

CALIFORNIA COASTAL COMMISSION

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



ITEM: TH 3f

Filed: 1/8/99
49th Day: 2/26/99
180th Day: 7/7/99
Staff: MH-V
Staff Report: 1/8/99
Hearing Date: 2/4/99
Commission Action:

RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO. 4-98-337

APPLICANT: Andre Dimitriadis **AGENT:** Lisa Seguin

PROJECT LOCATION: 4460 Vista Del Preseas, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Install pump for newly installed water well, place 5,000 gallon, above-ground water storage tank, install connection to main water pipeline of adjoining parcel, and place well in service on 3.68-acre undeveloped parcel as supplemental water supply for fire suppression and incidental, supplemental irrigation of established landscaping on an approximately one half-acre adjoining parcel with an existing single family residence at 4470 Vista Del Preseas, Malibu.

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Health Services, Environmental Management Division, approval of proposed well and related structures, dated October 27, 1998.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit Waiver 4-98-296-W (Dimitriadis).

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the project with a special condition requiring the recordation of a future development deed restriction for the lot containing the well (4460 Vista Del Preseas, Malibu) and the adjacent lot receiving the water produced from the well (4470 Vista Del Preseas, Malibu).

The subject water well was drilled and the casing was installed pursuant to Coastal Development Permit Waiver 4-98-296-W. This permit approval authorizes the placement of a pump, storage tank, and the actual production of the well. The recommended special condition restricts the use of the water produced by the well to that proposed by the applicant in the project description set forth herein and ensures that the use of the well for other purposes, or to extract additional volumes of water for use on the presently undeveloped, approximately 3.4-acre parcel upon which the well has been

developed, would require the applicant to seek a new coastal development permit for any changes in the kind or intensity of the authorized use, or other development of the subject parcels. Of special concern is the potential effect of additional water extraction on nearby riparian habitat.

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 effects 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 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 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 development during construction, 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 Conditions

1. Future Improvements

Prior to issuance of a coastal development permit, the applicants as landowners shall execute and record deed restrictions for the parcels identified by address as 4470 Vista Del Preseas, Malibu and 4460 Vista Del Preseas, in Malibu. The deed restrictions shall be in a form and content acceptable to the Executive Director, and shall provide that Coastal Development Permit 4-98-337 is only for the proposed development and that any future additions or improvements to the permitted structures, or property, including any additional plantings on either parcel, whether for ornamental or agricultural use, or changes in the kind or intensity of use of the water produced by the subject well authorized herein, that might otherwise be exempt under Public Resource Code Section 30610 (a) and/or Section 30610(b), will require a permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits.

The documents shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. These deed restrictions shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to install a pump and a 5,000-gallon storage tank to produce a newly installed exploratory water well on an approximately 3.4-acre vacant lot located at 4460 Vista Del Preseas, in the City of Malibu. The applicant proposes to use an incidental amount of the water produced from the well to supplement the irrigation of the existing landscaping on the adjacent, approximately one half-acre lot containing his residence, at 4470 Vista Del Preseas. The applicant states that most of the water produced from the well would be used as a backup supply for emergency fire suppression. Thus, the storage tank is needed to ensure that an adequate volume of water is available for immediate use should a fire occur. The applicant does not propose to irrigate the undeveloped lot containing the well. Both parcels are designated R-I, one dwelling unit per acre, in the certified Malibu/Santa Monica Mountains Land Use Plan.

The applicant initially sought approval of the well installation, the appurtenant structures, and the production of the well as components of a single application for a coastal development permit. The applicant noted, however, that the success of the exploratory drilling was uncertain, and that there was approximately a 50 percent likelihood that no water would be found. The site would simply be returned to its original state and all drilling equipment removed from the site if the exploratory drilling proved unsuccessful. The Commission staff advised the applicant that the forthcoming recommendation to the Commission would include approval of the proposed project upon the condition that a future improvements deed restriction be imposed on the parcel containing the well. The applicant was willing to accept such a condition but requested assurance that should the exploration fail, that the deed restriction could be subsequently removed.

To avoid unnecessary administrative complications, the original application was amended to seek approval for the exploratory drilling only, and such drilling was subsequently authorized pursuant to a waiver of permit requirements. The applicant submitted an additional application for the actual production of the well, including the installation of a pump necessary to actually extract water from the well, and the placement of a 5,000-gallon storage tank adjacent to the well casing. Thus, the Commission's consideration of the applicant's proposal to extract, store, and utilize water from the subject well addresses the implications of the proposal in light of Coastal Act concerns regarding cumulative impacts and the effects of groundwater extraction on coastal waters.

The subject site is in an area of Malibu generally developed with single family residences, and borders the southern portion of Charmlee Park, a Los Angeles County recreational facility and open space area located between Decker Road and Encinal Canyon Road. (See Exhibit 1). The proposed project will not be visible from Charmlee Park. There are no environmentally sensitive habitat areas within the parcel boundaries, or immediately adjacent to the project site. As discussed in more detail in the next section, however, there is an unnamed drainage less than one quarter of a mile east of the parcel upon which the project is proposed. The drainage is designated on the U. S. Geological Survey maps as a blue line stream (Exhibit 5) and mapped on the certified Malibu/Santa Monica Mountains Land Use Plan as a riparian corridor Environmentally Sensitive Habitat Area (Exhibit 6).

The applicant has received approval for the well and appurtenant structures from the Los Angeles County Department of Health Services, Environmental Management Division. (See Exhibit 2a).

B. Environmentally Sensitive Habitat Areas; Cumulative Impacts

Section 30250 of the Coastal Act states in pertinent part:

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, other than leases for agricultural uses, 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 size of surrounding parcels.

Section 30230 of the Coastal Act states:

Section 30230.

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

Section 30231 of the Coastal Act states:

Section 30231.

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

Section 30240 of the Coastal Act states:

Section 30240.

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which

would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

(Amended by Ch. 285, Stats. 1991.)

Section 30250 of the Coastal Act requires that new development that cannot be located where there is existing, adequate infrastructure to support it be alternatively located in undeveloped areas only if such development will not have significant adverse effects, either individually or cumulatively, on coastal resources. The proposed project would authorize the extraction of a minor amount of groundwater for the supplemental irrigation of established landscaping on a relatively small parcel (approximately half an acre) and for storage (5,000 gallon capacity) of a source of water reserved for emergency fire suppression.

The extraction of groundwater has the potential to create locally diminished water supplies surrounding specific wells. The pumping of wells may produce a "cone of depression" that is a temporary reduction in the elevation of nearby groundwater that disappears when such pumping is halted. Groundwater extraction may also have more significant and long-term effects. For example, chronic overdraft that removes volumes of water greater than, and more rapidly than, natural recharge processes (such as the infiltration of rainfall) are able to recharge the groundwater supply, may completely destroy or profoundly alter water-dependent ecosystems. This effect may be exacerbated dramatically by additional demands for water during drought conditions that reduce surface water supplies and recharge processes.

When overdraft conditions occur, regardless of whether such conditions are temporary and localized or long-term and widespread, associated underground supplies of water feeding streams and wetlands may be diminished. Although the hydrogeology of groundwater resources is often complex, it is well understood that there is a connection between such resources and the existence of the riparian and wetland vegetation found in surface streams and wetlands. A drop in the elevation of the subject groundwater body, for example, may cause springs, small creeks and intermittent streams to dry up. The loss of these sources of water would be particularly stressful for riparian and wetland vegetation, and for wildlife relying on the water sources, during the warm, dry summer seasons characteristic of the Mediterranean climate of the Malibu/Santa Monica Mountains area. Groundwater overdraft, therefore, has the potential to permanently alter or destroy sensitive habitat areas and to disrupt the use of these habitats by wildlife.

The relationship between groundwater extraction and ecosystem effects has been clearly demonstrated for decades in the Owens Valley of Eastern California, where groundwater has long been extracted from beneath the valley to supply the water needs of the Los Angeles area. Vegetation in the Owens Valley has been dramatically affected as the result. Widespread loss of riparian vegetation, such as willows, and semi-riparian trees such as cottonwoods, has occurred as the underground water table has fallen due to groundwater extraction.

The parcel containing the water well the applicant proposes to produce is located approximately one quarter of a mile west of, and within the watershed of, an unnamed drainage. The U. S. Geological Survey quadrangle maps designate the watercourse as a blue line stream. Additionally, the certified Malibu/Santa Monica Mountains Land Use Plan designates the corridor of the stream as a riparian Environmentally Sensitive Habitat Area. By definition, riparian vegetation must be sustained by a dependable supply of water for continued existence. The specific assemblage of species present in a particular riparian community determines the sensitivity of the water relations of the affected ecosystem; however it is possible to generalize that the survival of an established riparian canopy would likely be threatened if the source of water sustaining it were reduced significantly.

The staff of the Los Angeles County Department of Health Services, Environmental Management Division, is charged with the responsibility of evaluating and approving water well applications in the Malibu area. Staff of the Environmental Management Division have confirmed at the request of the Commission staff that the volume of water proposed for extraction from the subject well will be minimal and, in the volumes anticipated from the well, will not be significant enough to adversely affect local or regional ground water supplies, or the riparian corridor east of the subject site.

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored. Coastal Act Section 30231 specifically notes that prevention of the depletion of groundwater resources is a key means of protecting the biological productivity and quality of coastal streams and wetlands. Finally, Section 30240 requires the protection of environmentally sensitive habitat areas against significant disruption of habitat values.

Based on the analysis of the Los Angeles County Environmental Management Division staff, and upon the fact that the authorized uses of the well's production are extremely limited, the Commission finds that the proposed project will not adversely affect the ground or surface water supplies of the blue line stream located eastward of the subject site.

The Commission additionally finds, however, that more extensive production of the well for any purpose, including additional irrigation or domestic use either on the parcel identified as 4470 Vista Del Preseas, or the undeveloped lot containing the well at 4460 Vista Del Preseas, beyond that presently proposed, has not been evaluated for potential effects upon sensitive coastal resources. This permit approval does not authorize any additional development of either site, including but not limited to installation of additional domestic or agricultural plantings/ pasturage on either parcel, or transfer of produced water to any other site than the lot at 4470 Vista Del Preseas containing the applicant's residence, that may result in an increased demand for water from the subject well. Moreover, this permit approval does not confer any future right to use the subject well for any use not authorized herein. The well may not be converted to any other use without a new permit from the Coastal Commission or local agency authorized to issue

such permits in the future. Special Condition 1 requires the imposition of a deed restriction on both parcels to ensure that all future development of these parcels is evaluated for potential impacts upon groundwater resources.

To ensure compliance with these requirements, and thus consistency with the applicable policies of Chapter 3 of the Coastal Act cited above, the Commission finds it necessary to impose Special Condition 1. This condition requires the applicant to seek a coastal development permit for any development of either parcel that might affect water demand, or for any alternative or additional use of the water extracted from the subject well that the applicant might propose in the future. The imposition of Special Condition 1 ensures that groundwater extraction from the subject well will not be increased, or used for any other purpose than authorized herein, unless such alternative or additional use is authorized pursuant to the review of an additional coastal development permit application. Thus, Special Condition 1 ensures that the sensitive habitat of the nearby blue line stream and riparian ESHA will not be adversely affected by additional use of the proposed development in the future by requiring that any such additional development of the subject well that may be proposed will be evaluated for potential effects upon these coastal resources.

The Commission further finds, and notes for the applicant's benefit, that although the groundwater extraction presently proposed by the applicant will not have significant, adverse effects upon coastal resources, a more significant burden of analysis may fall upon the applicant should any additional production of the subject well, or development of additional wells in the area, be proposed in the future. Special Condition 1 requires that the applicant obtain a new permit approval from the Commission or its successor in interest in such a case, and the Commission notes that in such application the Commission may require the applicant to prepare and submit a detailed analysis of the quantity of water extraction proposed, the groundwater conditions that may be affected by such extraction, the cumulative effect of such extraction considered in light of other local or regional groundwater production, and the potential effects of such extraction on any sensitive habitat that may be affected by such additional groundwater extraction.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned by Special Condition 1 will not result in any individual or cumulative adverse effects upon coastal resources within the meaning of Section 30250 of the Coastal Act, and that the proposed project, as conditioned, is consistent with the requirements of Coastal Act Sections 30230, 30231, and 30240 protective of coastal waters and sensitive habitat areas.

C. Local Coastal Program

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

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the

proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if Special Condition 1 is incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse effects upon coastal resources 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 City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

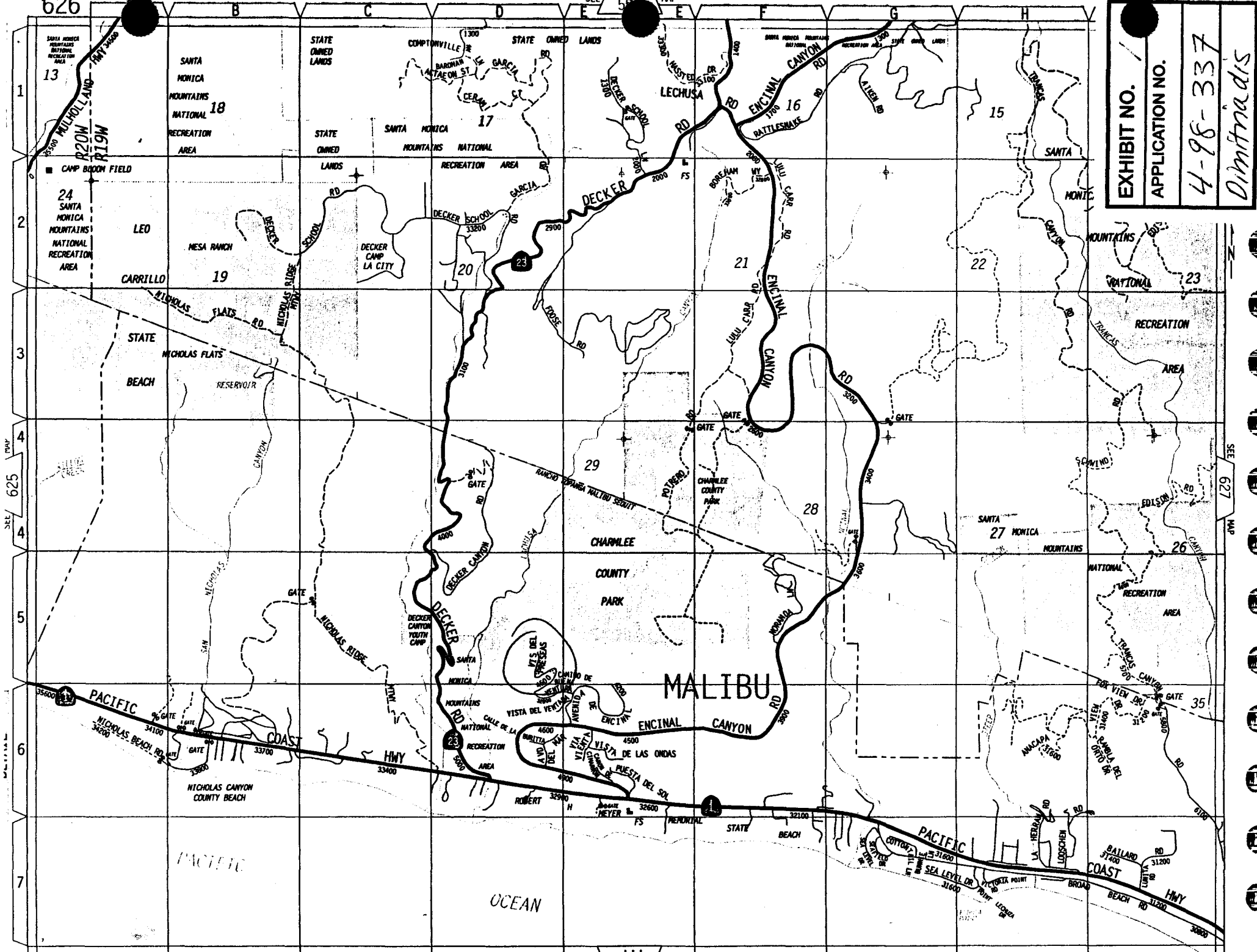
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act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

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified potential effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

626

SEE 5847 MAP

EXHIBIT NO. /
APPLICATION NO.
4-98-337
<i>Dimitriadis</i>



SEE 625 MAP

SEE 627 MAP

APPLICATION FOR WELL PERMIT

ENVIRONMENTAL MANAGEMENT - 2615 S. GRAND AVENUE, LOS ANGELES, CA 90007, ROOM 604
 COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES

DATE 10/26/98

COPY

DESCRIPTION

TYPE OF PERMIT (CHECK)

- NEW WELL CONSTRUCTION
- RECONSTRUCTION OR RENOVATION
- DESTRUCTION

TYPE OF WELL

- PRIVATE DOMESTIC
- PUBLIC DOMESTIC
- IRRIGATION
- OBSERVATION/MONITORING
- CATHODIC
- INDUSTRIAL
- GRAVEL PACK
- TEST

TYPE OF CASING

10" x .188 wall steel

METHOD OF SEALING OF CASING

2" x 25 ft. annular seal (6 sk concrete) w/ 6 1/2 x 6 1/2 x 6" reinforced concrete slab @ surface

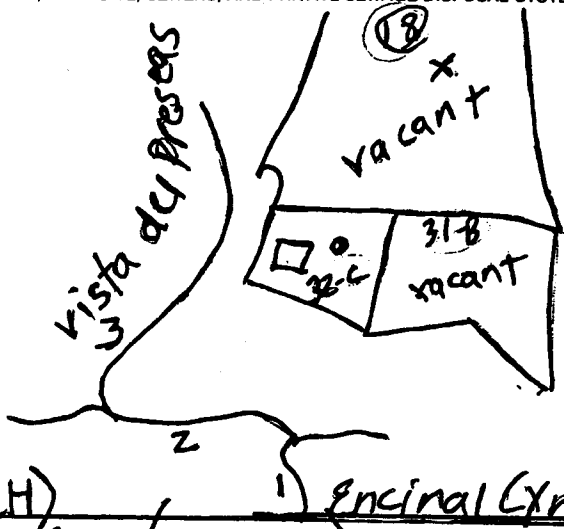
METHOD OF DESTRUCTION

LOCATION

ADDRESS (NUMBER, STREET, AND NEAREST INTERSECTION)

4460 Vista del Proseas Encinal Cyn & Avenida de Encinal CITY Malibu

DIAGRAM (SHOW PROPERTY LINES, STREET, ADDRESS, WELL SITE, SEWERS, AND PRIVATE SEWAGE DISPOSAL SYSTEMS ALONG WITH LABELS AND DIMENSIONS)



4470 structure
 • septic tank
 X well site (staked)
 1- Avenida de Encinal
 2- Camino de Buena Vista
 3- Vista del Pre

NAME OF WELL DRILLER (PRINT)

Wayne Erickson (657/552360)

NAME OF WELL OWNER (PRINT)

Andre C. Dimitriadis

TRADE NAME

Midwest Water Well Cont. Inc.

MAILING ADDRESS

4470 Vista del Proseas

BUSINESS ADDRESS

954 Bower Way 1000 Oaks CA

CITY

Malibu, CA 90265

APPLICANT

I hereby agree to comply in every respect with all regulations of the County Preventive/Public Health Services and with all ordinances and laws of the County of Los Angeles and of the State of California pertaining to well construction, reconstruction and destruction. Upon completion of well and within ten days thereafter, I will furnish the County Preventive/Public Health Services with a complete log of the well, giving date drilled, depth of well, all perforations in casing, and any other data deemed necessary by such County Preventive/Public Health Services.

[Signature]
 Applicant's Signature

DISPOSITION OF APPLICATION: (For Sanitarians Use Only)

- APPROVED
- APPROVED WITH CONDITIONS
- DENIED

If denied or approved with conditions, report reason or conditions here:

Coastal approval Required - Annular seal to be witnessed by department

DATE 10-27-98

SANITARIAN [Signature]

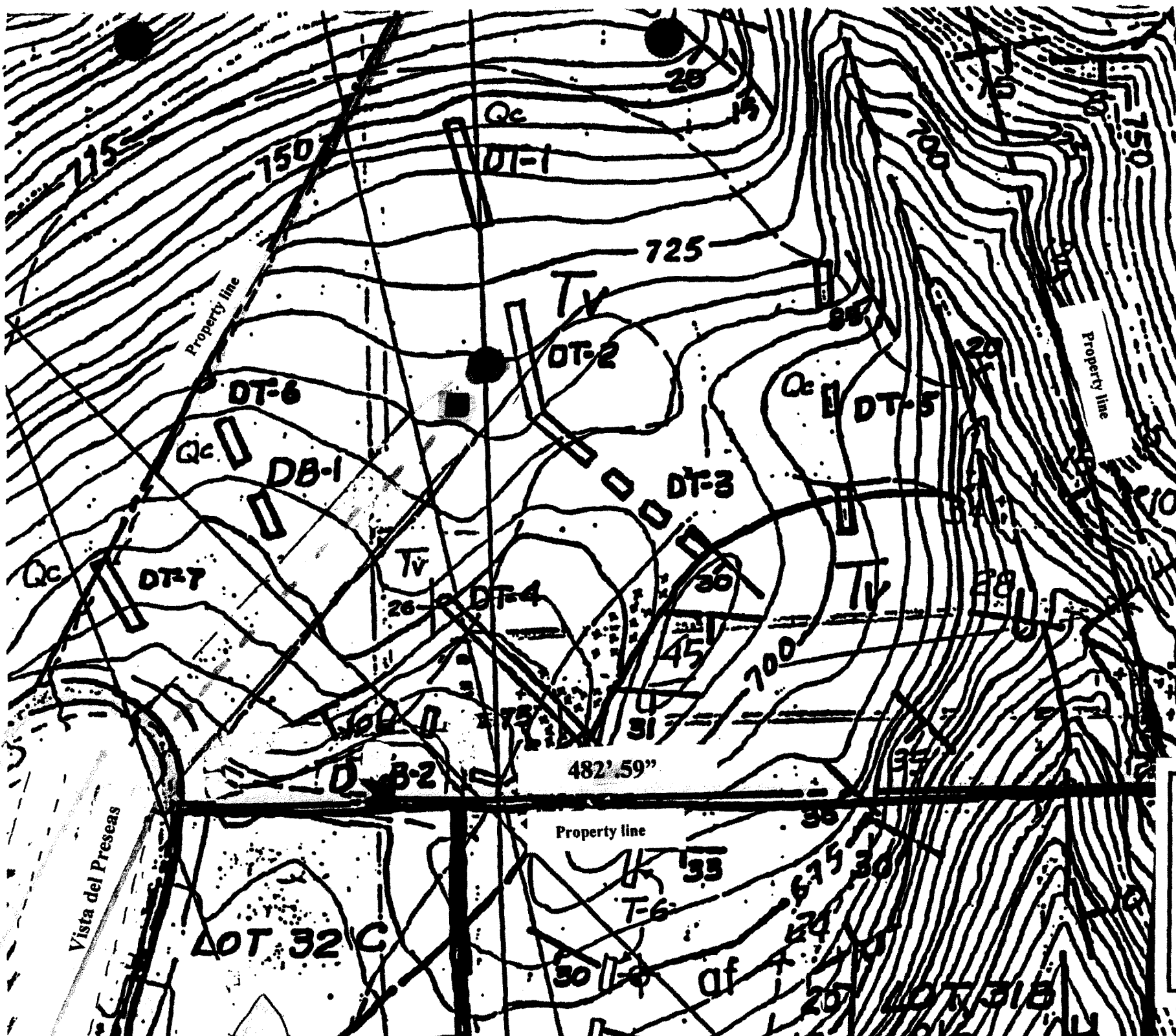
DATE

SECTION C

EXHIBIT NO. 2a
 APPLICATION NO. 4-98-337
Dimitriadis

When signed by Section Chief, this application is a permit.

APPLICANT



LEGEND

1" = 60'

- Well surface
- 4,700 gal. tank
- Property line
- Access from street
- 250' to street
- House

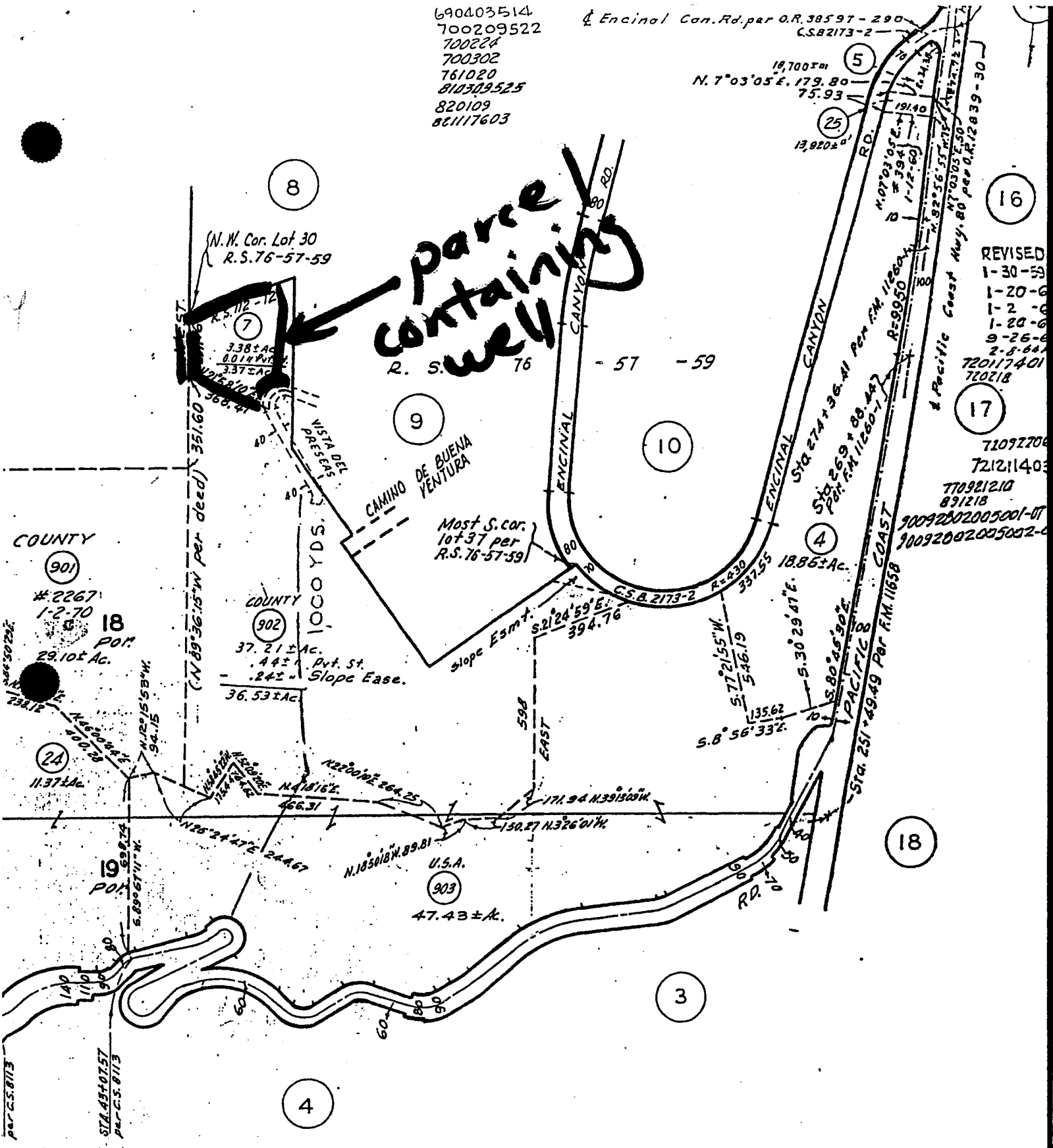
North-south pipeline (landscape)

EXHIBIT NO. 2b
APPLICATION NO.
4-98-337
Dimitradis

Vista del Preseas

690403514
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 700224
 700302
 761020
 810309525
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 82117603

Encinal Can. Rd. per O.R. 38597 - 290
 C.S. 82173-2



W KELLER IN THE
 A MALIBU SEQUIT

R.F. 534

ASSESS
 COUNTY OF LOS

EXHIBIT NO. 3
APPLICATION NO.
4-98-337
Dimtradis

REVISED
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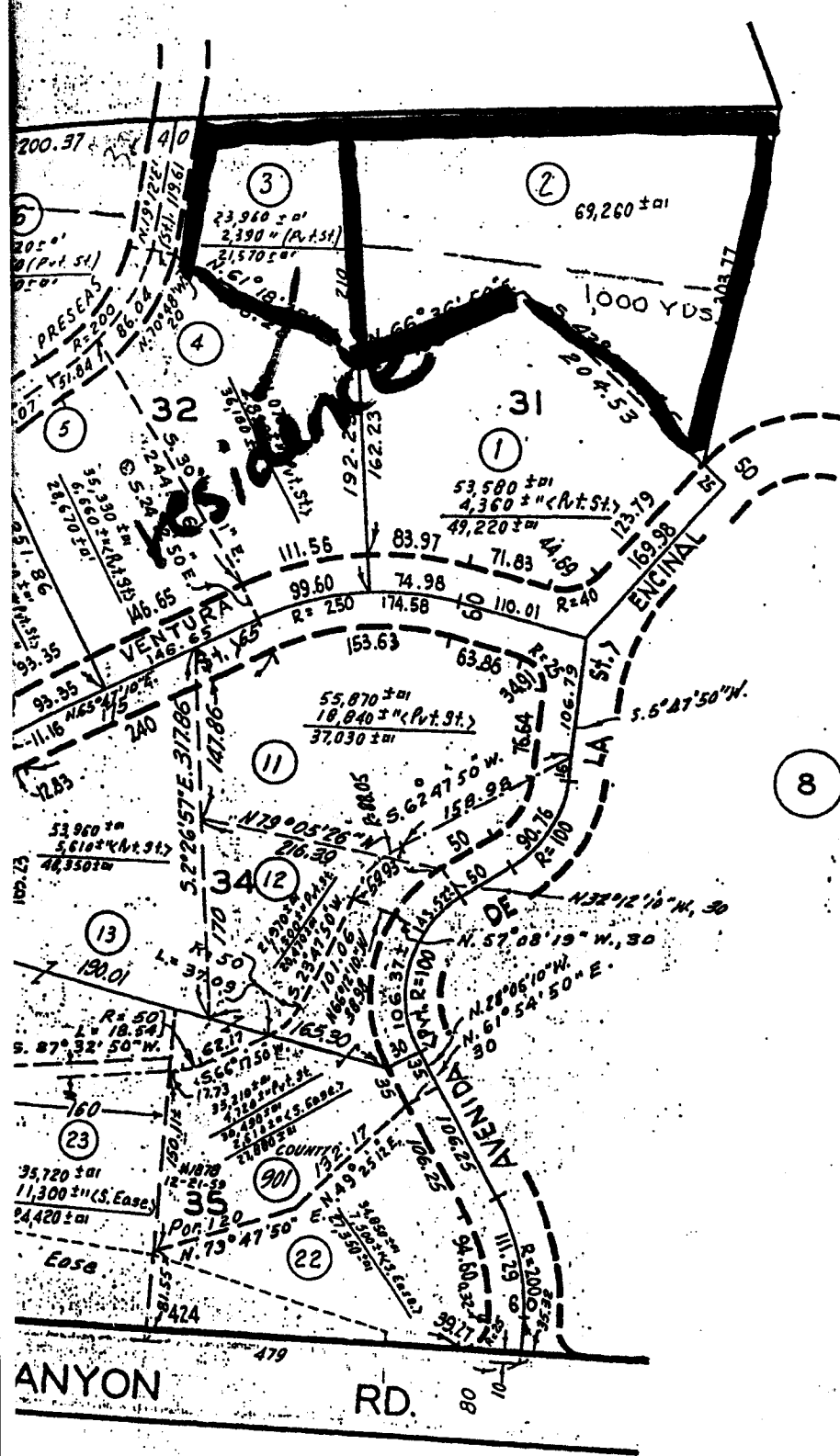
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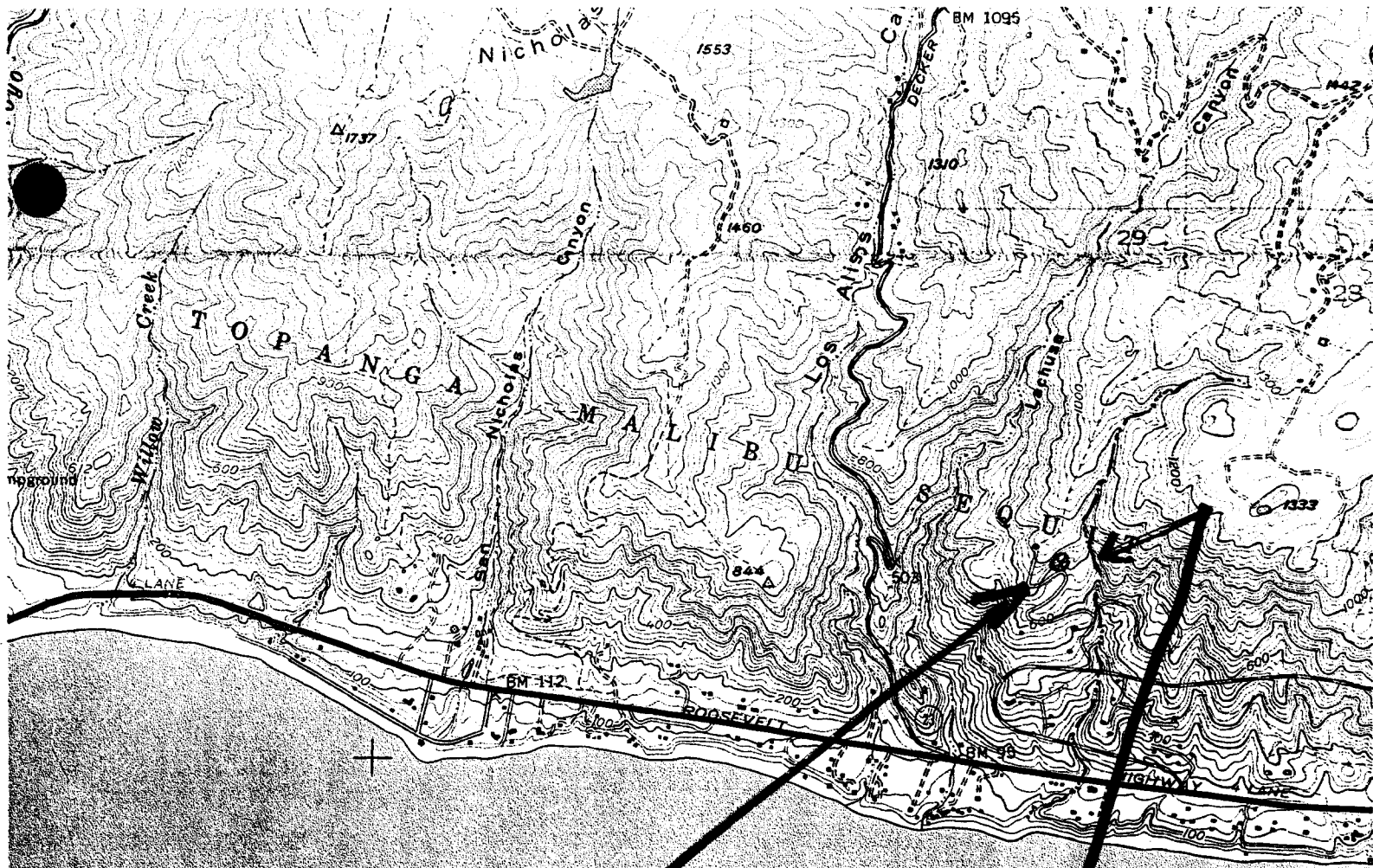
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EXHIBIT NO.	4
APPLICATION NO.	
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	Dimitriadis

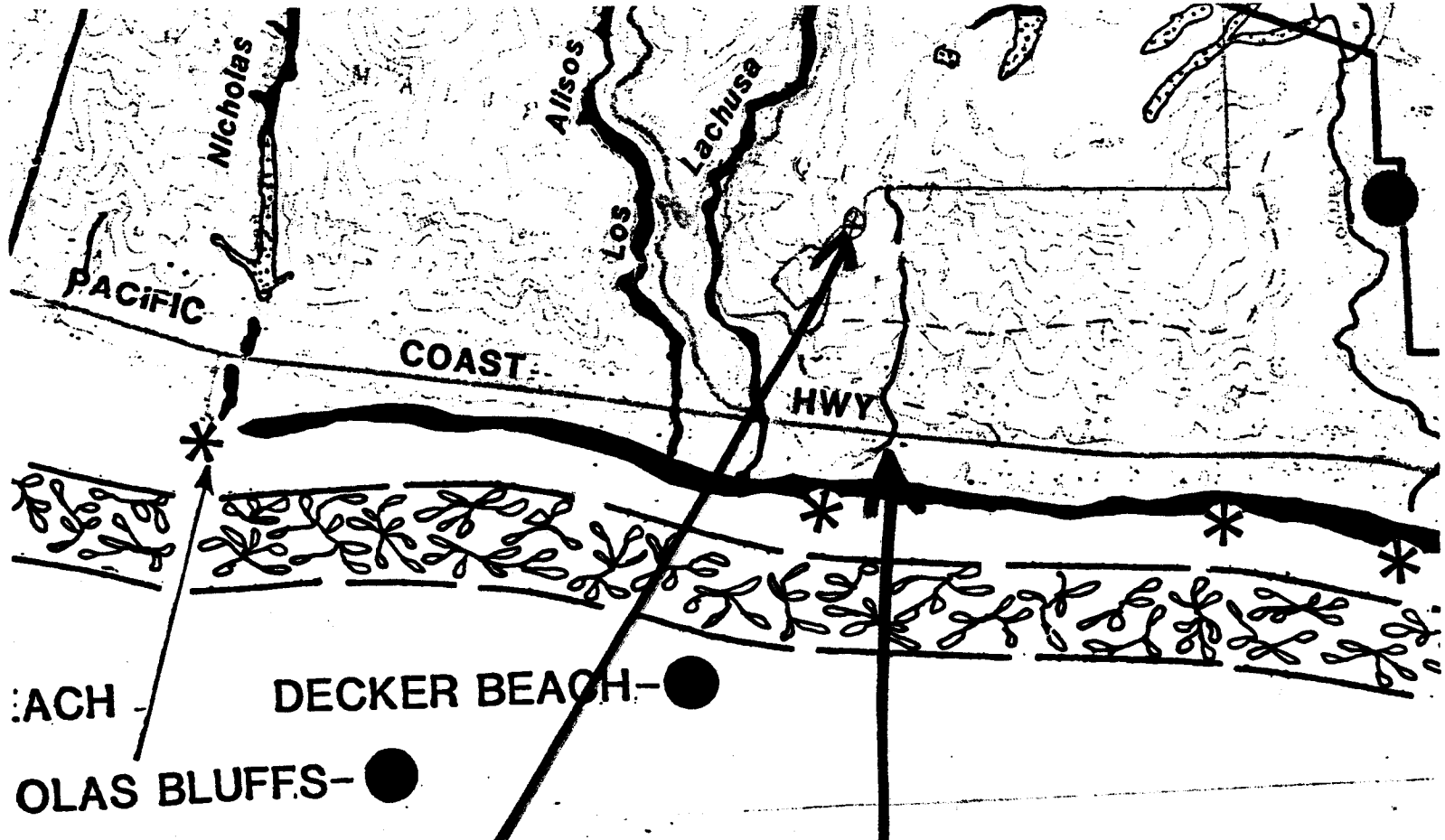


project location

unnamed blue line drainage

O
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N

EXHIBIT NO. 5
APPLICATION NO.
4-98-337
Dimitriadis



approximate location of proposed project

unnamed drainage

ESHA riparian corridor / Malibu/Santa Monica Mtns. Land Use Plan Resource Map

EXHIBIT NO.	●
APPLICATION NO.	
	4-98-337
	Dimitriadis