

## CALIFORNIA COASTAL COMMISSION

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



## RECORD PACKET COPY

Filed: 4/24/96  
49th Day: 6/12/96  
180th Day: 10/21/96  
Staff: TAD-VNT TAD  
Staff Report: 5/16/96  
Hearing Date: June 11-14, 1996  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-074

APPLICANT: Linda &amp; Howdy Kabrins AGENT: Tom Bassett-Dilley

PROJECT LOCATION: 22165 Carbon Mesa Road, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 3,918 sq. ft., 28'-0", 2 story single family residence (SFR) to replace a 2,300 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm. This project involves the construction of a 771 sq. ft. detached garage with a 54 sq. ft. bath room and a second story 367 sq. ft. guest room. This project also includes a evapo-transpiration septic system and 72 cubic yards of grading.

Lot area:	102,103 sq. ft.
Building coverage:	3,852 sq. ft.
Pavement coverage:	15,600 sq. ft.
Landscape coverage:	5,200 sq. ft.
Parking spaces:	3
Ht abv fin grade:	28'-0"

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept City of Malibu Environmental Health Department (Septic), Approval in Concept City of Malibu Geologic Review.

SUBSTANTIVE FILE DOCUMENTS: Updated Engineering Geology and Geotechnical Reconnaissance Report, prepared by Donald B. Kowalewsky, dated January 30, 1996, and Response to City of Malibu Geology/Geotechnical Engineering Review, dated April 4, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding; landscape and erosion control plans, plans confirming geologic recommendations, geologic assumption of risk, wild fire waiver of liability, and future improvements.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development 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 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. Landscaping and Erosion Control Plan

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

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping 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 100 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (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.

#### 2. Assumption of Risk

Prior to permit issuance, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landsliding and erosion, and the applicant assumes the liability from such hazards that; (b) the applicant hereby unconditionally waives any future claims of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers and employees relative to the California Coastal Commission's approval of the project for any 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Updated Engineering Geology and Geotechnical Reconnaissance Report, prepared by Donald B. Kowalewsky, dated January 30, 1996, and Response to City of Malibu Geology/Geotechnical Engineering Review, dated April 4, 1996, shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading 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.

### 4. 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, 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 Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-96-074 is only for the proposed development and that any future additions, or improvements to the guest house structure 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.

## IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

### A. Project Description and Background

The applicant is proposing the construction of a new 3,918 sq. ft., 28'-0", 2 story, single family residence (SFR), to replace a 2,300 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm. The project also includes the construction of a 771 sq. ft. garage with a 54 sq. ft bath room and a 367 sq. ft. second story guest room. The site contains an existing swimming pool and tennis court. Pursuant to P.R.C. Section 30610(g)(1) no Coastal Permit is required for the replacement of a structure destroyed by disaster, if the structure(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case the proposed structures to replace the SFR exceeds the

previous by 70%, and therefore a Coastal Permit is required. The project site is located in the Carbon Mesa area of Malibu. This area is a built out section of Malibu, consisting of numerous SFRs. The area is located within Carbon Canyon, a canyon that contains several active landslides.

## B. Geologic Stability

Section 30253 of the Coastal Act states:

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 proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslide on the property. The applicant has submitted a Updated Engineering Geology and Geotechnical Reconnaissance Report, prepared by Donald B. Kowalewsky, dated January 30, 1996, and Response to City of Malibu Geology/Geotechnical Engineering Review, dated April 4, 1996.

The January 30, 1996, report states:

Landslide Debris. Questionable earth materials consisting of highly sheared broken siltstone and volcanic fragments in a clay matrix observed within excavations in the building pad area could either be ancient landslide earth materials or faulted bedrock. The eastern portion of the property contains an active landslide. No test pits were excavated to evaluate the western portion of the property. The western slope may also be underlain by ancient landslide debris.

### Slope Stability Analyses

The western slope of the property may contain an ancient landslide. As a consequence additional analyses were prepared to evaluate the proposed new foundation. Planar and circular slope stability analyses were performed to evaluate the western slope as shown on cross section B-B. The Simplified Bishop's method and the Spencer's method were used in circular and planar slope stability analyses, respectively. Soilder piles were postulated for foundation stabilization. The equivalent fluid pressures required to achieve a factor of safety of 1.50 for the foundation pad were calculated.

The analyses indicate the following findings:

The analyzed slope has a factor of safety greater than 1.50 for circular slope stability.

#### CONCLUSIONS

From an engineering geologic and geotechnical engineering standpoint, re-construction of the single family residence is feasible, within City of Malibu guidelines, provided the following recommendations are incorporated in the design. There are no signs of geologically related distress in the vicinity of the preexisting residence or evidence of historic movement within the building site. An active landslide exists approximately 170 feet east from the tennis court. Consequently, there may be a risk of damage should the active landslide enlarge from its current size. An probable ancient landslide was found on the western slopes of the property. The new foundation is recommended to be protected by a soldier pile system. The soldier pile system can also be designed to support the proposed building.

Section 30610(g)(1) of the Coastal Act provides for the replacement of structures destroyed by a disaster without a coastal development permit.

#### Section 30610

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

- (g)(1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

Under the provisions of section 30610(g)(1) any residential structure destroyed by the Old Topanga Fire Storm is exempt from a coastal development permit requirements regardless of the existing geologic conditions so long as the replacement structure does not exceed the original by more than 10% either in the floor area, height, or bulk, and no new additional structures are added to the subject property. The applicant is therefore entitled to develop a  $\pm$  2,530 sq. ft. home on the site without commission review or a coastal permit. Commission review for this project is thus effectively limited to the issue of whether the addition of a 1,618 sq. ft. poses hazards beyond that of the  $\pm$  2,530 sq. ft. home allowed as an exemption. Due to the fact that the geologic hazards of this site, as identified by the consulting geologist, remain the same for a structure regardless of whether a structure exceeds the destroyed structure by 10% or 70%, the geologic risks associated with the redevelopment of this site will not be increased, or lessened, by the development as is proposed. Therefore, the Commission finds that approval of this permit

application for the reconstruction of a larger residence on the site will not result in any additional geologic hazards than what previously existed. Further, the consulting geotechnical consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. As previously mentioned, the consulting geologist has indicated, based on the recommendations made by the consulting geologist, that the residence will not be adversely affected by hazard from landslide, settlement or slippage. To ensure the recommendations of the geotechnical consultant's are incorporated into the project plans, the Commission finds that it is necessary to require the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

Due to the potential hazardous geologic conditions on this site, and the proximity of the site to mapped active landslide, the Commission can only approve the project if the applicant assumes the liability from the associated risks. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The California Coastal Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore special condition number one has been drafted to ensure that all proposed disturbed areas are stabilized and vegetated.

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.

The applicant has submitted a Updated Engineering Geology and Geotechnical Reconnaissance Report, prepared by Donald B. Kowalewsky, dated January 30, 1996, and Response to City of Malibu Geology/Geotechnical Engineering Review, dated April 4, 1996. These reports provide detailed analysis of the geologic and geotechnical conditions related to the subject site, and it is based on the findings and recommendations of the consultant, and the conditions imposed on this permit, that the Commission find that the proposed project is consistent with Chapter 3 policies of the Coastal Act. Therefore, as conditioned the proposed project consistent with Section 30253 of the Coastal Act.

### C. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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, minimizing alteration of natural streams.

The applicant is proposing the construction of a new evapo-transpiration based private septic system to accommodate the sewage of the proposed development. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

### D. Cumulative Impacts.

Section 30250 of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have adverse significant effects, either cumulatively or individually, on coastal resources. Section 30250 of the Coastal Act states in part:

(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 30250 of the Coastal Act addresses the cumulative impacts of new developments. Based on this policies, the Commission has limited the development of second dwelling units on residential lots in Malibu. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.



Through hearing and voting on past permit actions, the Commission has established a maximum size of 750 sq. ft. for guest houses. As proposed, the 750 square foot guest house is consistent with past Commission decisions. However, in order to ensure that no additions are made to the guest house without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new permit if additions or changes to the development are proposed in the future. As conditioned, the guest house will be in conformance with Section 30250 of the Coastal Act.

E. Local Coastal Program.

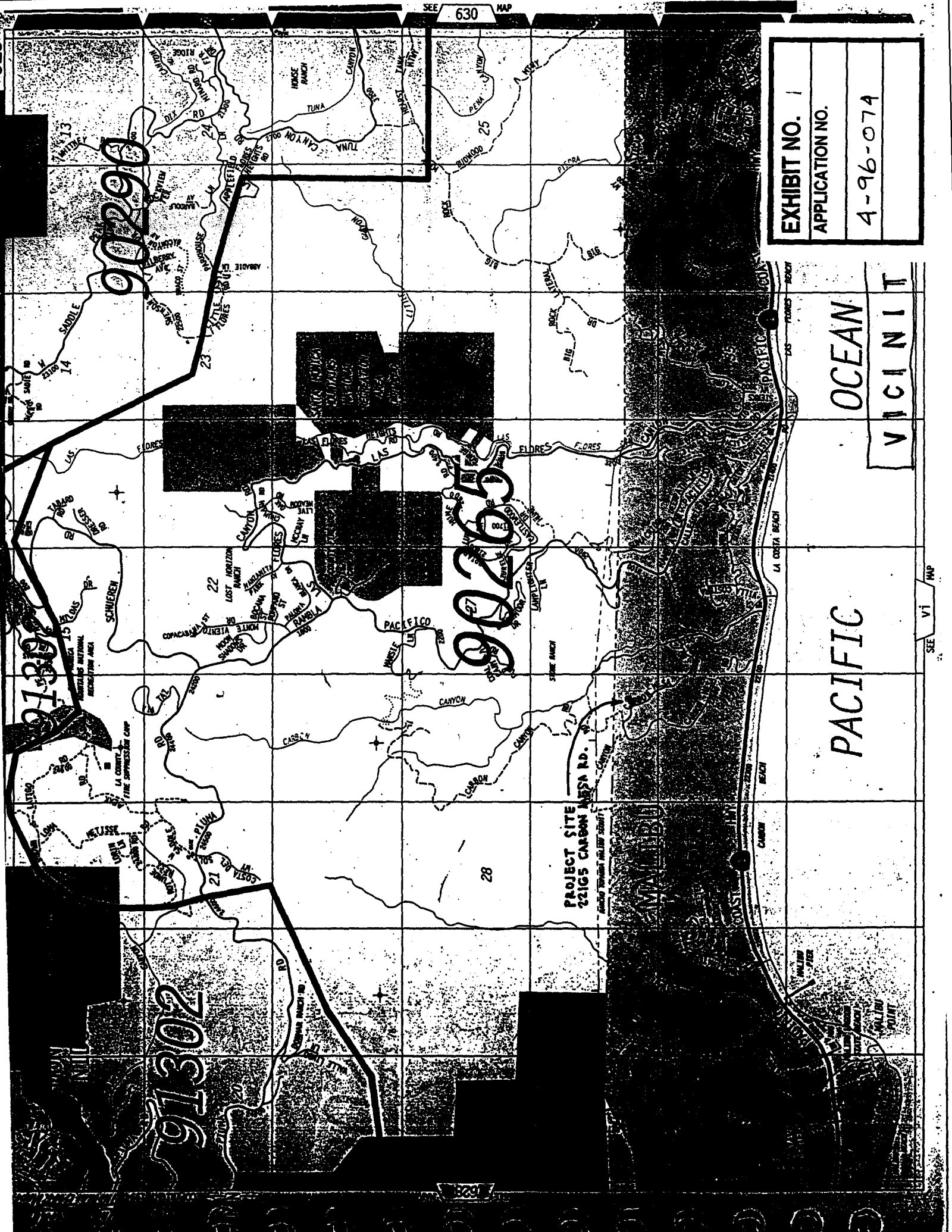
Section 30604 of the Coastal Act states that:

- 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 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 and accepted by the applicant. 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 City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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. 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 proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



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90205

91300

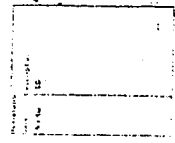
91302

PROJECT SITE  
22165 CANYON MESA RD. S.  
MOUNTAIN VIEW HILLS SUBD.

EXHIBIT NO. 1
APPLICATION NO.
4-96-074

OCEAN VICINITY

PACIFIC



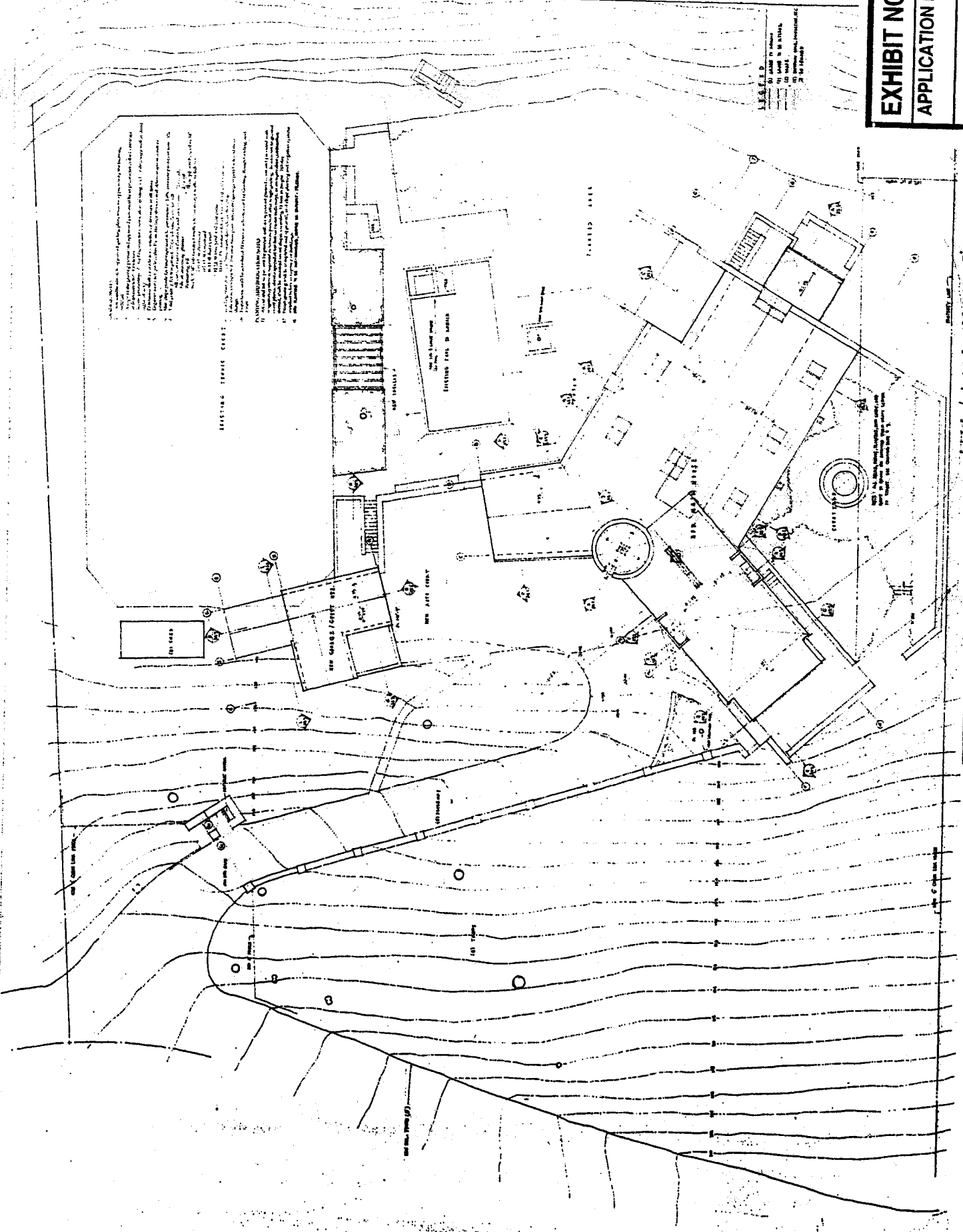
SITE/ROOF PLAN

KABRINS RESIDENCE  
22165 CARBON MESA ROAD  
MALIBU, CALIFORNIA

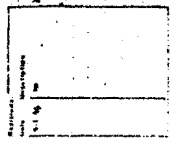
**sisuparis**

10000 WILSON AVENUE  
SUITE 1000  
LOS ANGELES, CALIFORNIA 90024  
TEL: (310) 551-1111

<b>EXHIBIT NO. 2</b>
<b>APPLICATION NO.</b>
A-96-074



SITE / ROOF PLAN



FIRST FLOOR PLAN

KABRINS RESIDENCE  
2265 CARBON MESA ROAD  
MARIETTA, CALIFORNIA

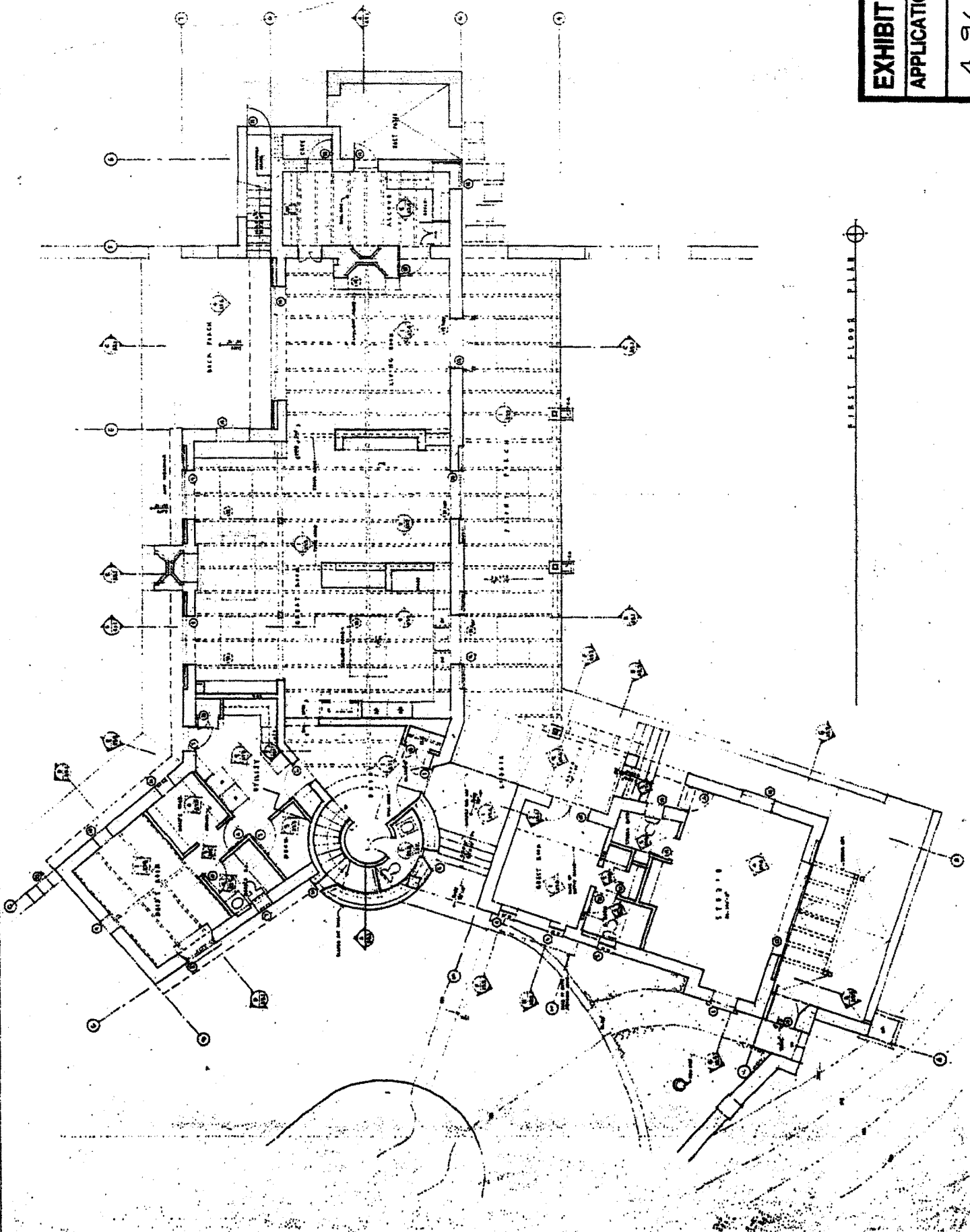
syndesis

1000 UNIVERSITY AVENUE  
SUITE 100  
MARIETTA, GA 30067  
PHONE: 770.429.8888  
FAX: 770.429.8889

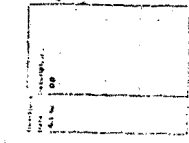
EXHIBIT NO. 3

APPLICATION NO.

4-96-07A



FIRST FLOOR PLAN



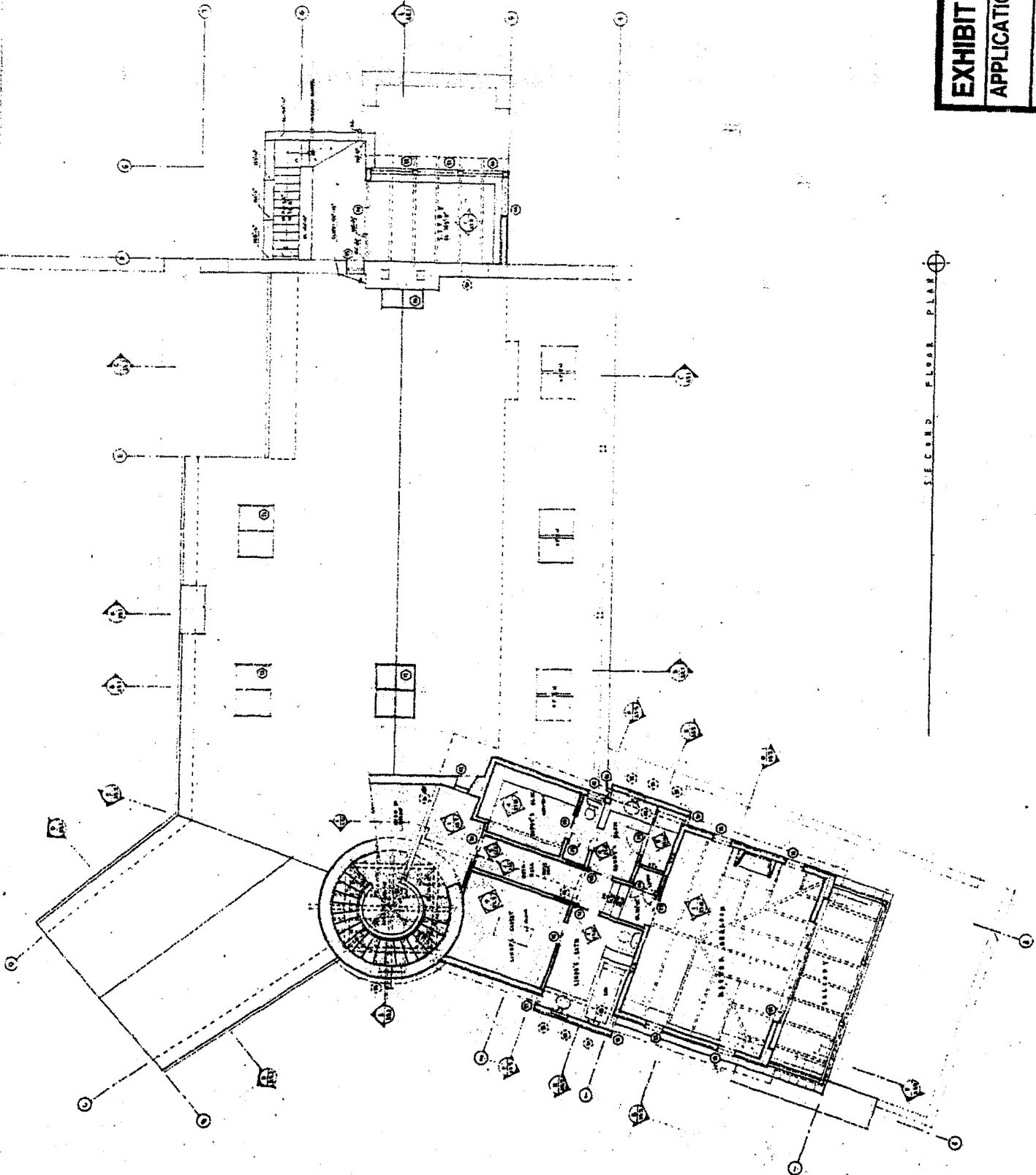
SECOND FLOOR PLAN

KABRINS RESIDENCE  
23 665 CARBON MESA ROAD  
MALIBU, CALIFORNIA

syndesis

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LOS ANGELES, CALIFORNIA 90024  
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<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
4-96-074



SECOND FLOOR PLAN

Project No.	
Client Name	
Architect	

GARAGE/POOL HOUSE PLANS

KABRINS RESIDENCE  
 22165 CARRON MESA ROAD  
 MALIBU, CALIFORNIA

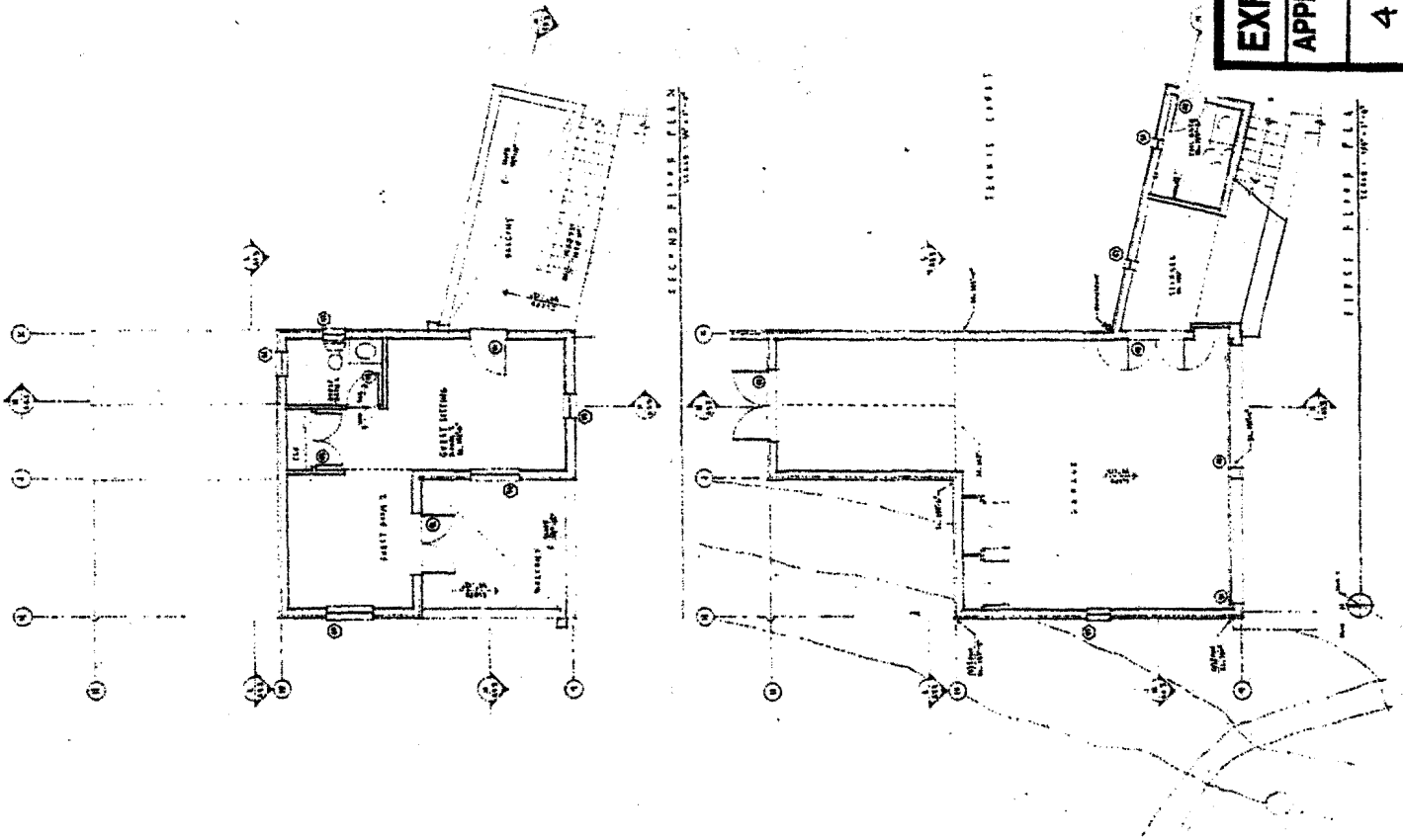
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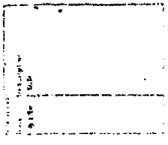
1998 EXHIBITION AWARD  
 1998 EXHIBITION AWARD  
 1998 EXHIBITION AWARD  
 1998 EXHIBITION AWARD

EXHIBIT NO. 5

APPLICATION NO.

4-96-074





ELEVATIONS: NORTH, WEST

KABRINS RESIDENCE  
22165 CARRON MESA ROAD  
MALIBU, CALIFORNIA

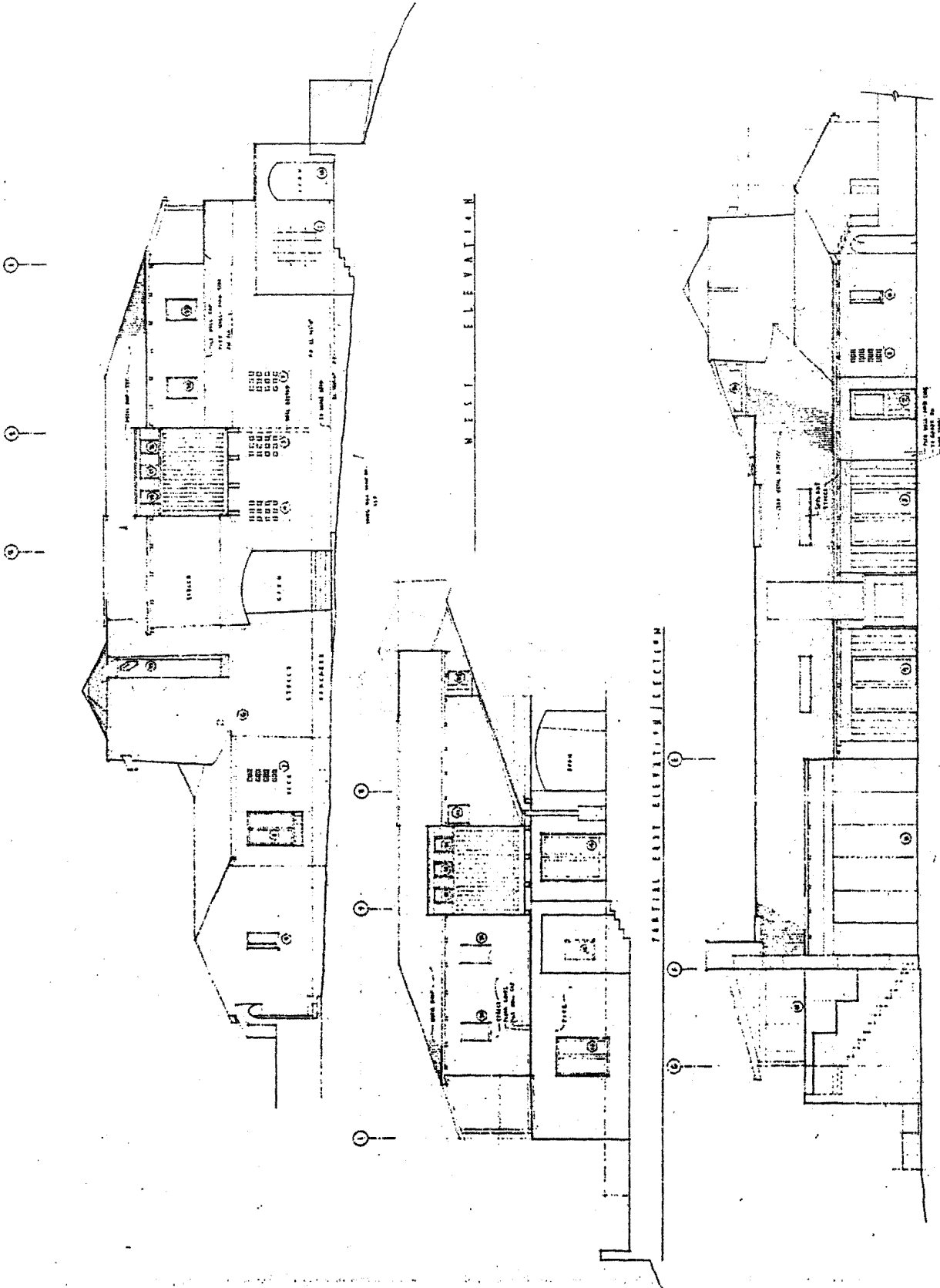
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EXHIBIT NO. 6

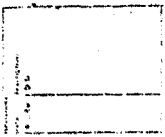
APPLICATION NO.

A-96-074



PARTIAL EAST ELEVATION / SECTION

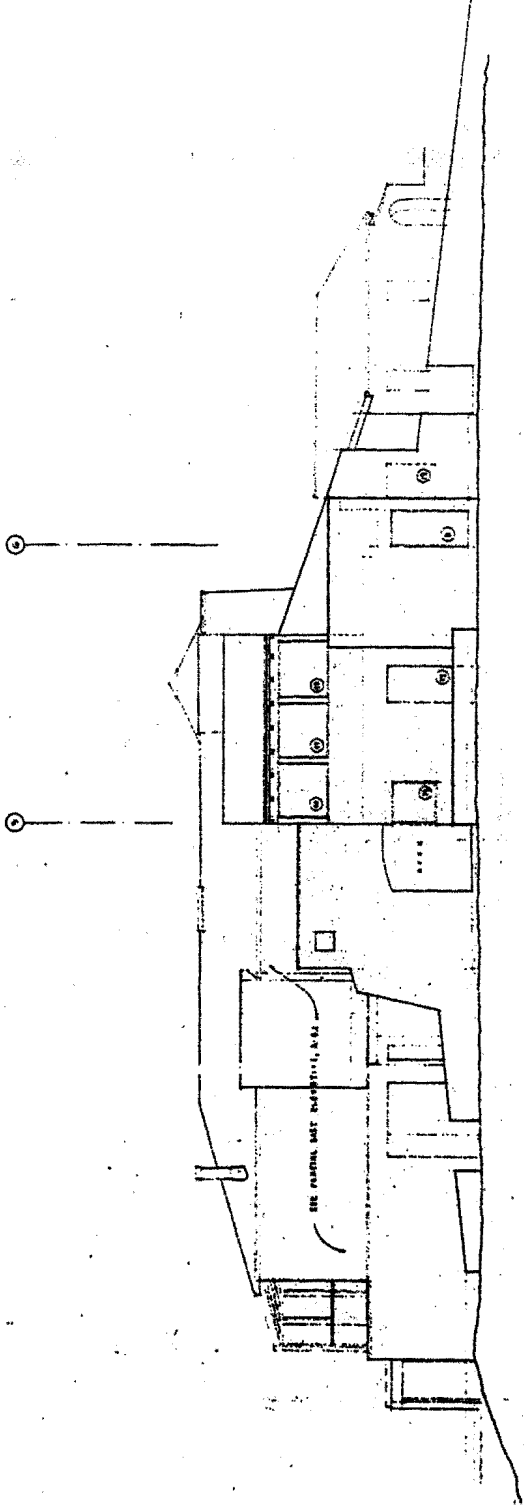
WEST ELEVATION



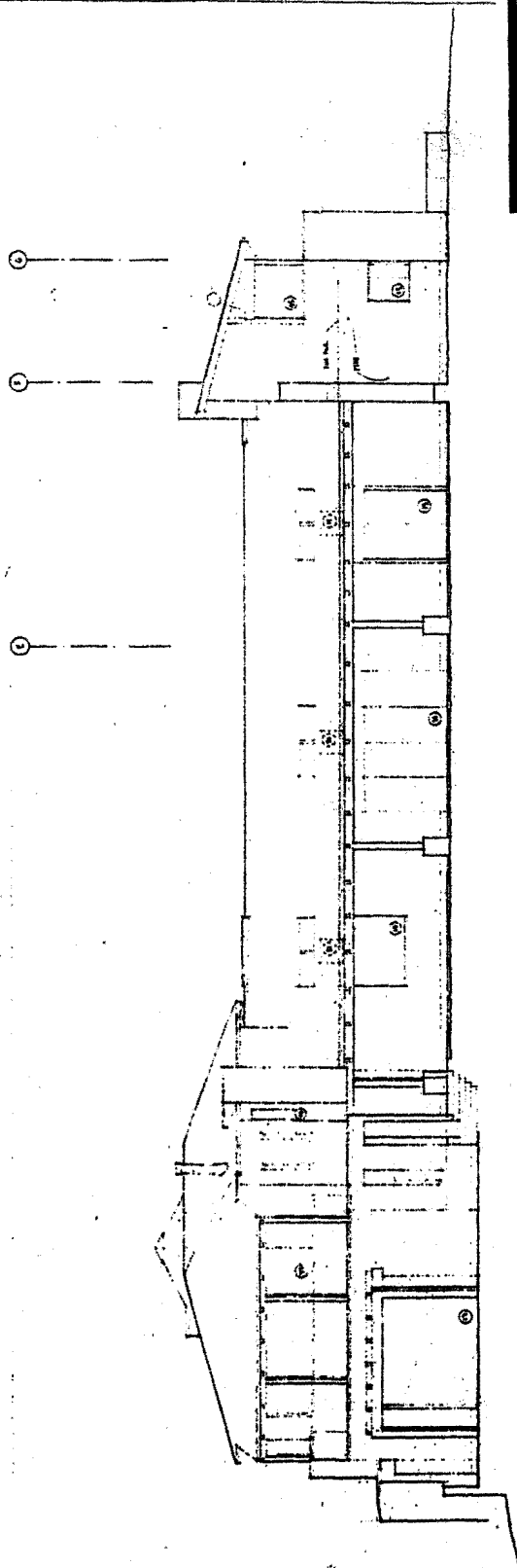
ELEVATIONS: SOUTH, EAST

KABRINS RESIDENCE  
2206 CARBON MESA ROAD  
MALIBU, CALIFORNIA

**synopsis**  
SYNOPSIS  
DATE: 11/11/88  
PROJECT: KABRINS RESIDENCE  
ARCHITECT: JAMES H. HARRIS  
ARCHITECT FIRM: JAMES H. HARRIS ARCHITECTS  
ARCHITECT ADDRESS: 1000 10TH AVENUE, SUITE 100, MALIBU, CA 90263  
ARCHITECT PHONE: (310) 316-1111  
ARCHITECT FAX: (310) 316-1111



EAST ELEVATION



SOUTH ELEVATION

EXHIBIT NO.	7
APPLICATION NO.	4-96-07A



DATE	
BY	
CHECKED	
SCALE	1/4" = 1'-0"
PROJECT	KABRINS RESIDENCE

ELEVATIONS OF GARAGE

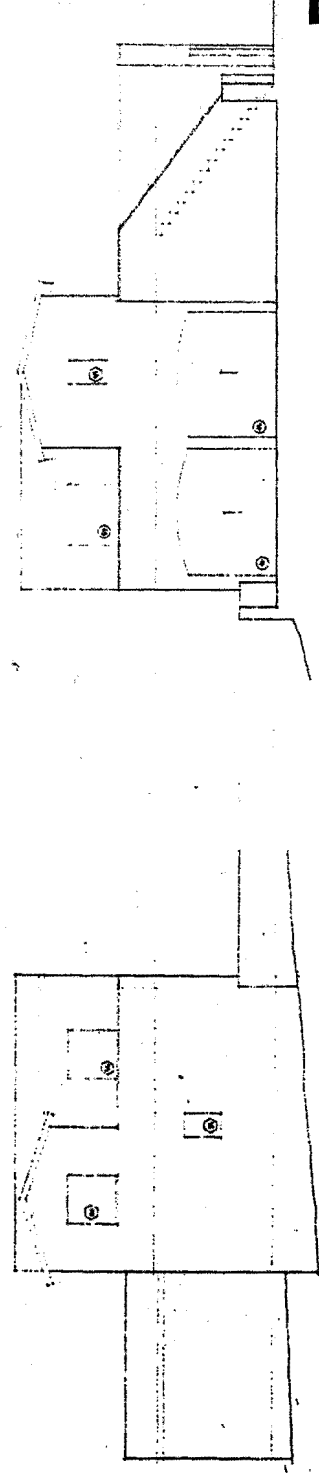
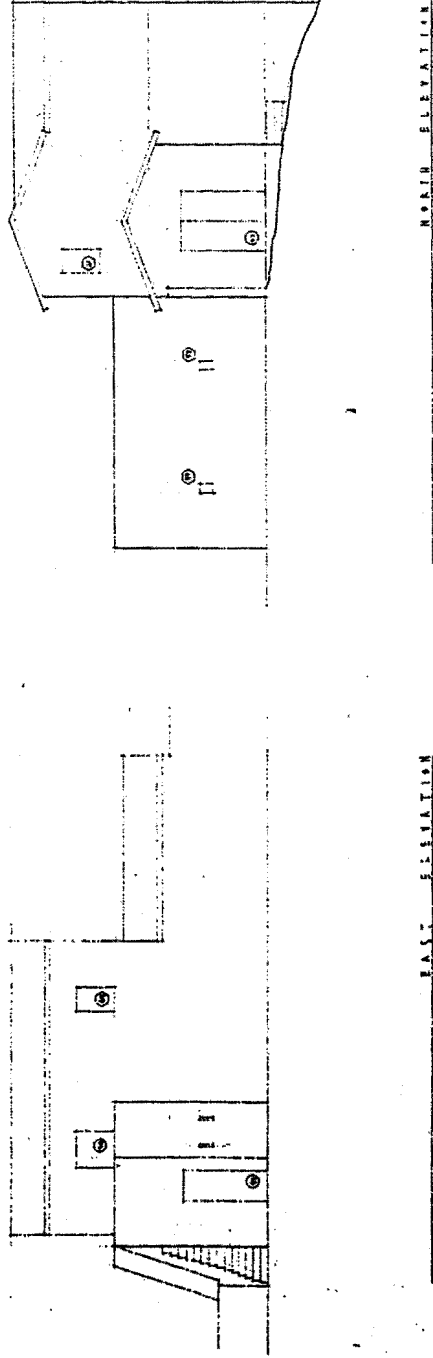
KABRINS RESIDENCE  
 22105 CARBON MESA ROAD  
 MALIBU, CALIFORNIA

**synopsis**  
 ARCHITECTS  
 10000 WILSON BLVD  
 SUITE 1000  
 MALIBU, CA 90263  
 TEL: (310) 881-1111  
 FAX: (310) 881-1112

EXHIBIT NO. 8

APPLICATION NO.

4-96-074



NORTH ELEVATION

EAST ELEVATION

SOUTH ELEVATION

WEST ELEVATION