

CALIFORNIA COASTAL COMMISSION

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

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Commission Action:

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 future development deed restrictions for the lot containing the well (4460 Vista Del Preseas, Malibu) and for the adjacent lot receiving the water produced from the well (4470 Vista Del Preseas, Malibu). The purpose of the deed restriction is to ensure that the water taken offsite from the parcel containing the well is used only for the specified purpose (minor supplemental irrigation of existing mature landscaping and backup fire suppression water supply) and that if the undeveloped lot is proposed for future development, the offsite use of the well must be terminated and the well converted to onsite use or properly abandoned. In addition, the staff recommends that the project be approved subject to additional conditions that would require the installation and monitoring of a meter to document the volume of well extraction, and the submittal of a landscape plan for the receiving parcel that establishes the "baseline" of vegetation proposed for irrigation by the subject well. The recommended future development deed restriction for the receiving parcel would

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 the removal of natural vegetation on 4460 Vista Del Preseas or planting of agricultural or ornamental plantings, or significant installation of new landscaping beyond the scope of that shown in the landscape plan for 4470 Vista Del Preseas prepared in accordance with Special Condition 3 herein, or other significant change 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 deed restriction applicable to the parcel containing the well, commonly known as 4460 Vista Del Preseas, Malibu, shall provide that water may only be extracted from the subject well for the offsite use at 4470 Vista Del Preseas so long as the parcel containing the well, 4460 Vista Del Preseas, remains undeveloped. Should the applicant or a future landowner seek approval for development on the site known as 4460 Vista Del Preseas, the well shall either be converted to the sole use and benefit of the parcel upon which it is located, or the well shall be abandoned. Such abandonment shall be conducted in

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 facilitate the exploratory portion of the installation, while reserving the Commission's ability to address potential impacts upon coastal resources that could result from groundwater extraction, the original application was amended to seek approval for the exploratory drilling only. The exploratory 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 policies addressing cumulative impacts of development, including impacts to native vegetation, and the potential effects of groundwater extraction on coastal waters and sensitive resources.

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).

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 profoundly alter, or even destroy, 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.

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.

The applicant states that the water from the subject well will be exclusively used for two purposes only: 1) As a backup source of water for fire suppression under emergency conditions, and 2) As a source of minor supplemental irrigation for existing mature ornamental plantings and a small vegetable garden on the applicant's .5-acre residential property at 4470 Vista Del Preseas. With the exception of additional pumping for fire suppression that might be required under an emergency, the applicant states that the maximum annual production of the water well would not exceed a maximum of 2,000 gallons per day, averaged on an annual basis. The applicant states that far lower volumes of use are actually anticipated. As noted previously, the Los Angeles County Environmental Management Division staff has determined that this amount of water extraction would not be expected to adversely affect groundwater supplies or offsite sensitive resources.

The applicant states that no additional landscaping is proposed for the residentially developed property that will receive the supplemental water from the subject well. The applicant further states that no removal of existing natural vegetation, or new plantings of any cultivated species, will be undertaken on the undeveloped lot containing the well. The applicant agrees that the use of water from the well for application at 4470 Vista Del Preseas would be discontinued if development of the 4460 Vista Del Preseas site is proposed in the future. Thus, the applicant's transfer of water offsite from 4460 Vista Del Preseas to 4470 Vista Del Preseas is authorized under this permit approval only so long as 4460 Vista Del Preseas remains in its present, undeveloped state. The applicant understands and agrees that should development of any kind be proposed for the 4460 Vista Del Preseas site, that the use of water from the subject well for offsite purposes must be discontinued if such development is to be authorized.

Based on the analysis of the Los Angeles County Environmental Management Division staff, and upon the fact that the applicant proposes to extract no more than 2,000 gallons of water per day from the well during periods of peak use, 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. In addition, because the applicant has agreed that the subject well will not be tapped for irrigation of 4460 Vista Del Preseas unless use of the well to irrigate 4470 Vista Del Preseas without further authorization by the Commission, the Commission finds that cumulative impacts to natural vegetation as the result of increased cultivated plantings in the Santa Monica Mountains will not result from the proposed use of the subject well.

The Commission additionally finds, however, that more extensive production of the well beyond that presently identified by the applicant for any purpose, including significant 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

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, and the cumulative impacts of any proposed additional development that may be facilitated by additional groundwater extraction (such as the planting of pasturage, orchards, vineyards, or ornamental species) on native vegetation in the Santa Monica Mountains.

The Commission finds that monitoring of the groundwater extraction undertaken by the production of the subject well is necessary to ensure that the volume of groundwater removed is consistent with the amount set forth in the applicant's project description. This requirement is satisfied by the installation of a meter to track well production and the maintenance of production records subject to future inspection by Commission staff for the producing life of the well. Special Condition 2 requires the applicant to install a meter on the subject well and to continuously keep well production records available for inspection by Commission staff. Thus, implementation of Special Condition 2 will ensure that well production is undertaken in accordance with the limits established in the project description and in accordance with the special conditions imposed herein, and that the proposed project is therefore undertaken in a manner protective of coastal resources and consistent with Coastal Act Sections 30230, 30231, 30240 and 30250.

The Commission also finds that the applicant must submit a landscape plan for the developed parcel proposed for supplemental irrigation from the subject well, to ensure that water demands are not significantly increased beyond the parameters defined by the applicant. While Special Condition 1 requires the applicant to seek a new coastal development permit for additional plantings on the 4470 Vista Del Preseas parcel (containing the applicant's residence) the condition cannot be adequately enforced without a baseline delineation of existing landscaping on the site. Thus, special Condition 3 requires the applicant to submit a landscape plan for the existing vegetation on that parcel, subject to the review and approval of the Executive Director, prior to the issuance of the coastal development permit. Special Condition 3 establishes a baseline of landscape plantings on the site as a means of enforcing the requirement that any significant additional plantings would require the applicant to seek a new coastal development permit. The Commission finds, however, that a common sense interpretation of this condition requires that the applicant be permitted to make modifications to the existing landscaping shown on the plan prepared pursuant to Condition 3 for seasonal purposes, to replace diseased or dying vegetation, and to conduct landscape renovations consistent with the ongoing maintenance of a residential landscape without seeking new permit approvals.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned by Special Conditions 1, 2 and 3 will not result in any individual or cumulative adverse effects upon coastal resources within the meaning of Section 30250

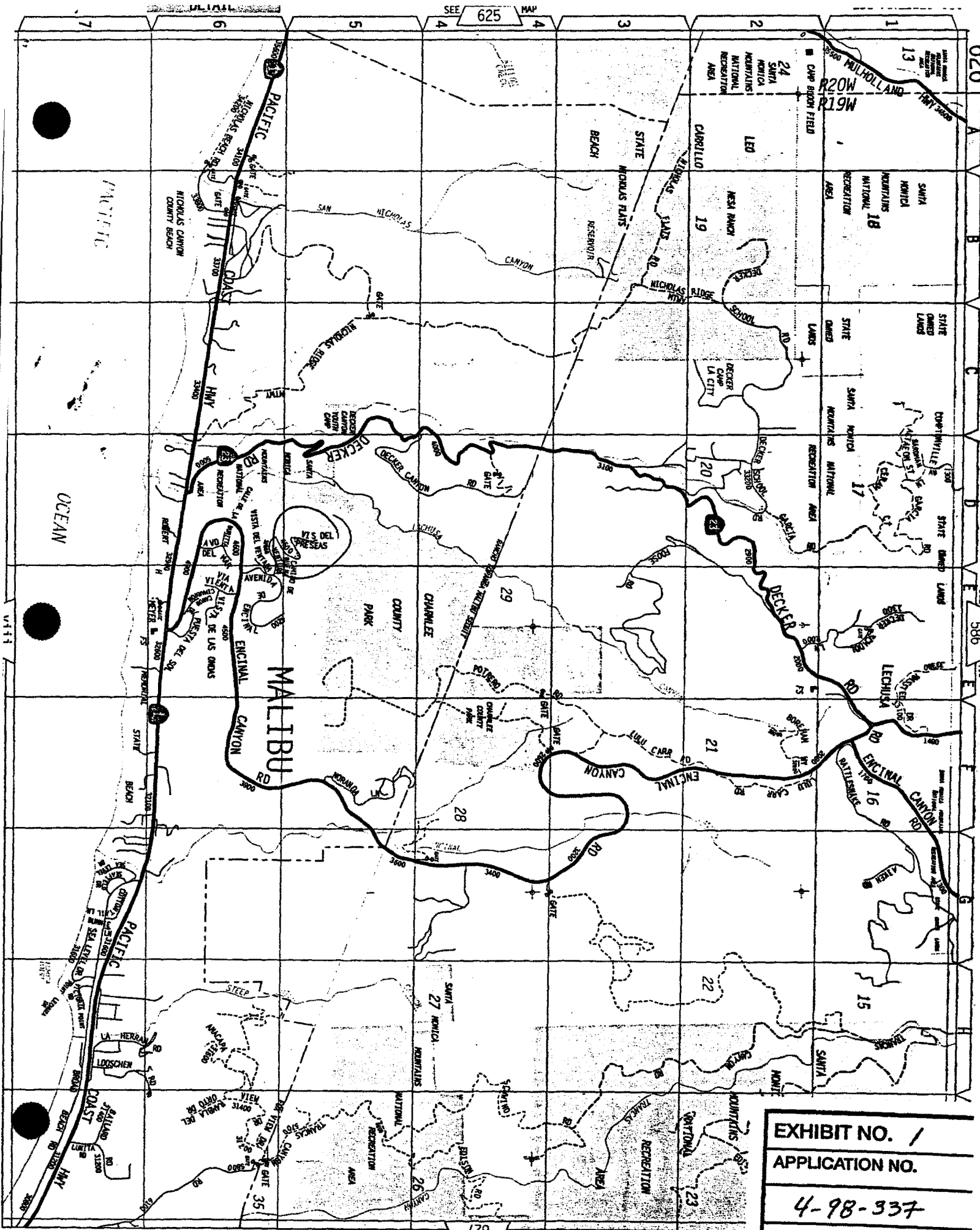


EXHIBIT NO. /
APPLICATION NO.

4-98-337

Dimitriadis

Dimitriadis

pipe-line
landscape

- Access from street
- 250' to street

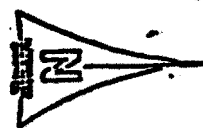
Property line

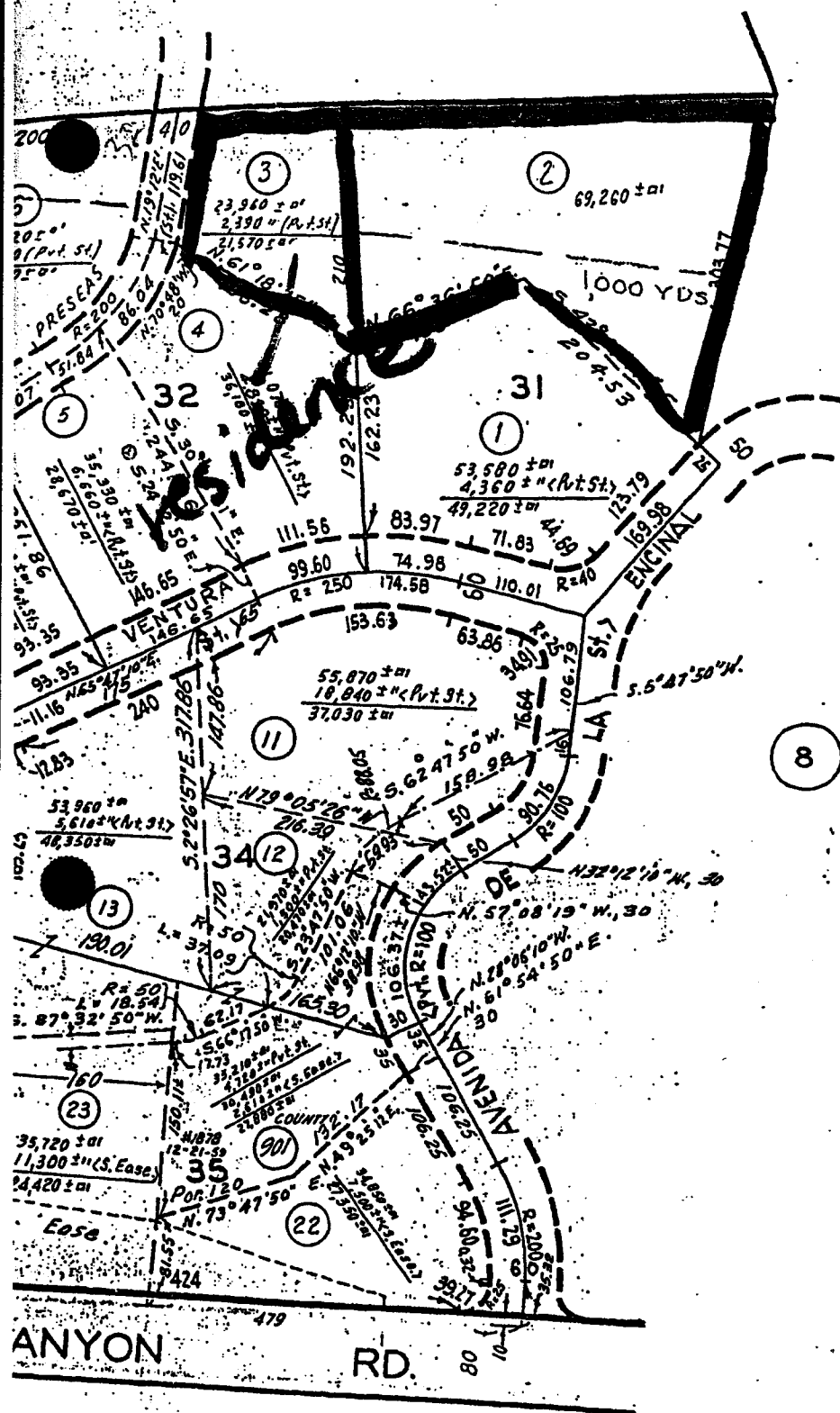
700 gal. tank

Well surface sl

14-603

LEGEND





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EXHIBIT NO. 5

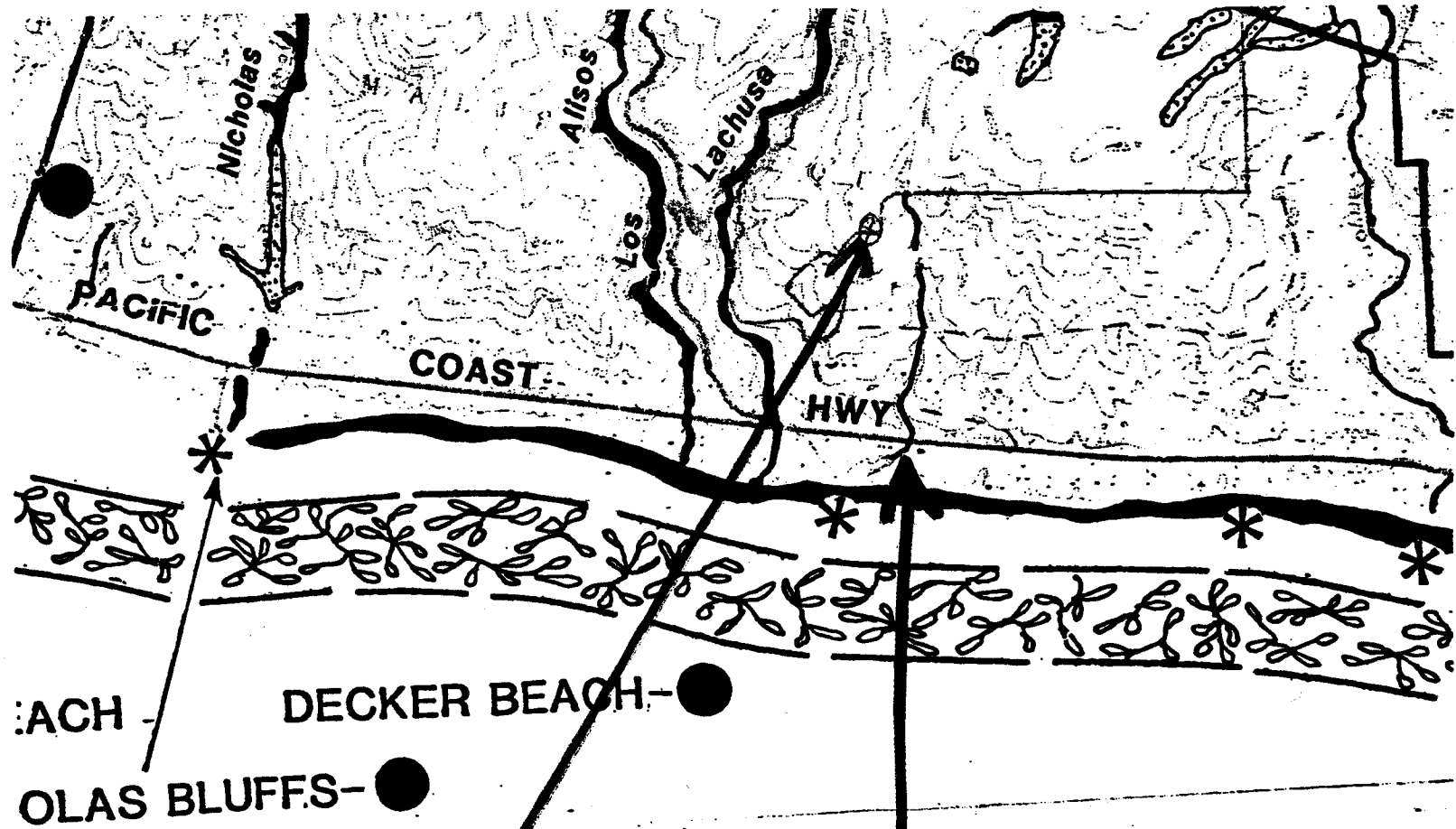
APPLICATION NO.

4-98-337

Dimitriadis

ASSESS

COUNTY OF LOS ANGELES, CALIF.



approximate
location of
proposed project

unnamed
drainage

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

EXHIBIT NO. 7

APPLICATION NO.

4-98-337

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