

CALIFORNIA COASTAL COMMISSION

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

Filed: July 7, 1997
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 Staff: Betz-V *ja*
 Staff Report: July 24, 1997
 Hearing Date: August 12-15, 1997

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-125

APPLICANT: California Fuji International, dba Malibu Country Club

AGENT: William King

PROJECT LOCATION: 901 Encinal Canyon Road, Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construct 1 story, 20 ft. high (above natural grade), 490 sq. ft. snack bar. Connection to existing leach field. No grading.

Lot Area	486,370 sq. ft.
Building Coverage	490 sq. ft.
Pavement Coverage	3 acres (existing, no change)
Landscape Coverage	200 acres (existing, no change)
Parking Spaces	106 open (existing, no change)
Ht abv nat grade	20 feet
Plan Designation	M-2 Mountain Land 1du/2ac
	Rural Land I 1 du/10 ac
	Rural Land II 1 du/5 ac
	Rural Land III 1 du/2 ac

LOCAL APPROVALS RECEIVED: County of Los Angeles: Department of Regional Planning, Approval in Concept, dated 3/20/97; Department of Health Services, Approval for Design Purposes, dated 5/8/97.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-85-288 and 5-85-612 (California Fuji International); Permit Extension Request 5-85-612E (California Fuji International)

SUMMARY OF STAFF RECOMMENDATION: The proposed development replaces a practice putting green with snack bar in a previously disturbed (graded and landscaped) area in an existing golf course. Staff recommends approval of the proposed project with a Special Condition addressing wild fire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, 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 Program 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. 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 this permit is reported to the Commission. 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.

III. Special Condition.

1. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes the construction of a 1 story, 20 ft. high (above natural grade), 490 sq. ft. snack bar to replace an existing practice putting green in an existing golf course. (Exhibits 1 and 2)

The applicant has found that the location of the present snack bar in the main building complex, northwest of the proposed building, requires that golf carts leave the course to obtain refreshments after playing the first nine holes. This increases congestion in the golf cart assembly area. (Golfers are only allowed to use golf carts to play.) Further, the existing snack bar has less patronage because of this inconvenience and because patrons tend to use the nearby restaurant instead for refreshments once they leave the course. The new snack bar will be more conveniently located at a juncture between the first and second nine holes.

The project includes connection to an existing, but unactivated, leach field by way of a septic tank, septic pump station, and a two inch line approximately 700 ft. long extending to the northwest.

The project is located at the lower, southern end of the golf course and will drain into an existing concrete lined swale which in turn drains into a landscaped buffer area and the remnant of a blue line stream, a tributary of Trancas Canyon creek. This creek was disturbed by previous development prior to the 1976 Coastal Act. The swale travels down a slope landscaped with non-native trees in its upper part and has been left in its natural state near the stream bottom. The swale terminates in a rip-rap structure before it reaches the natural stream habitat area. The rip-rap functions as a flow dissipator. A culvert drains into the upper end of the remaining stream from the vicinity of the pond located approximately 500 feet to the north.

B. Background

A review of aerial photos and USGS maps indicates that the creek, a tributary of Trancas Canyon creek, was disturbed by previous development prior to the 1976 Coastal Act. The 1950 USGS base map shows two dammed ponds extending

approximately one-half mile north from the project straddling and superimposed on the tributary blue line stream. An unidentified map in file 5-85-612 refers to these ponds as "Trancas Lakes". This name was also given to a 1986 proposed subdivision of 420 detached units on the golf course property.

The 1967 of the USGS map shows the ponds and tributary in the same location. The update photo-revised 1981 USGS map shows the approximate area of the present golf course designated as such on the map. The 1981 map also shows the previous dammed ponds as attenuated to approximately one third of their previous extent. The blue line tributary is shown in 1981 as changing to a combination of no designated channel, purple line artificial channel and blue line channel. The 1976 infrared photo shows a golf course in this general area, but the northern pond appears to have been drained at that time. The 1994 aerial photo shows the golf course in its present configuration as approved under permit 5-85-612.

On June 11, 1985 the Coastal Commission approved permit 5-85-288 (California Fuji International, Inc.) for improvements to the existing golf course which was noted as completed in 1980. The improvements included widening an access road, construction of a 5,900 sq. ft. office and clubhouse, including a 2,800 sq. ft. restaurant, bar, snack bar, 4,100 sq. ft. maintenance and storage shed, tennis courts, swimming pool, 121 car parking lot, and 77,000 cu. yds. of grading. The project was approved with conditions of approval requiring revised plans to show preservation of the riparian area below the 1290 contour as mapped in Exhibit A included. This is an area which commences approximately 75 ft. east of the present project site and extending south to Encinal Canyon Road. (See Exhibit 2) A second condition of approval required a recorded irrevocable offer to dedicate this area, which was recorded. The third condition of approval was reservation of thirty per cent of the memberships at prices comparable to those available for day use in the general area.

On October 24, 1985 the Coastal Commission approved permit 5-85-612 (California Fuji International, Inc.) for grading of an access road and construction of a 25 ft. high, 730,000 gallon water tank, and 40,000 cubic yards of grading (20,000 cubic yards of cut and 20,000 cubic yards of fill). The area had recently burnt over and the purpose of the project was to provide fire protection for the golf course's club house and restaurant and irrigation for the golf course. The permit was approved with a condition that there be an offer to dedicate a segment of the Backbone Trail at the western end of the property on or near the Clarke Motorway and along Mulholland Highway. This trail location was at the southwestern end of the property in a hillside area approximately 300 ft. above the golf course. The offer to dedicate was never recorded. The permit was also approved with a requirement for landscaping of the proposed water tank.

On March 23, 1988 the Coastal Commission rejected a request for extension of permit 5-85-612. The Commission found that there were changed circumstances which affected the consistency of the proposed project with the Coastal Act. There was substantial public opposition to the project at this time due, in part, to the relation of the proposed water tank to the proposed 420 unit detached single family subdivision. The Las Virgenes Municipal Water District determined that the water tank was oversize if intended only for the golf course use. The Commission found that the water tank at the high elevation

proposed was not designed to accommodate the golf course alone. Location at a lower elevation was found to have less visual impact and result in location in a previously disturbed area. The findings noted that the certified LUP did not envision the proposed subdivision.

C. Environmentally Sensitive Habitat Areas.

Section 30231 of the Coastal Act states that:

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 states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The applicant proposes the construction of a 1 story, 20 ft. high (above natural grade), 490 sq. ft. snack bar to replace an existing practice putting green in an existing golf course.

The proposed project is near but north of and outside of a wildlife migration corridor connecting two large significant watersheds to the east and west. The project was not subject to review by the County Environmental Review Board.

The stream to the south of the site is a remnant of a larger, continuous tributary, which, as noted above, was modified by prior development. The natural stream commences south of the snack bar to resume its natural state and merge with Trancas Canyon which drains into the Pacific Ocean. Although not an Environmentally Sensitive Habitat Area (ESHA) as designated on the certified LUP, it is considered to be an environmentally sensitive habitat area because it year-round flowing water, is a site of extensive riparian vegetation, such as willows, and provides habitat for birds and other wildlife. The stream serves as a source of water and food for the surrounding vacant scrub and brush habitat which is part of a designated wildlife migration corridor. Because of these characteristics, the stream is protected under the provisions of PRC Sections 30231 and 30240 as noted above.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The proposed project site is not within the ESHA. The site is located approximately 200 ft. northwest of the stream ESHA.

However, development on this site could adversely impact the sensitive habitat resources if not properly designed. Although the applicant proposes no grading, a minor, incidental amount of soil disturbance will result from the construction of the residence.

In addition, the impervious surfaces created will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff would result in increased erosion on and off site. Increased erosion not only destabilizes the site but may result in deterioration of the bluff and impacts of sedimentation on the nearby stream and ocean. The increased sediments in the water course can adversely impact riparian streams and water quality. These impacts can include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents (clay and fine silt particles and organic material) hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

For the following reasons, the proposed project design will not result in any adverse impacts to the stream and riparian corridor. The proposed project includes no additional grading. The existing drainage for this particular site will drain into a concrete swale which ends in a rip-rap structure which diffuses the flow velocity and reduces erosion potential. The rip-rap structure drains the road leading to the main building complex and related parking. This structure dissipates flow and ensures that the proposed project minimizes erosion and sedimentation in the adjacent. Only a very small area will be disturbed and the disturbed area will be revegetated in a

manner consistent with existing landscaping. The existing landscaping along the edge of the golf course, such as the adjacent golf course, uses low water use and native vegetation.

The project as proposed, in summary, minimizes erosion, ensures site stability, and minimizes sedimentation to the adjacent ESHA. Therefore, the Commission finds that the proposed project be consistent with the policies found in Sections 30230, 30231 and 30240 of the Coastal Act.

C. Geologic Hazards/Wildfire Waiver of Liability

Section 30253 of the Coastal Act states, in part, that:

New development shall:

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

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

As previously noted, the applicant proposes the construction of a 1 story, 20 ft. high (above natural grade), 490 sq. ft. snack bar to replace an existing practice putting green in an existing golf course.

The proposed development is located in a level, previously graded area which is not subject to landslides, slipping or settlement. The applicant has not submitted geotechnical reports for the proposed project, but prior reports indicate a lack of potential geologic impacts. No concerns were raised relative to geologic stability or remedial measures through County review.

Reports in the prior application files indicate that the project area is underlain with volcanics and is generally stable. The Irvine Soils Engineering, Inc., Preliminary Geotechnical Investigation, February 19, 1985 indicates that:

Landslides were not observed during the field investigations or during examination of the topographic map of the immediate site. ... [there are only] ... a few small bedrock slump/debris slide features within the golf course boundary, northeast of the proposed clubhouse.

The report noted that:

It is our professional opinion that the site is suitable for the proposed grading and that the proposed grading should not adversely affect adjacent slopes or areas.

For these reasons, the proposed project is found to assure stability and not contribute to geologic instability consistent with Section 30253 of the Coastal Act.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

For the above reasons, the Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act and applicable portions of the Malibu LUP.

D. Septic System.

The project, as previously noted, also includes connection to an existing, but unactivated, leach field by way of a septic tank, septic pump station, and a two inch line approximately 700 ft. long extending to the northwest. This connection was required by the County in order to move the septic treatment away from the nearby stream and ensures consistency with the setback standards of the certified LUP used in past Commission actions.

The Commission has recognized, in past permit actions, that the potential build-out of lots in the Malibu area and the resultant installation of septic systems may contribute to adverse health effects. Section 30231 of the Coastal Act states that:

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.

The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Health Services, Los Angeles County. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the County of Los Angeles Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. Visual Quality

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall

be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The designated route of the Backbone Trail, as noted above, traverses the southwestern end of the golf course property. The proposed development does not affect this trail route. There is some view impact, but this is limited because of intervening topography. Because of the distance involved, presence of existing mature vegetation, and presence of other buildings in the golf course in the direction of views from the Backbone Trail, this is not a significant impact.

The proposed project site is located east of Mulholland Highway, a Commission designated scenic highway and visible intermittently from the Highway. The ridge line to the northeast, at approximately the 2000 foot elevation is designated in the LUP as a scenic ridge line. There are designated scenic vista points to the north and east of the project site at higher elevations. The same factors as noted for the Backbone Trail also lessen the impact on views from Mulholland Highway, the scenic vista points, and the ridge line (i.e. intervening topography, mature vegetation, and other golf course development).

Therefore, the Commission finds that the proposed project will not adversely impact visual resources and is consistent with Section 30251 of the Coastal Act.

F. Local Coastal Program.

Section 30604(a) of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the

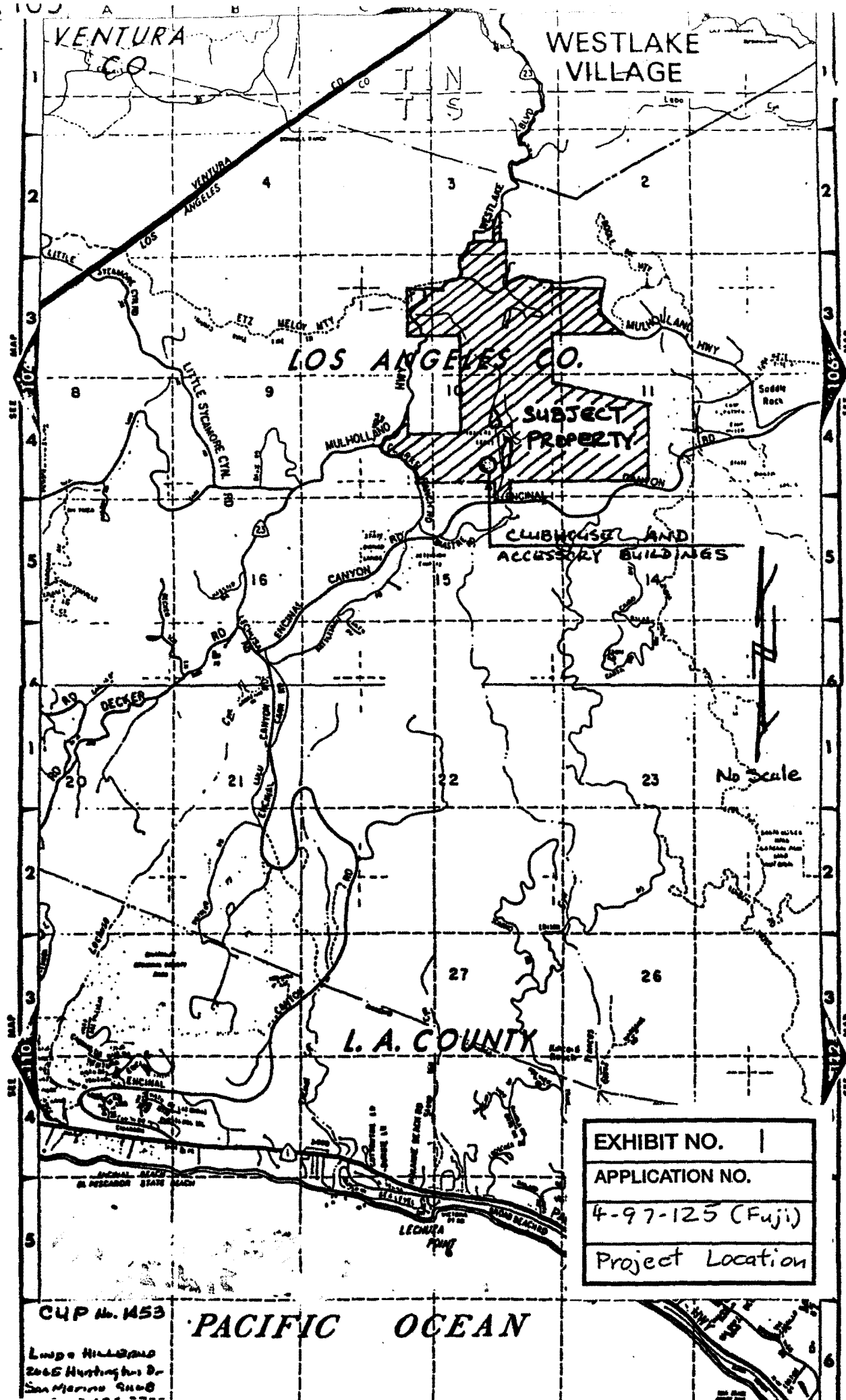
provisions of Chapter 3 if certain conditions are incorporated into the project. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CEQA

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

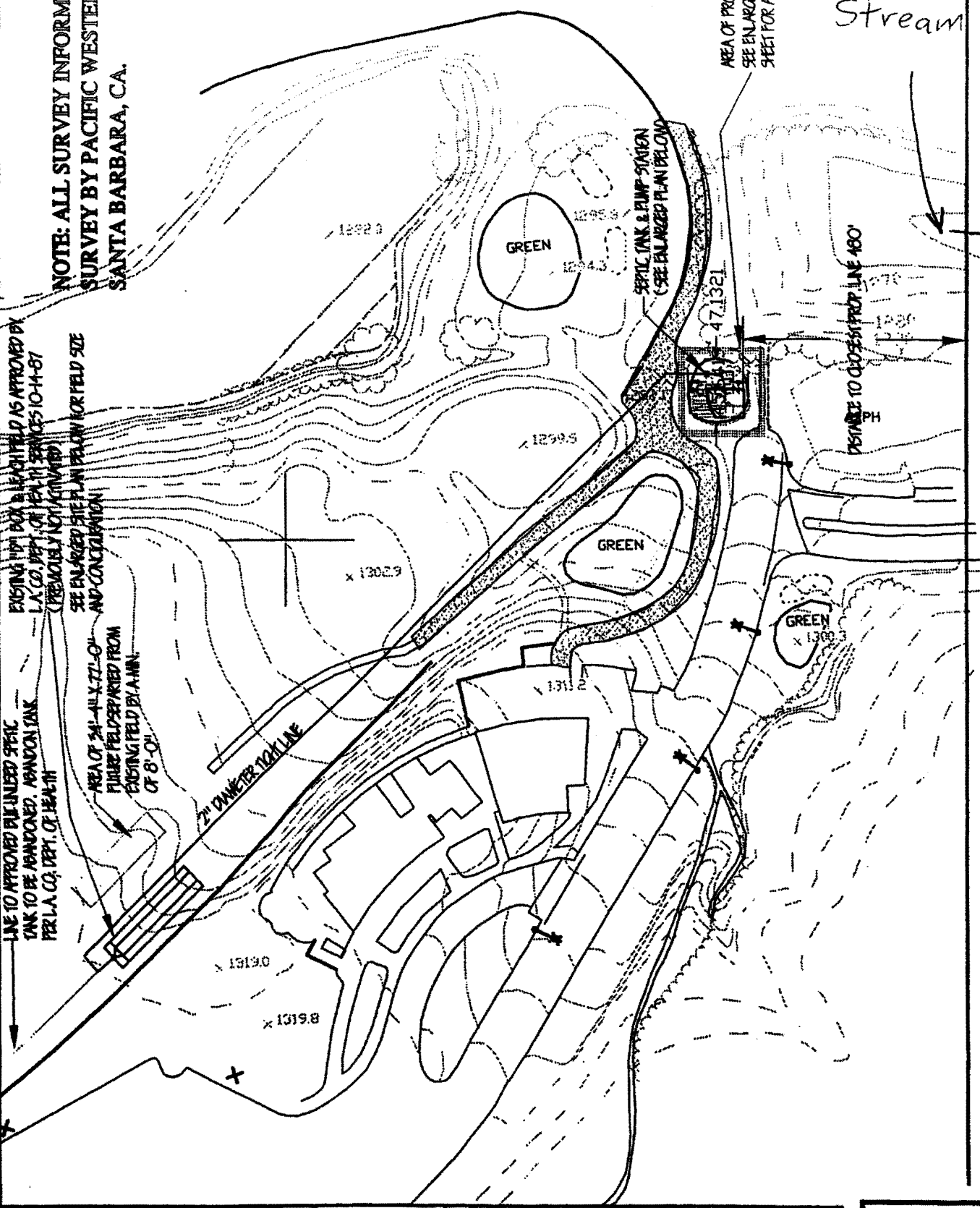
As conditioned, there are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project as conditioned is found consistent with CEQA and the policies of the Coastal Act.

8050A



NOTE: ALL SURVEY INFORMATION
SURVEY BY PACIFIC WESTERN SURV.
SANTA BARBARA, CA.

EXISTING 10" DIA. 100' FIELD AS APPROVED BY
L.A. CO. DEPT. OF HEALTH SERVICES 10-14-87
(PREVIOUSLY NOT ACTIVATED)
SEE ENLARGED SITE PLAN BELOW FOR FIELD SIZE
AND CONSTRUCTION
AREA OF 34'-4" X 77'-0"
FUTURE FIELD SEPARATED FROM
EXISTING FIELD BY A MIN.
OF 8'-0"

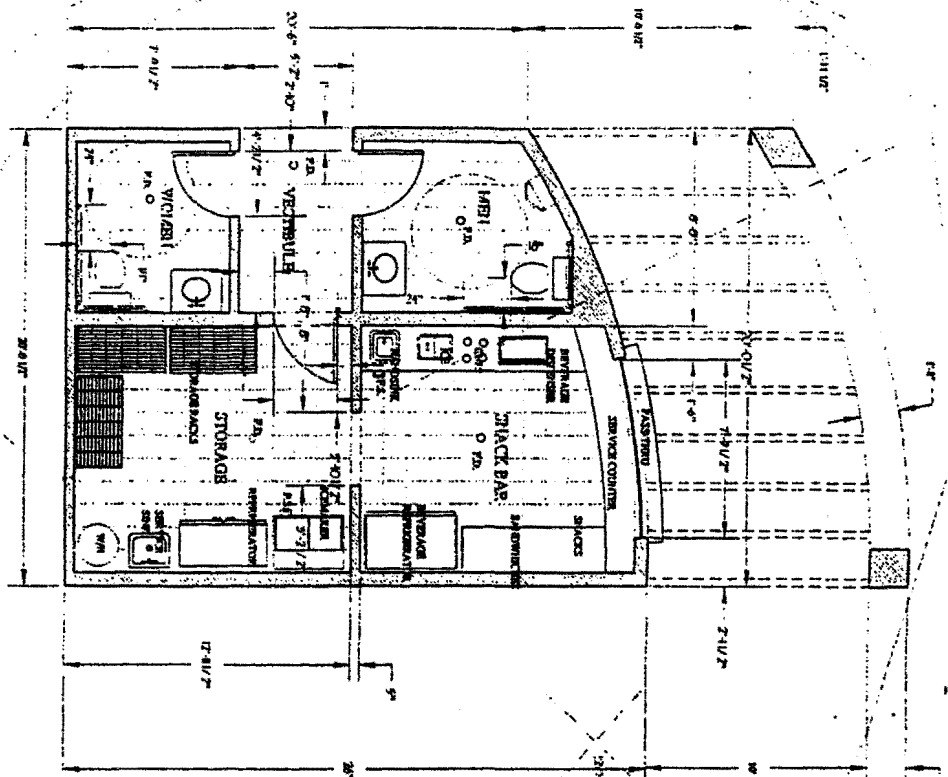


Blue line
Stream

1"=100'

SITE PLAN

EXHIBIT NO. 2
APPLICATION NO.
4-97-125 (Fuji)
Site Plan



SNACK BAR FLOOR PLAN
1/4"=1'-0"

SNACK BAR FINISH SCHEDULE

AREA	FLOOR	FLOOR SUBSCORE	WALLS	Ceilings
VICTUALL	QUARRY TILE	QUARRY TILE	BRICK, PAINTED 5'0" DIA. SO.	STAINLESS STEEL, POLISHED
RESTROOM	QUARRY TILE	QUARRY TILE	THE WALLS TO BE PAINTED, PAINTED 5'0" DIA. ABOVE	STAINLESS STEEL, PAINTED 5'0" DIA. ABOVE
VICTUALL	QUARRY TILE	QUARRY TILE	THE WALLS TO BE PAINTED, PAINTED 5'0" DIA. ABOVE	STAINLESS STEEL, PAINTED 5'0" DIA. ABOVE
STORAGE	QUARRY TILE	QUARRY TILE	STAINLESS STEEL, PAINTED 5'0" DIA.	STAINLESS STEEL, PAINTED 5'0" DIA.
SNACK BAR	QUARRY TILE	QUARRY TILE	STAINLESS STEEL, PAINTED 5'0" DIA.	STAINLESS STEEL, PAINTED 5'0" DIA.

EXHIBIT NO. 3

APPLICATION NO.

4-97-125 (Fuji)

Floor Plan