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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
100 SOUTH CALIFORNIA ST., SUITE 200
VAN NUYS, CA 91301
(805) 641-0142

Filed: 3-26-97
49th Day: 5-14-97
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Staff: SPF-VNT
Staff Report: 5-19-97
Hearing Date: June 10-13, 1997
Commission Action:



STAFF REPORT: PERMIT EXTENSION REQUEST

APPLICATION NO.: 5-90-921-E3

APPLICANT: Landgate, Inc.

AGENT: A. Szigeti

PROJECT LOCATION: Across from 6130 DeButts Terrace, City of Malibu; Los Angeles County (APN: 4467-003-046)

PROJECT DESCRIPTION: Request for a one year extension of coastal development permit 5-90-921 approved for the construction of a 7,500 sq., 28 ft. high single family residence on a 106,590 square foot lot with a swimming pool, garage, and septic system. Grading totals 2,983 cubic yards (860 cu. yds. cut, 2,123 cu. yds. fill).

LOCAL APPROVALS RECEIVED: None.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan. Coastal Development Permit Application 5-90-921 (Landgate).

PROCEDURAL NOTE.

The Commission's regulations (14 California Code of Regulations, Section 13169) provide that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

If three (3) Commissioners object to an extension request on the grounds that, due to changed circumstances, the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period [14 C.C.R., Section 13169(a)(2)].

STAFF RECOMMENDATION:

The staff recommends that the extension be granted for the following reasons:

No changed circumstances have occurred since the approval of the coastal development permit, on February 16, 1993, which may affect the project's consistency with the Coastal Act; therefore, the project remains consistent with the Chapter Three policies of the Coastal Act.

I. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description

The applicant has requested a one year extension of the coastal development permit approved for the construction of a 7,500 sq. ft. 28 foot high single family residence on a 106,590 square foot lot with a swimming pool, garage, and septic system. Grading totals 2,983 cubic yards (860 cu. yds. cut, 2,123 cu. yds. fill). On February 16, 1993, the Commission approved the proposed project subject to six special conditions (See Exhibit 1). Those special conditions required the submittal of plans conforming to the geologist recommendations, landscaping plans, revised plans, and drainage plans, and the recommendation of a future improvements deed restriction and a structure and roof color restriction.

The applicant timely applied for the first coastal development permit extension on February 14, 1995. Staff determined that there were no changed circumstances which affected the project's consistency with the Coastal Act, and thus, the extension was determined to be immaterial. Notices of the pending immaterial extension request were mailed on March 2, 1995. On March 8, 1995, staff received a letter from Kenneth Chyten, dated March 6, 1995, objecting to the extension request. That letter stated that Mr. Chyten needed to take more action in order to formalize the objection. In response, Commission staff asked for further information regarding the objection. On March 28, 1995, Mr. Chyten informed staff that he withdrew his objection. The first extension to the permit was subsequently issued on May 2, 1995; the expiration date of that extension was February 16, 1996.

The applicant timely filed for the second coastal development permit extension on February 14, 1996. Staff again determined that, since the Commission's original approval of the project, there had been no changed circumstances which would affect the project's consistency with the Coastal Act, and determined the extension to be immaterial. Notices of this extension request were sent on February 21, 1996. No objections were raised and the extension was granted on March 20, 1996, extending the permit until February 16, 1997.

The applicant timely submitted the third coastal development permit extension request to extend the permit for one year. Staff again determined, initially, that this extension request was immaterial as there were no changed circumstances that might affect the consistency of the project with the Coastal Act. On April 2, 1997 notices of that determination were mailed. On April 4, 1997, staff received a letter, from Kenneth Chyten, objecting to the extension request on the following grounds:

1. The proposed construction would change the character of the neighborhood;
2. Views of the ocean, Escondido Canyon, and Escondido Falls would be destroyed by the proposed construction;
3. The proposed construction would set an unhealthy precedent for over-development and destruction of pristine areas within Malibu; and
4. The land on which the applicant seeks to build appears to be unstable.

The letter of objection is included as Exhibit 2. The applicant was notified of the objection and the staff's intent to schedule the item for the next available Commission hearing.

B. Grounds for Extension Approval

Section 13169 of the California Code of Regulations requires that the Executive Director determine whether or not there are changed circumstances that may affect the consistency of the permitted permit with the Coastal Act.

On February 16, 1993, the Commission approved the project, finding it in conformance with the Chapter 3 policies of the Coastal Act subject to six special conditions. The permit was originally set to expire on February 16, 1995. Two time extensions have been issued; the current expiration date is February 16, 1997. The applicant's timely submission of the extension request automatically extends the expiration date until the Commission acts on the request (14 C.C.R. 13169).

During the public hearing on February 16, 1993, the Commission approved Coastal Development Permit 5-90-921 finding that the project, as conditioned, was consistent with the Chapter 3 policies of the Coastal Act. When reviewing the project, the Commission addressed all issues currently raised by the objection letter including: the development's consistency with the area and topography, grading, visual impacts, public views, precedent, and geologic issues. The project is located adjacent to the trail located on DeButts Terrace, and upslope from Escondido Falls Trail and Escondido Falls. The Escondido Canyon area is considered to be a highly scenic area. In addition, it is located in an area that is not flat, thus grading is required for development.

During the review of this project for its consistency with the Chapter Three policies of the Coastal Act, and in preparation of the staff report, an extensive analysis of the grading and landform alteration of the proposed project was completed by staff. In addition, site visits were conducted to ensure that the project would minimize adverse visual impacts of this site from scenic areas, such as Escondido Falls Trail and the Escondido Falls. The project approved by the Commission under 5-90-921 is not the original project proposed to staff. Originally, the applicant was proposing a larger and taller residence with more grading and landform alteration (See Exhibit 3). Under the original design, staff was prepared to recommend that the Commission deny the project due to the size of the residence and the amount of grading, which would cause adverse visual impacts from Escondido Falls and the Trail, and adverse environmental impacts related to erosion, vegetation clearance and grading. Due to these concerns, the applicant reduced the size (bulk) and height of the residence, and reduced the grading. The reduction in the grading included cutting the residence into the hillside rather than creating a flat pad (See Exhibit 4). Thus, the extent of landform alteration was reduced. To ensure that the development minimized the potential for any adverse visual or environmental impact, the Commission conditioned the project to include vertical elements in the landscape design, restrict the height to 28 feet, and restrict the colors of the structure to earth tones. These conditions were added to minimize any visual impacts and keep the project consistent with other projects approved in the area. The conditions imposed (See Exhibit 1) on the subject project are consistent with the conditions imposed on other projects in the area. The Commission's findings contain an extensive review of projects in the area; the Commission concluded that the project was consistent with projects in the area.

The Commission also addressed the geologic hazards on site and the effect of this project on water quality. The applicant provided geologic investigations of the site as well as percolation tests. The consulting geologist for the underlying project concluded that the subject property appears to be suitable for the proposed development. The geologist stated:

It is our opinion that the proposed building area will be safe from landslides, settlement, or slippage, provided our recommendations are followed. The proposed project will have no adverse effect of the geologic stability of adjacent properties.

The report prepared for the site with regards to water quality concluded that:

Based upon the percolation testing performed, we find that subject property can utilize a private sewage disposal system, providing that all requirements of the County of Los Angeles are adhered to during the installation of the system.

The Commission found that the project would not have adverse impacts related to geologic hazards or water quality. The Commission did condition the project to require the consulting geologist to review all plans related to the final design and construction, grading, and drainage to ensure the proposed development would be in conformance with the consulting geologist's recommendations.

An extensive review of this project's consistency with the Chapter Three policies of the Coastal Act and the Malibu/Santa Monica Mountains Land Use Plan was conducted. Where applicable, special conditions were added to mitigate any potential adverse impacts. The Commission found that the project was in conformance with the Chapter Three policies of the Coastal Act pertaining to grading, landform alteration, visual impacts, and water quality.

The letter received by staff objects to the project on four grounds:

1. The proposed construction would change the character of the neighborhood.
2. The proposed project would destroy views of the ocean, Escondido Canyon, and Escondido Falls.
3. The proposed construction would set an unhealthy precedent for over-development and destruction of pristine areas within Malibu.
4. The land on which the applicant seeks to build appears to be unstable.

The first ground for objection states that the project would change the character of the area. Specifically, the letter states that the structure is the only residence built close the street, and on the canyon side of the street. The letter also states that the residence will not be integrated into the surrounding terrain.

The proposed residence would be on the north side of DeButts Terrace; however, the lot does not extend to the south side of DeButts Terrace. This lot configuration resulted from a lot line adjustment approved by Los Angeles County in 1989. The Commission's subsequent assertion of jurisdiction over this particular lot line adjustment was denied in an unpublished Court of Appeal decision in 1992. Given the legality of this lot, the proposed

location near the street is the only feasible location for a structure on this site. The lot does not contain any flat portions and steepens as it descends away from DeButts Terrace. Siting the residence further away from DeButts Terrace would put the house further down the canyon and require extensive grading to create a driveway with a Fire Department approved turn-around. Thus, physical constraints prevent another location of the residence.

Although the applicant is restricted by physical barriers and lot lines as to the location of the building site, during the analysis of this project, Commission staff initially determined that the project did not minimize grading and landform alteration and would have significant visual impacts. In order to find the project consistent with development in the area, prevent adverse visual and environmental impacts, and find the project consistent with the Coastal Act, the applicant reduced the size of the residence in both bulk and height, reduced the building pad by clustering development and reducing structures, and reduced the grading on site (Compare Exhibits 3 and 4). The Commission also imposed several special conditions on the project to ensure consistency with development in the area, as well as protection of the scenic resources. These special conditions included a color deed restriction, a future improvements deed restriction, a landscaping plan which is to include vertical elements to screen the residence, and revised plans further reducing the size, including the height, of the residence. In addition, the Commission's findings analyzed other development in the immediate area, including development approved on DeButts Terrace. The Commission found that the project, with conditions as noted above, was consistent with other development in the area.

The proposed letter does not present any evidence of changed circumstances with regards to the proposed construction in relation to the character of the neighborhood. The Commission did review the consistency of the project with other projects in the area, as well as the Chapter Three Policies of the Coastal Act, and mitigated any potential adverse impacts through changes in the project design and special conditions. The Commission concludes that there is no changed circumstance with regard to the project in relation to the character of the area.

The second ground for denial of the extension was that the project would block views of the ocean, Escondido Canyon, and Escondido Falls. As noted above, extensive studies of the potential visual impacts of this residence were conducted. Staff conducted site visits and traversed the subject trails (Escondido Falls Trail and DeButts Terrace Trail) to assess the potential for adverse visual impacts. The proposed building site is the only appropriate building site on the lot. During site visits, Commission staff concluded that the upper portion of the residence would be visible from Escondido Falls Trail. Moreover, because of the residence's location on DeButts Terrace, the Commission found that the residence would be visible from the trail adjacent to DeButts Terrace. Through special conditions to further reduce the height and bulk, and require trees to screen the residence, the Commission mitigated, to the greatest extent feasible, the visual impacts from that trail. The applicant also revised the project to reduce the grading and size of the residence. As there are no other buildable locations on the site, it is not possible to completely eliminate the visual impacts.

The letter of objection contains pictures of the site as seen from the trails. These pictures do not evidence a changed circumstance. The Commission addressed the potential visual impacts and minimized the potential impacts to the greatest extent feasible. Site visits to the area, including

walking the trails was conducted by Commission staff and presented to the Commission. The Commission concludes that there is no changed circumstance with regard to visual impacts.

The third reason for objection is that the proposed development would set an "unhealthy" precedent. However, this reason for objection incorrectly asserts that there was no attempt to "integrate into the hillside." On the contrary, the applicant revised the project to reduce the overall size of project and step the residence into the hillside instead of grading a flat pad. Due to the physical constraints of the site, as well as the legal configuration of the lot, there is no other buildable location. The potential adverse visual and environmental impacts associated with development on a hillside were reduced as much as feasible through revised grading plans to step the residence into the hillside, and the requirement for landscaping and drainage plans, and plans in conformance with the geologist's recommendations to ensure feasibility from a geologic standpoint. The Commission did address the consistency of this project with both the Coastal Act and past Commission action. The Commission concluded that the project, as conditioned, was consistent with past permit action and the Coastal Act. In any event, the assertion in the objection is unsupported by evidence of a changed circumstance. The Commission concludes that this is not a changed circumstance.

Finally, the fourth ground for objection states that the land appears unstable. The applicant did submit detailed geologic engineering reports on the feasibility of developing the site with a single family residence prior to the filing of the application. As noted earlier, the consulting geologist concluded that the project was feasible from a geologic standpoint provided their recommendations were followed. The Commission required the submittal of plans reviewed by the geologist to ensure compliance with the geologist recommendations. The assertion in the letter of objection is unsupported by any evidence of a changed circumstance with respect to site stability. The Commission concludes that there is no changed circumstance with regard to stability.

In conclusion, the Commission finds that the issues raised in the letter of objection to this extension request related to the character of the area, visual impacts, site location, and geology were analyzed by the Commission during the review process of the coastal development permit application. The objections raised in the letter do refer to the consistency of the project with the Chapter Three policies of the Coastal Act. However, the information cited in the letter does not constitute a "changed circumstance." As noted above, the Commission reviewed these potential impacts of this project and found that, as conditioned, the project was consistent with the Chapter Three Policies of the Coastal Act. Thus, the concerns raised by this letter of objection were discussed and resolved by the Commission in its approval of the project on February 16, 1993. The letter of objection does not include any new evidence or cite any changed circumstances which would cause the Commission to find the project inconsistent with the Chapter Three Policies of the Coastal Act.

The Commission finds that the proposed development is in conformity with the Chapter 3 policies of the Coastal Act, as approved under 5-90-921. The Commission finds that there are no changed circumstances which would affect this project's consistency with the Coastal Act, and thus, the request is approved.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
MALIBU BEACH, CA 90802-4416
(310) 590-5071

Page 1 of 4
Date: March 8, 1993



Permit Application No. 5-90-921

CORRECTED
NOTICE OF INTENT TO ISSUE PERMIT

On February 16, 1993, the California Coastal Commission granted to LANDGATE, INC. Permit 5-90-921, subject to the attached conditions, for development consisting of:

The applicant is proposing to construct a 7,500 square foot, 35 foot high, single-family residence on a 106,590 square foot lot, with a swimming pool, garage, and septic system. Grading consists of 2,983 total cubic yards (2,123 cy of fill and 860 cy of cut).

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 6130 De Butts Terrace, City of Malibu

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on February 16, 1993

RECEIVED

PETER DOUGLAS
Executive Director

FEB 07 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

By: Robin Maloney-Ramos

Title: Staff Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-90-921, and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

NOTICE OF INTENT TO ISSUE PERMIT

Page 2 of 4
Permit Application No. 5-90-921

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 in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic Report dated June 1990 by Westland Geological Services, Inc. and the Soil Engineering report dated July 1990, shall be incorporated into all final design and construction, including grading and drainage, and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to the issuance of a coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the Consultant's review and approval of all final design and construction plans.

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

2. Landscaping Plan

Prior to the issuance of a coastal development permit, the applicant shall submit a landscaping and fuel modification plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded 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. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200' radius of the main structure may be selectively thinned in order to reduce fire hazard (if the County of Los Angeles Fire Dept. requires a greater distance the applicant shall submit an amendment to the permit). However, such thinning shall only occur in accordance with an approved long-term fuel modification plan and shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.
- (c) 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 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads;
- (d) 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.
- (e) The plan shall include vertical elements to screen the development from the Escondido Canyon trail. The vertical elements shall of native origin and a species found in area habitats.

3. Future Improvements

Prior to issuance of the permit the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit No. 5-90-921 is for the approved development only and that any future improvements or additions on the property including clearing of vegetation or grading (except as described below) will require a new coastal development permit from the Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 200 foot radius of the approved residence as required by the Los Angeles County Fire Department is permitted and shall not require a new permit.

4. Revised Plans

Prior to issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which conform with the grading and site plans dated 11-8-91 by Vantage Engineering. These revised plans shall include:

- a. Detailed site plan,
- b. Detailed floor plans,
- c. Elevations showing that the height of the proposed residence does not exceed twenty-eight (28) feet above existing grade or finished grade, whichever is more restrictive.
- d. Garage plans showing the size of the garage to be in conformance with the size indicated on the site plan of 11-8-91 by Vantage Engineering.

5. Structure and Roof Color Restriction

Prior to issuance of the permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which restricts the color of the subject structure to natural earth tones, compatible with the surrounding earth colors (white tones will not be acceptable). The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

6. Drainage Plan

Prior to issuance of the permit, the applicant shall submit for the review and approval of the Executive Director a run-off control plan designed by a licensed engineer which assures that no increase in peak run-off rate from the site into Escondido Canyon located in the eastern portion of the site, would result from the construction of the proposed project, as a result of a ten-year, six hour rainstorm. The run-off control plan shall include, but not be limited to, a system which collects run-off from the roof, patios, and all impervious surfaces and directs it to on-site detention/desilting basins.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

LEVIN, STEIN, CHYTEN & SCHNEIDER

RICHARD H. LEVIN
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April 4, 1997

VIA FACSIMILE AND U.S. MAIL

805-641-1732

CALIFORNIA COASTAL COMMISSION
89 South California Street, Suite 200
Ventura, California 93001

Re: Coastal Permit Number: 5-90-921-E3
6130 DeButts Terrace, Malibu, California

Dear Sirs:

As the owner of the property located at 6130 DeButts Terrace I am hereby objecting to any time extension for the above-referenced project. This objection is made on the following grounds:

I. THE PROPOSED CONSTRUCTION WOULD CHANGE
THE CHARACTER OF THE NEIGHBORHOOD

The neighborhood in which the proposed structure is located is rural hillside, and all residents enjoy a high degree of privacy. The character and ambience of the neighborhood is derived, in large part, from the fact that no homes are built on the canyon side of the street, all homes are set back far from the street, and all hillside homes are notched into the hillside or otherwise integrated into the terrain. The proposed structure would drastically change the character of the neighborhood because it would be the only house built anywhere close to the street, the only house on the canyon side of the street, and the only house that is not integrated into the surrounding terrain. It would, for lack of a better term, stick out like a sore thumb. Under these circumstances the request for a time extension must be denied.

Exhibit 2: Letter of Objection
5-90-921-E3

II. VIEWS OF THE OCEAN, ESCONDIDO CANYON AND ESCONDIDO FALLS WOULD BE DESTROYED BY THE PROPOSED CONSTRUCTION

Construction of the requested house would block views looking at the ocean, and looking at Escondido Canyon from the public hiking and equestrian trail/easement which runs along DeButts Terrace. See attached photographs. Moreover, because construction permitted under the proposed permit would be located in a most direct line of sight from the street to Escondido Falls, the best public view of this magnificent waterfall will be destroyed. Thus, approval of the extension for the application must therefore be denied.

III. THE PROPOSED CONSTRUCTION WOULD SET AN UNHEALTHY PRECEDENT FOR OVER-DEVELOPMENT AND DESTRUCTION OF PRISTINE AREAS WITHIN MALIBU

It is difficult to imagine how construction of a house built at the top of a pristine canyon, with no setback restrictions, in a neighborhood where all other houses are set back far from the street, that blocks views along a public trail easement and which makes no attempt whatsoever to integrate into the hillside, is consistent with the coastal plan. Moreover, allowance of this construction would create a precedent that would require approval of every request for a setback, grading and/or height variance no matter how extreme, and no matter what the effect. This would result not only in changing the character of the subject neighborhood, as other homes would be built near the top of the street in front of the public view easement, but of other coastal neighborhoods where no homeowner could be denied the right to build in a similar manner without any setback, with no obligation to work with the hillside, and with no concern for grading or height.

IV. THE LAND ON WHICH THE APPLICANT SEEKS TO BUILD APPEARS TO BE UNSTABLE


The applicant seeks to build on a steep hillside that has experienced severe earth movement as evidenced by the wide crevice that has split the property in two. Additional construction would place additional stress on this unstable land, which could conceivably end up effecting the roadway that it abuts. For this additional reason, the request for a time extension of the applicant's permit should be denied.

V.

CONCLUSION

For the reasons set forth above, the undersigned respectfully submits that the request for a time extension of Coastal Permit Number 5-90-921-E3 should be denied as the proposed construction would (1) destroy public view rights of the ocean, canyon, and waterfall, (2) change the character of the neighborhood where no house is built on the subject hillside or anywhere near the street, (3) establish a dangerous precedent that would mandate the granting of permits that could change the character of many coastal neighborhoods, and (4) add stress to lands that are already unstable.

Very truly yours,



KENNETH E. CHYTEN

KEC:kh
Enclosures
B:\COASTAL.001

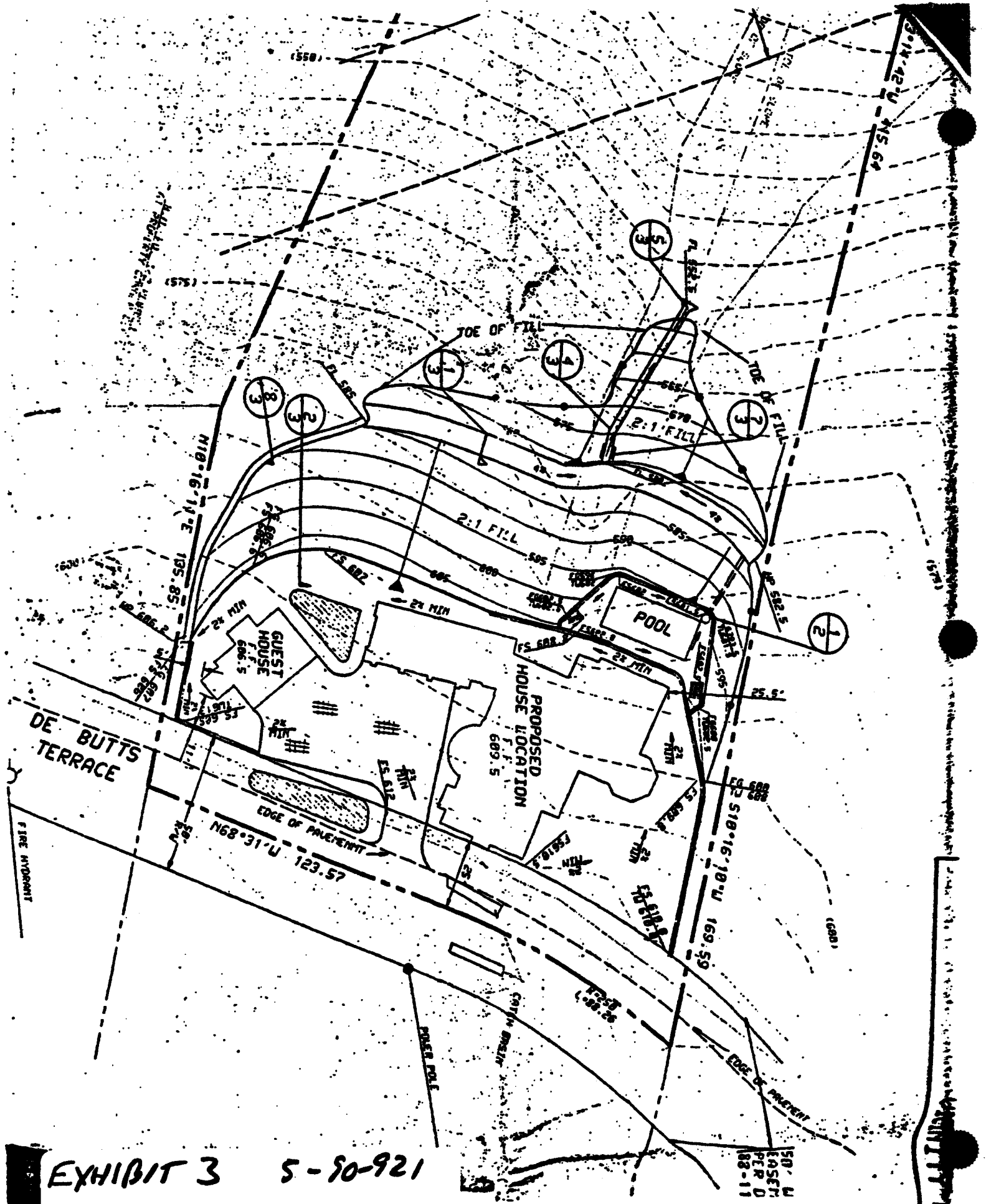
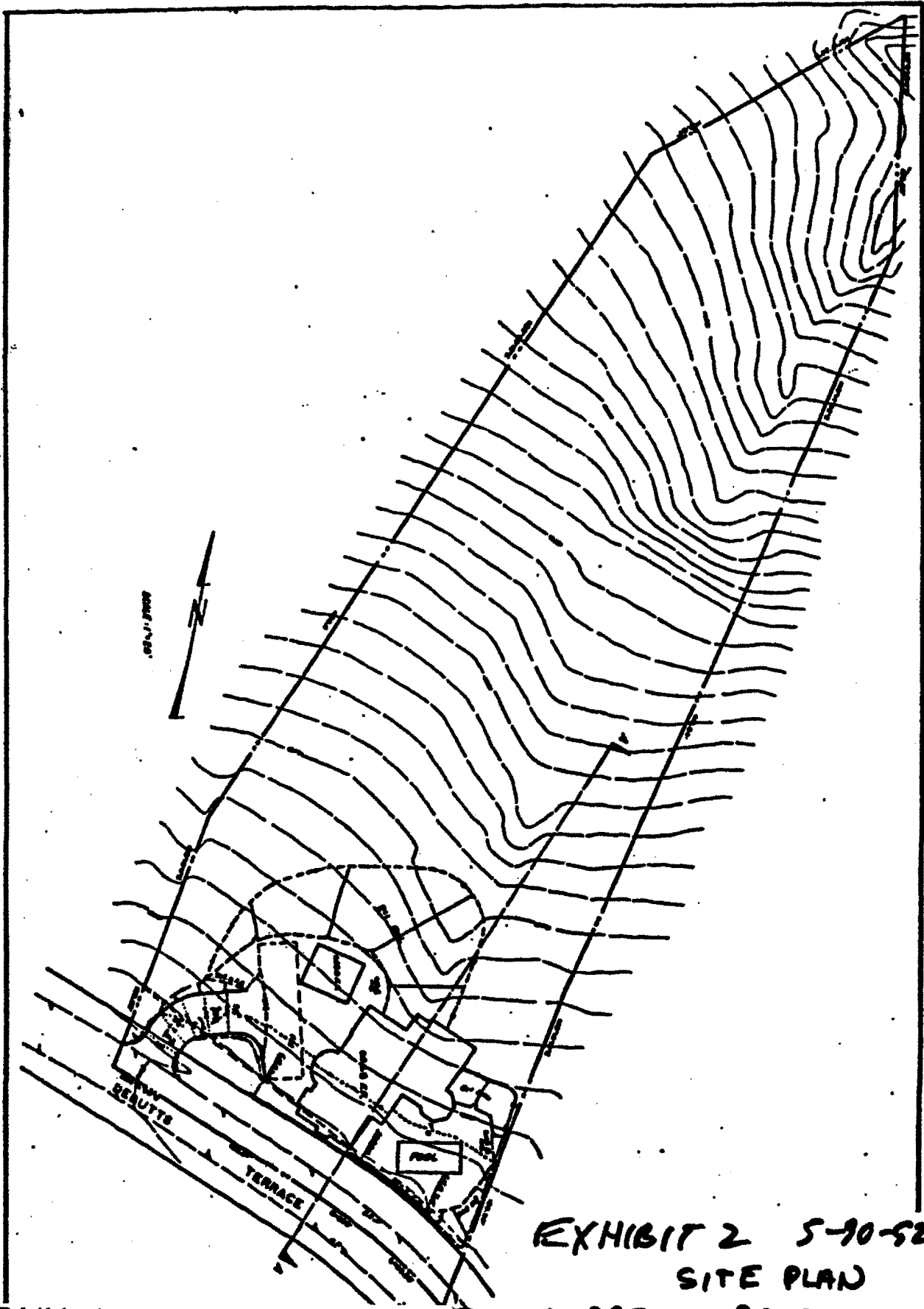


EXHIBIT 3 5-90-921
ORIGINAL SUBMITTAL

Exhibit 3: Original proposal
 for SFR. Revised by
 5-90-921-E3 applicant

50' W
 (ASSET
 PER D
 188-11



**EXHIBIT 2 5-90-521
SITE PLAN
CURRENT PROPOSAL**

Exhibit 4: Plan proposed under approved CDP. This plan will be 5-90-921-E3 modified by conditions

<p>By: _____ Date: _____</p>	<p>GRADING PLAN 230 DEBUTTS TERRACE</p>
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