

CALIFORNIA COASTAL COMMISSION

1000 NORTH CENTRAL COAST AREA
100 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

Filed: 8/11/99
49th Day: 9/29/99
180th Day: 2/07/00
Staff: MH-V
Staff Report: 8/24/99
Hearing Date: 9/14-17/99
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-258

APPLICANT: Betty Jane Blakely

AGENT: Robert Leese

PROJECT LOCATION: 33334 Pacific Coast Highway

PROJECT DESCRIPTION: Construct 1,993 sq. ft., two story, 35 ft. high addition to existing 685 sq. ft., one story single family residence, construct 400 sq. ft. 2-car garage, and 360 sq. ft. carport, install new septic system, grade 204 cu. yds. of material (184 cu. yds. cut, 20 cu. yds. fill, 164 cu. yds. export), and construct approximately 25 ft. long new bulkhead landward of existing rock bulkhead to protect septic disposal field. The applicant has offered to dedicate a lateral public access easement seaward of the proposed bulkhead as part of the project.

Lot area:	14,656 sq. ft.
Building coverage:	2,186 sq. ft.
Pavement coverage:	2,140 sq. ft.
Landscape coverage:	3,425 sq. ft.
Parking spaces:	4 total

LOCAL APPROVALS RECEIVED: City of Malibu Planning Approval in Concept dated 9/11/98; Environmental Health Department Approval in Concept dated 6/2/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Geotechnical Report Update for Proposed Additions to Residence at 33334 Pacific Coast Highway, prepared 11/25/97 by Harrington Geotechnical Engineering, Inc., Supplemental Geotechnical Investigation, dated 5/7/93 prepared by Harrington Geotechnical Engineering, Inc., and "Response to City of Malibu Geology and Engineering Review Sheet Dated 12/26/97 for 33334 Pacific Coast Highway," prepared by Harrington Geotechnical Engineering, Inc., dated March 5, 1998; Wave Uprush Study prepared by David C. Weiss, dated 2/25/98; Letter of Review by State Lands Commission dated 2/22/99; Coastal Development Permits 4-91-082 (Stuppy); 4-94-094 (Stuppy).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with special conditions to address the following: (1) Geologic Recommendations; (2) Assumption of Risk; (3) Disposal of Excess Cuttings; (4) Construction Responsibilities and Debris Removal, and (5) Offer to Dedicate Lateral Public Access Easement. The proposed bulkhead will tie into a Commission approved bulkhead on the adjacent parcel, and will be of the minimum length necessary to protect the new septic system for which no alternative location on the subject parcel is feasible. The bulkhead will be located landward of an existing rock revetment that was constructed in 1961 to protect the existing house and as such the proposed project will not result in additional impacts to coastal access either by occupation of passable sandy beach or through effects on the beach profile.

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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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 term or 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

Staff recommends approval of the proposed project with special conditions to address the following: Geologic Recommendations; Assumption of Risk; Disposal of Excess Cuttings; Construction Responsibilities and Debris Removal, and Offer to Dedicate Lateral Public Access Easement.

1. Geologic Recommendations

All recommendations contained in the Geotechnical Report Update for Proposed Additions to Residence at 33334 Pacific Coast Highway, prepared 11/25/97 by Harrington Geotechnical Engineering, Inc., Supplemental Geotechnical Investigation, dated 5/7/93 prepared by Harrington Geotechnical Engineering, Inc., and "Response to City of Malibu Geology and Engineering Review Sheet Dated 12/26/97 for 33334 Pacific Coast Highway," prepared by Harrington Geotechnical Engineering, Inc., dated March 5, 1998 shall be incorporated into all final project plans and designs and shall be implemented during construction, and all plans must be reviewed and approved by the geotechnical and coastal engineering consultants prior to commencement of construction. Prior to the issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director's satisfaction that the geotechnical and coastal engineering consultants have reviewed and approved all final project plans and designs and construction procedures as incorporating their recommendations, and have so indicated by stamping and signing all relevant final plans and drawings.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed

development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal development permit. The Executive Director shall determine whether any changes to the plans approved by the Commission constitute a "substantial change."

2. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, erosion, or flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **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 incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Disposal of Excess Cuttings

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director, evidence that the location of the proposed dump site for all graded material not retained on site is a properly licensed or authorized receiving site outside of the coastal zone or a site within the coastal zone permitted to receive fill.

4. Construction Responsibilities and Debris Removal

No stockpiling of construction materials or storage of equipment shall occur on the beach and no machinery will be allowed in the intertidal zone at any time. The permittee shall immediately remove from the beach area any and all debris that results from the construction activities.

5. Offer to Dedicate Lateral Public Access Easement

In order to implement the applicant's proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the applicant agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the mean high tide line landward to the seaward face of the bulkhead shown in Exhibit 3.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 1,993 sq. ft., two story, 35 ft. high addition to an existing 685 sq. ft., one story single family residence, construct a 400 sq. ft. 2-car garage, and 360 sq. ft. carport, install a new septic system, deck, concrete steps adjacent to deck, grade 204 cu. yds. of material (184 cu. yds. cut, 20 cu. yds. fill, 164 cu. yds. export), and construct approximately 25 ft. long new bulkhead landward of existing rock bulkhead to protect septic disposal field on a beachfront lot at 33334 Pacific Coast Highway, Malibu.

The subject lot fronts El Sol Beach, and is protected by an existing rock revetment that was constructed in 1961 to protect the existing house and will be retained. The proposed bulkhead will extend from the Commission-approved bulkhead on the adjacent, upcoast lot. The bulkhead is necessary to protect the proposed septic system. Upon the request of the Commission staff, the applicant submitted an extensive septic system alternatives analysis which demonstrates that there is no alternative, feasible location that would accomplish the required waste disposal without precluding the ability to construct the project. The proposed bulkhead, however, will be

located landward of the existing rock revetment and therefore will not adversely affect sandy beach that would otherwise be available to the public. The applicant has included an offer to dedicate a lateral public access easement as part of the proposed project.

B. Public Access and Seaward Encroachment

All projects that require a coastal development permit and are situated on beachfront lots require review for compliance with the public access provisions of Chapter 3 of the Coastal Act. The applicable policies include:

Coastal Act Section 30210, which states that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 which states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Finally, 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 of 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.

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, section 30212 of the Coastal Act requires that public access to the sea be provided to allow use of dry sand and rocky coastal beaches.

All beachfront projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. In past permit actions, the Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction of Coastal Act policies 30210, 30211, and 30212.

Past Commission review of proposed shoreline projects in Malibu has shown that such projects may pose one or more of the following individual or cumulative impacts on public coastal access: a) encroachment on lands subject to the public trust (thus physically excluding the public); b) interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; or c) overcrowding or congestion of such tideland or beach areas; and d) visual or psychological interference with the public's access to and the ability to use public tideland areas.

Site Shoreline Location and Existing Public Access Provisions

The proposed project is located on El Sol Beach, east of Nicholas Canyon County Beach and approximately 240 feet west of El Pescador State Beach. The area is generally built out with single family residences of similar or larger size than the proposed project.

The applicant has submitted an evaluation letter prepared by the California State Lands Commission dated February 22, 1999 regarding the applicants' proposal. The letter concludes that:

"...We do not at this time have sufficient information to determine whether this project will intrude upon state sovereign lands or interferes with other public rights. Development of information sufficient to make such a determination would be expensive and time-consuming. We do not think such an expenditure of time, effort

and money is warranted in this situation, given the limited resources of this agency and the circumstances set forth above. This conclusion is based on the size and location of the property, the character and history of the adjacent development, and the minimal potential benefit to the public, even if such an inquiry were to reveal the basis for the assertion of public claims and those claims were to be pursued to an ultimate resolution in the state's favor through litigation or otherwise."

The proposed project would not generally extend additional development onto the passable sandy beach in front of the subject site. The proposed addition to the residence, the new deck, and stairsteps would be located landward of the existing portion of the single family residence and within the applicable stringlines (discussed below). The stairsteps would occupy a small portion of sandy beach, even though located within the stringline, however. As shown in Exhibit 3, the only other portion of the proposed project that would extend seaward is the approximately 25 ft. long, 16 ft. high (maximum of 1.0 ft. high above summer sand levels) timber bulkhead that will extend from the adjacent bulkhead toward the existing deck, for protection of the new septic disposal system. The new bulkhead will be located landward of the existing rock revetment that is also shown in Exhibit 3, however. Thus, the area occupied by the proposed bulkhead is a small "pocket" landward of the revetment that would not ordinarily be passable to beach users regardless of the construction of the proposed project at times during the winter storm season when beach scour peaks and the revetment is exposed.

The applicant has included an offer to dedicate a lateral public access easement to the sandy beach seaward of the proposed bulkhead. This easement would serve to mitigate any residual adverse effects on public access or the beach profile that the proposed bulkhead may cause. In consideration of this, the Commission finds that it unnecessary to undertake further analysis of the impacts of the staircase and the small portion of beach occupied by the proposed bulkhead. The Commission notes that a similar easement exists on the adjacent property to the west (Stuppy).

"Stringline" Analysis

As a means of controlling seaward encroachment of structures onto beaches subject to the public trust, and to thereby protect and ensure maximum public access, and protect public views, as required by Coastal Act Sections 30210, 30211, and 30251, the Commission has developed the "stringline" analysis method of evaluating beachfront development. This analysis, which has been developed through past permit actions by the Commission, evaluates the seaward extent of buildout on the lots adjacent to the site of proposed new beachfront development. A line is drawn between the nearest corners of similar structures on adjacent lots, and this line establishes the applicable "stringline" that limits the seaward "creep" of new development. By applying the stringline analysis, the Commission seeks to limit new beachfront development to an infill footprint. A similar process establishes a separate stringline for decks.

The proposed project, including the new deck and concrete steps shown on Exhibit 3 would not exceed the structural or deck stringlines, as shown on Exhibit 3. Therefore the Commission considers the project to be infill development and finds the footprint of the proposed project consistent with the guidance of the stringline analysis methods used by the Commission in past permit decisions.

Wave Uprush

The applicants have submitted a Wave Uprush Study, dated February 25, 1998, prepared by David C. Weiss. The study addresses site conditions and design considerations and finds the maximum breaking wave elevation would be at 14.05 feet above sea level (the height of the bottom of the most seaward terrace) potentially affecting development to a distance of approximately 85 feet seaward of the northern property line of the subject lot. The report analyzes the raised design of the proposed addition on concrete pilings and concludes that a seawall is not necessary to protect the residence and proposed addition due to the presence of the rock revetment placed in 1961. The report concludes that the revetment is stable and performing well. The revetment serves to protect the existing residence from wave attack. The report notes that the revetment and bulkhead will generally be covered almost completely with sand during the peak summer beach season. The report also contains design recommendations to ensure that the proposed bulkhead adequately protects the proposed septic system. These recommendations have been incorporated into the proposed project.

As noted above, the project constitutes infill development, and without a shoreline protective device seaward of the existing revetment, would not be expected to adversely affect local sand supplies or resultant beach profiles. The project will not block public access from any portion of the sandy beach except during the most extreme beach scour conditions, and then only a small pocket of beach between the proposed bulkhead and the existing rock revetment would be affected. As the Commission also noted above, in consideration of the relatively minor nature of any effects on public access that the project may have, and the applicant's proposal to offer a lateral public access easement, any minor adverse effects on public access that the project might otherwise have will be fully mitigated. In accordance with the applicant's proposal, therefore, Special Condition 5 requires the recordation of an offer to dedicate a lateral public access easement for the subject parcel prior to the issuance of Coastal Development Permit 4-98-258.

Consistency with Public Access and View Protection Policies

The proposed project includes a second story addition to an existing beach cottage. The structure, with the proposed addition, is consistent with the size and character of residences that have been developed in this area of El Sol Beach. In addition, the proposed addition is located within the applicable deck and structural stringline measurements as noted above. The residence, with the proposed addition, will total 35

ft. high above the existing grade, but only 24 ft. above grade as measured from the centerline of the frontage road. The subject lot is backed by bluffs and existing development of similar, or more intensive nature than that proposed. Thus, no public coastal views to and along the coast will be adversely affected by the proposed project.

Safe Beach Access During Construction

The applicant proposes to construct portions of the proposed project on the sandy beach. To ensure that construction activities on the beach do not result in the discharge of debris or storage of equipment or other materials that may be hazardous to beach users on or near the sandy beach area or where subject to dispersal by wave action, the Commission finds it necessary to impose Special Conditions 3 (disposal of excess cuttings) and 4 (construction responsibilities and debris removal). Implementation of these conditions will ensure that excess cuttings, debris, equipment, construction materials, tools, etc., will not be disposed or stored on the beach or used in a way that may interfere with safe beach access.

For all of these reasons, therefore, the Commission finds that as conditioned by Special Conditions 3, 4, and 5 the proposed project is consistent with the applicable policies of the Coastal Act protective of public coastal access, sections 30210, 30211, 30212, and 30251.

C. Geologic Stability

Section 30253 of the Coastal Act states in pertinent 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, 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 project is located in Malibu, an area subject to an unusually wide range and magnitude of natural hazards. Geologic hazards common to Malibu include landslides, erosion, flooding, wave run-up and scouring. In addition, the Malibu area is subject to an extreme risk of wildfire, as evidenced by the 1993 Malibu Wildfire that burned through vast tracks of mountain land and in some areas stopped only at the shoreline. Moreover, California is subject to property risks due to the potential for earthquakes.

The proposed development consists of a 1,993 sq. ft., two story, 35 ft. high addition to an existing 685 sq. ft., one story single family residence, construction of a 400 sq. ft. 2-

car garage, and 360 sq. ft. carport, installation of a new septic system, deck, concrete steps adjacent to deck, grading of 204 cu. yds. of material (184 cu. yds. cut, 20 cu. yds. fill, 164 cu. yds. export), and construct approximately 25 ft. long, 16 ft. high (maximum of 1.0 ft. above summer sand elevation) new bulkhead landward of existing rock revetment to protect septic disposal field on a beachfront lot at 33334 Pacific Coast Highway, Malibu.

The hazards of building and occupying a residence on a beachfront site, particularly in an area with the additional risks of fire, earthquake, etc., that are present in Malibu, cannot be fully mitigated. Despite the protection from wave attack offered by the existing rock revetment, by the proposed timber bulkhead, and by the engineered caissons and foundations, the project cannot be guaranteed to be safe from risk. As such, the Commission can only approve the proposed project if the applicants assume the associated risks as a condition of approval. Through Special Condition 2, therefore, the applicant acknowledges the nature of these risks and agrees by accepting Special Condition 2 to indemnify the Commission, and its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area subject to a wide variety of risks posed by the natural forces acting on, and with, the physical environment.

The applicant has submitted a report titled "Geotechnical Report Update for Proposed Additions to Residence at 33334 Pacific Coast Highway," prepared 11/25/97 by Harrington Geotechnical Engineering, Inc., a report titled "Supplemental Geotechnical Investigation," dated 5/7/93 prepared by Harrington Geotechnical Engineering, Inc., and a "Response to City of Malibu Geology and Engineering Review Sheet," dated March 5, 1998, prepared by Harrington Geotechnical Engineering. In the latter report, the consulting Engineering Geologist states:

Provided the recommendations of the geotechnical report, this response, and any supplemental report(s) issued by this office are incorporated into the design and construction of the project, the building site, will in our opinion, be safe from hazards related to landsliding, settlement or slippage, and development of the site as presently planned will not adversely affect the geologic stability of adjacent properties.

The reports make specific recommendations regarding grading, foundations, construction, bulkhead design and construction, and sewage disposal system. To ensure that these recommendations are incorporated into the final project plans and designs, and thus ensure site stability and safety, the Commission finds it necessary to impose Special Condition 1 to require that the geotechnical consultants verify that the final project plans incorporate all applicable geotechnical recommendations.

Therefore, the Commission finds that as conditioned by Special Conditions 1 and 2, the proposed project is consistent with the applicable provisions of Section 30253 of the Coastal Act.

D. Septic Disposal System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and biologic 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 proposes to construct a new septic disposal system including 2,500 gallon tank with pump and filter and a bottomless sand filter. The new system that will be used for the project is an improved technology with a demonstrated superior performance capacity in high groundwater beachfront settings. The applicant has submitted an Approval-in-Concept from the City of Malibu Department of Environmental Health for the proposed project, dated June 2, 1998. The City's septic approval for the proposed project confirms that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code. The City has further determined that the existing rock revetment is insufficient to adequately protect the proposed septic system. The applicant has submitted a septic disposal system alternatives analysis prepared by a licensed environmental health consultant that concludes that no other type of septic system or location is feasible on the subject site and that the aging, existing septic disposal system cannot be upgraded sufficiently to serve the proposed project.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters, and that the relevant codes take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. 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 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'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).

F. CEQA

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 proposed project, as conditioned, will not have any 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 consistent with CEQA and the policies of the Coastal Act.

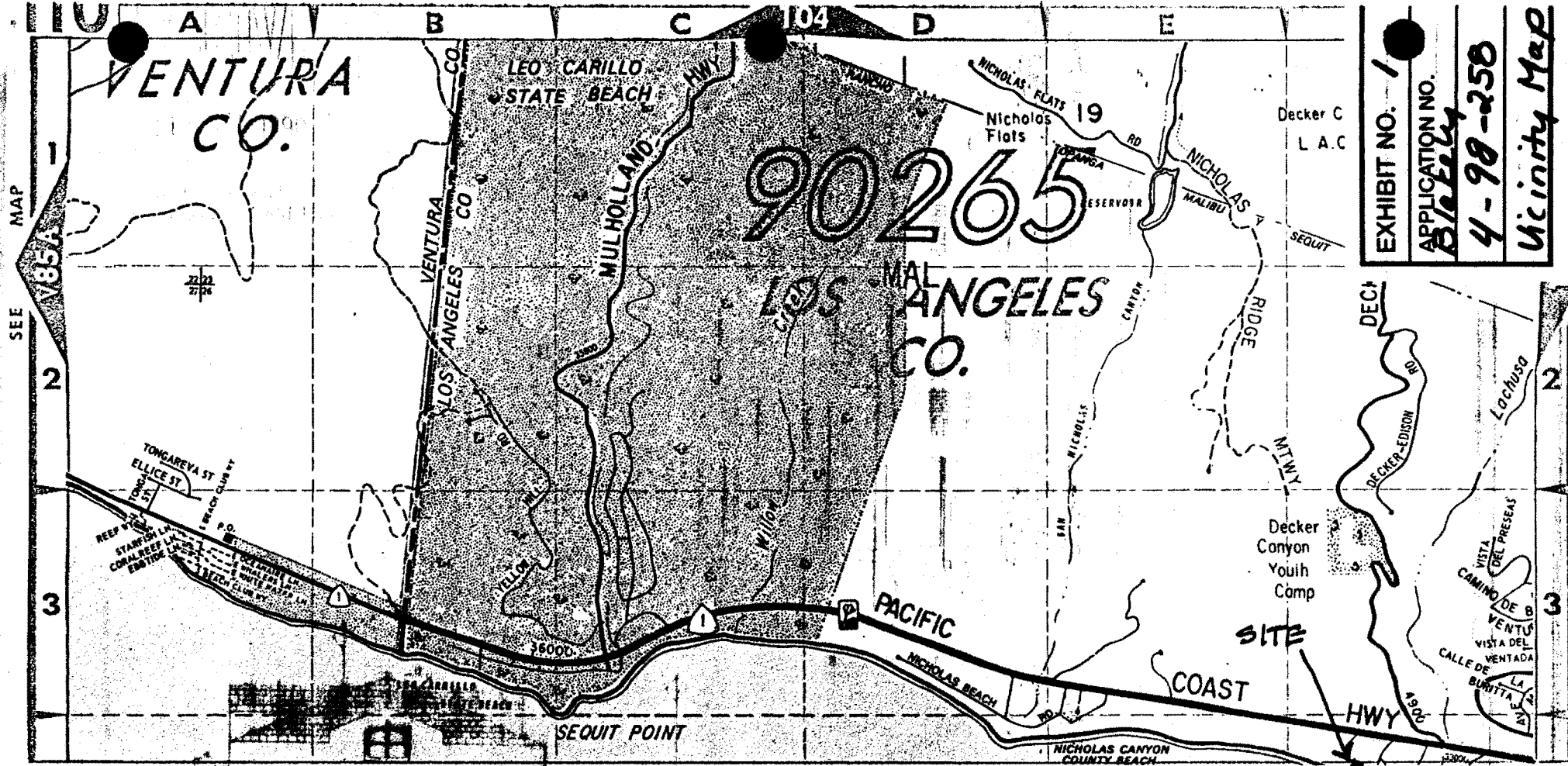
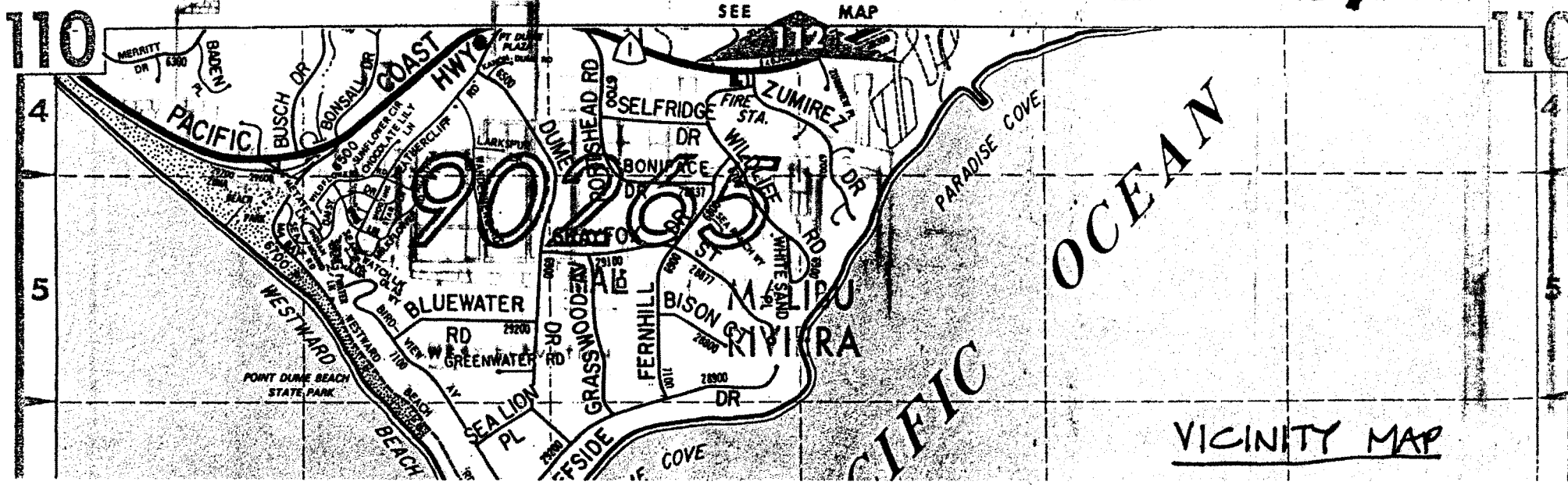


EXHIBIT NO. 1

APPLICATION NO. B/10/14

4-98-250

Vicinity Map



VICINITY MAP

473 19
SCALE 1" = 100'

1992

5,914'30"W 50 FT & S,80°45'30"E 3649.72 FT.
From Sta. 192+85.81 in E Pacific Coast Hwy.
per From Q.R. 15228-342, F.M. 11260-1

PACIFIC COAST

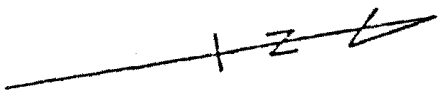
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F.M. 11698-1

F.M. 11260-1

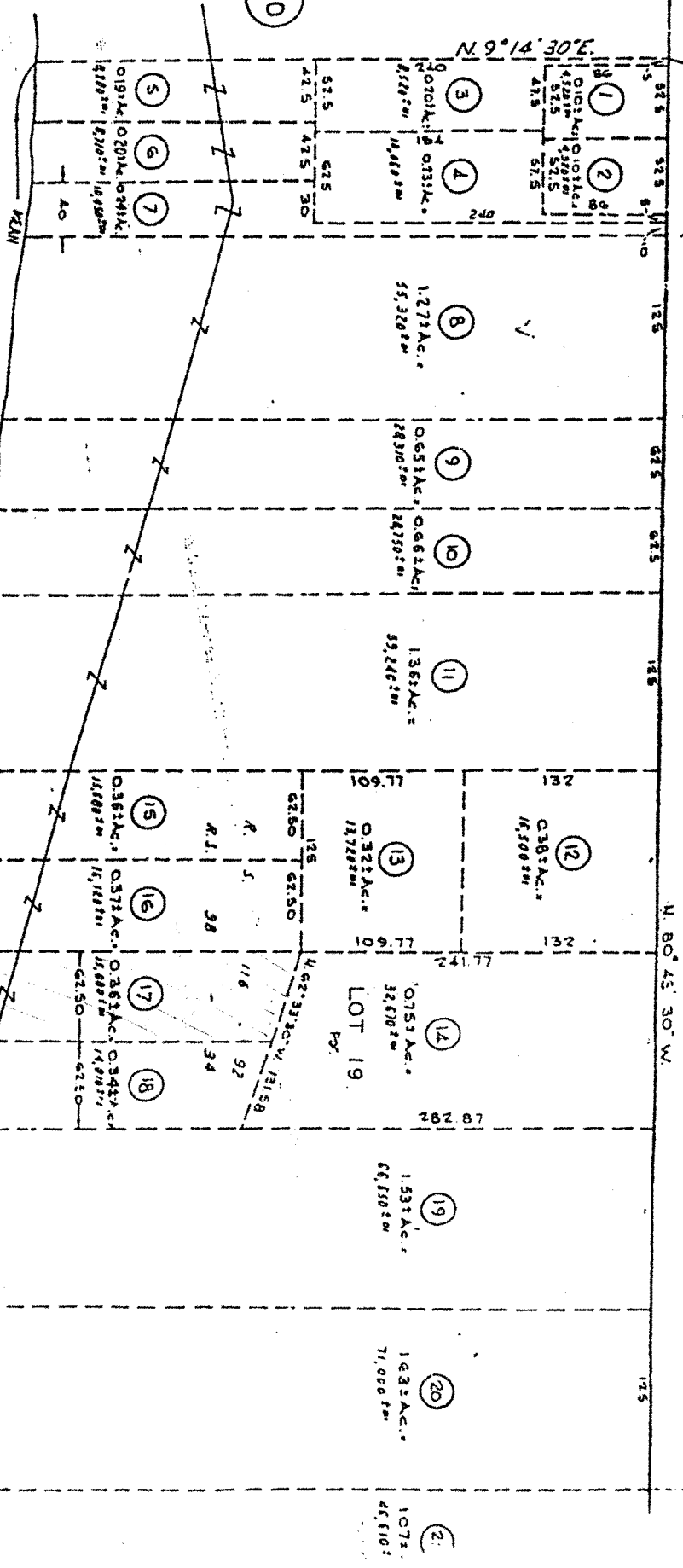
3

EXHIBIT NO. 2
APPLICATION NO.
Blakely
4-98-258
Parcel Map



20

N. 9° 14' 30" E



RECEIVED

SEP 21 1993

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Blakely

OCEAN

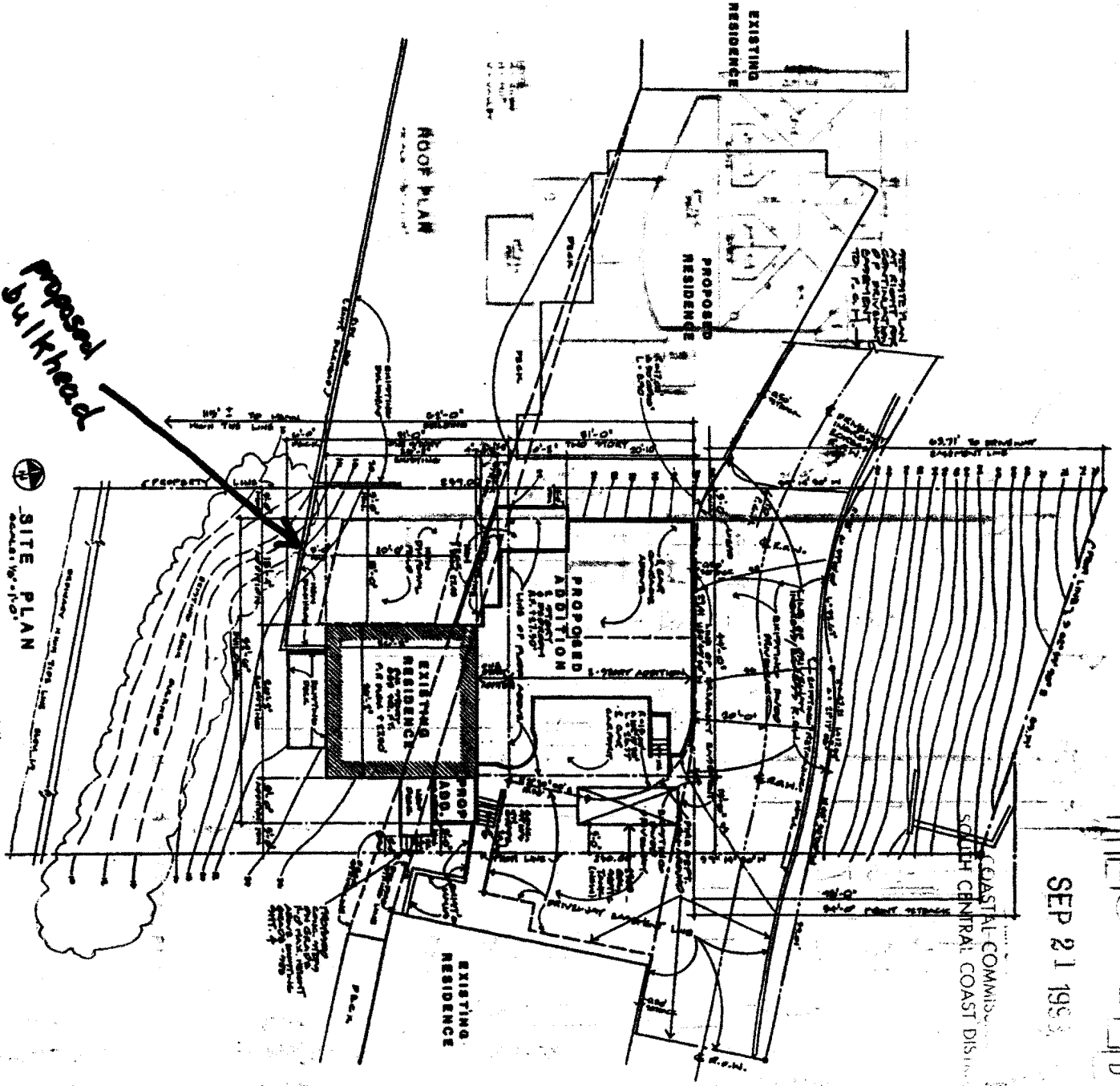
HIGH TIDE LINE

PER

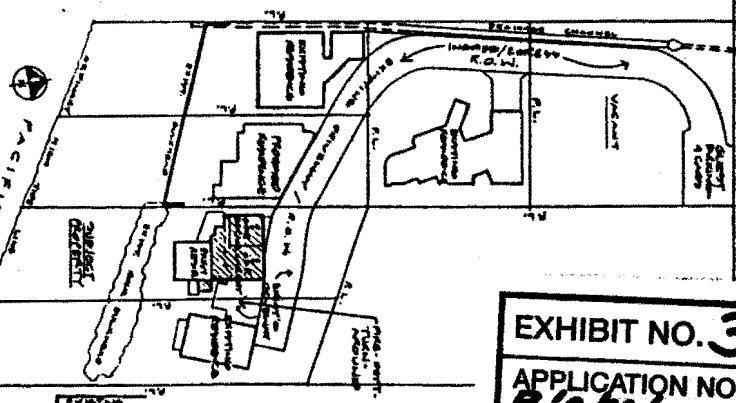
RECEIVED

SEP 21 1993

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



SITE PLAN
Scale: 1/8" = 1'-0"



SITE PLAN WITH
ADJACENT PROPERTIES
Scale: 1/8" = 1'-0"

PROJECT STATISTICS

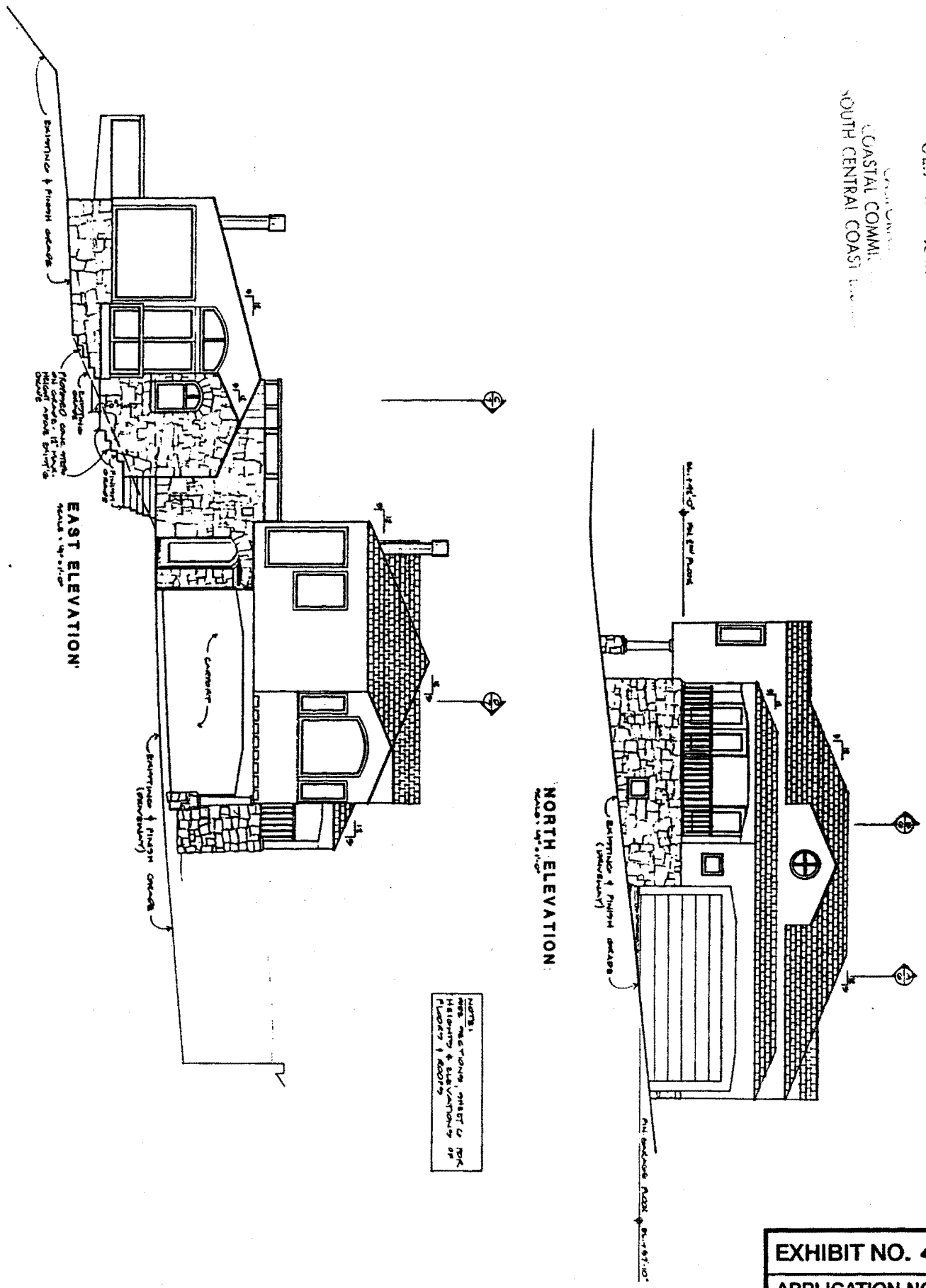
A.C.N. 9-4479-11-17
 Lot Area: 14,000 sq. ft.
 Proposed Addition: 4,000 sq. ft.
 Total: 18,000 sq. ft.
 Proposed Addition: 4,000 sq. ft.
 Total: 18,000 sq. ft.
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 Total: 18,000 sq. ft.
 Proposed Addition: 4,000 sq. ft.
 Total: 18,000 sq. ft.

EXHIBIT NO. 3
 APPLICATION NO.
 Blakely
 4-98-258
 Site Plan

RECEIVED

SEP 21 1958

COASTAL COMMUNITY DEVELOPMENT
SOUTH CENTRAL COAST DISTRICT



NOTE:
SEE ARCHITECTS SHEET 2 FOR
ELEVATIONS & SECTIONS OF
FLOOR & ROOF

EAST ELEVATION

NORTH ELEVATION

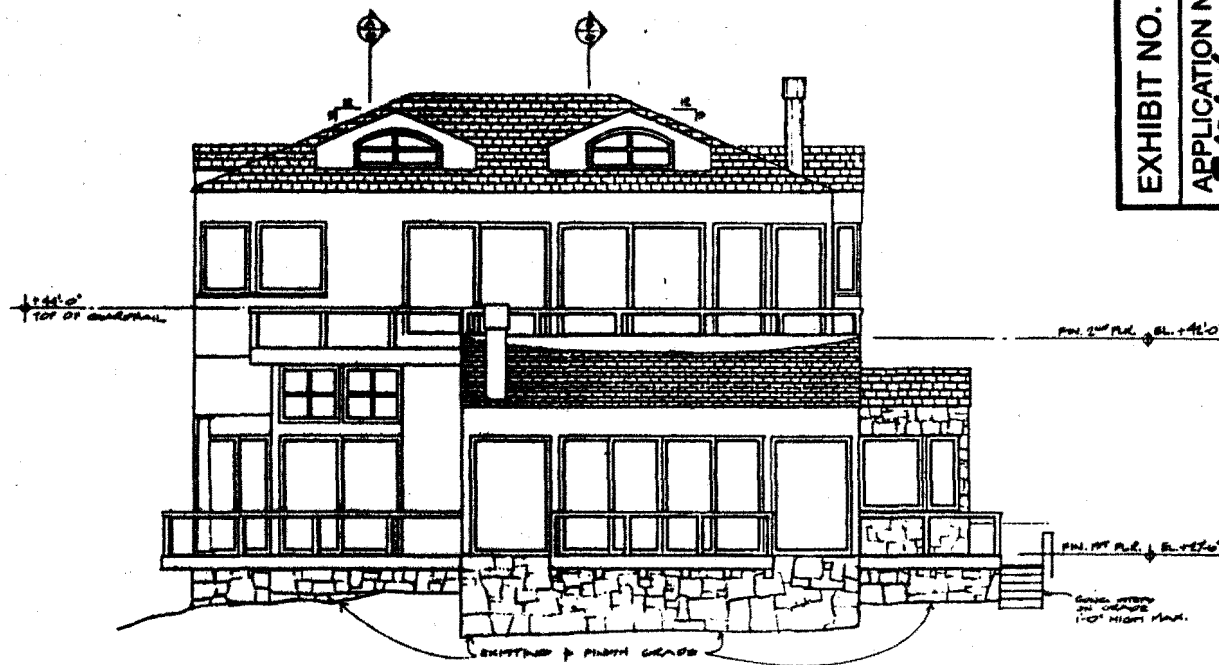
EXHIBIT NO. 4
APPLICATION NO.
Blakeley
4-98-258
Elevation

RECEIVED

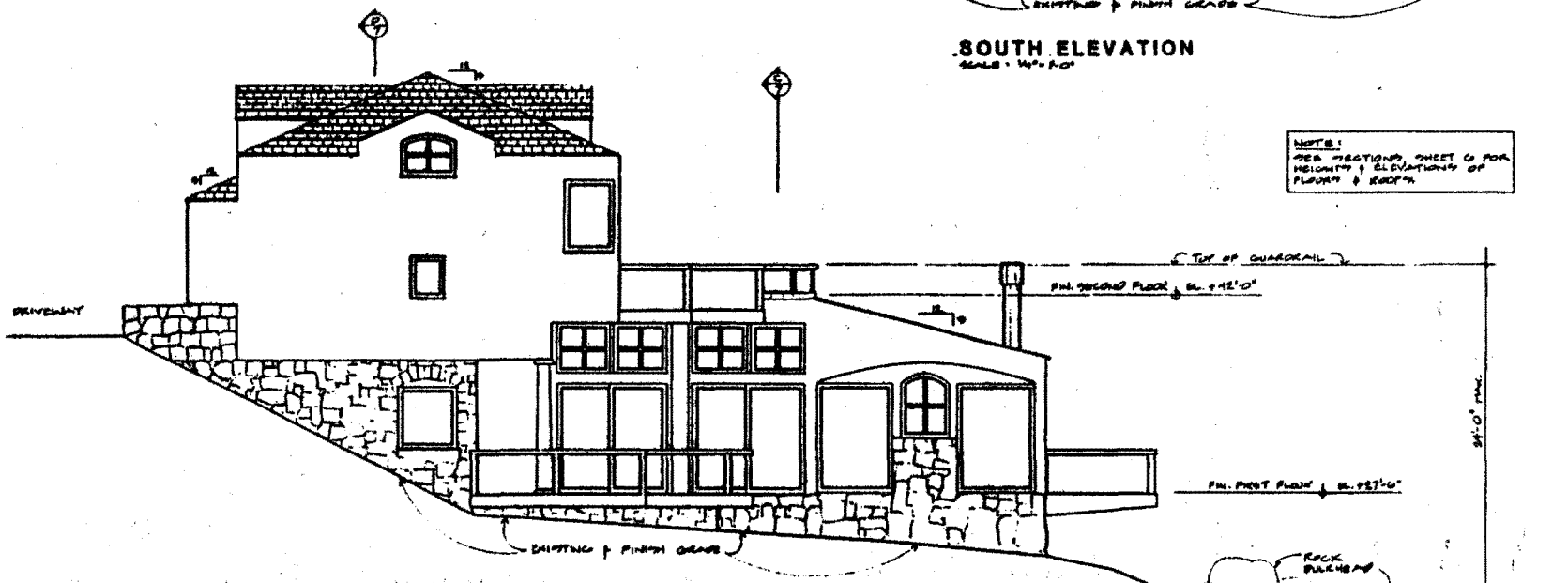
SEP 21 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 5
APPLICATION NO. Blakely
4-98-258
Elevation



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

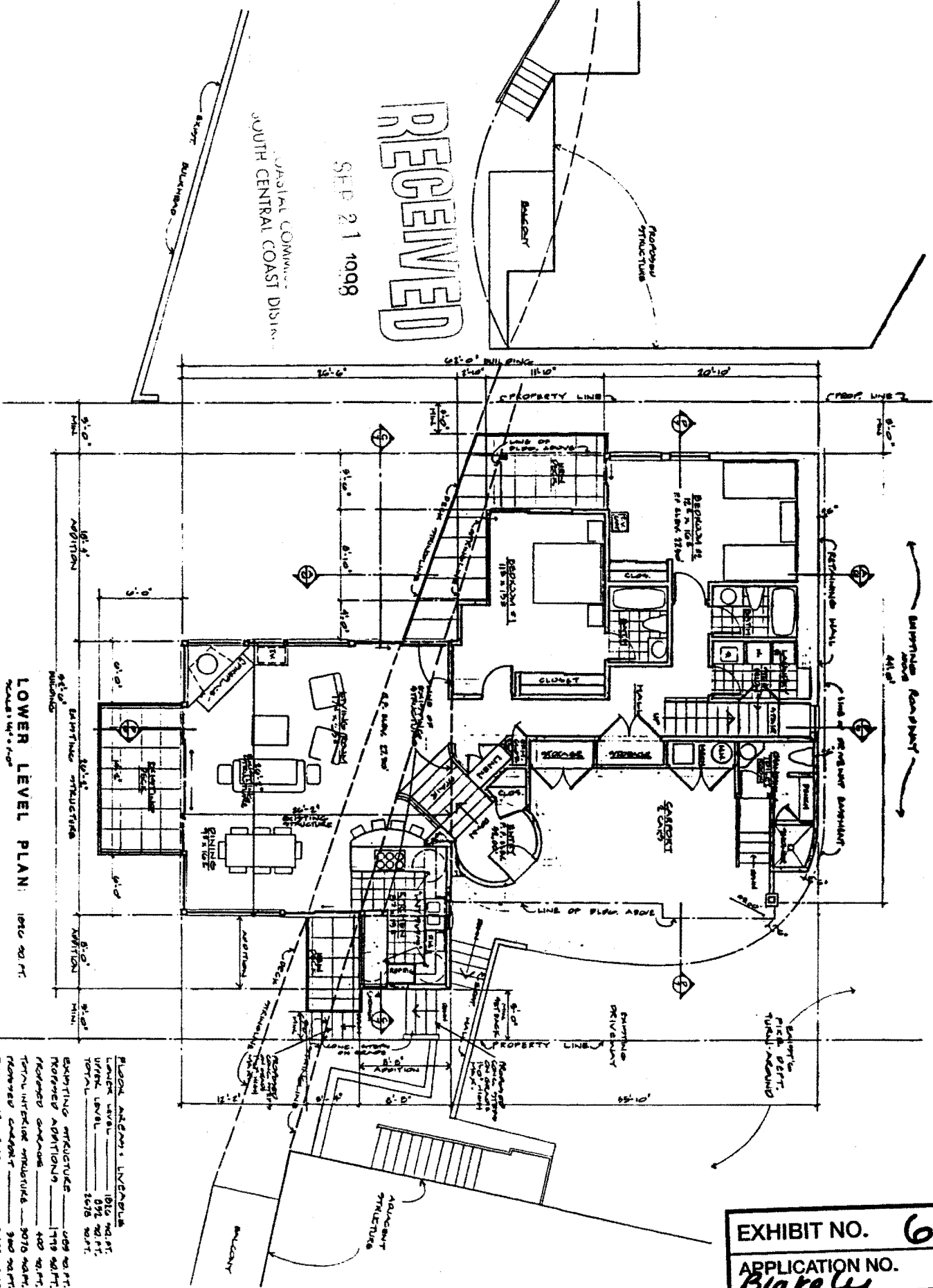
NOTE:
SEE SECTIONS, SHEET 6 FOR
HEIGHTS & ELEVATIONS OF
FLOOR & ROOF

CAHILL & LEESE ARCHITECTS 2428 BEVERLY AVE., SANTA MONICA, CA. 90405
REMODELING & ADDITIONS TO A BEACH COTTAGE
FOR BETTY JANE BLAKELY ET. AL.
AT 33334 PACIFIC COAST HIGHWAY, CA. 90266
5

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SEP 21 1998

CAPITAL COMMUNITY SOUTH CENTRAL COAST DISTRICT

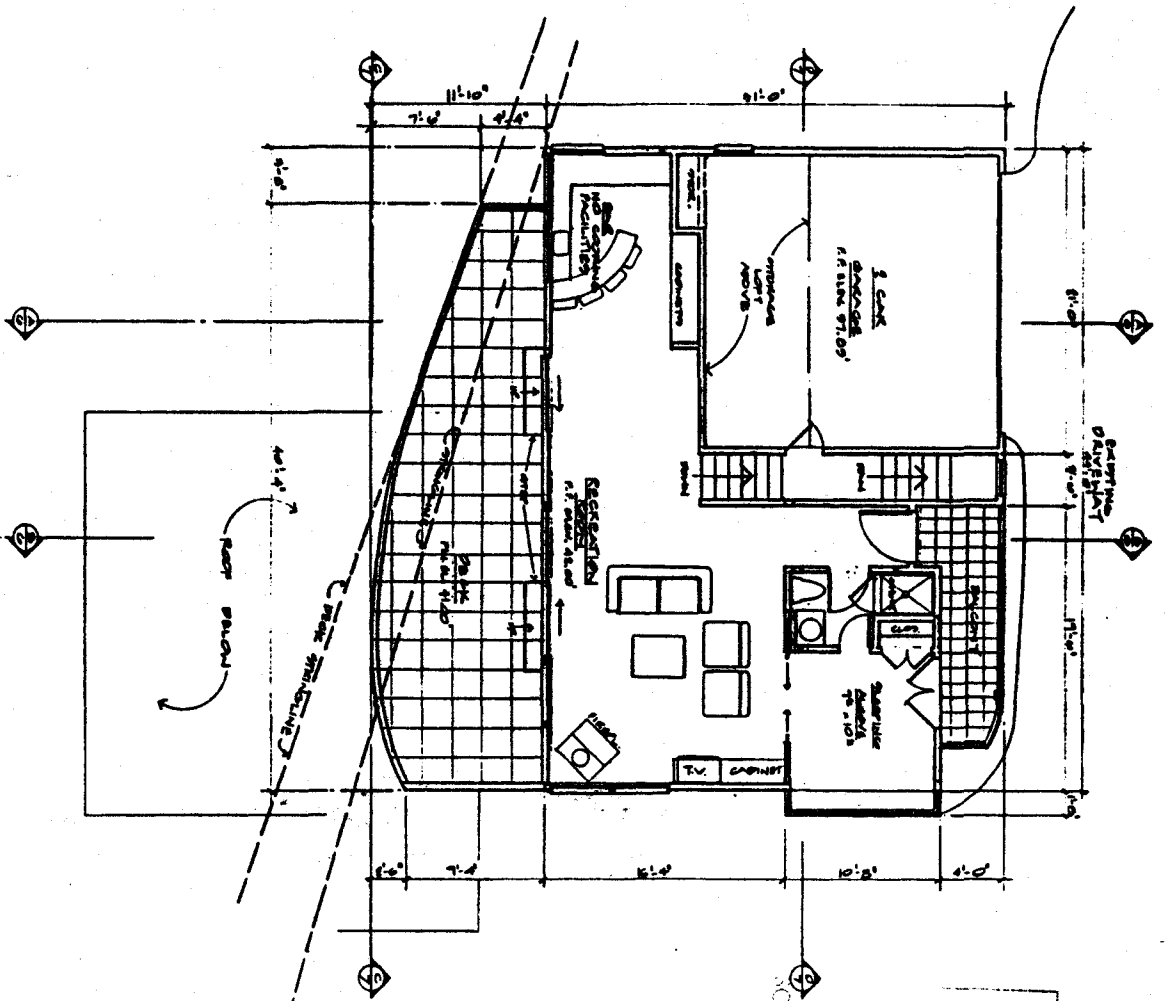
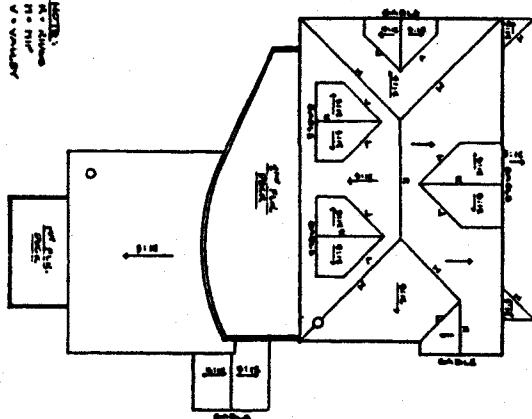


LOWER LEVEL PLAN: 1020 SQ. FT.

FLOOR AREA SCHEDULE

EXISTING STRUCTURE	1020 SQ. FT.
REMOVED ADDITIONS	400 SQ. FT.
REMOVED STRUCTURE	3070 SQ. FT.
TOTAL	3150 SQ. FT.

EXHIBIT NO. 6
APPLICATION NO. Blakey
4-98-258
Lower Level Plan



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COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

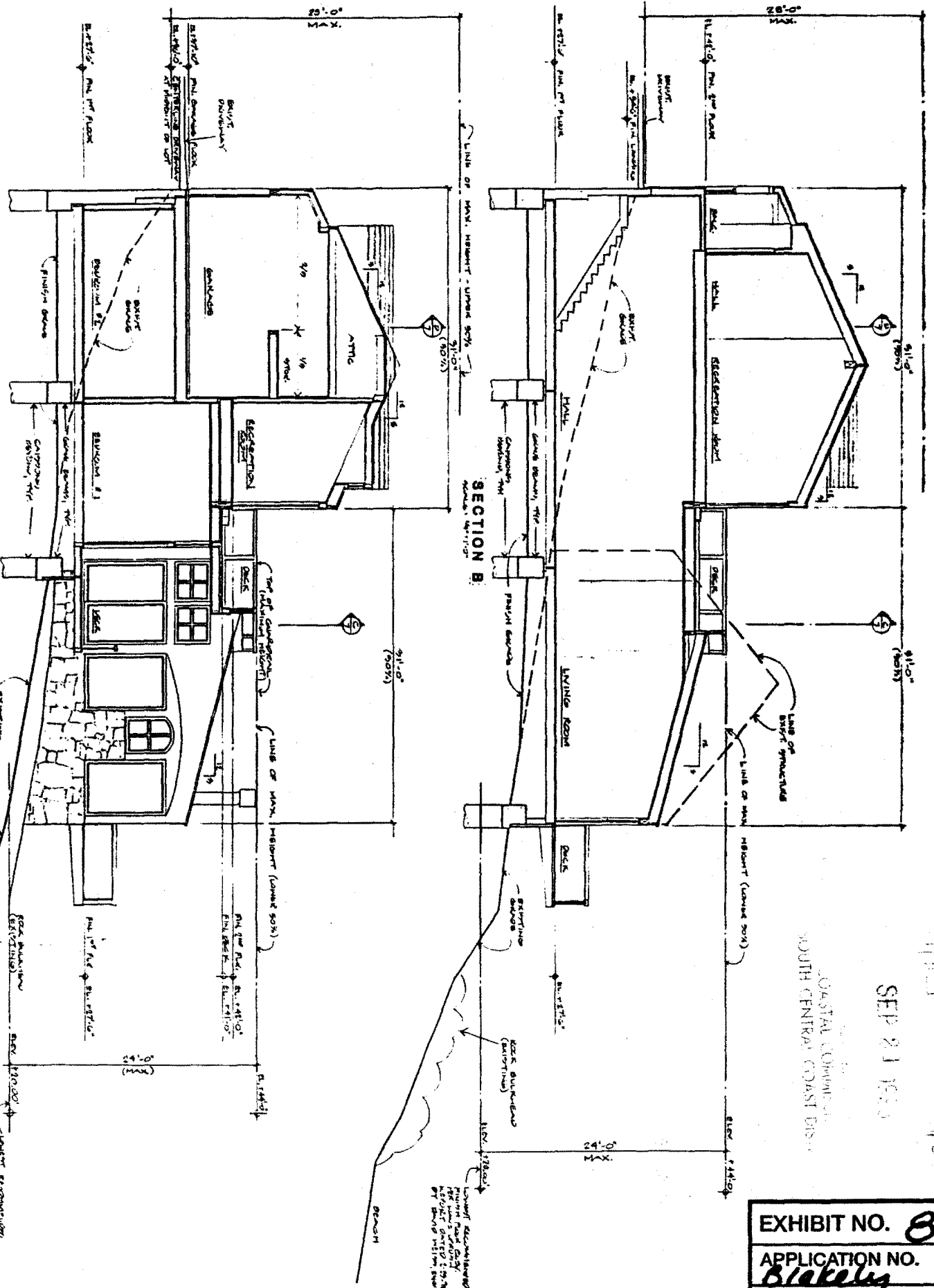
EXHIBIT NO. 7
 APPLICATION NO. Blakely
 4-98-258
 upper level plan

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COSTAL COMMUNITY
SOUTH CENTRAL COAST DIST.

EXHIBIT NO. 8
APPLICATION NO. Blakely
4-98-25B
Section View



CAHILL & LEASE ARCHITECTS 2428 BEVERLY AVE., SANTA MONICA, CA. 90405
 REMODELLING & ADDITIONS TO A BEACH COTTAGE
 FOR BETTY JANE BLAKELY ET. AL.
 AT 33334 PACIFIC COAST HIGHWAY, CA. 90268

6	1/25/53	1/25/53
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SEP 21 1998

COUNTY COMMISSIONERS
SOUTH CENTRAL COAST DISTRICT

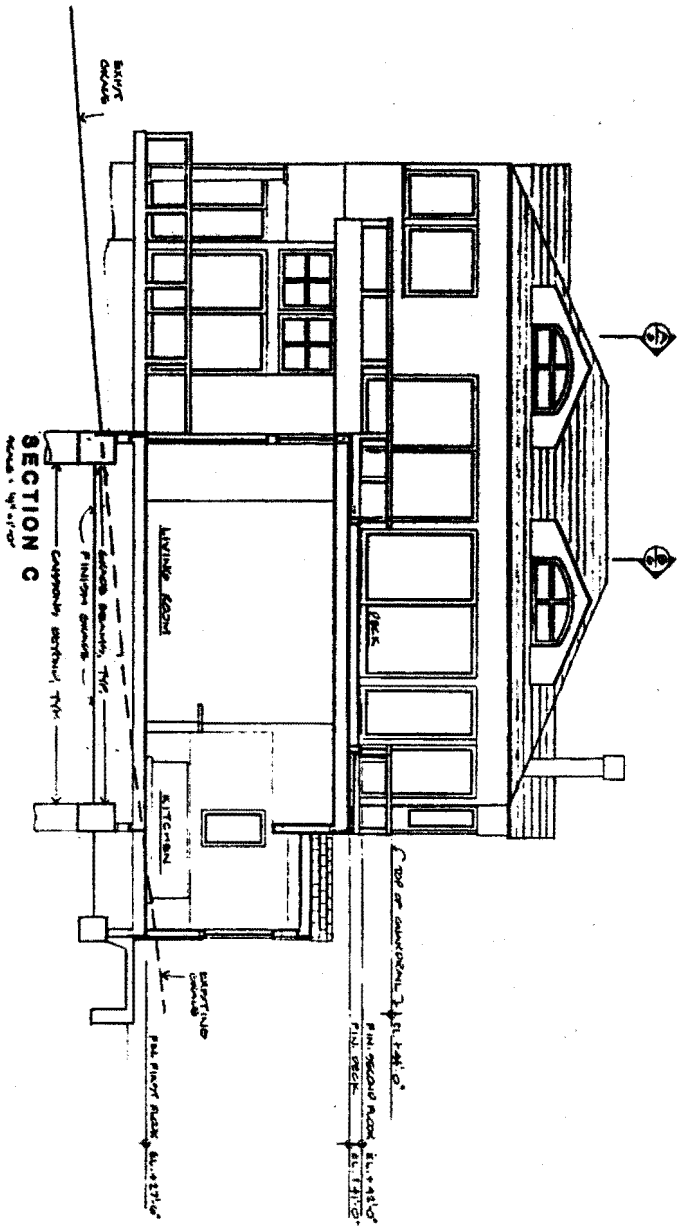
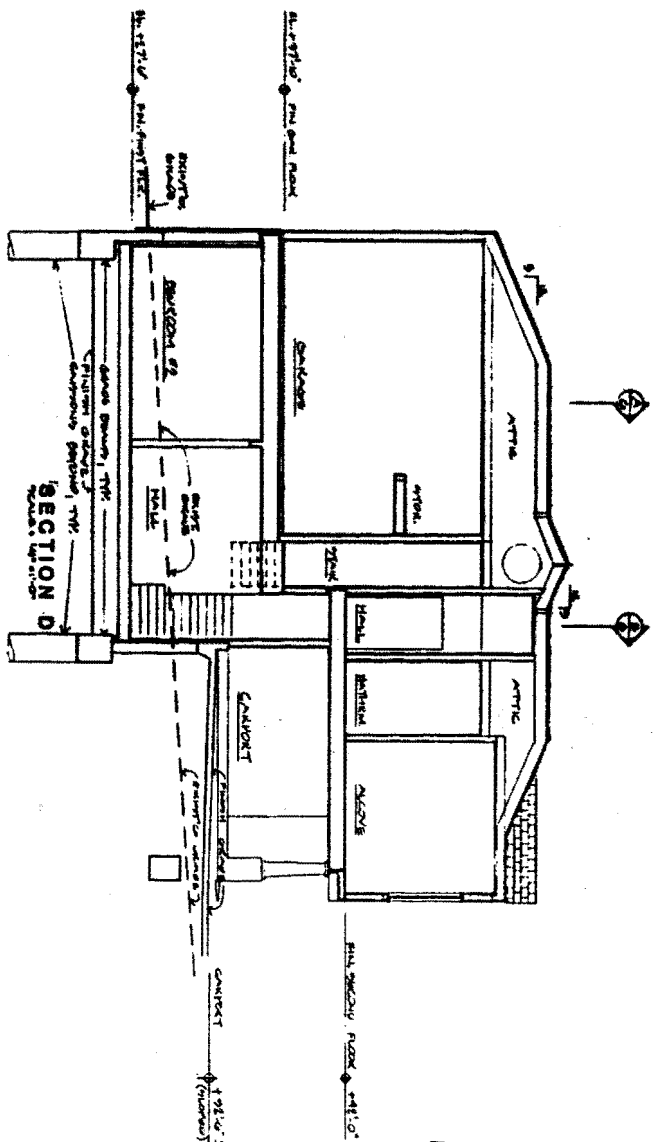


EXHIBIT NO. 9
 APPLICATION NO.
Blakely
 4-98-258
 Section View