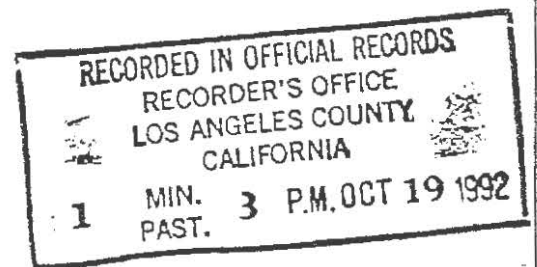
EXISTING FACILITY  
NO PLANNED CHANGE

PROPOSED CONSTRUCTION  
WORK - SEE REPORT FOR  
WRITTEN DESCRIPTION OF  
PROPOSED WORK UNDER  
ANALYSIS TO LETTER  
01-89



RECORDING REQUESTED BY AND,  
RETURN TO:  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco CA 94105-2219  
Attn: Legal Division

92 1928006



DEED RESTRICTION

FEE \$ 65<sup>00</sup> P

I. WHEREAS, THE SALVATION ARMY, a California Corporation 21

\_\_\_\_\_, hereinafter referred to as the "Owner(s)," is/are  
the record owner(s) of the following real property:

See Exhibit B (2 pages) attached hereto and incorporated by  
reference,

hereinafter referred to as the "Property;" and

II. WHEREAS, the California Coastal Commission, hereinafter referred  
to as the "Commission," is acting on behalf of the People of the State of  
California; and

III. WHEREAS, the subject property is located within the coastal  
zone as defined in §30103 of Division 20 of the California Public Resources  
Code, hereinafter referred to as the "California Coastal Act of 1976,"  
(the Act); and

IV. WHEREAS, pursuant to the Act, the Owner applied to the Commission  
for a coastal development permit on the Property described above; and

V. WHEREAS, coastal development permit number 5-91-857, hereinafter  
referred to as the "Permit," was granted on June 9, 1992, by  
the Commission in accordance with the provision of the Staff Recommendation  
and Findings, attached hereto as EXHIBIT A and herein incorporated by

Exhibit 12

CCC-14-CD-04

CCC-14-RO-04

(The Salvation Army)

Page 1 of 8

1 reference; and

2 VI. WHEREAS, the Permit was subject to the terms and conditions  
3 including, but not limited to, the following condition(s):  
4

5 SEE ATTACHED PAGE 2A.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
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17  
18  
19

20 VII. WHEREAS, the Commission found that but for the imposition of the  
21 above condition(s) the proposed development could not be found consistent  
22 with the provisions of the California Coastal Act of 1976 and that a permit  
23 could therefore not have been granted; and

24 VIII. WHEREAS, Owner has elected to comply with the condition(s)  
25 imposed by the Permit and execute this Deed Restriction so as to enable  
26 Owner to undertake the development authorized by the Permit.  
27

VI. (cont'd.)

SPECIAL CONDITIONS

1. Future Development

Prior to issuance of the permit the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit No. 5-91-857 is for the approved development only and that any future improvements or additions on the property including clearing of vegetation or grading (except as described below) will require a new coastal development permit from the Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 100-150 foot radius of the approved residence as required by the Los Angeles County Fire Department is permitted and shall not require a new permit.

2. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant [landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide, soil erosion and fire, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

1 NOW, THEREFORE, in consideration of the granting of the Permit to the  
2 Owner by the Commission, the Owner hereby irrevocably covenants with the  
3 Commission that there be and hereby is created the following restrictions  
4 on the use and enjoyment of said Property, to be attached to and become a  
5 part of the deed to the property.

6 1. COVENANT, CONDITION AND RESTRICTION. The undersigned Owner,  
7 for himself/herself and for his/her heirs, assigns, and successors in  
8 interest, covenants and agrees that:

9  
10 SEE ATTACHED PAGE 3A.  
11  
12  
13  
14  
15  
16  
17

18 2. DURATION. Said Deed Restriction shall remain in full force  
19 and effect during the period that said permit, or any modification or  
20 amendment thereof remains effective, and during the period that the  
21 development authorized by the Permit or any modification of said development,  
22 remains in existence in or upon any part of, and thereby confers benefit  
23 upon, the Property described herein, and shall bind Owner and all his/her  
24 assigns or successors in interest.

25 3. TAXES AND ASSESSMENTS. It is intended that this Deed  
26 Restriction is irrevocable and shall constitute an enforceable restriction  
27 within the meaning of a) Article XIII, §8, of the California Constitution;

1. COVENANT, CONDITION AND RESTRICTION (cont'd.)

Coastal Development Permit No. 5-91-857 is for the approved development only and that any future improvements or additions on the property including clearing of vegetation or grading (except as described below) will require a new coastal development permit from the Commission or its successor agency. Clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 100-150 foot radius of the approved residence as required by the Los Angeles County Fire Department is permitted and shall not require a new permit.

The Owner understands that the site may be subject to extraordinary hazard from landslide, soil erosion and fire, and the Owner hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards.

1 and b) §402.1 of the California Revenue and Taxation Code or successor  
2 statute. Furthermore, this Deed Restriction shall be deemed to constitute  
3 a servitude upon and burden to the Property within the meaning of §3712(d)  
4 of the California Revenue and Taxation Code, or successor statute, which  
5 survives a sale of tax-deeded property.

6 4. RIGHT OF ENTRY. The Commission or its agent may  
7 enter onto the Property at times reasonably acceptable to the Owner to  
8 ascertain whether the use restrictions set forth above are being observed.

9 5. REMEDIES. Any act, conveyance, contract, or authorization  
10 by the Owner whether written or oral which uses or would cause to be used  
11 or would permit use of the Property contrary to the terms of this Deed  
12 Restriction will be deemed a violation and a breach hereof. The Commission  
13 and the Owner may pursue any and all available legal and/or equitable remedies  
14 to enforce the terms and conditions of this Deed Restriction. In the event  
15 of a breach, any forbearance on the part of either party to enforce the  
16 terms and provisions hereof shall not be deemed a waiver of enforcement  
17 rights regarding any subsequent breach.

18 6. SEVERABILITY. If any provision of these restrictions is  
19 held to be invalid, or for any reason becomes unenforceable, no other  
20 provision shall be thereby affected or impaired.

21  
22 Dated: Sept 24, 1992

23 THE SALVATION ARMY, a California Corporation

24 SIGNED: SS. Irwin Vice President

25 RONALD G. IRWIN

26 PRINT OR TYPE NAME OF ABOVE

SIGNED: Sharon M. Robertson Ass't Secretary

SHARON M. ROBERTSON

PRINT OR TYPE NAME OF ABOVE

27 \* \* NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE \* \*

STATE OF CALIFORNIA  
COUNTY OF Los Angeles

On September 24, 1992 before me, P. B. McIntyre, A Notary  
Public personally appeared R.G. Irwin, personally  
known to me (or proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s)  
acted, executed the instrument.

WITNESS my hand and official seal.

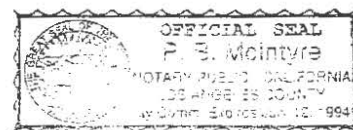


Signature P. B. McIntyre

STATE OF CALIFORNIA  
COUNTY OF Los Angeles

On September 24, 1992 before me, P. B. McIntyre, A Notary  
Public personally appeared Sharon Robinson, personally  
known to me (or proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s)  
acted, executed the instrument.

WITNESS my hand and official seal.



Signature P. B. McIntyre

Exhibit 12

CCC-14-CD-04

CCC-14-RO-04

(The Salvation Army)

Page 7 of 8



1 This is to certify that the deed restriction set forth above is hereby  
2 acknowledged by the undersigned officer on behalf of the California Coastal  
3 Commission pursuant to authority conferred by the California Coastal  
4 Commission when it granted Coastal Development Permit No. 5-91-857  
5 on June 9, 1992 and the California Coastal Commission consents  
6 to recordation thereof by its duly authorized officer.

7 Dated: September 30, 1992

8  
9  
10 John Bowers  
11 JOHN BOWERS, Staff Counsel

12 California Coastal Commission  
13

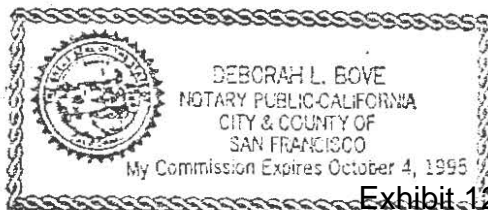
14 STATE OF CALIFORNIA

15 COUNTY OF San Francisco

16 On 9/30/92 before me, Deborah L. Bove, A Notary  
17 Public personally appeared John Bowers, personally  
18 known to me (or proved to me on the basis of satisfactory evidence) to be the  
19 person(s) whose name(s) is/are subscribed to the within instrument and  
20 acknowledged to me that he/she/they executed the same in his/her/their  
21 authorized capacity(ies), and that by his/her/their signature(s) on the  
22 instrument the person(s), or the entity upon behalf of which the person(s)  
23 acted, executed the instrument.

24  
25 WITNESS my hand and official seal.

26  
27 Signature Deborah L. Bove



## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Page 1 of 4  
Date: April 29, 1997  
Permit No. 4-96-166

COASTAL DEVELOPMENT PERMIT

On March 13, 1997, the California Coastal Commission granted to The Salvation Army this permit subject to the attached Standard and Special conditions, for development consisting of:

Construct 4 story, 14,240 sq. ft., 43 foot high (max) conference and dormitory facility with meeting room and kitchen. 800 cu. yds. of grading. Demolish existing dormitory building and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 26801 Dorothy Drive, Calabasas.

PETER DOUGLAS  
Executive Director

  
By: MERLE BETZ, JR.  
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

\_\_\_\_\_  
Date

3868C/sm

\_\_\_\_\_  
Signature of Permittee

## COASTAL DEVELOPMENT PERMIT

Page 2 of 4  
Permit No. 4-96-166

### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

1. Geology.

All recommendations contained in the Engineering Design Group, Geotechnical Investigation and Foundation Recommendations, September 19, 1996 shall be incorporated into all final design and construction plans, including grading, foundation, and drainage, and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicants shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

## COASTAL DEVELOPMENT PERMIT

Page 3 of 4  
Permit No. 4-96-166

### 2. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

### 3. Drainage Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan, designed by a licensed engineer which will not result in increases in either peak run-off volume or velocity for a 25 year / 24 hour rainfall event. Specifically, runoff volumes and velocities for a 25-year and 24-hour event must be calculated for existing and post-project conditions to demonstrate that no increase in runoff volume or velocity will occur. The drainage and erosion control plan shall include, but not be limited to, a system which collects run-off from the roofs, patios, driveways, parking areas, and other impervious surfaces, and discharges it in a non-erosive manner, including if appropriate on-site detention/desilting basins, dry wells, etc. If any on-site detention system is planned either on or upslope from an engineered fill or an identified landslide, the drainage and erosion control plans shall be reviewed and signed by a licensed civil engineer or engineering geologist, indicating that the

## COASTAL DEVELOPMENT PERMIT

Page 4 of 4  
Permit No. 4-96-166

drainage and erosion control plan will not negatively impact or destabilize the identified fill or landslide. Should the project's drainage structures fail or result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

#### 4. Wild Fire Waiver of Liability.

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### 5. Future Development.

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-96-166; and that any future additions or improvements to the structure that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed

3868C/sm/rr

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

NOTICE OF COMMENCEMENT OF CONSTRUCTION

I/We hereby notify the CALIFORNIA COASTAL COMMISSION that I/We  
began the development authorized by Permit Number \_\_\_\_\_  
on \_\_\_\_\_ and that the development will be  
Date Construction Began  
completed in accordance with any conditions imposed in the permit.

\_\_\_\_\_  
Signature of Applicant or  
Representative

\_\_\_\_\_  
Date



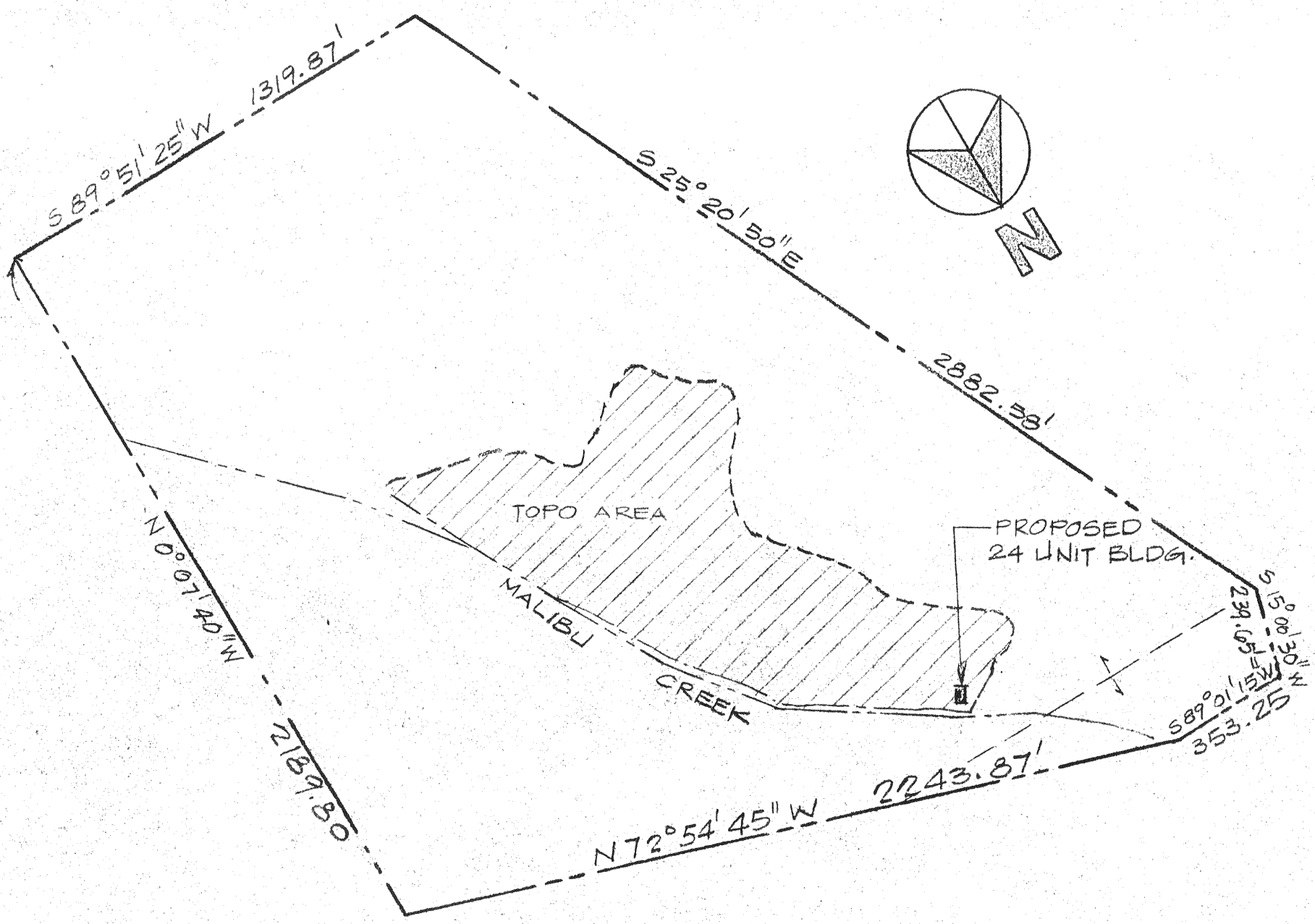
PROJECT STATISTICS

PROJECT: MOUNT CRAGS CAMP 24 UNIT BUILDING  
CONSTRUCTION TYPE: V-NON RATED CONSTRUCTION  
SPRINKLED PER SEC. 507 U.B.C.

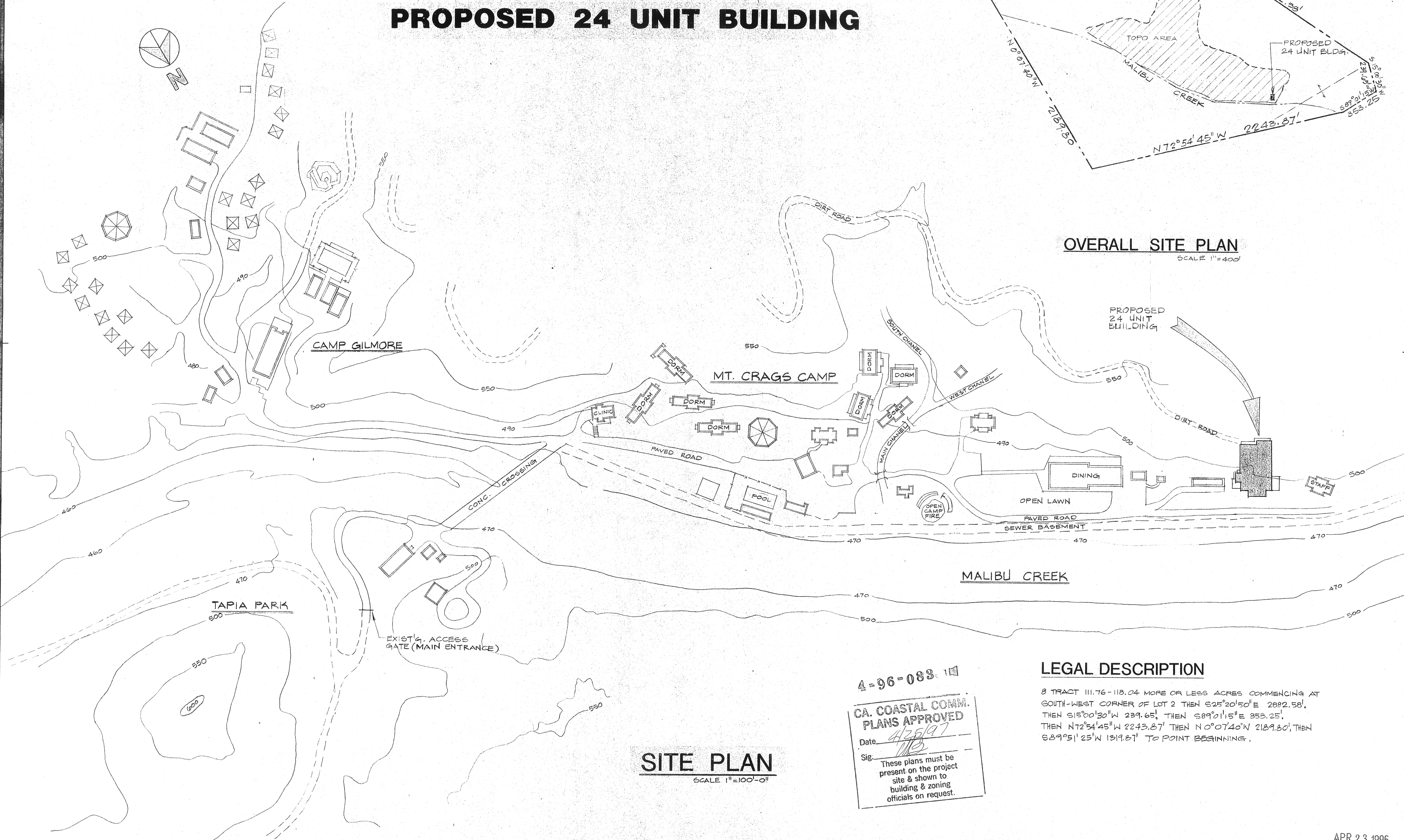
OCCUPANCY: A3 & R1  
A3 MEETING ROOM & KITCHEN: FIRST FLOOR 2,570 S.F.  
R1 RESIDENTIAL: SECOND FLOOR 4,000 S.F.  
THIRD FLOOR 3,836 S.F.  
FOURTH FLOOR 3,836 S.F.

TOTAL BUILDING AREA 14,242 S.F.

THE SALVATION ARMY  
MT. CRAGS CAMP  
CALABASAS, CALIF.  
PROPOSED 24 UNIT BUILDING



OVERALL SITE PLAN  
SCALE 1"=400'



SITE PLAN  
SCALE 1"=100'-0"

4-96-083.11

CA. COASTAL COMM.  
PLANS APPROVED  
Date: 4/25/97  
Sig: [Signature]  
These plans must be present on the project site & shown to building & zoning officials on request.

LEGAL DESCRIPTION

8 TRACT 111.76-118.04 MORE OR LESS ACRES COMMENCING AT SOUTH-WEST CORNER OF LOT 2 THEN S25°20'15"E 2892.58', THEN S15°00'30"W 239.65', THEN S89°01'15"E 353.25', THEN N72°54'45"W 2243.87' THEN N0°07'40"W 2189.80', THEN S89°51'25"W 1319.87' TO POINT BEGINNING.

APR 23 1996

REVISIONS	BY

CONSULTANT

**ARC** CONSULTANTS INC.  
ARCHITECTS & ENGINEERS  
67 E. LIVE OAK AVE. ARCADIA, CA 91006  
(818) 574-5700  
SUITE 201

PROJECT  
**THE SALVATION ARMY**  
24 UNIT BLDG. IN  
MT. CRAGS CAMP  
26801 DOROTHY DRIVE  
CALABASAS, CALIFORNIA

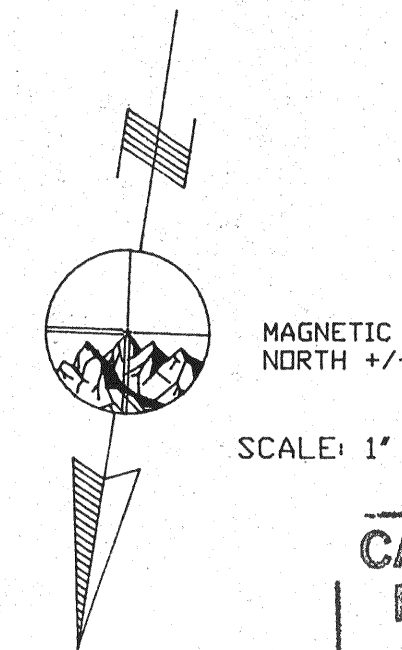
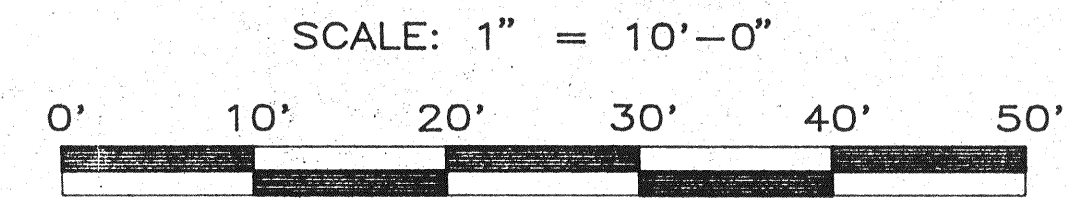
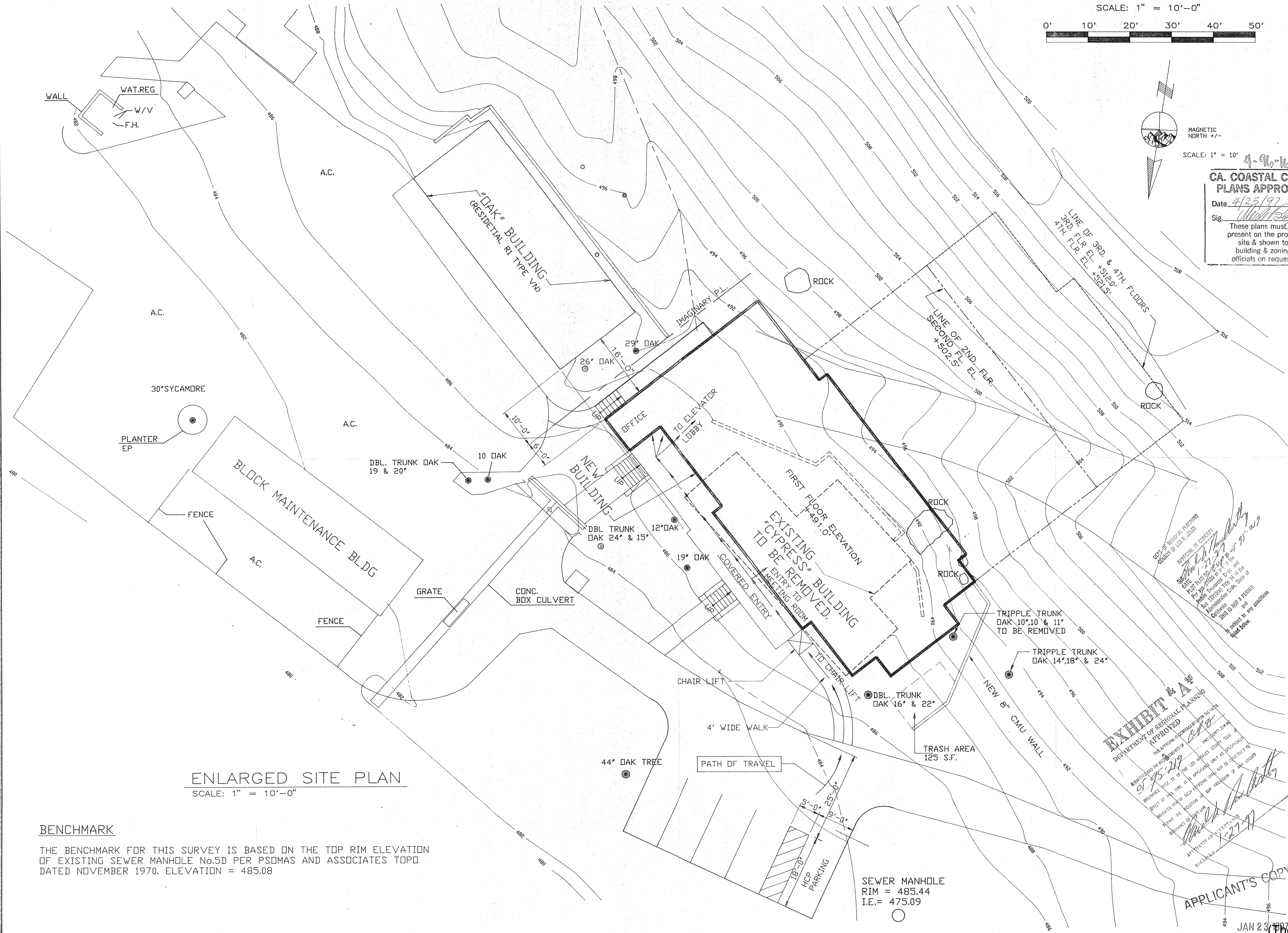
DRAWN S.M.
CHECKED T.H.
DATE
SCALE AS NOTED
JOB NO. 95-027
SHEET
Exhibit 14
CCC-14-CD-04
CCC-14-RO-04
THE SALVATION ARMY



**BENCHMARK**

THE BENCHMARK FOR THIS SURVEY IS BASED ON THE TOP RIM ELEVATION OF EXISTING SEWER MANHOLE No.5D PER PSOMAS AND ASSOCIATES TOPO DATED NOVEMBER 1970. ELEVATION = 485.08

**ENLARGED SITE PLAN**  
SCALE: 1" = 10'-0"



SCALE: 1" = 10' 4-96-166  
**CA. COASTAL COMM. PLANS APPROVED**  
Date 4/25/97  
Sig. [Signature]  
These plans must be present on the project site & shown to building & zoning officials on request.

DEPT. OF REGIONAL PLANNING  
COUNTY OF LOS ANGELES  
APPROVAL IN CONCEPT  
DATE 4/25/97  
SHEET 1 OF 1  
FOR INFORMATION ONLY  
Per [Signature]  
See [Signature]  
This is NOT PERMIT  
subject to any conditions  
listed below.

**EXHIBIT A**  
DEPARTMENT OF REGIONAL PLANNING  
APPROVED  
DATE 4/25/97  
SHEET 1 OF 1  
FOR INFORMATION ONLY  
Per [Signature]  
See [Signature]  
This is NOT PERMIT  
subject to any conditions  
listed below.

APPLICANT'S COPY

REVISIONS	BY

**RECEIVED**  
FEB 5 1997  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**CONSULTANTS INC.**  
**ARCHITECTS & ENGINEERS**  
67 E. LIVE OAK AVE. ARCADIA, CA 91006  
(818) 574-5700  
SUITE 201



**THE SALVATION ARMY**  
**24 UNIT BLDG. AT**  
**MT. CRAGS CAMP**  
26801 DOROTHY DRIVE  
CALABASAS, CALIFORNIA

DRAWN S.M.
CHECKED T.H.
DATE 1-17-97
SCALE 1"=10'
JOB NO. 95-027



**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

October 18, 2013

Marty Brown  
Camp Director  
The Salvation Army  
26801 Dorothy Drive  
Calabasas, CA 91302

Violation File Number: V-4-13-0273

Property location: 26801 Dorothy Drive, Calabasas; Los Angeles County  
Assessor's Parcel Number ("APN") 4462-031-007

Violation<sup>1</sup>: Grading, removal of three California live oaks, and  
removal of willows in and adjacent to Malibu Creek

Dear Mr. Brown:

The California Coastal Act<sup>2</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats such as creeks, wetlands, and riparian areas; protect natural landforms; protect scenic landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

**Violation**

Our staff has confirmed that grading and removal of major vegetation including California live oaks (*Quercus agrifolia*) and willows (*Salix sp.*) has occurred in and

<sup>1</sup> Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

<sup>2</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

adjacent to Malibu Creek at Camp Mt. Crags and Gilmore, 26801 Dorothy Drive in Calabasas (APN 4462-031-007) which is located within the Coastal Zone.

Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit ("CDP"), in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....*

The above-mentioned grading and removal of major vegetation in an environmentally sensitive habitat area constitutes development under the Coastal Act and, therefore, requires a CDP. Any non-exempt development activity (which is the case here) conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

This violation involves the complete removal of three oak trees, and the cutting of a six to eight inch limb off of a fourth oak tree. In our phone conversation on October 11, 2013, you acknowledged the removal of one oak tree (for which you indicated that you have a permit from LA County) and the limbing of the other; both adjacent to the creek. Subsequently, I received information and photographs from a reliable source indicating that at least two other oak trees have been removed on the property. The cutting of oak trees in the Coastal Zone requires a CDP, in addition to any other permits required by law. Please be advised that the mitigation ratio required by the Coastal Commission for removal, cutting, or working in the root zones of oak trees is typically 10 to 1.

### **Resolution**

In some cases, violations involving damage to coastal resources can be resolved administratively by the restoration of damaged resources. Restoration of the site requires a CDP. However, in this case, the dirt that you have stockpiled in and adjacent to the creek poses an erosion/sedimentation hazard and must be dealt with quickly before a significant rain event causes it to wash downstream. Therefore, in order to resolve this matter administratively, you must do the following:

1. Immediately stop all unpermitted development activities on the subject property;

2. Submit a complete application for an emergency coastal development permit ("ECDP") authorizing removal of the dirt stockpile and implementation of an erosion control plan. The plan will include the placement of erosion control Best Management Practices ("BMPs") such as silt fencing, jute netting, fiber rolls etc.;
3. Within the timeframe specified by the ECDP, secure a follow-up CDP authorizing restoration of the site to its pre-violation condition and mitigation for the loss/damage to native oak trees.

Before submitting an application for an ECDP, it is advisable to come to our office and discuss your application with permitting staff. You will need to engage the services of a restoration specialist and/or civil engineer to prepare an erosion control plan and to help you craft a project description for your application(s). Implementation of the erosion control measures should occur as quickly as possible.

Please be advised that other permits from other agencies may be required before you undertake additional work in Malibu Creek. In addition, you may already be in violation of other federal, state, and local laws. We suggest that you immediately contact the California Department of Fish and Wildlife, the County of Los Angeles, the US Army Corp of Engineers, and the Regional Water Quality Control Board<sup>3</sup> regarding this matter.

Therefore, in order to resolve this matter in a timely manner and reduce the possibility of a monetary penalty or fine, we are requesting that you submit a complete application for an ECDP by **November 1, 2013** for removal of the dirt in and adjacent to the creek and placement of erosion control measures. You must adhere to all deadlines specified in the ECDP for implementation of the work authorized by the ECDP and for obtaining the follow-up CDP. Please contact me by no later than **October 25, 2013** regarding how you intend to resolve this violation.

While we are hopeful that we can resolve this matter amicably, please be advised that the Coastal Act has a number of potential remedies to address violations of the Coastal Act including the following:

Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Section 30811 also provides the Coastal Commission the authority to issue a restoration order to address violations at a site. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists.

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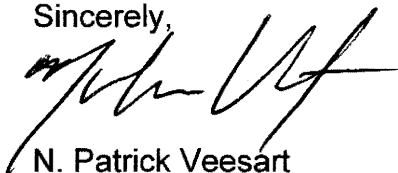
<sup>3</sup> This list of agencies is not meant to be exhaustive. You are responsible for obtaining any and all permits required, regardless of whether the responsible agencies are listed here.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who undertakes development in violation of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 per violation for each day in which the violation persists.

Finally, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice, and you will have the opportunity to object and to provide evidence to the Commission at a public hearing as to why such a notice of violation should not be recorded. If a notice of violation is ultimately recorded against your property, it will serve as notice of the violation to all successors in interest in that property<sup>4</sup>.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

Sincerely,



N. Patrick Veasart  
Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC  
Steve Hudson, District Manager, CCC  
Barbara Carey, Supervisor, Planning and Regulation, CCC  
Kristen Hislop, Enforcement Analyst, CCC  
Alex Helperin, Senior Staff Counsel, CCC  
Shawn Skerries, County of Los Angeles  
Valerie Carrillo Zara, RWQCB  
Jamie King, CDPR  
Brienne McGuffie, USACE  
Brock Warmuth, CDFW  
Scott P. Harris, CDFW

<sup>4</sup> Even without such notice, by law, while liability for Coastal Act violations attaches to the person or persons originally responsible for said violations (and continues to do so even if they no longer own the property), liability additionally attaches to whomsoever owns the property upon which a Coastal Act violation persists (see *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* [1984], 153 Cal. App.3d 605, 622). Therefore, any new owner(s) of the subject property will assume liability for, and the duty to correct, any remaining violations. Under California Real Estate law, if you plan to sell the subject property, it is incumbent upon you to inform any potential new owner(s) of same.



1983 AERIAL VIEW

Camp Entrance  
Guest Facilities

Wilderness Camp

Exhibit 17  
CCC-14-CD-04  
CCC-14-RO-04  
(The Salvation Army)  
Page 1 of 1



1990 AERIAL VIEW

9/1990

Pool Facility Structures

Wilderness Camp

Image U.S. Geological Survey

Exhibit 18  
CCC-14-CD-04  
CCC-14-RO-04  
(The Salvation Army)  
Page 1 of 1





2001 AERIAL VIEW

Retaining Wall

Block Maintenance  
Structure

Pavilion

Camp Entrance  
Guest Facilities

Wilderness Camp





2006



2008





10/11/2013



10/11/2013



10/11/2013



10/11/2013





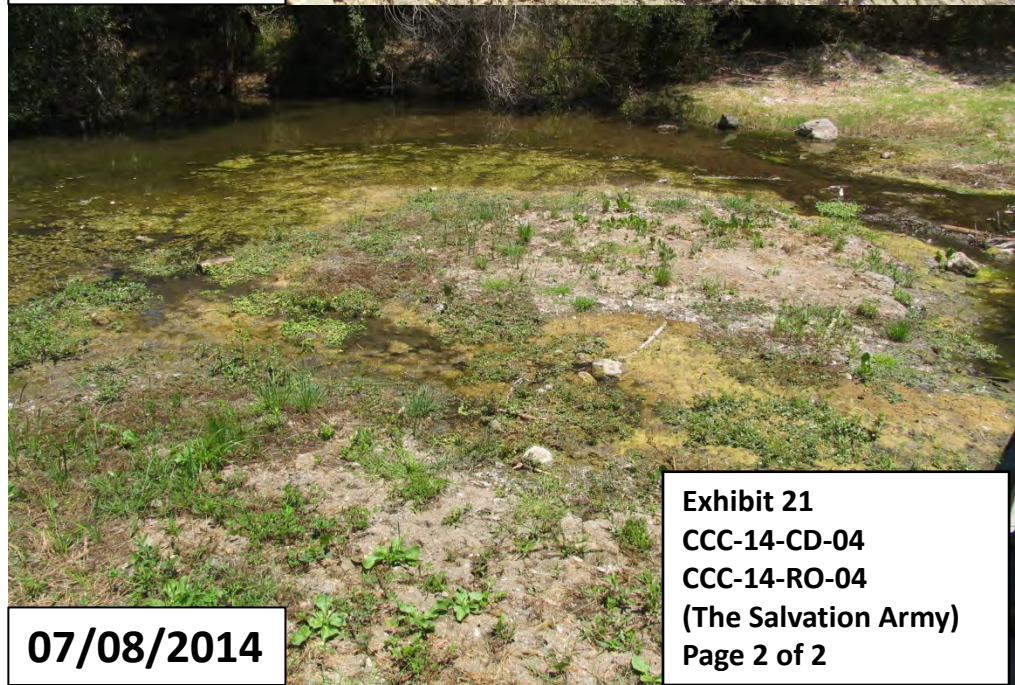
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10/11/2013



07/08/2014



07/08/2014









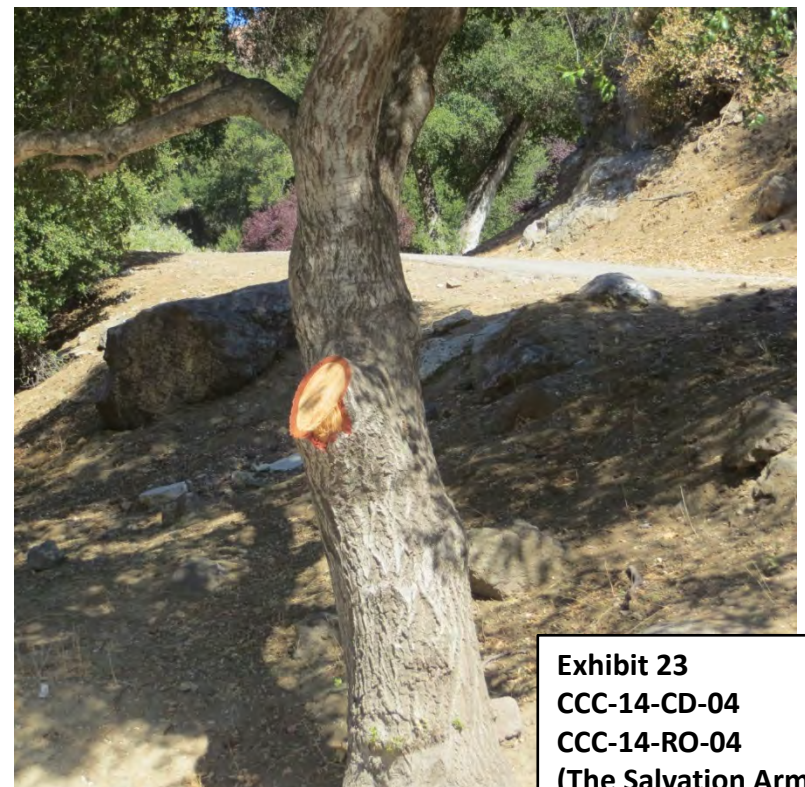
2011



2014



10/11/2013



10/11/2013

Exhibit 23  
CCC-14-CD-04  
CCC-14-RO-04  
(The Salvation Army)  
Page 1 of 7





2006



2014



10/11/2013



07/08/2014



07/08/2014





**07/08/2014**



**07/08/2014**





2008

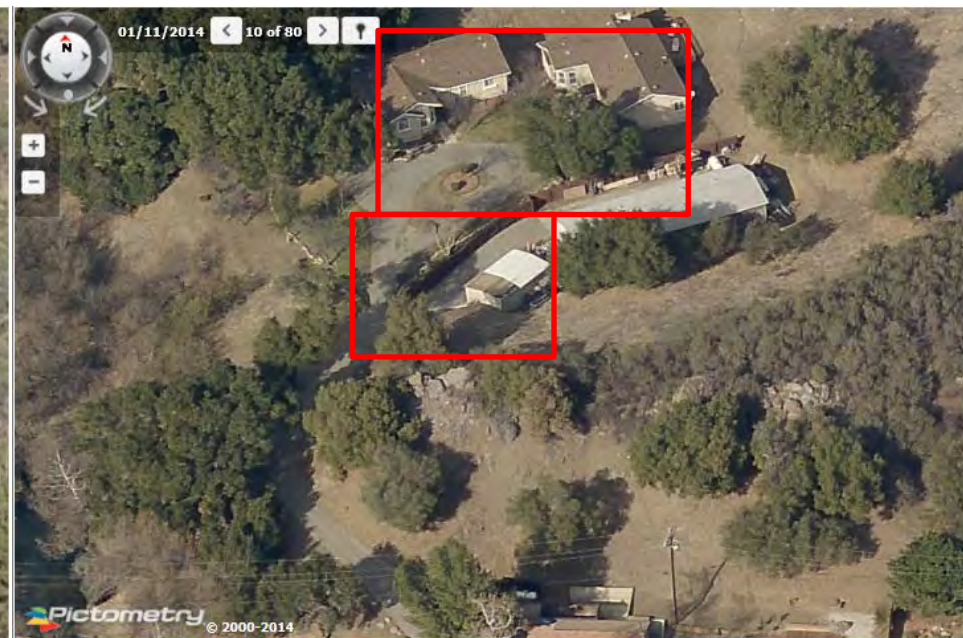


2011





2002



2014



2002



2014





2002



2014

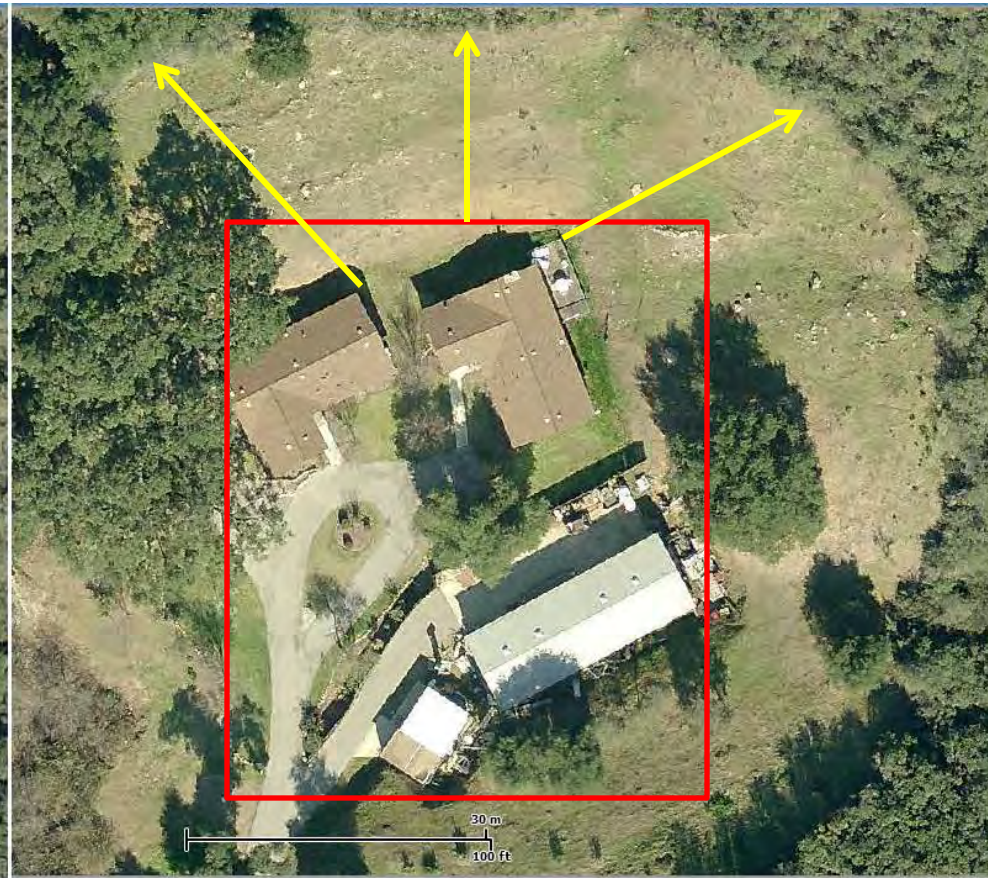


1980



2014





2008

2011

*This is a proprietary dataset provided  
courtesy of the Los Angeles Region  
Imagery Acquisition Consortium  
(LARIAC), Pictometry International Corp.  
and The Sanborn Map Company, Inc.*

**Exhibit 24**  
**CCC-14-CD-04**  
**CCC-14-RO-04**  
**(The Salvation Army)**  
**Page 2 of 4**





Exhibit 24  
CCC-14-CD-04  
CCC-14-RO-04  
(The Salvation Army)  
Page 3 of 4





1980



2011

*This is a proprietary dataset provided  
courtesy of the Los Angeles Region  
Imagery Acquisition Consortium  
(LARIAC), Pictometry International Corp.  
and The Sanborn Map Company, Inc.*

**Exhibit 24**  
**CCC-14-CD-04**  
**CCC-14-RO-04**  
**(The Salvation Army)**  
**Page 4 of 4**

RECEIVED

MAR 05 1992

TREE REPORT

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

SUBJECT:

THE SALVATION ARMY CAMP  
(Mt. Crags Camp & Camp Gilmore)  
Los Angeles County, California

PREPARED FOR:

THE SALVATION ARMY  
900 W. Ninth Street  
P.O. Box 15899, Del Valle Station  
Los Angeles, CA 90015-0899

PREPARED BY:

LEE NEWMAN & ASSOCIATES, INC.  
31320 Via Colinas, Suite 108  
Westlake Village, CA 91362-3992  
(818) 991-5056

DATE: January 18, 1988

JOB NO.: 1363-001

## TREE REPORT

### SITE LOCATION

The site, The Salvation Army Camp, is west of Tapia Park in an unincorporated area of Los Angeles County, California.

### OAK TREE ORDINANCE

Oak trees within the County of Los Angeles are protected by law. County Ordinance No. 82-0168--2 part, 1982, makes the cutting, moving and/or removal of an Oak tree without a permit a misdemeanor. Upon conviction, the punishment shall not exceed a Five Hundred Dollar (\$500.00) fine or a term of six months in the County jail.

The major thrust of the Oak Tree Policy was established to recognize Oak trees as significant historical, aesthetic and ecological resources, and to create favorable conditions for the preservation and propagation of this unique, irreplaceable plant heritage for the benefit of current and future residents of Los Angeles County. It is the intent of the Oak Tree Policy to maintain and enhance the general health, safety and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damages. The Oak Tree Policy is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which Oak trees live.

### OBJECTIVES

The objective of this report are to qualify the present condition of the Oak trees. This is to involve the following:

1. Determine the physiological condition of the trees addressed (see SUMMARY of FIELD INSPECTION sheets).
2. Provide guidance to minimize any encroachments upon the trees.

### METHODS OF STUDY

1. Qualifications of the Oak trees were accomplished by the use of our standard visual survey and was conducted on the designated trees.

In the course of field work, we performed the following tasks:

- A. Oak tree trunk diameters of 8" and larger, for a single trunk, and 12" and larger for a multi-trunk; and Sycamore and Elderberry trunk diameters of 12" and larger were measured at 4 1/2' above mean natural grade.

Exhibit 25

CCC-14-CD-04

CCC-14-RO-04

(The Salvation Army)

Page 2 of 8

- B. The trees were tagged with 1" x 2" numbered, permanent, metal tags. These tags are affixed to each tree and correspond to those numbers on the TREE LOCATION MAP.
- C. The compass bearing for the tending direction of any low branching of 15' and lower was taken.
- D. The trees were assessed for plant quality.

#### TREE SPECIES

The trees present on-site are:

<u>Tree Species</u>	<u>Common Name</u>	<u>Quantity (Percentage)</u>
Platanus racemosa	California Sycamore	43 ( 5.0%)
Quercus agrifolia	Coast Live Oak	803 (94.8%)
Sambucus sp.	Elderberry	1 ( 0.2%)

#### TREE LOCATIONS

The site plan (TREE LOCATION MAP), prepared by THOMAS R. HAUSE, A.I.A. ARCHITECT, was received by this office in December, 1987. Refer to the TREE LOCATION MAP included herein for these tree locations.

#### RESULTS OF STUDY

##### 1. Physiological Condition of the Trees

The physiological condition of the trees are detailed in the SUMMARY OF FIELD INSPECTION contained within this report. All recommendations made on field forms, relate only to the specific date of our field work.

The following was noted:

- A. Of these trees, our Health and Aesthetic ratings were (see the DEFINITIONS section for rating explanations):

1.	<u>HEALTH GRADE</u>	<u>QUANTITIES</u>	<u>PERCENTAGE</u>
	A	0	0%
	B	272	32.1%
	C	383	45.2%
	D	180	21.3%
	E	12	1.4%
	F	0	0%

2. AESTHETIC		
GRADE	QUANTITIES	PERCENTAGE
A	25	3.0%
B	319	37.7%
C	420	49.5%
D	83	9.8%

- B. The general characteristic of the Oak tree is that it has one trunk; however, we found:

Single trunk trees: 425 (53%)  
Multiple trunk trees\*: 378 (47%)

\*This is possibly attributed to the fact that fires have come through this area in the past.

C. Heritage Oak Trees

According to the Oak Tree Ordinance, a "Heritage Tree" is any Oak tree that includes at least one of it's trunks to be at least 36" in diameter. According to this, this project has nineteen (19) evaluated "Heritage" trees. They are trees: 1, 3, 103, 210, 220, 225, 309, 323, 335, 430, 455, 561, 682, 685, 688, 698, 709, 719 and 827.

2. Specific Overall Mitigations

- A. Any County approved work within the drip lines of the saved Oak trees shall be under the direct supervision/observation of this TREE CONSULTANT.
- B. All branch removals shall be accomplished by a qualified Arborist under the direct supervision/observation of this TREE CONSULTANT.
- C. Copies of the following shall be maintained on-site during all site construction:
  1. This Tree Report.
  2. The Oak Tree Ordinance

OAK TREE PRESERVATION PROGRAM

As development occurs around the saved Oak trees, they will become dependent upon the future residents for their care and preservation. All construction activities shall follow our established PRESERVATION PROGRAM. This program was developed to control the impacts to each tree and to protect them from any unnecessary and unscheduled damage.

Exhibit 25

CCC-14-CD-04

CCC-14-RO-04

(The Salvation Army)

Page 4 of 8



Consideration of disease and pest control will play a major role in such a program and for the most part will be long range. The best protection against any problem is to build up the tree's natural defenses by proper watering and to avoid wounding whenever possible. The proper mitigation measures will encourage vigorous growth within the trees so that their compartmentalization can effectively control disease.

All Oak tree mitigation techniques shall be supervised/observed on-site by this TREE CONSULTANT. This office shall be notified forty-eight (48) hours prior to any work being done to the Oak trees.

The following list of recommendations (PRESERVATION PROGRAM), if followed, should insure that the saved trees will remain as a valuable asset to the community:

1. TREE PROTECTION:

- A. The trees shall be fenced, for protection from mechanical injury, with a chainlink fence before any grading commences.
- B. No equipment storage, debris dumping and/or parking shall take place within any tree drip line.
- C. This fence shall not be moved and/or removed without certification from this TREE CONSULTANT.

2. DEADWOODING AND/OR PRUNING:

- A. Deadwooding is the removal of dead wood from within the tree.
- B. Structural pruning is for clearance only and can be done only if approved by the Los Angeles County Planning Department for: road construction, parking areas and/or building construction.
- C. Safety pruning is for the pruning of hazardous limbs and should be done if necessary.
- D. All deadwooding and/or pruning shall be accomplished under the direct supervision/observation of this TREE CONSULTANT.

3. WATERING (only if needed):

- A. The water frequency shall be done on an "as needed basis" and is subject to the evaluation of this TREE CONSULTANT. If watering is required, it shall be done, but not applied from June to August.

- B. All watering must be done in a manner which insures that

Exhibit 25

CCC-14-OD-04

CCC-14-RO-04

(The Salvation Army)

Page 5 of 8

the water will percolate into the Root Zone of the tree.

1. The tree is to receive one gallon of water for each cubic foot of Rooting Zone. The Root Zone is defined as the area within the drip line to a depth of four feet.
- C. Native Oaks are in a dormant state during the summer months and do not require regular or constant watering. Watering is normally contemplated only following long periods of extreme drought.

4. FERTILIZATION (only if needed):

- A. If fertilization is required, the trees shall be fertilized with a nitrogen fertilizer. This should be applied to the area encompassed by the drip line at a minimum rate of 0.1 to 0.2 pounds (of actual nitrogen) per one inch (1") diameter of trunk (as measured at breast height). This material is to be applied just prior to watering.
  1. "Mauget" injectors may be used for fertilizer application in the Spring on the recommendation of this TREE CONSULTANT.
- B. Native Oaks are in a dormant state during the summer months and do not require regular or constant fertilizing.

5. DISEASES AND PESTS:

- A. Prior to construction, the vigor of the saved Oak trees shall be assessed by this TREE CONSULTANT. Any trees in a weakened condition shall be treated as deemed necessary by this TREE CONSULTANT to invigorate them.
- B. The saved trees shall be sprayed and/or injected by a licensed Pest Control Applicator for pests that are present.

These recommendations shall be made by a licensed Pest Control Advisor. This TREE CONSULTANT shall certify the work to the Los Angeles County Planning Department when it is completed.

1. "Mauget" injectors may be used for chemical application in the Spring on the recommendation of the Pest Control Advisor.
- C. During all phases of construction the health of the saved trees shall be monitored for disease signs and symptoms. These problems, if they arise, shall be remedied as soon as possible.

6. GRADING NEAR THE DRIP LINE

- A. No grading shall take place within the Oak tree drip lines without the approval of the Los Angeles County Planning Department and this TREE CONSULTANT.
- B. If grading is approved within the drip line, this TREE CONSULTANT shall be present during all work. This grading shall initially be done by hand work.
- C. If any roots are encountered, they shall be properly pruned in accordance to this TREE CONSULTANT.
- D. If retaining walls are to be built, all footings should be primarily in an outward direction (away from the trunk). Backfill the wall with top soil from the site.

7. OTHER CONSIDERATIONS:

- A. Do not nail grade stakes or anything else to any Oak tree.
- B. Do not remove natural leaf mulch from within any Oak tree drip line.
- C. Landscape planting and/or irrigation and/or utilities shall not be designed and/or installed within any Oak tree drip line, unless approved by the Los Angeles County Planning Department.
- D. Do not apply chemical herbicides within one-hundred feet (100') of the Oak tree drip line.
- E. The dust accumulation onto the tree's foliage (from near-by construction) shall be hosed off periodically during construction, under the recommendation of this TREE CONSULTANT.

PUBLIC SAFETY CONSIDERATION

Oak trees, due to their universal aesthetic appeal, draw people to them to enjoy their shade and comfort. Unbeknown to these people are the dangers which prevail in and around the Oaks.

Oaks, being living organisms, are subject to the destructive force of nature. Disease, the major force, often works insidiously within the Oak, weakening the internal structure while showing little outward signs of its existence. Occasionally, a tree will react with suddenness and great force to the loss of structural stability; thus, humans in close association with an Oak tree are exposed to a hazard.

It is important to understand, by all involved with Oaks, that a

Page Seven

THE SALVATION ARMY CAMP

significant risk to human safety exists at every tree. These risks to public safety should be balanced against the aesthetic benefits of preservation of the Oaks.

Respectfully submitted,

LEE NEWMAN & ASSOCIATES, INC.

ASLA #1314

A handwritten signature in cursive script that reads "Richard Ibarra".

Richard Ibarra  
Vice President Horticulture

John Oblinger  
Horticultural Assistant

RI:sjc



BIOTA REPORT

Prepared For:

Salvation Army  
Camp Mountain Crags and Camp Gilmore  
Los Angeles, California

Submitted By:

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November 3, 1988

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT  
CCC-14-CD-04  
CCC-14-RO-04

(The Salvation Army)

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## 1.0 PROJECT DESCRIPTION

### INTRODUCTION/PROJECT LOCATION:

The proposed project is located on the Salvation Army's property referred to as Camp Mountain Crag and Camp Gilmore in the Malibu Creek drainage of the Santa Monica Mountains in the County of Los Angeles. The USGS map location on the Malibu Beach 7.5 regular type Quadrangle (included in back pocket) is generally the northeast 1/4 of Section 13 of Township 1S, Range 18W (San Bernardino Baseline and Meridian).

As shown on Figure Vicinity, the Salvation Army's property (which includes the two camps and an extensive amount of remote and undeveloped land as well) is located within the Malibu Canyon and Lagoon Significant Ecological Area (SEA No. 5) designated by the Los Angeles County General Plan (1980). For this reason, this report has been prepared as required for the Significant Ecological Areas Performance Review Procedure pursuant to the Land Use Element of the County's General Plan.

The Salvation Army proposes to construct: 1) a new two-lane bridge over Malibu Creek; and 2) 7,200 square feet of new structure and building additions for Camp Mountain Crag; and 7,000 square feet of new structures and additions for Camp Gilmore. The project consists of a number of structures to be built at the locations shown on Figure Plan and described individually as follows:

#### --For Camp Mountain Crag:

- E. Two-story addition to camp office (1,500 square feet)
- F. Free-standing open multi-use activity structure (2,200 square feet)
- G. Two maintenance buildings, one for workshop, one for storage (1,000 square feet x 2 = 2,000 square feet)
- H. Maintenance staff housing for 12 persons (1,500 square feet)
- I. New two-lane bridge

--For Camp Gilmore:

- J. Addition to an existing storage building (700 square feet)
- K. Free-standing multi-use activity structure (1,200 square feet)
- L. New meeting room attached to existing girl's restroom (800 square feet)
- M. Two-story addition to Camp Director's house (900 square feet)
- N. Free-standing multi-use activity structure (1,200 square feet)
- O. New staff housing for 10 persons (1,200 square feet)
- P. Office addition (1,000 square feet)

On-the-ground photographs showing the locations of the individual structure components of the overall project and which are also keyed to Figure Plan are shown on Plate(s) Plan.

It is expected that this project will require three years and \$921,000 to complete. The objective of the proposed project is to provide for an increased quality of service to the present number of camp users and not to provide capacity for additional numbers of campers.

## 2.0 ENVIRONMENTAL SETTING

### PROJECT SITE

### VEGETATION

Because the subject property encompasses an approximately one-half-mile reach of Malibu Creek and the adjacent slopes on both sides, a considerable variety of vegetation exists on the site. In general, this vegetation can be classified into several broad types which range from freshwater aquatic, riparian scrub, woodland and forest, (live oak) woodland, chaparral, and scrub. Additionally, some areas of steep exposed rocky

outcrops are nearly devoid of vegetation, although these areas often contain some of the more unusual species. Perhaps due to the steepness of the topography and consequent thin soils which have developed, very little of the property supports vegetation which would be classified as grassland. Small and local areas do, however, support native perennial grasses. Some portions of the Camp have been converted to driveways, lawns, and ornamental landscapes.

An overlay of an aerial photograph of the project site showing the generalized distribution of these vegetation communities is included as Plate Vegetation in the insert map pocket of this report. Among the vegetation communities present, those designated as riparian types, because of their declining status, are considered by the Department of Fish and Game as "rare enough to merit inclusion into the State's inventory of natural communities: (Holland, 1986). The degree of species richness observed and high value to wildlife add further to the sensitivity of these riparian communities.

## HYDROLOGY

The hydrologic conditions and potential for flooding hazard has been investigated by John M. Tettemer and Associates, Ltd. (1988). The hydrology report is included in Appendix Hydro. The camp is traversed by three small streams which drain steep mountainous terrain as shown on Figure Hydro. According to the County's Department of Public Works Hydrology Manual, the area is in a zone which receives a 24-hour, 50-year rainfall of 11 inches, with peak intensity during a 50-year storm estimated at 2.5 inches per hour. Debris production for a peak rainfall event is estimated at 35,000-40,000 cubic yards per square mile.



## SURROUNDING AREA

### VEGETATION/HABITATS

The Salvation Army property is contiguous with open space tracts of land which support vegetation that is typical of the region. Variation in this vegetation is largely attributable to gradients in moisture availability related to differences in topography (e.g., slope, aspect) and soils, and secondarily to disturbance history (e.g., fire, grazing). Because of this continuity of the land and vegetation, the above discussion of vegetation communities for the project site should suffice for the surrounding area but for one exception: extensive grassland communities composed of native perennial and introduced annuals such as are found in Malibu Creek State Park (north of the project site) are lacking on the Salvation Army's property. The park (developed portion) encompasses a broader more open tributary of the Las Virgenes Creek drainage with deeper soils than does the Salvation Army's property, which is generally steep with thin soils. Grazing and fire have perhaps played a greater role in maintaining the open, herbaceous vegetation found in the park.

### LAND USE

The Salvation Army property is surrounded except on the southeast border by parklands (NPS, 1987; Land Protection Map) viz., to the north, west and south by Malibu Creek State Park and to the east by Tapia Park (County of Los Angeles). To the southeast, the property is adjacent to the Las Virgenes Municipal Water District's Tapia Wastewater Treatment Facility. Approximately one-half mile to the northeast is the County's Camp David Gonzales Correctional Facility.

### PUBLIC OR PRIVATE OPEN SPACES AND RESERVES

In connection with the surrounding land uses discussed above, the Salvation Army property is surrounded almost entirely by public open space reserves with the

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exception of the Tapia Wastewater Treatment Facility. No other land uses are directly adjacent to the property.

#### WILDLIFE MOVEMENTS/GENE FLOW BETWEEN OPEN SPACE AND RESERVES TO PROJECT SITE

Recently, growing controversy has arisen over the need to preserve corridors for wildlife movements in the Santa Monica Mountains. An ever accelerating rate of land conversion threatens to further isolate and fragment the remaining portions of these and adjacent mountains, ultimately leading to de-stabilization of existing populations, physical and genetic isolation, and loss of natural diversity (Leiberstein *et al.*, 1987; Revkin, 1987; Leach, 1987).

The Salvation Army's camps and surrounding property possess a number of attributes which contribute to its high value as a wildlife corridor and as a biological reserve, the integrity of which is critical to the maintenance of biological diversity in the Santa Monica Mountains. First is the large size and the relatively undisturbed condition of the diverse range of habitats encompassed. Of special importance is the riparian corridor which provides a perennial source of water and dense vegetative cover. Second is the fact that the property is surrounded by open space habitats of similar high quality. These factors suggest that the Salvation Army property and adjacent lands can support a large diversity of wildlife species, including some of the larger animals which range widely over extensive areas such as badger, bobcat, mountain lion and golden eagle. Discussions with camp personnel indicate that deer and bobcat regularly traverse the area, and our field observations revealed daily movements of great blue heron and green heron along the creek corridor. Signs of deer and raccoon were also particularly abundant. Therefore, it is concluded that there is substantial wildlife movement and gene flow between the property and adjacent open spaces.

## OVERALL BIOLOGICAL VALUE (diversity, special interest taxa, etc.)

The overall biological value of the Salvation Army's property and surrounding area is judged to be quite high, based upon our field investigations and supplemented with literature research. This is readily apparent by examining the lists of observed and expected flora and fauna for the Salvation Army's property included in the Appendices of this report. As can be seen in Appendix Flora, in excess of 200 species of vascular plants were observed on the Salvation Army property. Because our survey was conducted during the late summertime and fall of the year, a number of species probably present were not apparent and not observed. In addition, our survey areal coverage was limited to the canyon bottom and lower slopes in the vicinity of the project areas.

Among those floral species observed, a number are considered to be locally uncommon, rare, or otherwise sensitive. Appendix Flora-Sensitive provides a brief description of those occurrences.

Literature research regarding the range and habitat preferences for animal species, together with a consideration of existing conditions at the Salvation Army property and surrounding area provides evidence to conclude that a number of animal species which are considered sensitive may be present, if only sporadically or on a seasonal basis. Our field investigations support this conclusion. An enumeration and brief description of these sensitive species is provided in Appendix Fauna-Sensitive. Confirmation of the presence of many species included therein would, however, require considerable field efforts over the course of a year or more, and is beyond the scope of this study.

### 3.0 BIOTA SURVEY OF THE PROJECT SITE

#### PERSONNEL/DATES AND TIMES

Field inventory of the flora, vertebrate and invertebrate (butterfly) fauna took place on several dates between August 2 and September 9, 1988. Man-hours in the field totaled 70. Statements of staff qualification are included in Appendix-Quals. Mr. Carl Wishner and Mr. Tim Laughlin, of Envicom Corporation, surveyed the flora and vertebrate fauna. The site was surveyed during the following times: from 2:00-4:00 p.m. on August 2; from 5:00-7:00 a.m. on August 6; from 5:00 a.m.-12:00 p.m. on August 9; and from 7:00 p.m.-2:00 a.m. and 4:00 a.m.-9:00 a.m. on August 10-11. The invertebrate (butterfly) inventory was conducted by Mr. Wishner and Mr. Keith Dobry (Statement of Qualifications included) between 12:00-4:00 p.m. on September 9. In addition, Mr. Wishner visited the site to take photographs on October \_\_\_\_.

#### SEARCH OF DATA BASE

The California Department of Fish and Game's Natural Diversity Data Base (CNDDB) was consulted in order to determine whether any known sensitive elements of biological diversity are present in the immediate vicinity of the project site. One element, *viz.*, Santa Monica Mountains live-forever (*Dudleya cymosa marcescens*) was reported on the subject property (CDFG, 1988). For reasons of the sensitivity of this species, its exact location is not specified herein. Further discussion of other unreported sensitive or "special interest" taxa can be found in Appendix-Flora-Sens and Appendix-Fauna-Vert-Sens.



## INVENTORY METHODS/RESULTS

### FLORA

The investigation of the floral resource consisted of a walk-over of the stream side corridor and adjacent woodlands and brushlands along the lower slopes of the property. Field surveys were limited to areas expected to be affected by the proposed project and campground activities. Identification of species observed took place in the field and laboratory using the regional flora of Munz (1974) and the local flora of Raven *et al.* (1986). In excess of two-hundred species of vascular plants were observed. A complete list of observed species is provided in Appendix-Flora. Habitat affinities are also indicated therein. Sensitive species or special interest taxa are discussed in Appendix-Flora-Sens.

### FAUNA

#### INVERTEBRATES (BUTTERFLIES)

\*\*\*\*to be completed\*\*\*\*

### VERTEBRATES

#### FISHES

Investigation of the fishery resource entailed direct field observation, literature search, and consultations with knowledgeable individuals with the Department of Fish and Game (Worthley, 1988) and the Los Angeles County Museum of Natural History (Swift, Exhibit 26

1988). Only the mosquito fish (*Gambusia affinis*) was observed and found to be abundant. A number of other species are expected to occur based on habitat and distribution considerations. These are enumerated in Appendix-Fauna. Nomenclature follows the treatment found in McGinnis (1984). Sensitive fish taxa are discussed in the appropriate section of Appendix-Fauna-Vert-Sens.

Two species, viz., Steelhead (*Salmo gairdneri* g.) and Silver Salmon (*S. kisutch*) are included on the list of fishes, although they are presently absent from Malibu Creek above Rindge Dam (Malibu Reservoir) which includes that reach of the stream which passes through the Salvation Army's property. They have been included because they were present historically and because there is an active proposal to restore the fishery by notching the dam and constructing a fish ladder to match the elevation of the notch, thereby eliminating the barrier to upstream movement as far inland as Century Reservoir.

#### AMPHIBIANS AND REPTILES

A herpetological investigation was conducted using field observation and literature research. A comprehensive list of observed and expected species is given in Appendix-Fauna-Vert. Nomenclature follows the treatment found in Stebbins (1985). Additional information regarding species' distribution, habitat preference, and local presence was obtained from Stebbins (1972); Othmer (1980); NPS (1982); Dixon (1967); Behler and King (1979); Smith (1978) and Smith and Brodie (1982). Commonly observed amphibians included treefrogs (*Hyla* spp.), California (western) toad (*Bufo boreas halophilus*), bullfrog (*Rana catesbiana*), and slender salamander (*Batrachoseps attenuatus*). Commonly observed reptiles were California side-blotched lizard (*Uta stansburiana hesperis*), Great Basin (western) fence lizard (*Sceloporus occidentalis biseriatus*), common gopher snake (*Pituophis melanoleucus annectens*), and striped racer (*Masticophis lateralis* l.) were also observed.

A comprehensive listing of the observed and expected herpetofauna is given in Appendix-Fauna. Sensitive taxa are discussed in the appropriate section of Appendix-Fauna-Vert-Sens.

## BIRDS

The avifauna was investigated in the field with the aid of binoculars and information was supplemented with literature accounts from Garrett and Dunn (1981), Pyle (1953), NPS (1982), Othmer (1980); Ramseyer (1987) and Remsen (1978). The most productive birdwatching occurred during brief periods at dawn along the corridor of the creek. Species abundantly observed include (scientific names omitted because common names are unambiguous) song sparrow, black phoebe, brown towhee, scrub jay, dark-eyed junco, bushtit, wrentit, Audubon's warbler, valley quail and acorn woodpecker. Species observed regularly but not in abundance include common raven, belted kingfisher, California thrasher, rufous-sided towhee, common (red-shafted) flicker, downy woodpecker, Nuttall's woodpecker, ash-throated flycatcher, plain titmouse, black-headed grosbeak, red-shouldered hawk, red-tailed hawk, hooded oriole, Hutton's vireo and Anna's hummingbird. Great blue heron and green heron were observed on several occasions traveling upstream along the riparian corridor in the early morning hours. Black-crowned night heron was observed once at dusk. Phainopepla was observed once at mid-day. During nighttime observation for mammals, the calls from a half dozen or more great horned owls could be heard from a single location.

A comprehensive listing of the observed and expected avian fauna is given in Appendix-Fauna. Sensitive avian taxa are discussed in the appropriate section of Appendix-Fauna-Vert-Sens.

## MAMMALS

Mammals were observed in the field either directly or by sign and supplemented with literature including: Othmer (1982); Burt and Grossenheider (1965); Booth (1968);

Whitaker (1980); Jameson and Peeters (1988) and Williams (1986). Nomenclature follows the treatment of Ingles (1965). An attempt was made to observe nocturnal activities using night-lighting techniques and baiting with a mixture of peanut butter, bacon grease and oatmeal. This effort was largely unrewarded, although a number of white-footed mice believed to be brush mouse (*Peromyscus boyleyi*) did appear by early morning to take the bait. Although this result was somewhat disappointing, the large number of owls heard is an indication that there is a considerable numerical abundance, if not diversity, of small mammals present.

A comprehensive listing of the observed and expected mammalian fauna is given in Appendix-Fauna. Sensitive mammalian taxa are discussed in the appropriate section of Appendix-Fauna-Vert-Sens.

#### 4.0 IMPACTS OF THE PROJECT ON THE SITE AND SURROUNDING AREA

##### GRADING AND VEGETATION REMOVAL/ALTERATION

Grading required for the proposed new structures is expected to affect a total of approximately 12,000 square feet of surface area (6,400 SF at Camp Mountain Crags and 5,600 SF at Camp Gilmore). No single structural component of the proposal exceeds 2,200 square feet. Soil cuts and fills are balanced, therefore, no soils need to be imported or removed to an off-site location.

The proposed structures are to be located within the currently developed portions of the camps (except the proposed two-lane bridge). These camps occupy oak woodland habitats which have been denuded of understory vegetation by the action of trampling and deliberate clearance for fire protection purposes. Therefore, excepting the removal of \_\_\_ oak trees (Nos. \_\_\_\_\_) necessary for project components G and H, and perhaps some limb removal for other structures, no substantial vegetation removal or alteration will be required.



In connection with the impacts to oak trees and other significant trees, an Oak Tree Report has been prepared in conjunction with the project proposal by Lee Newman and Associates (1988). This report specifies that all construction activities shall follow an established Preservation Program developed by the oak tree consultant. The locations of all significant trees (over 6 inches in diameter) in relation to the proposed project components is included on Figure-Trees.

## STREAM ALTERATION

The proposed two-lane bridge over Malibu Creek will require the removal of approximately 0.1 acres of willow scrub vegetation at both stream banks to facilitate placement of the supports. The stream channel at the proposed location is scoured and supports mainly herbaceous vegetation dominated by white sweetclover (*Melilotus alba*) and, therefore, no substantial vegetation removal will be required should pier supports be placed midstream. Because changes in the bank of the stream are proposed, the California Department of Fish and Game will have to be notified and a subsequent Section 1603 Agreement Regarding Proposed Stream or Lake Alteration will have to be completed prior to initiating any such changes. This agreement will specify mitigation measures required by the Department in order to protect the stream resource.

Initial contacts with the Department of Fish and Game have identified their concerns over the potential impacts of the proposed bridge on the Malibu Creek fishery, and in particular, with active proposals to restore the Steelhead run above Rindge Dam. With proper design, the completed bridge would not present a restriction to fish passage. During construction, stream obstructions would also need to be avoided to prevent adverse impacts to the arroyo chub. Specific recommendations to minimize or prevent these impacts and which will likely be required by the Agreement are presented in the section of this report titled Mitigation Measures.

## BRUSH CLEARANCE

The requirements for fuel clearance around structures can be found in the Los Angeles County Code, Volume 7, Title 32. In general, these requirements call for the clearance of all hazardous flammable vegetation to mineral soil for a distance of 30 feet from any structure and cut all flammable vegetation to a height of 18 inches for another 70 to 170 feet, depending upon whether the particular exposure represents a high risk, such as a slope below a structure in the path of strong prevailing winds. This clearance requirement does not apply to single specimens of trees, ornamental shrubbery or cultivated ground cover, provided that they do not form a means of readily transmitting fire from native growth to any structure. This means that native oak trees need not be removed in order to comply with the County's brush clearance requirements.

It is not anticipated that the proposed structures will require any substantial brush clearance due to the fact that all structures are to be located within the confines of the existing campgrounds. Campground areas are restricted to oak woodland which have been denuded of understory vegetation through intentional clearance and incidental activity by campers.

## SPECIAL INTEREST TAXA

A complete listing and brief discussions of those taxa of special interest observed or expected to occur on the project site can be found **Appendix-Flora-Sens** and **Appendix-Fauna-Sens**. None of the taxa identified therein would be expected to be impacted directly (i.e., mortality, removal) by any of the project's structural components. Temporary construction-related indirect impacts may occur through downstream sedimentation and disturbance to normal activities resulting from increased noise, light and glare. Mitigation measures are discussed herein which are designed to reduce the magnitude of these indirect impacts.

## SEA INTEGRITY

The proposed development does not introduce a new type of land use to the area, but rather an intensification of an existing land use. The Salvation Army is cognizant of the recreational value of the natural amenities present on their property and they seek to preserve those values while improving campground facilities. The stated purpose is not to provide for increased numbers of users, but for increased quality of service provided for their campground users. Moreover, camping is considered by definition (Los Angeles County General Plan) to be a compatible land use in the SEA. Given the low intensity and localized nature of the project components, maintenance of existing land use, and inherent compatibility of this land use in SEAs, the project is not expected to erode the integrity of the SEA.

## 5.0 MITIGATION MEASURES

The following are recommended to offset those adverse effects of project implementation identified in the impacts section of this report:

- Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations, and the disturbed portion of the stream channel and banks shall be restored to as near the original condition as possible.
- Restoration shall include the revegetation of stripped or exposed areas with local genotypes of indigenous species appropriate to specific sites of disturbance.
- The bridge shall be designed such that water flow is not impaired and passage of fish and wildlife is assured at all times. The length of free span of the bridge should be as long as is practicable, and the cross-sectional area of pier supports should be minimal. Design plans must be approved by engineers for the Department of Fish and Game.

- The completed bridge should not be lighted.
- No equipment is to be operated in the live stream channel. Materials and equipment which must be transported to the opposite side of the stream channels shall be transported via the existing concrete apron crossing.
- No debris, soil, dirt, mud, silt, sand, cement, concrete, oil or petroleum products, litter, organic or earthen materials or washings thereof shall be allowed to enter into or placed where they may be washed by rainfall or runoff into the stream channel.
- Outdoor lighting for the new structures should be the minimum required to assure safety. Where used, lighting should be directed at the ground and shielded to minimize illumination of surrounding open areas.
- Brush clearance should be minimized, but still in compliance with County requirements. Single specimens of native trees and shrubs should be retained wherever possible. Such specimens should be "lollipopped" to 18 inches in preference to removal.
- Landscape plans should utilize native vegetation derived from local sources.
- The oak tree consultant's Preservation Program shall be rigorously implemented.

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## 7.0 APPENDICES

- Appendix - Statement of Qualifications (Xerox)
- Appendix - Correspondence (CDFG, CNDDDB) (Xerox)
- Appendix - Flora (Carl)
- Appendix - Flora-Sensitive (to be typed)
- Appendix - Fauna-Vert (Carl)
- Appendix - Fauna-Sensitive (to be typed)
- Appendix - Fauna-Invert (Dobry)
- Appendix-Hydrology (Xerox)

## APPENDIX - Flora-Sensitive

*Baccharis plummerae* (Plummer's baccharis): Included on California Native Plant Society's (CNPS) (Smith and Berg, 1988) List 4 and California Department of Fish and Game's "Special Plants" list (CDFG, July, 1987). Less than five plants observed in scattered areas which were unusually sunny locations for this species.

*Lagophylla ramosissima* (hare-leaf): Considered locally rare (Raven *et al.*, 1986; McAuley, 1985). Found abundantly over a small (<100 sf.) grassy area (annuals including *Phalaris aquatica*) near defunct water tank adjacent to the unimproved roadway which connects the two camps.

*Silene antirrhina* (snapdragon catchfly): Considered locally rare (Raven *et al.*, 1986). A few plants (>10) found in open area along creek. Plants may be more abundant, however, dried plants are inconspicuous and closely resemble common *Silene gallica*.

*Dudleya cymosa ovatifolia* (canyon live-forever): An endemic species considered rare. Included on California Native Plant Society's (CNPS) (Smith and Berg, 1988) List 4 and California Department of Fish and Game's "Special Plants" list (CDFG, July, 1987). Plants resembling this subspecies, or the closely related subspecies *D. c. marcescens* (below) were found in scattered locations but nowhere abundant on north-facing slopes, apparently restricted to pillow basalt outcrops.

*Dudleya cymosa marcescens* (Santa Monica Mountains live-forever): An endemic species found on shaded rocky slopes. A Category 2 Candidate for Federal Listing, Listed California Rare, and included on California Native Plant Society's (CNPS) (Smith and Berg, 1988) List 1 and California Department of Fish and Game's "Special Plants" list (CDFG, July, 1987). Exact location information provided by California Natural Diversity Data Base (CDFG, 1988) but not given here due to extreme sensitivity of this species.

*Lupinus latifolius* (broadleaf lupine): Considered locally rare by local botanists, the Santa Monica Mountains populations being at the southern limits on its distribution and disjunct. About 50 plants observed in scattered locations throughout woodland habitats on the property.

*Psoralea macrostachya* (leather leaf): Considered infrequent in shaded stream canyons from Malibu Creek westward (Raven *et al.*, 1986). Less than five plants observed in the riparian woodlands along the creek.

*Polygala cornuta fishiae* (Fish's milkwort): Locally rare (Raven *et al.*, 1986), reaching its northern limit in the Santa Monica Mountains. Included on California Native Plant Society's (CNPS) (Smith and Berg, 1988) List 4 and California Department of Fish and Game's "Special Plants" list (CDFG, July, 1987). Observed to be abundant but localized under shady woodlands along the creek.



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*Acer macrophyllum* (big-leaf maple): A rare reclusive found in a few deep, protected canyons (McAuley, 1985). A few trees observed at scattered locations along the creek, some of which may have been introduced.

*Ribes aureum gracillimum* (golden currant): Not common (McAuley, 1985), encountered sporadically throughout the mountains but never abundant (personal observation). A few plants observed in open woodlands along the creek.

*Ribes californicum hesperium* (foothill gooseberry): Locally rare (McAuley, 1985), encountered infrequently in woodlands and chaparral throughout the mountains (personal observation). A few plants occur in woodlands along the creek.

*Pteridium aquilinum pubescens* (bracken fern): Uncommonly found in shaded canyons on the coastal side of the mountains (McAuley, 1985). A localized occurrence was found in a shaded woodland.

*Adiantum capillis-veneris* (Venus-hair fern): Encountered infrequently and restricted to waterfalls and seepages. A few calcium-laden seepages in upper canyons support this species on the property.

## APPENDIX - Fauna-Sensitive

Sensitive Animals of the Santa Monica Mountains excluding species of the immediate coast, estuaries and lakes.

### FISHES

Steelhead (*Salmo gairderi* g.) (Status\*:SA). Occurs in most coastal streams in California (McGinnis, 1984). The California Natural Diversity Data Base (CDFG, 1988) reports for Malibu Creek a "remnant run of steelhead to the [Rindge] dam". The Department of Fish and Game has indicated that there is an active proposal to restore the fishery to the upper part of the drainage by notching the dam and constructing a fish ladder to match the final notched elevation of the dam (Worthley, 1988).

Arroyo Chub (*Gila orcutti*) (SA). Found in coastal streams of Los Angeles, Orange and San Diego Counties. Reported present in Malibu Creek (Swift, 1988).

### AMPHIBIANS AND REPTILES

Western Pond Turtle (*Clemmys marmorata pallida*) (Status\*:CSC,F2) (Source+:1,2,4,5). Occurs in streams of the Los Angeles area, mostly in oak woodland and coastal sage scrub communities (Dixon, 1967).

Southwestern Arroyo Toad (*Bufo microscaphus californicus*) (CSC,F2) (1,4). Found in arroyos and canyon bottoms in oak woodland and coastal sage scrub communities of Los Angeles County (Dixon, 1967) and elsewhere from San Luis Obispo County to Baja California (Stebbins, 1972).

Red-Legged Frog (*Rana aurora draytoni*) (CSC,F2) (4,5). Found in areas with permanent water among oak woodland communities in Los Angeles County (Dixon, 1967) and elsewhere in coastal and sierran mountain ranges from northern California to Baja California (Stebbins, 1972). Formerly found in all larger streams of the Santa Monica Mountains from Rustic Canyon to Traucas Canyon. Perhaps extirpated from the range. Last recorded sighting in 1875 (De Lisle, *et al.*, 1986).

Foothill Yellow-Legged Frog (*Rana boylei*) (CSC). Found in streams in arroyos and canyon bottoms in the oak woodland communities of Los Angeles County (Dixon, 1967) and elsewhere throughout cismontane California (Stebbins, 1972). Not specifically reported from the Santa Monica Mountains.

San Diego Coast Horned Lizard (*Phrynosoma coronatum blainvillei*) (F2,CSC) (1,2). Found in variety of habitats (Dixon, 1967) in cismontane California from Los Angeles County to Baja California (Behler and King, 1979). The occurrence of the San Diego subspecies in the Santa Monica Mountains is questionable. De Lisle *et al.* (1986) indicate that the California subspecies (*P.c. frontale*) is the one found here. However, literature and distribution maps (Dixon, 1967; Stebbins, 1966; Smith and Brodie, 1982; Behler and

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King, 1979) would suggest that the San Diego subspecies is present. Moreover, the California Natural Diversity Data Base (CDFG, 1988) includes several occurrences of the San Diego subspecies in the Santa Monica Mountains (as at Franklin Canyon, Stunt Ranch, Topanga Canyon, Tapia Park) as well as the surrounding region of the Los Angeles Basin, Verdugo Mountains, San Fernando Valley, Santa Susana Mountains and San Gabriel Mountains and Valley. Whichever subspecies is found to be present, it should nonetheless be considered to be a sensitive taxon.

Silvery Legless Lizard (*Anniella pulchra p.*) (U) (1,2,4,5). Found in coastal sage scrub and oak woodland communities of Los Angeles County (Dixon, 1967) and elsewhere in loose alluvial soils and beach dunes from Contra Costa County southward to Baja California (Stebbins, 1972).

San Diego Mountain Kingsnake (*Lampropeltis zonata pulchra*) (F2,CSC) (1,2,4,5). Found in chaparral areas of coastal Los Angeles County (Dixon, 1967) and elsewhere in the transverse and peninsular ranges from the Santa Monica Mountains to Baja California (Stebbins, 1985).

Western Aquatic Two-Striped Garter Snake (*Thamnophis couchi hammondi*) (U) (1,2,4,5). Found along streams in oak woodland communities of Los Angeles County (Dixon, 1967) and elsewhere in south coastal, transverse and peninsular ranges from San Luis Obispo County to Baja California (Stebbins, 1972; 1985).

## BIRDS

Great Blue Heron (*Ardea herodias*) (Status\*:SA) (Source+:1,2,3). Fairly common resident throughout most of the region, breeding historically at Chatsworth and Santa Monica (Garrett and Dunn, 11981). Observed on Salvation Army property.

Least Bittern (*Ixobrychus exilis*) (CSC) (3). Rare year-round visitor to freshwater marshes, formerly at Lake Sherwood (Ramseyer, 1987).

Black-Crowned Night-Heron (*Nycticorax nycticorax*) (SA) (1,2,3). Fairly common winter visitor and uncommon summer visitor in dense riparian areas (Ramseyer, 1987). Observed on the Salvation Army property.

California Condor (*Gymnogyps californianus*) (FE,CE,CP) (1,3). Formerly a widespread resident in the foothill and montane regions of the south coastal, transverse, and southern Sierra Nevada mountain ranges. No wild individuals are known to exist (Los Angeles Times, 1987). The Santa Monica Mountains are outside the recent range which corresponds to the proposed recovery range for the species (USFWS, 1984).

Cooper's Hawk (*Accipiter cooperi*) (CSC,B) (1,2,3). Uncommon year-round resident and fairly common fall transient in oak woodland and riparian communities of the Santa Monica Mountains (Ramseyer, 1987).

Sharp-Shinned Hawk (*Accipiter striatus*) (CSC,B) (1,2,3). Uncommon year-round resident and fairly common fall transient in oak woodland and riparian communities of the Santa Monica Mountains (Ramseyer, 1987).

Golden Eagle (*Aquila chrysaetos*) (CP,CSC) (1,2,3). Uncommon year-round resident of grasslands and oak savannah of the Santa Monica Mountains, nesting on cliffs (Ramseyer, 1987).

Northern Harrier (*Circus cyaneus*) (CSC,B) (1,2,3). Fairly common winter and rare summer visitor to marshes and fields throughout (Garrett and Dunn, 1981). Observed on the Salvation Army property.

Black-Shouldered Kite (*Elanus caerulea*) (SA,CP) (1,2,3). Uncommon year-round resident of grassy and cultivated fields, marshes, and riparian habitat (Ramseyer, 1981).

Red-Shouldered Hawk (*Buteo lineatus*) (B) (1,2,3). Fairly common year-round resident of riparian and oak woodlands (Ramseyer, 1981). Observed on the Salvation Army property.

Prairie Falcon (*Falco mexicanus*) (CSC) (1,3). Rare winter and casual summer visitor to grassy and cultivated fields and rocky hills (Ramseyer, 1987).

American Peregrine Falcon (*Falco peregrinus anatum*) (FE,CE,CP) (1,2). Rare winter and casual summer visitor to estuaries, lakes, streams and marshes. Last known to have nested in the Santa Monica Mountains in the mid-1950s. Nine captive-bred fledglings have been reintroduced to the mountains from 1981-1983 (Ramseyer, 1987).

Merlin (*Falco columbarius*) (CSC,SC) (1,2,3). Uncommon fall transient and rare winter visitor found in open woodlands, riparian areas and estuaries (Ramseyer, 1987).

Barn Owl (*Tyto alba*) (SC) (1,2,3). Fairly common year-round resident of grasslands with nearby trees or buildings, oak savannah and residential areas (Ramseyer, 1987).

Long-Eared Owl (*Asio otus*) (CSC) (1,2,3). Rare transient and winter visitor; casual summer visitor to riparian woodlands and willow thickets, although once fairly common breeding residents (Ramseyer, 1987).

Short-Eared Owl (*Asio flammeus*) (CSC) (1,3). Uncommon winter visitor and rare to casual spring and fall transient to open marshes, estuaries and grasslands. Formerly a common winter visitor (Ramseyer, 1987).

Burrowing Owl (*Athene cunicularia*) (CSC) (1,3). Rare, year-round resident of grassland and open scrub (Ramseyer, 1987).

Lewis' Woodpecker (*Melanerpes lewis*) (SC) (1,2,3). Irregularly rare to uncommon winter visitor to oak and riparian woodlands (Ramseyer, 1987).



Black Swift (*Cypseloides niger*) (CSC) (1,2,3). Rare spring and fall transient which may be seen over any habitat (Ramseyer, 1987).

Willow flycatcher (*Empidonax traillii*) (CSC) (1,2,3). Uncommon to fairly common spring and fall transient to riparian woodlands and willow thickets. Once a fairly common summer resident but no longer breeding in the Santa Monica Mountains (Ramseyer, 1987).

Purple Martin (*Progne subis*) (CSC,SC) (1,2,3). Rare spring transient, previously a fairly common summer resident. Declines due to competition for nesting space with European starling (Ramseyer, 1987).

Bank Swallow (*Riparia riparia*) (CSC) (1,3). Rare spring and fall transient, formerly a fairly common summer resident (Ramseyer, 1987), but now virtually extirpated from the region as a breeder (Garrett and Dunn, 1981).

Western Bluebird (*Sialia mexicana*) (S,SC) (1,2,3). Uncommon year-round resident of oak woodlands, declining due to competition for nesting sites with European starling (Ramseyer, 1987). Observed on the Salvation Army property.

Loggerhead Shrike (*Lanius ludovicianus*) (S,B) (2,3). Uncommon year-round resident of grasslands, open woodlands and broken chaparral (Ramseyer, 1987).

California Black-Tailed Gnatcatcher (*Polioptila melanura californica*) (F2,CSC,SC) (3). Uncommon and local resident in arid coastal sages scrub and cactus scrub habitats of the San Gabriel Mountains and Palos Verdes Peninsula southward. Formerly nesting in the Santa Clara River of Ventura County and in the San Fernando Valley of Los Angeles County (Garrett and Dunn, 1981).

Least Bell's Vireo (*Vireo belli pusillus*) (FE,CE) (3). Rare summer resident of willow and riparian habitats. Formerly a fairly common summer resident. No recent records for the Santa Monica Mountains (Ramseyer, 1987).

Tricolored Blackbird (*Agelaius tricolor*) (F2) (1,3). Uncommon year-round resident breeding especially in cattail marshes (Ramseyer, 1987).

Yellow Warbler (*Dendroica petechia brewsteri*) (CSC) (2,3). Fairly common summer resident and common spring and fall transient; casual in winter. Inhabits riparian woodlands, favoring cottonwood trees (Ramseyer, 1987).

Yellow-Breasted Chat (*Icteria virens*) (CSC) (3). Uncommon summer resident and rare fall transient to riparian habitats. Formerly a common summer resident (Ramseyer, 1987).

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Virginia's Warbler (*Vermivora virginiae*) (CSC) (3). Rare fall vagrant; casual in winter. Found in brush thickets, especially on the coast (Ramseyer, 1987).

Other casual/accidental species reported for the Santa Monica Mountains (Ramseyer, 1987).

Summer Tanager (*Piranga rubra*) (CSC)  
Hepatic Tanager (*Piranga flava*) (CSC)  
Yellow-billed cuckoo (*Coccyzus americanus occidentalis*) (CT,F2)  
Bendire's Thrasher (*Toxostoma bendirei*) (CSC)  
Rough-Legged Hawk (*Buteo lagopus*) (?)  
Vermillion flycatcher (*Pyrocephalus rubinus*) (CSC)  
Northern Goshawk (*Accipiter gentilis*) (CSC)  
Swainson's Hawk (*Buteo swainsoni*) (CT,F2,SC)

## MAMMALS

Spotted Bat (*Euderma maculatum*) (Status\*:F2). Rare, known in southern California from widely scattered records (Booth, 1968; Jameson and Peeters, 1988).

Pale Big-Eared Bat (*Plecotus townsendi pallescens*) (SA). Occurs throughout California except the humid coastal regions of northern and central California (Williams, 1986).

California Leaf-Nose Bat (*Macrotis californicus*) (CSC). Occurring throughout southern California from southern Ventura and Los Angeles Counties to eastern San Bernardino County and southward (Jameson and Peeters, 1988).

California Mastiff Bat (*Eumops perotis californicus*) (CSC,F2). Uncommon from Alameda, Tuolumne and Stanislaus Counties southward through the sierra, south coast, transverse and peninsular ranges to Baja California (Ingles, 1965; Jameson and Peeters, 1988; Williams, 1986).

Pacific Kangaroo Rat (*Dipodomys agilis fuscus*) (SA) (Source+:1,2). Common along the coastal regions of southern California and well into the mountains (Booth, 1968).

Ringtail (*Bassariscus astutus*) (CP) (1). Occurs the entire length of California along the coastal ranges and Sierra Nevada (Ingles, 1965).

Long-Tailed Weasel (*Mustela frenata*) (U) (1,2). Occurs throughout the Pacific states, except on the deserts (Ingles, 1965).

American Badger (*Taxidea taxus*) (CSC) (1). Occurs throughout the Pacific states, except the north coastal forests (Ingles, 1965; Williams, 1986).

Mountain Lion (*Felis concolor*) (U) (1,2). Occurs throughout the coastal and Sierra Nevada mountain ranges of California (Ingles, 1965). The population in the Santa

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Monica Mountains is estimated to be seven individuals (Leiberstein *et al.*, 1987).

\*Status Codes:

CE California Endangered  
CT California Threatened  
CP California Fully Protected  
FE Federally Endangered  
FT Federally Threatened  
F2 Federal Candidate Category 2  
CSC California Special Concern (CDFG, 1987)  
SA Special Animal (CDFG, 1987)  
S Sensitive (USFWS, 1986)  
SC Special Concern (Tate, 1986)  
B National Audubon Society Blue List (Tate, 1986)  
U Uncommon (NPS, 1982)

+Sources which indicate species is present in the Santa Monica Mountains:

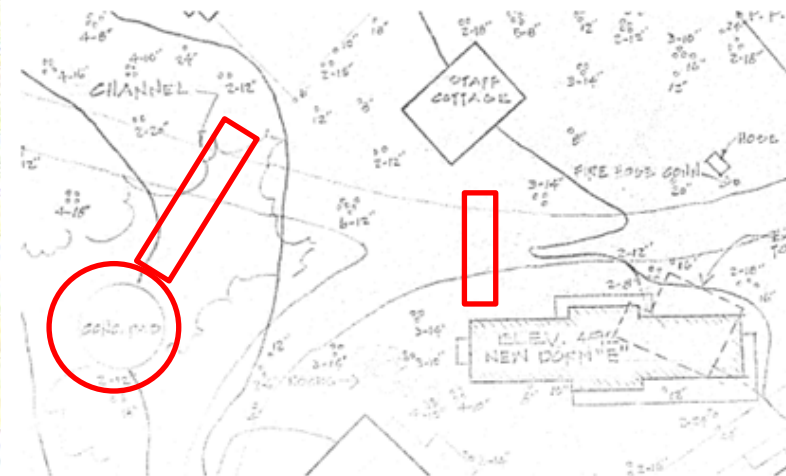
- 1 NPS, 1982
- 2 Othmer, 1980
- 3 Ramseyer, 1987
- 4 De Lisle, *et al.*, 1985
- 5 De Lisle, *et al.*, 1986







2014



CDP P-79-6312



1983



2014



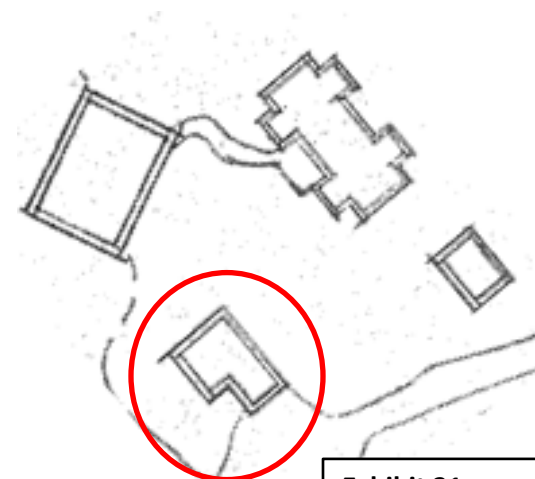




**CDP P-79-6312**

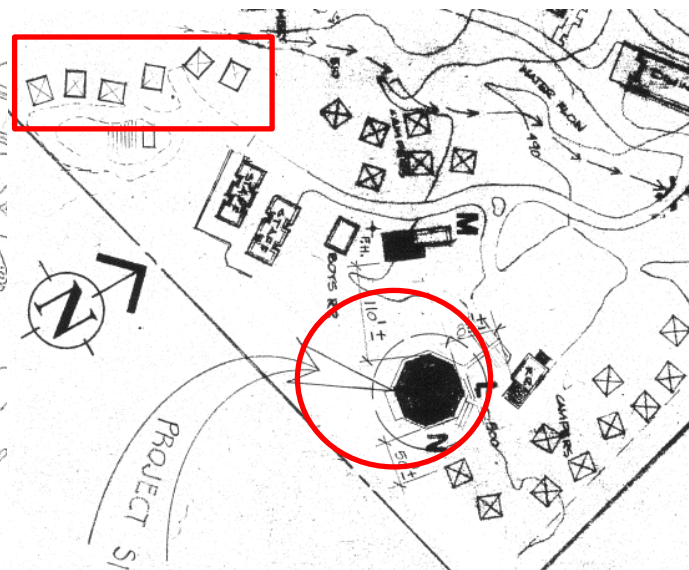
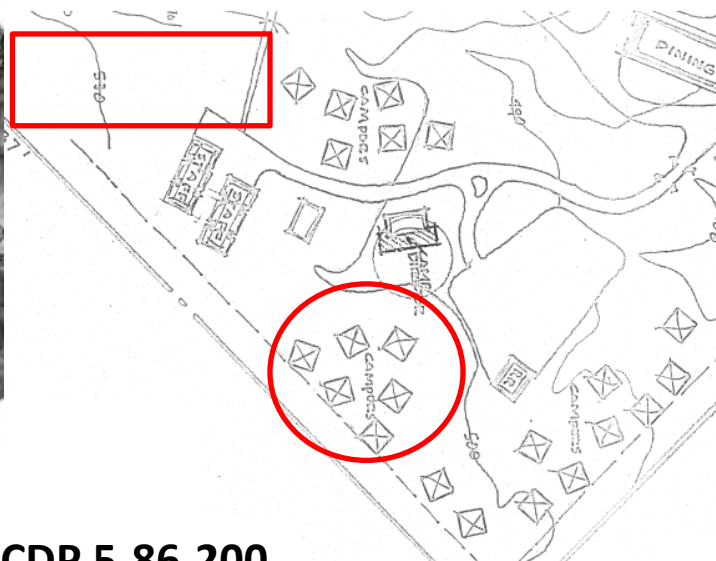


**CDP 5-86-200**



**CDP 4-96-166**

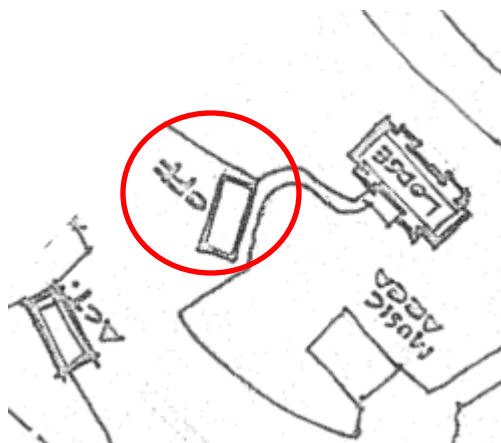




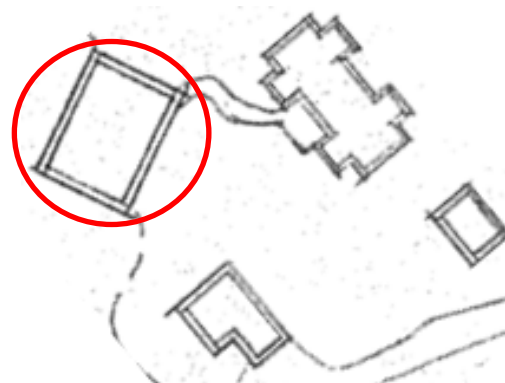
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CDP 5-91-857



**CDP 5-86-200**



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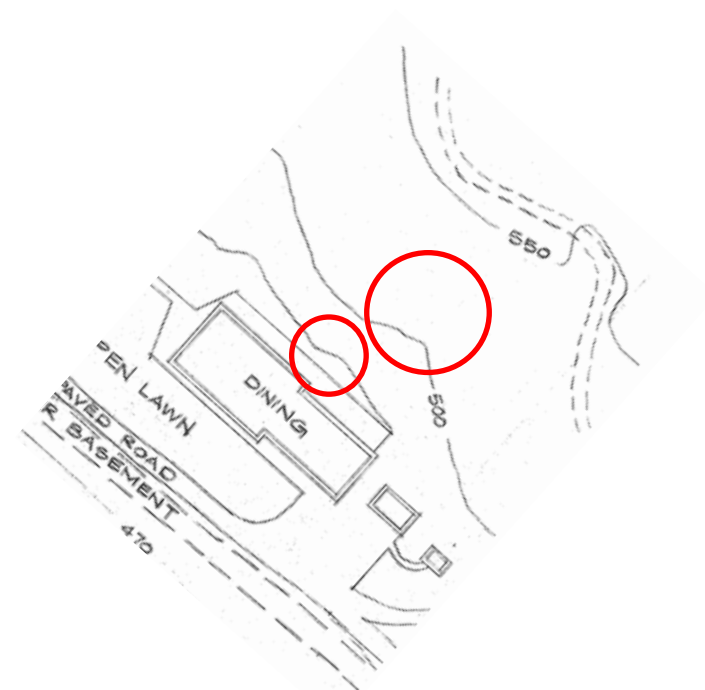




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2003

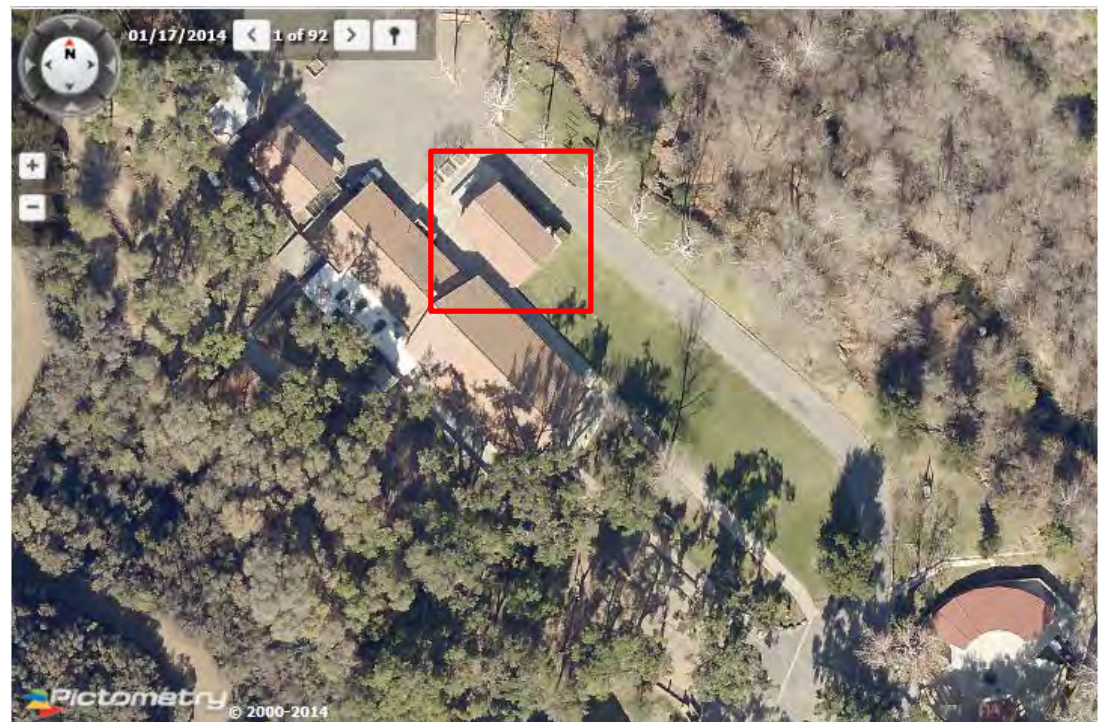


CDP 4-96-166





1980



2014