

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th12c

ADDENDUM

TO: Commissioners and Interested Persons

[Click here to see
the original staff report.](#)

FROM: South Coast District Staff

SUBJECT: Application No. 5-11-125 (McCarthy & Singer), Item No. Th12c, Scheduled for hearing on Thursday, November 3, 2011 in Oceanside.

LETTERS OF OPPOSITION RECEIVED

Attached are nine additional letters of opposition to the proposed project which have been received. The letters raise issues which have been addressed in the staff report, including compatibility of the proposed residence with the surrounding neighborhood, and concerns regarding stability of the residence.

LETTERS OF SUPPORT RECEIVED

Attached is one additional letter submitted from the applicant's representative in support of the staff recommendation.

EX-PARTE COMMUNICATION DECLARATIONS

Attached, please find five ex-parte declaration forms.

RECEIVED
South Coast Region

OCT 27 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: Th 12c
Application #5-11-125

Proposed Project: 160 N. Ocean Way
My Address: 230 Ocean Way, Santa Monica, 90402
My name: Patricia Murphy Dowling
Position: Opposed

October 25, 2011

California Coastal Commission

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear California Coastal Commissioners and Staff, *Mr. John Del Arroz*

I am the next door neighbor to the above residence. My family has resided at 230 Ocean Way since 1958 for 53 years. I inherited the family home this year.

I AM DEEPLY CONCERNED ABOUT THE CONSTRUCTION OF THE PROPOSED HOUSE AT 160 OCEAN WAY. THE PLANS ARE OUT OF CHARACTER FOR THIS HISTORIC CANYON COMMUNITY.

In 1958 my family moved to 230 Ocean Way. I was twelve years old. The canyon was a special place with trees, ocean, quiet, peace, and most importantly the families that loved the Santa Monica Canyon. The Santa Monica Canyon was part of the Rancho Boca de Santa Monica. It was part of a land grant established in 1839 while Southern California was under Mexican rule. The descendants of Francisco Marquez still live in the canyon today. The original adobe home is now gone but other original adobes are still occupied and one is 102 Ocean Way one the same block as this proposed construction. Will Rogers Beach is one block from 160 Ocean Way. The Marquez blacksmith shop was located across the street from my home on Entrada Drive. It was and still remains the home of Sharon Kilbride who is a descendent of the Marquez family.

The area is filled with rich California history. Uplifters Ranch in the upper Santa Monica Canyon was a private club but now is part of the Los Angeles Parks and Recreation. The original club built in 1923 is a historic building of Spanish design and is cherished by the canyon residents. Thousands of park lovers come to enjoy the picnic grounds, baseball fields, tennis courts, pool, and programs of Rustic Canyon Park.

Our Canyon School was originally a one room school built on land donated by the Marquez family. The original school is still there and is a historical treasure. Each year Canyon School celebrates with a Cinco De Mayo fiesta as part of the agreement for the donation of the land. The whole community participates to celebrate as they have done

for over 150 years. Across the street the Marquez Family Cemetery is just one of the rancho-era monuments.

I think the history of the Santa Monica Canyon is vital in order to emphasize the unique characteristics of this community. The homes in the area are all one and two story homes that began as bungalows built for weekend visitors to escape the city. This was a simpler time and most of us want the community character to remain unchanged. We believe that the area is suited to small homes with no more than two stories as the lots are small and the roads are narrow.

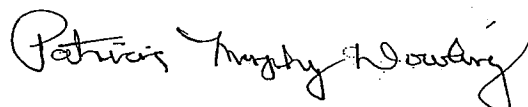
The staff report packet shows that the height will be 41 feet or higher for the new structure. This will be the tallest building in the canyon! The visual impact for the public from Chautauqua Blvd. and Will Rogers State Beach will be significant. The fourth story is a roof top sun deck. It will have an elevator and a bell tower. These will rise to the level of the power lines just behind the house. A FOUR STORY STRUCTURE is two stories higher than the neighboring homes. You do not count the outdoor fireplace chimney or elevator shaft or stairwell structure in the height. Why not? It is still impacting the character of the neighborhood visually!

Another concern is the noise. In this canyon the noise carries everywhere. It echoes. I will be able to hear the conversations on the sun deck of the new home at 160 Ocean Way very easily. If the new home places their air conditioning and heating units on the fourth floor outside roof deck the noise will carry and disturb the sleep of all of the neighbors even those on Mabery Road.

The people of California, who come to the historic Santa Monica Canyon to take their families to the beach, as they have done for the past 167 years, will appreciate and respect that we have protected their coast. Our Santa Monica Canyon residents will be hoping to keep the community character the same for the generations to come.

Thank you for your service in protecting our California coastline.

Sincerely,



Patricia Murphy Dowling
230 Ocean Way
Santa Monica, CA 90402
310 456 2323

cc: John Del Arroz
Peter Douglas
Steve Blank
Dayna Bochco

Dr. William Burke
Wendy Mitchell
Jana Zimmer
Mary K. Shallenberger
Martha McClure
Mark W. Stone
Steve Kinsey
Brian Brennan
Richard Bloom
Esther Sanchez
James Wickett
Dr. Clark E. Parker
Scott Peters
Meg Caldwell
Steve Kram
Sarah Glade Gurney
Connie Stewart
Pam O'Connor
Bruce Reznik

WESLEY C. HOUGH
242 ENTRADA DRIVE
SANTA MONICA, CA 90402

Agenda: Th12c
Application: 5-11-125
Name: Wesley C. Hough
Opposed

California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Proposed New Construction at 160 Ocean Way, Santa Monica Canyon

Dear California Coastal Commissioners:

I am a resident of Santa Monica Canyon and a board member of the BOCA Neighborhood Association and the Santa Monica Canyon Civic Association (SMCCA). Each of these community organizations have discussed the proposed new construction and submitted comments to the Coastal Commission office in September. For some reason those letters were not included with your staff report. So copies of these letters are enclosed for your review.

The neighborhood is particularly concerned about the proposed construction because, based on the drawings on file with the Commission, the house is clearly out of character with the surrounding Santa Monica Canyon community. Please note that by community character we are not referring solely to height and square footage. While these factors are important, it is also the mass of a house – how it sits on the land and how it relates to the surrounding homes – that is important. The staff report prepared for this item seems only to view the height and square footage as the determinants of community character. As a long-term resident of the Canyon, I know the community character is much more subtle than this. It matters if a hillside home rises up along a hillside or descends down the hill. It matters if a home has a flat roof that pushes the height envelope or if it has a sloped roof. These important factors are glossed over by the staff report's attempt to simplify the other homes in the Canyon and classify them by height and square footage.

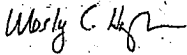
Fortunately the City of Los Angeles, through much effort and with the support of neighborhood organizations like BOCA and SMCCA, established an objective standard that may be useful to the Commission in deciding what type of building to permit on this hillside lot. The Baseline Hillside Ordinance (BHO) was a long-time in the making and was finally adopted in early 2011. The BHO was designed to address the concern of neighborhoods that certain properties were being overdeveloped or "mansionized" by new homes that were out of scale with the neighborhood. This is a particular concern in coastal hillside areas like Santa Monica Canyon where homes share hillside slopes rather

than horizontal land. Our Canyon has been fortunate that the problem of mansionization has not, for whatever reason, generally been a concern because the few new homes that have been built have attempted to fit into the surrounding neighborhood and not push the building envelope.

The neighborhood now looks to the BHO as the means to ensure that mansionization will never happen in our neighborhood. It is unfortunate that the proposed house at 160 Ocean Way didn't voluntarily comply with the BHO or even attempt to comply with the hillside character of our community. Instead, the house, if allowed by the Commission to proceed as planned, will be a lasting example of the type of hillside mansionization that the BHO was meant to prohibit.

I urge the Coastal Commission to protect the character of our unique coastal community by conditioning its approval of the new home on compliance with the standards the community has adopted for this purpose.

Sincerely yours,

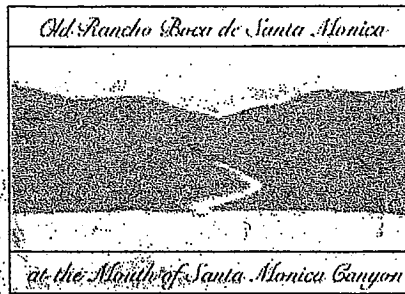


Wesley Hough

cc: Ms. Mary Shallenberger
Ms. Esther Sanchez
Mr. Richard Bloom
Ms. Danya Bochco
Mr. Brian Brennan
Dr. Bill Burke
Mr. Mark Stone
Mr. Steve Blank
Mr. Steve Kinsey
Ms. Martha McClure
Mr. Steve Kram
Ms. Jana Zimmer
Mr. John Del Arroz

BOCA

NEIGHBORHOOD
ASSOCIATION



**RESOLUTION OF BOCA NEIGHBORHOOD ASSOCIATION:
PASSED UNANIMOUSLY SEPTEMBER 8, 2011 on an 8-0 vote.**

To convey the following letter to the Coastal Commission as an expression of the community's view of compatibility with neighborhood character under the Coastal Act.

To the California Coastal Commission:

Santa Monica Canyon is the only residential coastal canyon in Los Angeles. The Canyon has been settled for more than 120 years. It is an historically and environmentally significant asset of the California coastline, and provides a beautiful gateway to the coast for hundreds of thousands of drivers, bikers, and pedestrians each year. The BOCA Neighborhood Association, which represents the neighborhood of the Canyon closest to the beach and the shoreline, is grateful for the work of the Coastal Commission in protecting the state's precious coastal assets.

As you know, the California Coastal Act calls for new development to be visually compatible with the surrounding area. The City of Los Angeles does not have an adopted coastal plan, and so many projects come before the Commission for review. Over the last decade, there has been a growing concern in the Canyon, and throughout Los Angeles, about the impact of overdevelopment in residential areas, or "mansionization". To address this, the City of Los Angeles adopted the Baseline Mansionization Ordinance in 2009 for flat areas, and the Baseline Hillside Ordinance (BHO) in 2011 for hillside areas. There was overwhelming public support for these regulations, and the Pacific Palisades, Santa Monica Canyon, and BOCA communities were active in its passage.

The standard of review for the Commission is of course the Coastal Act. But in those cases of proposed hillside development where doubts about community character and compatibility are raised, BOCA Neighborhood Association urges the Commission to rely on the BHO as very useful and reliable guideline. This applies even to projects which, under local procedures, may have been exempted or "grandfathered" in. Most hillside development in Los Angeles does not fall within the Coastal Zone, but for those projects which do, we know the Commission will condition a Coastal Development Permit on compatibility with community character, and we believe the BHO provides the surest and fairest measure of compliance.

Sincerely yours,

The Board of Directors
BOCA Neighborhood Association



SANTA MONICA CANYON CIVIC ASSOCIATION

RECEIVED
South Coast Region

September 29, 2011

OCT 27 2011

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

FAX (562) 590-5084

CALIFORNIA
COASTAL COMMISSION

Standard of Review for Santa Monica Canyon Projects

Santa Monica Canyon is the only residential coastal canyon in Los Angeles. The Canyon has been settled for more than 120 years. It is an historically and environmentally significant asset of the California coastline, and provides a beautiful coastal gateway for hundreds of thousands of drivers, cyclists, and pedestrians each year. Santa Monica Canyon Civic Association (SMCCA), which represents the entire Canyon community, is grateful for the work of the Coastal Commission in protecting the state's precious coastal assets.

Over the last decade, there has been a growing concern in the Canyon, and throughout Los Angeles, about the impact of overdevelopment in residential areas, or "mansionization." To address this, at our urging, the City of Los Angeles adopted the Baseline Hillside Ordinance (BHO) in 2011 which applies to the entire canyon.

With no LCP, the standard of review for the Commission is the Coastal Act. Visual compatibility is somewhat subjective, but where there may be questions about community character and compatibility, SMCCA believes the Commission should look to the local rules as guidelines. The BHO clearly establishes what the City considers a reliable guideline. The SMCCA Board of governors on September 13, 2011 voted unanimously to request that the Commission use the BHO as the surest and fairest measure of compliance and a guide to what the community considers it's "character" and apply those rules in all cases located in Santa Monica Canyon. The Commission is not bound to apply the rules relative to whether or not a proposed development preceded certification of the City's guidelines. We believe the BHO sets out an objective standard to measure visually compatibility with the neighborhood.

SMCCA urges the Commission to uphold the Coastal Act and its clear intention to protect the character of our neighborhood.

Sincerely yours,

George Wolfberg, President

RECEIVED
South Coast Region

OCT 28 2011

Samuel Bayer
147 Mabery Road
Santa Monica, CA 90408

CALIFORNIA
COASTAL COMMISSION

Agenda: Th12c
Application: 5-11-125
Name: Samuel Bayer
Opposed

October 25, 2011

California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Proposed New Construction at 160 Ocean Way, Santa Monica Canyon CA 90802

Dear California Coastal Commissioners:

I am a resident of Santa Monica Canyon, as a resident I am particularly concerned about the proposed construction at 160 Ocean Way. Based on the drawings filed with the Commission, the house is clearly out of character with the surrounding Santa Monica Canyon community.

I urge the Coastal Commission to protect the character of our unique coastal community by conditioning its approval of the new home on compliance with the standards the community has adopted for this purpose.

Sincerely,

Samuel Bayer

Enclosures: 20

CC:

Commissioner Mary K. Shallenberger, Chair of the Coastal Commission
Commissioner Mark W. Stone, Vice Chair
Commissioner Richard Bloom
Commissioner Steve Blank
Commissioner Dayna Bochco
Commissioner Dr. William Burke
Commissioner Wendy Mitchell
Commissioner Jana Zimmer
Commissioner Martha McClure
Commissioner Steve Kinsey
Commissioner Brian Brennan
Commissioner Esther Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Program Analyst

AGENDA ITEM: TH 12c

APPLICATION# 5-11-125

BARBARA KLEINMAN

OPPOSED

RECEIVED
South Coast Region

OCT 27 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802

CALIFORNIA
COASTAL COMMISSION

October 24, 2011

Dear Members of the California Coastal Commission:

I am writing as the homeowner of 159 MABERY ROAD, directly behind 160 N. Ocean Way, Santa Monica Canyon. I have lived in my home since 1970, where I have raised my 3 adult sons and enjoyed the beautiful coastal setting.

You have been made aware of the concerns of my neighbors, which I share, relative to the proposed construction of the house at 160 N. Ocean Way. I regret the findings of the Staff in their Recommendations!

This proposed home, located in Santa Monica Canyon, not Pacific Palisades, is completely out of character with the Canyon and the surround homes. The homes in the canyon are 1 and 2 stories. The proposed home is 3 levels plus a rooftop deck with elevator landing, with a height of 33.5'. Again, the design of this 5200 square foot home is not in keeping with the history and character of the Santa Monica Canyon.

In addition, I urge there to be careful investigation into the stability of the hillside between my property and the proposed home. There is a small, 100 year old log cabin in the rear of my property which I am concerned may be affected by construction on the hillside directly behind it.

I am grateful for your time and appreciate the job that you do.

Sincerely,

Barbara Kleinman

Barbara Kleinman
159 Mabery Road
Santa Monica, California 90402

Cc.

Commissioner Shallenberger, Chair of the Coastal Commission
Commissioner Stone, Vice Chair of the Coastal Commission
Commissioner Blank
Commissioner Bochco
Commissioner Burke
Commissioner Mitchell
Commissioner Zimmer
Commissioner McClure
Commissioner Kinsey
Commissioner Brennan
Commissioner Bloom
Commissioner Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Commission Staff

RECEIVED
South Coast Region

OCT 27 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: Th 12c
Application #5 - 11 - 125
Judi and Gordon Davidson
Opposition to the project

October 25, 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Proposed New Construction at 160 Ocean Way, Santa Monica, CA 90402

Dear Coastal Commissioners:

We are homeowners in the coastal community of Santa Monica Canyon and we are writing to you to express our concerns about the proposed residential construction at 160 Ocean Way, referenced above.

We have lived in this beautiful and welcoming environment for over four decades and have always paid close attention to the care and maintenance not only of our own property but to the entire neighborhood and surrounding ocean, beach and hillside setting of which tourists and residents are justly proud and protective.

This proposed three-story structure, 33.5' high, plus a roof deck living area, is not in scale with the other homes in the neighborhood and does not meet the character of this community. It would also not relate to the site in which it would sit. The surrounding homes are one and two story structures and this location is in a densely populated area of Santa Monica Canyon. Furthermore, the stability of the hillside is of serious concern to the property owners set above and below this property. Retaining walls now support the hills and the existing house at 160 Ocean Way.

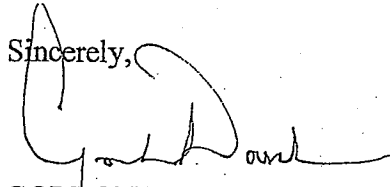
But most of all the neighborhood is particularly concerned about the proposed construction because, based on the drawings on file with the Commission, the house is clearly out of character with the surrounding Santa Monica Canyon community. Please note that by community character we are not referring solely to height and square footage. While these factors are important, it is the mass of this house - how it sits on the land and how it relates or does not relate - to the surrounding homes - that is of foremost importance.

October 25, 2011

Page Two

Thank you for your time and consideration.

Sincerely,



GORDON DAVIDSON



JUDI DAVIDSON

165 Mabery Road, Santa Monica, CA 90402

cc: Commissioner Mary K. Shallenberger, Chair
Commissioner Mark W. Stone, Vice Chair
Commissioner Richard Bloom
Commissioner Steve Blank
Commissioner Dayna Bochco
Commissioner Dr. William Burke
Commissioner Wendy Mitchell
Commissioner Jana Zimmer
Commissioner Martha McClure
Commissioner Steve Kinsey
Commissioner Brian Brennan
Commissioner Esther Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Program Analyst

RECEIVED
South Coast Region

OCT 28 2011

CALIFORNIA
COASTAL COMMISSION

October 26, 2011

Agenda Item: Th12c
Application #: 5-11-125
Name: Lisa Cutting
Position: Opposed

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed construction at 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members:

I am writing in response to agenda item Th12c that is scheduled on your meeting agenda for November 3, 2011 in Oceanside, CA. The project applicant is Darrach McCarthy and Lucia Singer who are seeking approval to construct a 33.5' high, 4600 sq. ft. single family residence at 160 N. Ocean Way in Santa Monica Canyon.

I am strongly opposed to this project as it is currently proposed and urge the Coastal Commission to reject the application as presented.

I have already submitted a letter on this issue on July 27, 2011 when the item was scheduled for the August 10, 2011 meeting in Watsonville, CA. With the exception of the request for the agenda item to be rescheduled to a closer venue, the points I made in that letter are still relevant and I request that you review it for detailed comments. The letter is included in your packet.

Santa Monica Canyon is a unique, established coastal community. The existing homes are nestled into the hillside terraces and seem to blend with the landscape. The construction of this proposed house would violate that long-standing precedent and be the tallest residential structure in Santa Monica Canyon. Because the owners submitted their permit application after the Baseline Hillside Ordinance was passed but before its effective date, this project was allowed to move forward under the old requirements. So, in effect this house (if constructed as proposed) would be the one anomaly to an otherwise scenic, integral residential community.

I ask you to consider the following logic when reviewing this project. Even though the Baseline Hillside Ordinance may not be a binding guidance mechanism under the Coastal Commission's jurisdiction, it undoubtedly represents the will of the people and the desire to control inappropriate building projects within our communities. The fact that the ordinance had such overwhelming support as it was being enacted speaks volumes.

It is unfortunate that the owners proposing this project didn't voluntarily comply with the spirit and intent of the ordinance and recognize that following the requirements of the Baseline Hillside Ordinance would have been the right thing to do. Instead they chose to exploit the technicality of having just squeezed in days before the final deadline of the effective date.

I believe it is completely appropriate for the California Coastal Commission to rein in this project and use the Baseline Hillside Ordinance requirements to guide the modification of this project so that integrity of the built environment of Santa Monica Canyon remains intact. Doing so would insure that the California Coastal Commission has met its obligation to protect this part of the California coastline as it relates to this project.

I strongly urge you to give this project the attention and scrutiny that it deserves. If approved, this project will have significant long-lasting effects that will impact coastal views and the character of our coastal community for both residents and visitors alike. Santa Monica Canyon is a valuable and unique asset of the California coast and all applicable protections should apply.

Thank you for your attention in this matter.

Sincerely,



Lisa Cutting

(Priscilla Lani Cutting's daughter – 168 Ocean Way, Santa Monica Canyon)

20 Silver Lake Way
PO Box 67
Lee Vining, CA 93541

lisa@monolake.org

cc list:

Mr. Peter Douglas
Mr. Richard Bloom
Ms. Pam O'Connor
Ms. Mary Shallenberger
Ms. Wendy Mitchell
Ms. Martha McClure

Mr. Steve Kinsey
Mr. Mark Stone
Ms. Esther Sanchez
Mr. John Del Arroz
Ms. Dayna Bochco
Mr John Ainsworth
Mr. Steve Black
Dr. William Burke
Ms. Jana Zimmer
Mr. Brian Brennan
Mr. John Laird
Mr. Curtis Fossum
Mr. Jay Norvell
Mr. Bill Rosendahl
Mr. Norman Kulla
Ms. Whitney Blumenfeld
Mr. James Wickett
Dr. Clark Parker
Ms Meg Caldwell
Mr. Scott Peters
Mr. Steve Kram
Ms. Sarah Glade Gurney
Ms. Connie Stewart
Mr. Bruce Reznik

Agenda Item: W 20 a
Application #: 5-11-125
Proposed Project: 160 N. Ocean Way, Santa Monica, 90402
My Address: 168 Ocean Way, Santa Monica, 90402
Position: Opposed

July 27, 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members:

I am a resident of the coastal neighborhood of Santa Monica Canyon and am writing to alert you to an item that is scheduled on your agenda for August 10, 2011 in Watsonville, CA. It is listed as agenda item 20. (a) and is application number 5-11-125 (Applicant: Darrach McCarthy and Lucia Singer; 160 North Ocean Way, Pacific Palisades, Los Angeles County).

Request for Hearing Location Change to Local Venue

Approximately 20 local residents have expressed their concerns in writing to the Commission (the letters are included in the staff report packet prepared by Mr. John Del Arroz dated July 25, 2011). Many of the residents have been waiting for this issue to come before the Commission so that they could attend in person but we have just found out that this hearing will take place in Watsonville, CA – a significant distance from the project area – which will preclude people from attending.

This proposed project has generated significant community concern regarding the height and magnitude of the proposed new construction and its related impacts to the community, including visual impacts from the beach and coastal area.

I respectfully request that the Coastal Commission change the hearing location to a more appropriate Southern California venue so that residents can attend the hearing and voice their concerns directly to the Commission.

Staff Report Inaccuracies and Misrepresentations

Furthermore, there are many inaccuracies and misrepresentations in the staff report prepared by Mr. Del Arroz. Given the fact that the Coastal Commissioners are presumably basing their decision almost exclusively on this staff report and the fact that Mr. Del Arroz has recommended approving the permit, it is critical to correct the guiding document. I offer the following corrections below:

1. **Project city is incorrect.** The staff report has the project location listed as 160 North Ocean Way, **Pacific Palisades**, Los Angeles County. The correct address is 160 North Ocean Way, **Santa Monica**. This error has misleading implications as a proposed residential project of this height and square footage might be viewed as more appropriate in Pacific Palisades than in Santa Monica Canyon. Santa Monica Canyon differs from Pacific Palisades in that the lots are generally smaller and are nestled in the steep canyon walls which are visible from the beach and Santa Monica Bay.
2. **Number of letters opposing the project.** The staff report states that eight letters were received but does not state that one of the letters had seventeen signatures. This is misleading as it potentially minimizes the amount of public concern for the project.
3. **Height of the structure is incorrect.** The project description states that the height of the structure will be 33.5' high which is in conflict with Exhibit 3 of the staff report packet which shows the height to be 41' or higher. The structure would be located on a slope which will further exacerbate the height issue. If built, this structure would be the tallest building in Santa Monica Canyon. Given the fact that the lot is located 750' from the beach, the scenic and visual impacts from Will Rogers State Beach and Santa Monica Bay would be significant.
4. **Staff report cites three previously approved Coastal Commission projects as "similar" in height and size which is misleading given their location relative to the canyon sloping topography.** Details for each property listed below:
 - a. 123 Ocean Way is on the opposite side of Ocean Way from the proposed project and descends down the side of Santa Monica Canyon. It does not rise above the hillside. From most vantage points this 3,000 SF house appears to be only two stories high.
 - b. 120 Ocean Way is on the same side of Ocean Way as the proposed project but was a remodel of an existing home in a very sensitive way that did not change the character of the house at all. In fact the new house looks basically the same. It was a remodel, not a new home.
 - c. 273 Mabery is quite a distance from the proposed project. Like 123 Ocean Way this house descends down into Santa Monica Canyon hillside and at street level is only one story.

All three of these examples are consistent with the character of Santa Monica Canyon and "fit" with the existing character of the coastal community. They do not tower above other adjacent structures or stand out in any way. In fact, two of the homes descend into the canyon rather than rising above the canyon walls. The proposed structure is for three stories and an additional fourth story roof-top deck. Currently, there are no four story homes in Santa Monica Canyon and if built, this will be the tallest structure in the neighborhood.

5. **Staff report indicates City of Los Angeles Approval in Concept but fails to elaborate on Baseline Hillside Ordinance applicability especially given that it is in a hillside coastal zone and therefore under jurisdiction of the Coastal Commission.** The plans for this project were submitted after the passage of the new restrictions but prior to the effective date of implementation. Regardless of the timing of the project and the City of Los Angeles' interpretation of the new ordinance *and the intent* of the ordinance, the Coastal Commission surely has the authority to review the project under the lens of the new ordinance requirements as it relates to scenic and visual impacts from the adjacent coastal areas.

Staff report assessments and conclusions

1. **The staff report states "the proposed project will not adversely affect the scenic and visual qualities of coastal areas".** I wholeheartedly disagree. How can this project not affect the scenic and visual qualities of the coastal area when if proposed just a few months later it would have not met the new Baseline Hillside Ordinance limitations and would have at a minimum been rejected by the City of Los Angeles?
2. **The staff report states "the proposed project will not result in development which would impact public views to or along the ocean, nor would it result in impacts to scenic coastal areas".** Again, I disagree. The staff report explains that the project will "blend into the surrounding residential neighborhood" and that it is consistent with Section 30251 of the Coastal Act with respect to protection of public views. Section 30251 states: "Permitted development should be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." This project does not meet the requirements of Section 30251.
3. **The staff report states that the result of CEQA analysis and review was that no feasible mitigation measures were available that would substantially lessen any significant adverse effect on the environment.** Since height is the primary reason for scenic and visual impacts, the Coastal Commission should consider requiring a revised alternative that significantly reduces the height of the proposed structure. Doing so would mitigate the significant scenic and visual impacts on the environment.

Conclusion

I strongly urge you to give this project the attention and scrutiny that it deserves. If approved, this project will have significant long-lasting effects that will impact coastal views and the character of our coastal community for both residents and visitors alike.

Santa Monica Canyon is a valuable and unique asset of the California coast and all applicable protections should apply.

Thank you for your attention in this matter.

Sincerely,



Lisa Cutting

For Priscilla Lani Cutting

168 Ocean Way

Santa Monica, CA 90402

(310) 454-3833

Cc: John Del Arroz

Bill Rosendahl

Norman Kulla

Whitney Blumenfeld

Agenda Item: Th 12c
Application # 5 - 11 - 125
Priscilla Lani Cutting
Opposition to the project

October 25, 2011

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Dear Honorable Commissioners,

This 3 story proposed structure is not in scale with the other homes in the neighborhood, and does not meet the character of this community and would not relate to the site or community in which it would sit. The surrounding homes are one and two story homes and this location is in a densely populated area of Santa Monica Canyon.

This lot is a small, shallow HILLSIDE flag lot elevated from the street and due to this elevation the proposed house would appear even more massive in height and size.

The design is a THREE STORY, 33.5' high, PLUS A ROOF DECK LIVING AREA, rectangular box design on a very small lot. A large portion of the square footage of this small lot is a long, steep, narrow 15' wide driveway (shared easement) to access 160 N. Ocean Way and 168 Ocean Way from the street.

The stability of the hillside is a serious concern for the property owners set above and below this property. Retaining walls now support the hill and the existing house.

The proposed design is not in scale with the other homes in the neighborhood and not in the character of the Santa Monica Canyon Community, and I am asking you to reject this proposed project.

Thank you for your concern for our beautiful beach community.

Sincerely,



Priscilla Lani Cutting
168 Ocean Way

cc: Commissioner Mary K. Shallenberger, Chair of the Coastal Commission
Commissioner Mark W. Stone, Vice Chair
Commissioner Richard Bloom

Page 2

October 25, 2011

CALIFORNIA COASTAL COMMISSION

cc: Commissioner Steve Blank

Commissioner Dayna Bochco

Commissioner Dr. William Burke

Commissioner Wendy Mitchell

Commissioner Jana Zimmer

Commissioner Martha McClure

Commissioner Steve Kinsey

Commissioner Brian Brennan

Commissioner Esther Sanchez

Pam O'Connor, Alternate Commissioner

John Del Arroz, Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Oct. 25, 2011

Agenda Item : Th 12c
Application # 5 - 11- 125
From: Michael Duggan
Opposed to the project

RECEIVED
South Coast Region

OCT 27 2011

CALIFORNIA
COASTAL COMMISSION

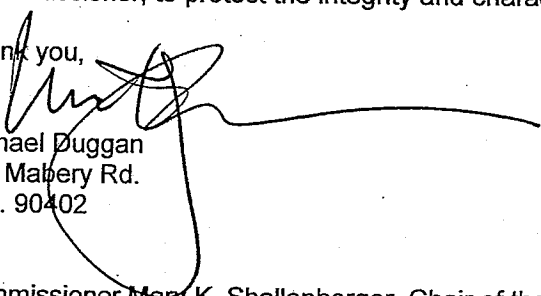
Commissioners:

Please consider the overwhelming opposition to the above referenced project due to appear on your agenda for Thursday November 3rd. The proposed structure is massively out of proportion for the immediate neighbors and community and out of character for a community that is in danger of being over built as is. Arguing that other, somewhat tall structures exist in the canyon already is disingenuous in the extreme, as this is exactly the kind of structure the new baseline ordinance is designed to put a halt to maintain some relative sense of community character.

The community as a whole has reached out to the owners and designer and asked that accommodations be made to at least follow the new guidelines that are now being skirted but the community has been rebuffed. The community's stance is not one of "no building," but rather requesting some sensitivity to character instead of *"the biggest highest box gets to see the most of the coast... surrounding neighborhood character be damned..."*

Many of us have built homes in this canyon over the last 10 years, of differing architectural styles, size, scope, and most have done their best to consider the overall impact and character of the neighborhood and community. The commission can send a strong message on this project that will uphold that trend rather than add to the mistakes of the past. Please consider your ability, as a commissioner, to protect the integrity and character of this small coastal canyon.

Thank you,



Michael Duggan
207 Mabery Rd.
S.M. 90402

cc:

Commissioner Mary K. Shallenberger, Chair of the Coastal Commission
Commissioner Mark W. Stone, Vice Chair
Commissioner Richard Bloom
Commissioner Steve Blank
Commissioner Dayna Bochco
Commissioner Dr. William Burke
Commissioner Wendy Mitchell
Commissioner Jana Zimmer
Commissioner Martha McClure
Commissioner Steve Kinsey
Commissioner Brian Brennan
Commissioner Esther Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Program Analyst

John Del Arroz
Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802
October 24, 2011

5-11-125
Agenda: Th 12c
Opposed

RECEIVED
South Coast Region
OCT 27 2011

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners,

I urge you to vote against the proposed large residence at 160 North Ocean Way, Santa Monica, California 90402 (application number 5-11-125).

According to the current plans, this will be the largest square foot house to be built at the mouth of Santa Monica Canyon. This, as you know, is a sensitive area as it is one block from Will Rogers State Beach with multiple tributaries. The structure will jut above all of the other houses in this hillside neighborhood community and be visible from nearly all angles in the canyon and from the beach.

The current design is drastically out of character for the historic Santa Monica Canyon community with its four floors of living space and a large elevator tower. I urge your vote to comply with the current Hillside Ordinance of Los Angeles County. In addition, the safety concerns of such a large structure sited on a small flag lot on a dense hillside are also of great concern to the neighbors. There are no plans to shore the hillside, or create a new foundation for the structure.

Commissioners, I ask that you deny this application as it is currently proposed. I am convinced that work with a newly hired architect who is sensitive to proportion and safety can create an appropriate and safe structure for this unique and historic hillside coastal community.

Thank you for your consideration,

Reese Relfe
Santa Monica Canyon

cc:

Commissioner Mary K. Shallenberger, Chair of the Coastal Commission
Commissioner Mark W. Stone, Vice Chair
Commissioner Richard Bloom
Commissioner Steve Blank
Commissioner Dayna Bochco
Commissioner Dr. William Burke
Commissioner Wendy Mitchell
Commissioner Jana Zimmer
Commissioner Martha McClure

Commissioner Martha McClure
Commissioner Steve Kinsey
Commissioner Brian Brennan
Commissioner Esther Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Program Analyst

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
NANGI SESSIONS-STACEY
KIMBERLY A. RIBLE
ALICIA B. BARTLEY

* a professional corporation

LAW OFFICES OF
GAINES & STACEY LLP
16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

RECEIVED
South Coast Region

October 27, 2011

OCT 27 2011

ORIGINAL VIA U.S. MAIL

CALIFORNIA
COASTAL COMMISSION

VIA FACSIMILE (415) 904-5400

Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Th 12c

Re: 160 North Ocean Way, Pacific Palisades
Coastal Development Permit Amendment No. 5-11-125
Commission Hearing Date: November 3, 2011
Request for Approval Per Staff Recommendation

Dear Chair Shallenberger and Honorable Commissioners:

This law firm represents the applicants, Darrach McCarthy and Lucia Singer, in the above-referenced matter. We urge you to follow Staff's recommendation to approve the Coastal Development Permit with conditions as proposed. The proposed permit is for the applicant's own residence, which meets all applicable Los Angeles Municipal Code and Coastal Act requirements (no variances or exceptions sought). The applicants have agreed to accept all conditions as proposed by the Commission Staff.

The project involves the remodel of an existing 1959 home on an interior flag lot, which is not visible from any public street. The new home will be seven feet taller than the highest point of the existing home. At the request of Staff and neighbors, this matter was delayed from the August meeting to allow story poles to be erected and viewed. As evidenced by the photographs provided in the Staff Report, the Commission Staff has correctly determined that no public views will be affected, and that private views are not protected under the visual protection policies of the Coastal Act.

Mary Shallenberger, Chair

October 27, 2011

Page 2

The project size and height are consistent with the Commission's recent approvals on this same street. The correct square footage of the proposed house is 4204 (plus garage). As set forth in the Staff Report, the project is consistent with the last six houses approved by the Commission in this neighborhood:

5-91-481	147 Mabery	4264 sf	31' ht
5-96-079	156 Mabery	2846 sf	27' ht
5-02-212-W	123 Ocean Way	2896 sf	33.5' ht
5-02-214-W	120 Ocean Way	6030 sf	36' ht
5-07-227-W	273 Mabery	3717 sf	31' ht
5-09-027-W	420-6 Rustic	<u>4645 sf</u>	<u>35' ht</u>
AVERAGE		<u>4066 sf</u>	<u>32.25' ht</u>
APPLICANT 160 Ocean Way		4204 sf	33.5' ht

It is important to note that each of the last four approvals, including both of the Ocean Way approvals, was by Coastal Development Permit Waiver, meaning that the Commission found that no Coastal Act policies were impacted by the projects.

Lastly, the most recent request by the opponents is that the Commission ignore the City of Los Angeles local approval of the project and apply a new Citywide ordinance from which the project is specifically exempted. Staff has properly advised that it is beyond the Commission's authority to utilize uncertified local ordinances, and that under the legally allowed analysis of Chapter 3 policies the project must be approved.

We respectfully request that you approve the permit as recommended by Commission staff. Thank you for your consideration. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By

FRED GAINES

cc: All Coastal Commission Members
Charles Lester, Executive Director (Via E-Mail)
John Del Arroz, Long Beach Office (Via E-Mail)

G&S/1854-001

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: 160 Ocean Way
Date and time of receipt of communication: Wednesday, 10/26 at 2:00 PM
Location of communication: 3000 Olympic Blvd, Santa Monica, CA
Type of communication (letter, facsimile, etc.): Meeting
Person(s) initiating communication: Sherman Stacey

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Mr. Stacey showed me picture
of the lot w/ story poles (in staff
report) and explained they
are in complete agreement w/ staff
that there is no coastal issue here
whether public view or otherwise

10/26/11
Date

[Signature]
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: 160 Ocean Way
Date and time of receipt of communication: Wednesday, 10/26 at 3:00 PM
Location of communication: 3000 Olympic Blvd, Santa Monica, CA
Type of communication (letter, facsimile, etc.): Meeting
Person(s) initiating communication: Doug Suisman + Jim Birch

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Representatives of Homeowner Assoc +
neighbors. Object to the size +
bulk of the project under
30251 "visually compatible w/ the
character of the surroundings". Do
not object to a house, only a house
that is 3 + 4 stories + has bulk of a
big box. Been working w/ owner/app
licants to reach compromise.

10/26/11
Date

J. Boches
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Application No. 5-11-1²~~4~~5
Date and time of receipt of communication: October 19, 2011 – 3:15 pm
Location of communication: Marin County Civic Center

Type of communication (letter, facsimile, etc.): Telephone call

Person(s) initiating communication: Sherman Stacey

RECEIVED
South Coast Region

Detailed substantive description of content of communication:

OCT 21 2011

(Attach a copy of the complete text of any written material received.)

CALIFORNIA
COASTAL COMMISSION

Stacey stated that his office represented the applicants for a single family dwelling in the Santa Monica Canyon area of the City of Los Angeles which was heard by the Commission on October 4. Stacey stated that the Staff had recommended approval but the Commission had continued the hearing after objections from nearby residents and a presentation by a geologist critical of the method of construction of the project. Stacey stated that Commission geologist Mark Johnsson as well as geologists and engineers from the City and County of Los Angeles had all reviewed the project and approved. Stacey stated that the matter would return to the Commission in December. Stacey said that the applicants would be responding to the criticisms but that they had done so at 2 prior hearings at the City and each time the response just prompted more criticism of the response. When asked for greater detail of the project construction staging, the greater detail produced criticism of the staging. Stacey stated that the Coastal Act deals with the stability and structural integrity and that local governments supervise construction. Stacey described the objections as based on not wanting another house in the neighborhood on a sloping lot but without legitimate objection.

Date

10/20/11

Signature of Commissioner



If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: October 26, 2011 5:00 PM

Location of communication: Conference call with Powerpoint presentation provided by e-mail in advance of the call.

(If communication was sent by mail or facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: Wesley Hough and Doug Suisman

Identity of person(s) receiving communication: Commissioner Steve Kinsey

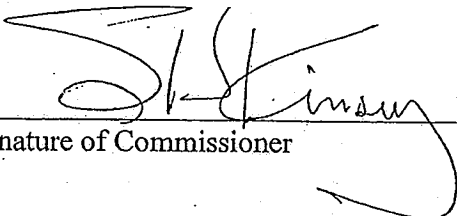
Name or description of project: Permit Number 5-11-125 - Application for demolition of existing single family residence and construction of a new single family residence.

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

I met with representatives of a group of concerned Santa Monica Canyon residents who argue that the current design of the proposed project is not visually compatible with the character of the surrounding community, as required by Section 30251 of the Coastal Act. They briefed me on the history and character of the Canyon, the only residential coastal canyon in the city of Los Angeles, and on the character of the surrounding area with respect to the height, mass, roofs, rooftop uses, and percentage of open space of nearby residential properties. The group asks that the Commission require the applicant to redesign the project so that it is compatible. The group, whose position was unanimously endorsed by the boards of both BOCA Neighborhood Association and the Santa Monica Canyon Civic Association, suggest that the new Baseline Hillside Ordinance, adopted by the City of Los Angeles, could provide the Commission with a useful guideline for visual compatibility with respect to height and mass. The Ordinance was five years in the making, included 9 public hearings, enjoys wide public support, and is designed to protect community character from overbuilding, particularly from tall, box-like forms exemplified by the applicants' current design. They note that the six examples of houses or house additions cited in the staff report were either remote, irrelevant, or inadequately described, and that all had been approved on waivers rather than being directly reviewed by the Commission.

10 / 25 / 11
Date


Signature of Commissioner

Received at Commission
Meeting

AUG 10 2011

From: _____

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: July 29 – August 5, 2011

Location of communication: (If communication was sent by mail or facsimile, indicate the means of transmission.) Mail

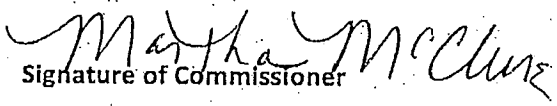
Identity of person(s) initiating communication: James Birch, Lisa Cutting, Patricia Dowling, Lorraine Todd, George Wolfberg, Samuel Bayer, Barbara Kleinman, Cindi Banks, Johni and David Levene, Mark Fishman, Marilou Taylor, Sharon Kilbride, Rosemary Miano, Judi Jensen, Helen Hill, Diane Duarte, Dian Lenkin, Marlow Fisher, Morgan Gendel, Andrew Bogen, Debra Gendel, Doug Suisman, Moye Thompson, Gordon Davidson, BOCA neighborhood association, Micheal Duggan, Judith Davidson and Ear and Carol Fisher

Identity of person(s) receiving communication: Commissioner McClure

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.) All letters were in opposition of application #5-11-125, 160 Ocean Way, Santa Monica, CA and in opposition to the hearing location.

Date August 5, 2011


Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director **within** seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, **complete** this form, provide the information **orally** on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th12c

Filed: 5/18/2011
49th Day: 7/6/2011
180th Day: 11/14/2011
Staff: John Del Arroz - LB
Staff Report: October 19, 2011
Hearing Date: November 2-4, 2011
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-11-125

APPLICANT: Darrach McCarthy and Lucia Singer

PROJECT LOCATION: 160 North Ocean Way, Pacific Palisades, Los Angeles County

PROJECT DESCRIPTION: Demolition of the existing single family residence and construction of a new, 33.5' high, 4600 sq. ft. single family residence.

LOCAL APPROVAL: City of Los Angeles Approval in Concept No. ZA-2011-1039-AIC-MEL

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of a coastal development permit for the demolition of an existing single family residence and construction of a new single family residence, subject to **two (2) special conditions** regarding 1) drought tolerant landscaping; and 2) geologic stability. As conditioned, the proposed project will not adversely affect the scenic and visual qualities of coastal areas, public access and recreation, or coastal resources. **See Page Two for the motion to carry out the staff recommendation.** Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

STAFF NOTE:

The project was originally scheduled for the August 10-12, 2011 meeting in Watsonville but was postponed to allow for greater public participation. Eight letters of opposition were submitted in time for the first hearing, with five main points:

- 1) the proposed project would result in development which is inconsistent with the character of the surrounding neighborhood.
- 2) the proposed residence is not compatible with the Baseline Hillside Ordinance recently passed by the City on March 30, 2011.
- 3) the structure does not comply with required setbacks and square footage requirements
- 4) the proposed residence will result in impacts to private and public views
- 5) the proposed project will result in temporary impacts to parking during construction.

Since the writing of the original staff report, an additional 12 letters were submitted which contained the same five main points listed above, and additionally stated that

- 6) The proposed project may result in the potential instability of hillside.
- 7) The Staff Report mischaracterizes the project by stating that the project is located in Pacific Palisades instead of Santa Monica Canyon.
- 8) The Staff Report inaccurately describes the height of the project as 33.5 feet high instead of 41 feet high.
- 9) The Staff report mischaracterizes the character of the surrounding neighborhood by citing inappropriate precedents.

In response to concerns raised in public comment letters regarding views and community character, the applicant agreed to erect story poles. Pictures of the story poles for the proposed residence can be found at Exhibit 4. Staff has reviewed the claims made by the opposition, and has determined that they are not sufficient to warrant an alteration of the staff recommendation for approval. The issues raised by the opposition are addressed in more detail in the findings below.

LIST OF EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Elevations
4. Photographs of Story Poles at the site
5. Public Comment Letters
6. Letter from Applicant's representative

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit with special conditions:

MOTION: ***"I move that the Commission approve Coastal Development Permit No. 5-11-125 pursuant to the staff recommendation."***

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the

development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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

All landscaping shall consist of native or non-native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. Native species shall be used to the maximum extent feasible. All plants shall be low water use plants as identified by California Department of Water Resources (See: www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf).

2. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, grading and drainage plans, shall be consistent with all recommendations contained in the Limited Geologic and Engineering Investigation, prepared by Subsurface Designs Inc, dated January 20, 2011
- B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and

certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced Limited Geologic and Engineering Investigation approved by the California Coastal Commission for the project site.

- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project includes demolition of the existing two story single family residence and construction of a new, 33' 6" high, 4600 sq. ft. single family residence. The proposed project includes retention of one wall of the existing structure and demolition of the rest of the existing, 2 story single family residence. The proposed project would therefore qualify as new development, as it involves substantial demolition of the existing structure.

The proposed project includes a stair access and elevator access to the proposed rooftop deck. The stair access structure would extend to a maximum height of 39' 9" from the ground level and the elevator shaft would extend to a maximum height of 40' 9" from ground level, extending 7'3" above the height of the finished roof. However, like chimneys and architectural elements, the Commission has typically not considered roof access structures in considerations of the maximum allowable height of a structure.

The proposed project is located approximately 750 feet from the beach on an 8840 sq. ft. inland lot, with slopes between 26 and 33 degrees. The project site is located within Santa Monica Canyon. Although the mailing address of the subject site states that the site is located within the City of Santa Monica, the site is not located within the boundaries of the City of Santa Monica but is instead located within the City of Los Angeles, in the Pacific Palisades region of the city. The site is located within an existing developed single family residential neighborhood (Exhibit 1). The subject lot is a flag lot, and is set back from Ocean Way by an approximately 80 foot long driveway.

B. Public Access

Section 30210 of the Coastal Act states:

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.

Section 30211 of the Coastal Act states:

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.

The proposed development would not result in impacts to public access. In the letters of opposition submitted to staff, opponents to the projects state that the proposed project would result in temporary impacts to the public parking supply. The subject site is an inland lot, approximately 750 feet from the beach. The proposed project includes 6 parking spaces, which exceeds the Commission's typically applied requirement of 2 parking spaces per unit. Although the project may result in temporary impacts to the parking supply during construction, these would not exceed the amount of disturbance typically associated with construction of single family residences. The proposed project provides sufficient parking for the proposed use, and will not result in curb cuts or other development which would permanently reduce the amount of street parking. Therefore, the Commission finds that the proposed development will not adversely affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. As proposed, the development conforms with Sections 30210 and 30211 of the Coastal Act.

C. Development

Coastal Act Section 30250 states, in relevant 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...

Opponents to the project contend that the project does not comply with the recently passed Baseline Hillside Ordinance, and should be denied. The Baseline Hillside Ordinance (BHO) contains requirements regarding setbacks, floor area, height limits, lot coverage, and grading. The proposed project is located in an R1 Zone, in height district 1. The maximum height for a residence in this area is 28 feet for a structure with a roof with a slope of less than 25%, or 33 feet for a structure that has a roof with a slope of greater than 25%. The BHO also contains restrictions on the Floor Area Ratio. An R-1 Lot has either a FAR of 25% or an FAR calculated by 1) calculating the area for each portion of the lot within a specific range of topographic slope; 2) multiplying each area identified in part 1 by the FAR associated with that slope range; and 3) adding up the total of the products in part 2 to get the maximum allowable floor area for the site. The proposed project was approved by the City of Los Angeles on April 26, 2011, after the Baseline Hillside Ordinance was approved, but before May 9, 2011 when the BHO became effective. Compliance with the BHO would require a reduction in the height of the structure from 33.5 feet to 28 feet if a flat roof were proposed, or would require a reduction in height of the structure from 33.5 feet to 33 feet if a pitched roof were proposed. Depending on the results of the FAR calculation, the BHO might also require a reduction in square footage of the residence. Compliance with the BHO might require a reduction from the proposed 3900 square feet (excluding parking) to the minimum Floor Area value of 2210 sq. ft.

Although the proposed project may not have been required to comply with the BHO, the project still has a valid local approval. The City reviewed the appropriate setback and height requirements that were applicable before the BHO became effective, found that the proposed project would be consistent with City policies, and issued an approval in concept. Opponents have also stated that the BHO was part of a long planning process with public community meetings throughout the City of Los Angeles and should therefore be used as a guideline for community character. The BHO is not a part of a certified land use plan or an implementation plan, and has not been reviewed by the Commission for consistency with the Coastal Act policies regarding the preservation of coastal resources. Given this, it is beyond the Commission's authority to use uncertified local ordinances, like the BHO, as guidance when it considers permits under its jurisdiction. Instead, Chapter 3 policies are applied in this case and the Commission must evaluate the proposed project's consistency with Coastal Act Section 30250 when it compares the project's community character compatibility with the existing residences in the surrounding community.

In public letters of opposition to the project, opponents to the project contend that the height of the proposed project would be inconsistent with the character of the area. However, the proposed development is located within an existing developed area with residences of a mix of heights and is compatible with the character and scale of the surrounding area.

A review of data provided by the LA County Assessor's office shows that residences in the one block area surrounding the subject site vary from 1092 to 6946 square feet, and have an average of 2700 square feet. The proposed residence would be one of the larger homes within this range of square footages. The proposed project meets the City's height requirements at the time that the City approved the project, and structures of similar height have been approved by the Commission in the surrounding area. The following chart shows structures of similar height and bulk which have been approved by the Commission in the surrounding neighborhood.

Permit No.	Address	Square Footage	Height
5-91-481	147 Mabery	4264	31
5-96-079	156 Mabery	2846	27
5-02-212-W	123 Ocean Way	2896	33.5
5-02-214-W	120 Ocean Way	6030	36
5-07-227-W	273 Mabery Rd	3717	31
	420 & 426 E		
5-09-027-W	Rustic Rd	4645	35

Coastal Development Permit 5-91-481 approved the construction of a new 31 foot high, 4264 sq. ft. single family residence at 147 Mabery Road. Waiver of Coastal Development Permit 5-96-079-W approved the construction of a 2 story 27 foot high, 2846 single family residence. Waiver of Coastal Development Permit 5-02-212-W was approved for the construction of a 33.5 ft. high from natural grade, 2,896 sq. ft. single family residence at 123 Ocean Way. Waiver of Coastal Development Permit 5-02-214-W was approved for the remodel and addition to a single family residence, resulting in a 36' high (above grade), 6,030 sq. ft. single family residence at 120 Ocean Way. Waiver of Coastal Development Permit 5-07-227-W at 273 Mabery Drive allowed for the construction of a 3,717 sq. ft. single family residence that was 31' from finished grade at its highest point. Waiver of Coastal Development Permit 5-09-027-W was approved for the construction of a 4,645 sq. ft. single family residence across two lots.

These existing structures in the vicinity of the proposed project have been approved by the Commission and are of similar size as the proposed structure. The proposed project is located on a lot that is raised relative to the level of the street. However, views of the subject site from the immediate vicinity of the project and from farther away show that the proposed project is either not visible or appears to be of a similar height and bulk as the surrounding residences (Exhibit 4). Therefore, the proposed project would result in a residence which is compatible with the City's applied height requirements in the past, and would not result in development which is inconsistent with the character of the surrounding neighborhood. The proposed project will not result in impacts to public views or public access as the subject site is a flag lot and is significantly set back from the street, does not provide significant public views of the coast, and contains no public trails.

Development adjacent to the coast has the potential to result in runoff which will ultimately lead to the coast and ocean waters. Water quality at the beach is an important concern for the Commission both for the potential for impacts to the environment, and for potential impacts to public access when beaches are closed due to poor water quality. In order to ensure that the proposed development minimizes the amount of runoff traveling off-site, the Commission imposes Special Condition 1, requiring that landscaping used on site consist of drought-tolerant species, which are non-invasive. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Therefore, the Commission finds that the development conforms with Section 30250 of the Coastal Act regarding avoidance of significant adverse effects to coastal resources.

D. Visual Resources

Coastal Act Section 30251 states:

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.

Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. Opponents to the project state that the proposed project would result in impacts to private and public views. Regarding the first point, the Commission has consistently found that private views are not protected under the visual protection policies of the Coastal Act. . The Court of Appeal has upheld this position, noting that the language, "views to and along the ocean and scenic coastal areas" in

section 30251 means scenic views from **public** parks, trails, roads and vista points, not from private property. (Schneider v. California Coastal Commission (2006) 140 Cal.App.4th 1339, 1345.) The proposed project will not result in development which would impact public views to or along the ocean, nor would it result in impacts to scenic coastal areas. The site is located within an existing, developed, residential neighborhood with residences of a mix of heights and styles. As noted above, residences of similar height and size have been approved in the project area. The proposed project is on a lot set back significantly from the street. Due to extensive vegetation and the surrounding residential development, the proposed residence is not visible from public vantage points that provide views to and along the ocean and scenic coastal areas. Where the proposed residence is visible, the height and mass of the residence are consistent with the scale of the surrounding neighborhood (Exhibit 4). The proposed residence would not result in a significant impact to scenic visual resources, and would not detract from the scenic qualities of the neighborhood. Therefore, the Commission finds that the proposed amendment is consistent with Section 30251 of the Coastal Act with regard to protection of public views.

E. Geologic Hazards

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*

Coastal Act Section 30253 requires that risks to life and property in hazard areas are minimized, that new development assure stability and structural integrity, and doesn't contribute to erosion, instability or destruction of the area. The proposed project would result in the substantial demolition of the existing single family residence and construction of a new single family residence on an inland lot in a developed single family residential neighborhood. The proposed project would result in the substantial demolition of the existing single family residence, including the demolition and replacement of interior walls of the residence which serve as retaining walls. The applicant has submitted a soils report by Subsurface Designs, Inc. dated January 20, 2011, which states that no unstable geologic conditions were observed at the site, no known landslides within or immediately adjacent to the subject property were found in geologic reference maps, and that construction of the proposed project is considered geotechnically feasible provided the recommendations contained therein are followed. To ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area, the Commission therefore imposes Special Condition 2, which requires conformance with the geotechnical recommendations provided, and requires that a licensed professional approve the final plans. As conditioned, the proposed project would ensure that the proposed project would not result in future erosion or instability on the project site. Only as conditioned can the project be found consistent with Coastal Act Section 30253 requiring that geotechnical stability be assured.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of a 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)(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 may have on the environment.

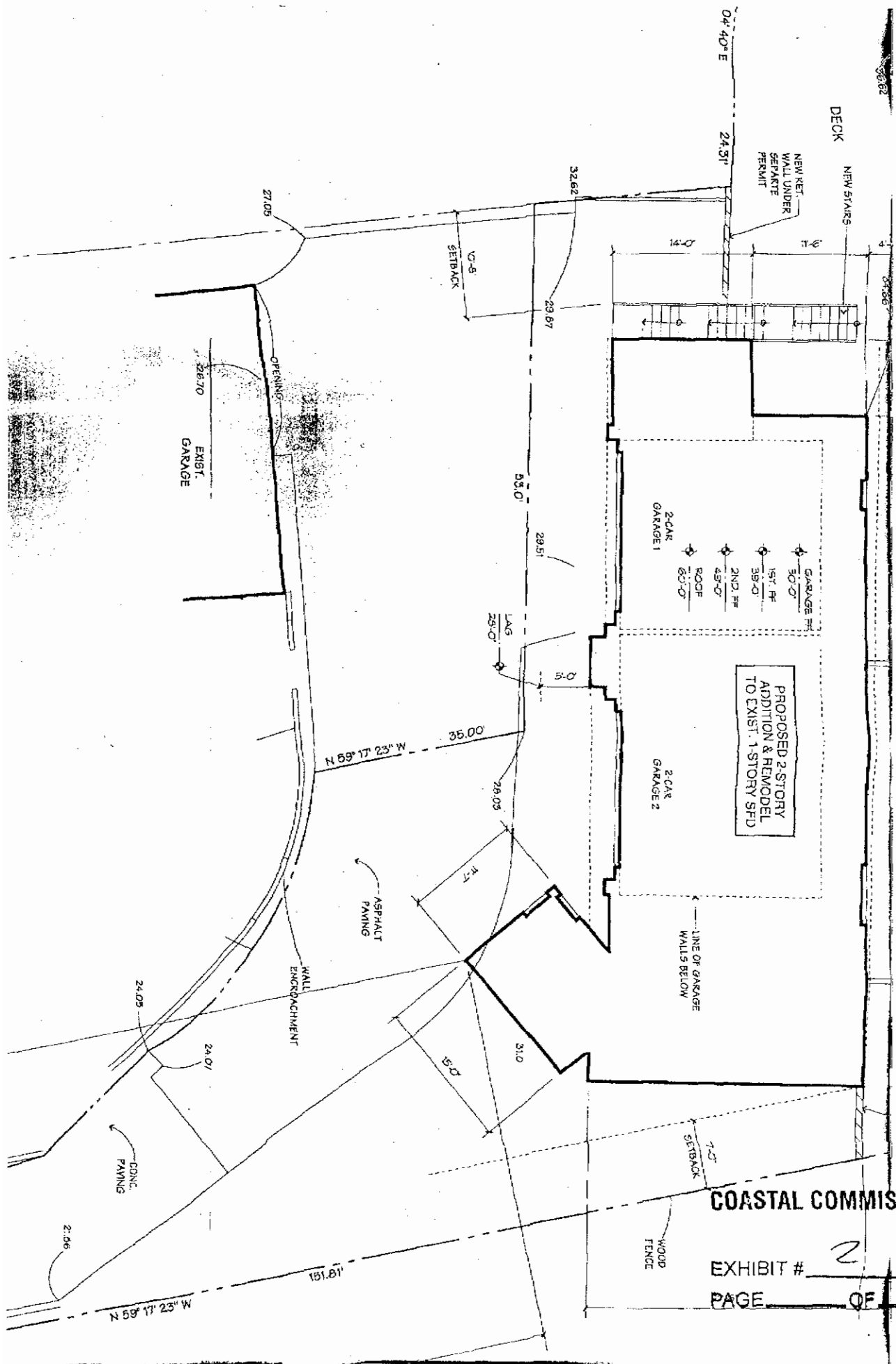
In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles issued a determination that the project was ministerial or categorically exempt on April 26, 2011. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



COASTAL COMMISSION

EXHIBIT # 1

PAGE 1 OF 1



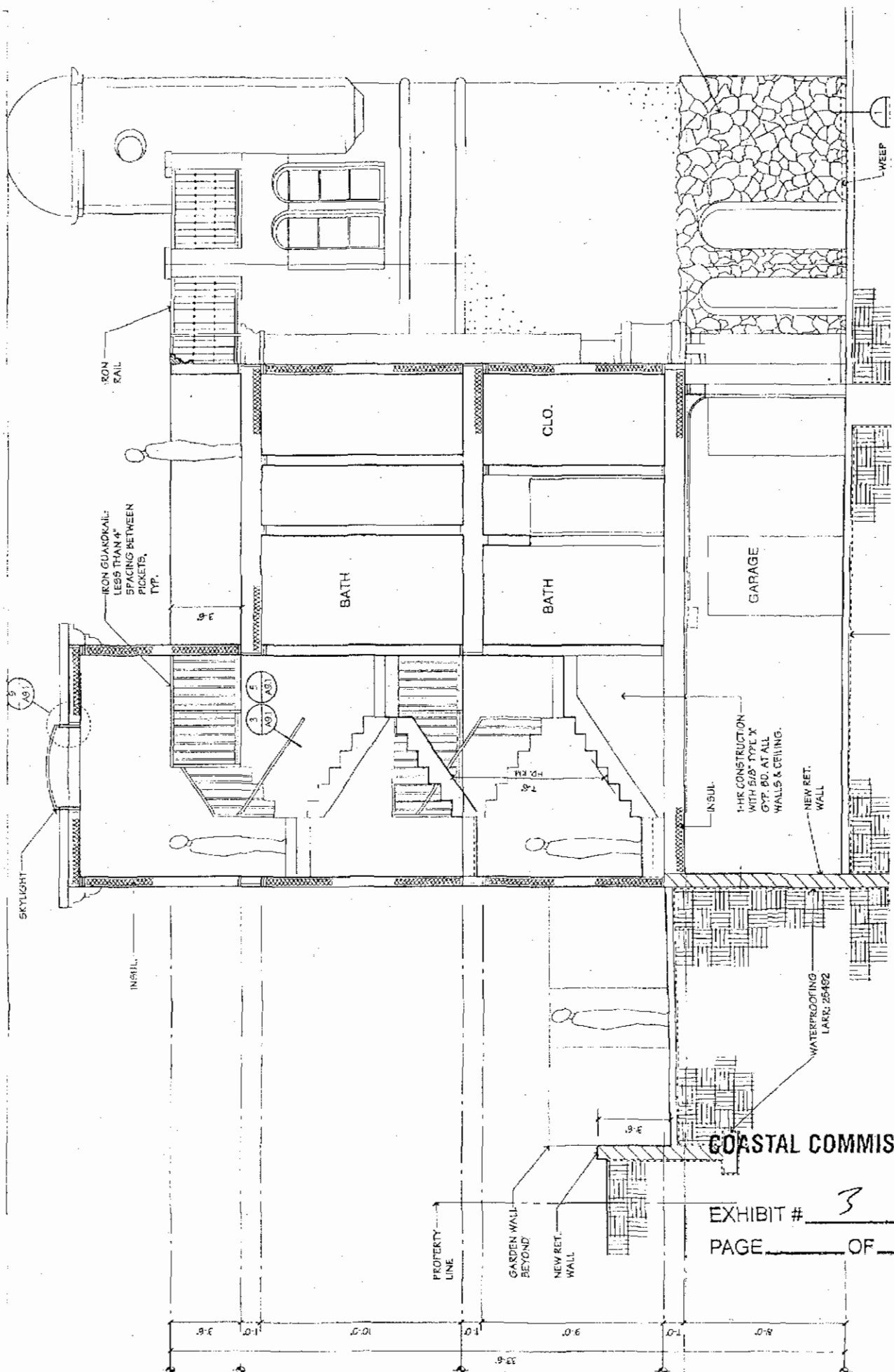
COASTAL COMMISSION

EXHIBIT #

2

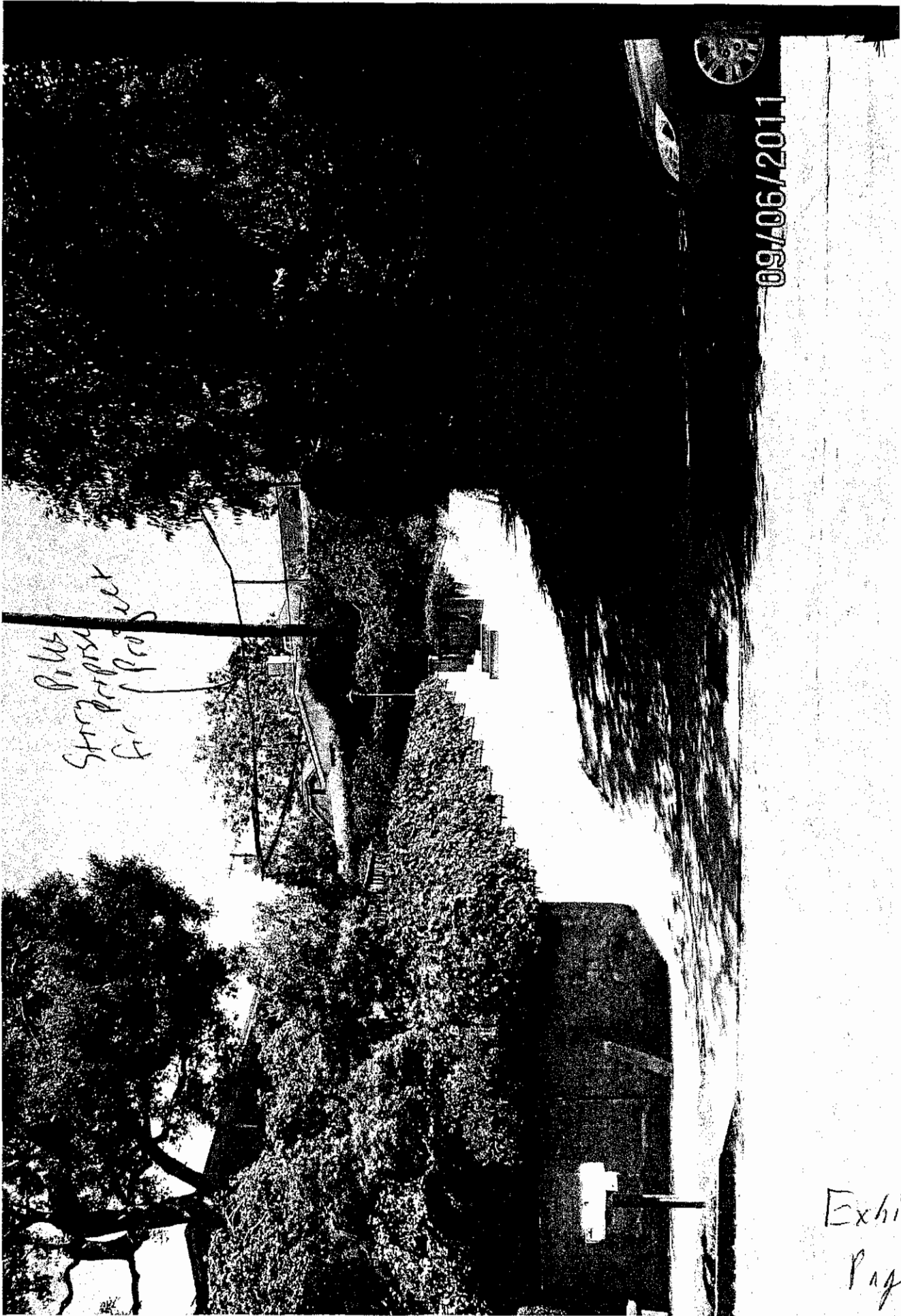
PAGE

OF



COASTAL COMMISSION

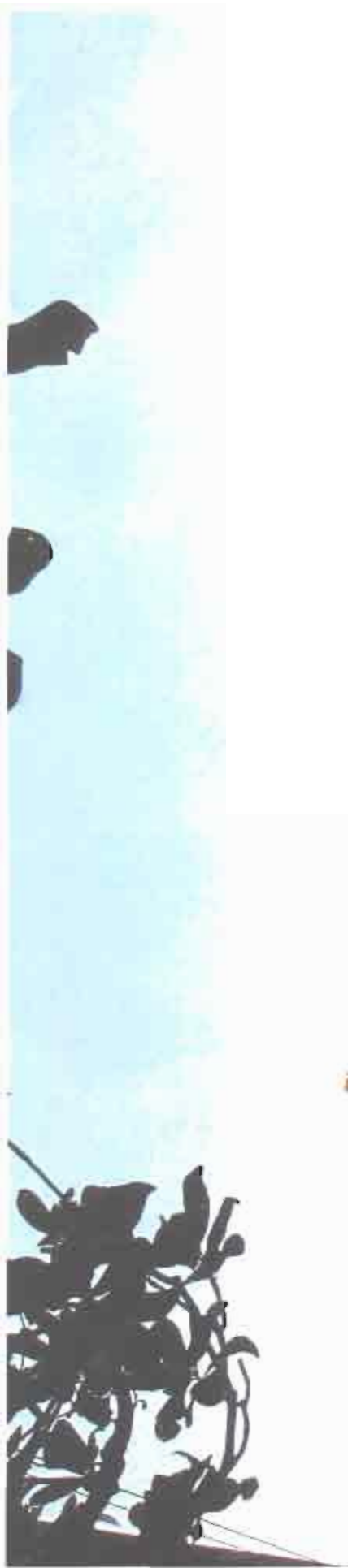
EXHIBIT # 3
PAGE OF



Strong evidence
for prosecution

09/06/2011

On Ocean Looking Up Driveway (Daytime)



Halfway Down Ocean Looking East Directly Towards Property



On Beach Looking Across PCH at Steps at End of Ocean



May 30, 2011

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

RECEIVED
South Coast Region

JUN 01 2011

CALIFORNIA
COASTAL COMMISSION

Re: Proposed Construction at : 160 N. Ocean Way, Santa Monica, CA 90402
Building/Grading Permit Application No : 11014-30000-01056
Applicant : Michelle Cardiel

This letter is from the neighbors of 160 N. Ocean Way in Santa Monica Canyon, 90402. Specifically, it is for the purpose of stating our objection, in the strongest terms, to the proposed structure planned for 160 N. Ocean Way. Priscilla Lani Cutting owns 168 Ocean Way and her property shares a driveway with 160 N. Ocean Way. Patricia Murphy Dowling owns 230 Ocean Way which is the property immediately to the East. Mr. and Mrs. Andrew Bogen own the property immediately to the West. Mr. Doug Suisman's property is immediately to the South.

It is our understanding that the purposed structure is a three story, plus roof deck/garden 5000 square foot residence with an elevator. Because of the elevation of the lot, which is significantly higher than the adjoining lots, effectively the resulting height of the structure will be four or five stories.

This type of structure is utterly out of proportion to all the neighboring homes none of which is more than two stories.

We question whether such a structure can be permitted on such a small lot. It shares a driveway with 168 Ocean Way. Was the driveway added to boost the square footage of the lot? This is a small flag lot. It has an easement of 15 feet (not 20 feet) in the driveway for ingress and egress. 168 Ocean Way has a similar easement in the same driveway. We believe it is impermissible to add the square footage of the easement to the lot to make the lot appear larger than it actually is. There may be other misrepresentations in the application of which we are unaware.

We suspect that it violates the recently passed anti mansionization ordinance. It certainly violates the spirit of the new law.

If this proposed structure is built as planned it will dominate the neighborhood. It will deprive the neighbors of views and sunlight. With its roof deck/garden towering over the neighbors it will permanently deprive them of privacy on their own property.

The present structure is one story of living space with a carport underneath. We respect the right of the new owners to modify or rebuild. However, it should be done with some

EXHIBIT # 5
PAGE 1 OF 42

respect for the character of the neighborhood and the rights of the neighboring property owners. If built as planned the structure would have a devastating effect on both.

Cc: Councilman Bill Rosendahl

Siavosh (Sia) Poursabastian, Manager
Department of Building and Safety, WLA

NAME: Priscilla Lani Cutting
ADDRESS: 168 Ocean Way, Santa Monica, CA 90402

SIGNATURE: *Priscilla Lani Cutting* 5/30/2011

NAME: Patricia Murphy Dowling
ADDRESS: 230 Ocean Way, Santa Monica, CA 90402

SIGNATURE: *Patricia Murphy Dowling* 5/31/2011

NAME: Judi Davidson
ADDRESS: 165 Mabery Road, Santa Monica, CA 90402

SIGNATURE: *Judi Davidson* 5/31/2011

NAME: Gordon Davidson
ADDRESS: 165 Mabery Road, Santa Monica, CA 90402

SIGNATURE: *Gordon Davidson* 5/31/2011

NAME: Reese Relfe
ADDRESS: 686 San Lorenzo, Santa Monica, CA 90402


SIGNATURE: *Reese Relfe* May 30, 2011

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 42


CALIFORNIA COASTAL COMMISSION

Re: Proposed Construction at : 160 N. Ocean Way, Santa Monica, CA 90402
Building/Grading Permit Application No.: 11014-30000-01056
Applicant : Michelle Cardiel

NAME: Sharon Kilbride
ADDRESS: 245 ENTRADA DR Santa Monica CA 90402
SIGNATURE: 

NAME: Rosemary Miano
ADDRESS: 245 ENTRADA DR. Santa Monica CA. 90402

SIGNATURE: Rosemary Miano POA

NAME: Jeff Rose
ADDRESS: 129 MABERY RD, SM CA 90402
SIGNATURE: 

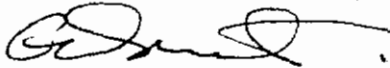
NAME: Andrew E Bogen
ADDRESS: 144 Ocean Way, Santa Monica CA 90402
SIGNATURE: Andrew E Bogen 20 May 2011

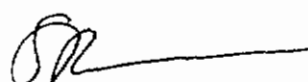
NAME: Helen WHill
ADDRESS: 255 MABERY RD
SIGNATURE: SANTA MONICA - CA 90402 COASTAL COMMISSION
Helen WHill 5/31/11

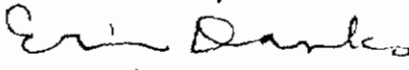
EXHIBIT # 5
PAGE 3 OF 42

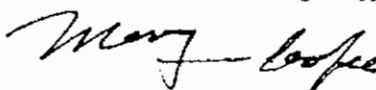
CALIFORNIA COASTAL COMMISSION


Re: Proposed Construction at : 160 N. Ocean Way, Santa Monica, CA 90402
Building/Grading Permit Application No.: 11014-30000-01056
Applicant : Michelle Cardiel

NAME: GARY SHEETS
ADDRESS: 136 OCEAN WAY
SIGNATURE:  5/31/11

NAME: SAMUEL BAYAR
ADDRESS: 147 MABERY
SIGNATURE:  5/31/11

NAME: ERICA DANKO
ADDRESS: 147 Mabery Rd.
SIGNATURE:  5/31/11

NAME: MERVYN COOPER
ADDRESS: 117 OCEAN WAY
SIGNATURE:  5/31/11

NAME: MICHAEL DUGGAN
ADDRESS: 207 MABERY RD.
SIGNATURE:  5/31/11

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 42

CALIFORNIA COASTAL COMMISSION

Re: Proposed Construction at : 160 N. Ocean Way, Santa Monica, CA 90402
Building/Grading Permit Application No.: 11014-30000-01056
Applicant : Michelle Cardiel

NAME: Deborah M. Bogen
ADDRESS: 144 Ocean Way, Santa Monica 90402
SIGNATURE: Deborah M. Bogen May 31, 2011

NAME: BARBARA R. KLEINMAN
ADDRESS: 159 Mabery Rd., Santa Monica 90402

SIGNATURE: Barbara R. Kleinman May 31, 2011

NAME :
ADDRESS :

SIGNATURE :

NAME :
ADDRESS :

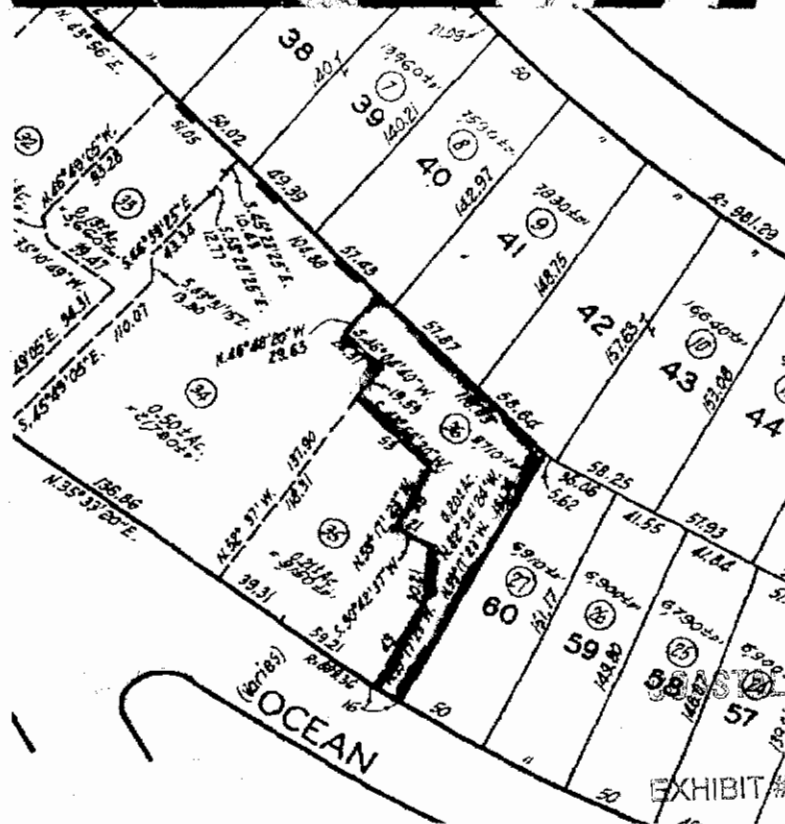
SIGNATURE :

NAME :
ADDRESS :

SIGNATURE :

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 42



58ST COMMISSION

EXHIBIT # 5
PAGE 6 OF 42

May 30, 2011

RECEIVED
South Coast Region

JUN 2 - 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

CALIFORNIA
COASTAL COMMISSION

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA
90402
Building/Grading Permit Application No.: 11014-30000-01056
Applicant: Michelle Cardiel

Dear Coastal Commission Members:

I reside at 238/242 Entrada Drive in the close vicinity (within 200 feet) of the proposed development at 160 Ocean Way. We have lived in Santa Monica Canyon at our current address for 15 years. I am writing to request that your Commission fully consider the impact that this proposed 4-story structure and elevator tower will have on the coastal environment that residents and visitors to the California coastline enjoy. The lasting impacts will be visual blight caused by an enormous tower structure that is way out of scale with the surrounding area. The short-term impacts will restrict access to scarce street parking used by visitors to the Will Rogers State Beach.

The applicants have rushed this permit request in order to reach the City of Los Angeles Planning Department ahead of the new restrictions on overbuilding in hillside areas in Los Angeles. A house of this enormous scale, completely out of character with the neighborhood and hillside nature of Santa Monica Canyon, would clearly not be permitted under the law as it exists today. **The California Coastal Commission should require that the owners comply with today's laws. Not the laws in effect when they filed their development permit.**

The Coastal Commission should also be concerned with the loss of street parking that the employees and other events related to large scale construction will have. Having lived in Santa Monica Canyon for 15 years, I know of only three new homes that have been built during that time in the Ocean Way/Mabery/Entrada triangle. This activity is going to have an impact.

Finally, the large scale of the structure, especially its height, is going to be noticeable

COASTAL COMMISSION

EXHIBIT # 5
PAGE 7 OF 43

RECEIVED
South Coast Region

JUN 15 2011

June 13, 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

CALIFORNIA
COASTAL COMMISSION

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members:

I am a resident of the coastal neighborhood of Santa Monica Canyon.

The coastal ambience of the neighborhood has been impacted in a negative way in the past year by overbuilding on small "beach house" lots.

In response to this massive overbuilding, the City Council of Los Angeles wisely enacted prohibitions on overbuilding. These restrictions against "mansionization" are needed to protect the coastal and hillside environment. These new limitations are currently in effect.

However, the proposed construction referenced above is attempting to be "grandfathered" under the old development rules that permit out of scale building on small hillside lots. This house would be the last out of scale house built in our beachside neighborhood.

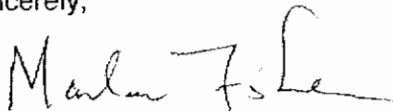
The application before you states that this is a "renovation" and only "2 stories". Actually, the development is a new house that is FOUR STORIES in height and has an elevator tower on the side that is even taller than the house. The "attached 4-car garage" sits BELOW the 2 story house structure. In addition, there is a proposed roof deck. We know that roof decks in our neighborhood become enclosed rooms soon after the paint is dry.

This towering structure will be far taller than anything in the neighborhood.

But why would you let this happen?

The California Coastal Commission should require that the owners comply with today's laws. Not the laws in effect when they filed their development permit.

Sincerely,



Marlow Fisher, 242 Entrada Drive, Santa Monica, CA 90402

cc: Councilman Bill Rosendahl

COASTAL COMMISSION

EXHIBIT # 5
PAGE 8 OF 42

RECEIVED
South Coast Region

JUN 29 2011

CALIFORNIA
COASTAL COMMISSION

June 27, 2011

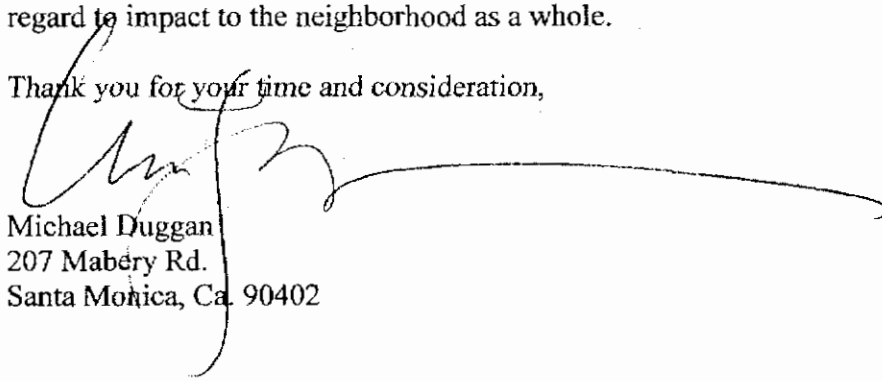
California Coastal Commission
200 OceanGate, 10th floor
Long Beach, CA 90802

RE:
160 North Ocean Way
Santa Monica, CA. 90402
#5-11-125

Members of the Commission:

Please note my opposition to the height and scale of the proposed construction at 160 Ocean Way. The planned building seems to be completely out of scale for the undersized lot (much of which is actually an easement driveway). Though the proposed plans were submitted just days prior to the change of law restricting over-building on hillside properties, it is clearly skirting the spirit of such by maximizing height and scale without regard to impact to the neighborhood as a whole.

Thank you for your time and consideration,



Michael Duggan
207 Mabery Rd.
Santa Monica, Ca. 90402

COASTAL COMMISSION

EXHIBIT # 5
PAGE 9 OF 42

29 June 2011

re: 160 No. Ocean Way
Santa Monica CA 90402
5-11-125

RECEIVED
South Coast Region

JUL 5 - 2011

Dear Coastal Commission,

CALIFORNIA
COASTAL COMMISSION

Please do not approve the current plans for 160 No. Ocean Way (#5-11-125). As a neighborhood, we are all opposed to the height and look of the project. As a homeowner here, it concerns me that such an extremely tall building, which does not in any way conform to the look or feeling of our small canyon area, could be built here.

It has been stated that the project is within the LA City boundaries of what the law for such structures was when they filed, but since then the City law has changed. Please, could this building come at least closer to what the new rules ask for our area to conform to?

Please help us to retain the gentle look and feeling of our small beach community and ask them to reconsider at least the height of the project.

Thank you for your careful consideration.
Sincerely,

Judi Jensen

JUDI JENSEN, 245 MADERA ROAD, SANTA MONICA 90402
mailing address: PO Box 1776, SANTA MONICA 90406

310 367 9689

jjjinthisky@yahoo.com

EXHIBIT # 5
PAGE 10 OF 42

Andrew and Deborah Bogen
144 Ocean Way
Santa Monica, CA 90402
June 29, 2011

RECEIVED
South Coast Commission

JUL 7 - 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th floor
Long Beach, CA 90802-4402

CALIFORNIA
COASTAL COMMISSION

Regarding: Application No. 5-11-125
Proposed construction at 160 Ocean Way, Santa Monica, CA 90402

Dear Sirs/Madams,

We are writing to express our strong concerns about the above-referenced application, which pertains to the proposed construction of a three-story home with roof deck next door to our home at 144 and 150 Ocean Way, Santa Monica, CA 90402.

Ocean Way is a short street set one block back from Will Rogers State Beach, one of the most heavily used beaches in Los Angeles. Ocean Way is heavily used by beachgoers for parking and for beach access. Existing houses on Ocean Way and surrounding streets, including our house, are no more than two stories high, so the proposed construction at 160 Ocean Way represents a significant change. If allowed, it will undoubtedly set the pattern for future major remodels and new construction in lower Santa Monica Canyon.

Of course we are concerned with the loss of privacy in our own home, but we believe the Coastal Commission should be equally concerned with the impact on views in Santa Monica Canyon of allowing such high buildings on the slope above the beach.

The proposed new construction consists of ground level parking covered by two stories of residential space and, on top of that, a roof deck with a barbecue and hot tub. An elevator tower is proposed to service the house and roof deck with a height of 37 feet – effectively a four story structure. Since the lot at 160 Ocean Way slopes uphill, the visual impact of the proposed construction will be even greater than its height would otherwise imply. If allowed, the new construction will be the highest and most visible structure on the hillside and have a dramatic, and unwanted, effect on views in the area.

It seems to us that this is exactly the kind of development that the Coastal Commission was created to prevent. We urge that the project be disapproved.

Sincerely yours,

Andrew E. Bogen
Deborah M. Bogen

Andrew and Deborah Bogen **COASTAL COMMISSION**

EXHIBIT # 5
PAGE 11 OF 42

MICHAEL L. WEINBERG
278 Entrada Drive
Santa Monica, CA 90402

RECEIVED
South Coast Region

JUL 7 2011

CALIFORNIA
COASTAL COMMISSION

July 2011

RE:
160 North Ocean Way
Santa Monica, CA. 90402
#5-11-125

Please help!

I am lucky enough to live in a beautiful, coastal area and have been saddened to see folks building new boxes and utilizing every square inch of livable space. Apparently the smaller the lot, the less of a set-back that is required and consequently not only have the new houses been dwarfing their neighbors, but the people who have been living in the older houses (sometimes for generations) have been losing their views and their comfort zones.

I know the law changed (just recently), and the folks at 160 North Ocean Way legally got their paperwork in order, but their proposed design certainly violates the spirit of the laws and many of us feel that the current proposed design is not in keeping with the scale of the surrounding houses.

Wouldn't it be nice if there were a compromise to be found?

Thanks for your time,

Michael L. Weinberg

COASTAL COMMISSION

EXHIBIT # 5
PAGE 12 OF 42

Gerry Shapiro
Royal Hemlock Road
Monterey, MA 01245

RECEIVED
South Coast Region

JUL 18 2011

California Coastal Commission
200 OceanGate 10th floor
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Re: Case # 5-11-125, 160 No. Ocean Way, Santa Monica, CA 90402

To the Members of the Coastal Commission:

I am writing as the owner of a residence at 219 Mabery Road in the Santa Monica Canyon, within view of the structure referred to, as well as an architect and planner. The building at 160 No. Ocean Way is proposed to be three stories high with a roof deck and an elevator that goes to the roof deck. This arrangement obviously requires an additional structure on the roof deck to receive the elevator, thus bringing the building to a height of four stories. A building of this height would obstruct the canyon and ocean view from my house and others on Mabery Road and is impermissible according to the current building limits. It is, in addition, of a size and height entirely at odds with the historic character of the Santa Monica Canyon neighborhood. I urge you to enforce the current limits and deny permission for the structure as presently planned.

Sincerely yours,

Gerry Shapiro

Gerry Shapiro

COASTAL COMMISSION

EXHIBIT # 5

PAGE 13 OF 42

July 18, 2011

CALIFORNIA COASTAL COMMISSION
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

RECEIVED
South Coast Region

JUL 22 2011

CALIFORNIA
COASTAL COMMISSION

Re: Application # 5 -11-125
Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402

Dear Coastal Commission Members,

The application # 5 - 11 - 125 is not for a 2 story house, remodel addition and a 4 car attached garage as stated on the application. It is a 3 story structure.

This letter is from a neighbor of 160 N. Ocean Way. My property is located at 168 Ocean Way and shares a 15 ft. wide driveway easement with 160 N. Ocean Way. I am writing to you to state my objection, in the strongest terms, to the proposed structure planned for 160 N. Ocean Way, a proposed 3 story, plus roof top lounge level, 5,000 sq. ft. structure, plus an elevator tower structure to access all four levels over 40' high, including two attached 2 car garages. I saw the drawings when the designer showed a group of neighbors the drawings of the exterior of the proposed structure.

Because of the elevation of this small, hillside flag-lot from the driveway and from the street, it would make the structure significantly higher than the adjoining lots, effectively the resulting height of the structure would be four or five stories.

The height of this proposed, current, 3 story design is not in scale or in proportion with the surrounding one and two story homes in this area, within a block of Will Rogers State Beach, in this densely populated area of Santa Monica Canyon with historic houses.

This 3 story design would not be in the character of the community and would tower over the small 1 & 2 story homes

The stability of the hillside directly behind 160 N. Ocean Way is a serious concern for me regarding my property at 168 Ocean Way, which is set below and directly across the 15 ft. wide driveway easement from 160 N. Ocean Way and also a concern for Gordon and Judith Davidson at 165 Mabery, the house directly above the hillside from 160 N. Ocean Way.

Because of this proposed 3 story, 5,000 sq. ft. design being out of scale and not in the community character of surrounding 1 & 2 story homes and because of the complexity of the lot and the possible instability of this hillside flag-lot, I am asking you to deny this application. It violates the recently passed city anti-mansionization ordinance.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 14 OF 82

If built as planned the structure would be devastating for the character of the Santa Monica Canyon neighborhood.

Thank you for your serious concern for Santa Monica Canyon.

Sincerely,

Priscilla Lani Cutting

Priscilla Lani Cutting
168 Ocean Way
Santa Monica, CA 90402

310 454-3833

COASTAL COMMISSION

EXHIBIT # 5
PAGE 15 OF 42

Monica Salinas, Ph.D., MFT
Cultural Consultant
259 Mabery Road
Santa Monica CA 90402

RECEIVED
South Coast Region

JUL 19 2011

CALIFORNIA
COASTAL COMMISSION

July 19, 2011

California Coastal Commission
South Coast District Office
200 OceanGate 10th Floor
Long Beach, CA 90802-4402

Re: Proposed three story Structure
Location: 160 N. Ocean Way
Santa Monica CA 90402

Application: #5 - 11 - 125
Applicant: Michelle Cardiel

To Whom It May Concern:

There is a proposed new, three story, 5000sq.ft. structure, plus a roof lounge level designed for 160, N. Ocean Way, Santa Monica, CA 90402. This proposed structure is for four levels of living, plus an elevator tower to access all four levels and two attached 2 car garages.

The lot is a small, shallow, hillside flag lot with a shared driveway. The current proposed design is not in scale with the community character of the small homes of one and two stories. I am very concerned regarding this current proposed design. Please re-assess acceptance of this construction proposal that does not in any way conform to the character of the community.

Sincerely,



COASTAL COMMISSION

EXHIBIT # 5
PAGE 16 OF 42

RECEIVED
South Coast Region

AUG 2 - 2011

July 25, 2011

CALIFORNIA
COASTAL COMMISSION
Proposed Project: 160 N. Ocean Way, Santa Monica 90402

Agenda Item: W 20 a
Application #: 5 - 11 - 125
Proposed Project: 160 N. Ocean Way, Santa Monica 90402

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Lorraine W. Todd
392 Entrada Drive
Santa Monica, CA 90402
OPPOSED

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members,

I am a homeowner living in the coastal community of Santa Monica Canyon, a beautiful and delicate environment. I am writing this letter to express my concerns about the proposed residential construction at 160 N. Ocean Way referenced above. I understand that this matter has been scheduled to be heard by the Coastal Commission as Agenda Item 20.a on August 10, 2011 in Watsonville (application number 5-11-125 (Applicant: Darrach McCarthy and Lucia Singer; 160 North Ocean Way, Pacific Palisades, Los Angeles County). This is a long distance for neighbors here to drive to protest this application in person, and further, many of us are traveling on that date during our families' school summer vacations. For these reasons I request that the hearing be postponed until a later date and be held in or near Santa Monica, so that all in the community wishing to be heard can be present.

I feel that the staff report which I have reviewed is not accurate on a number of critical points. I am dismayed to learn that the project has progressed this far. I am further dismayed to learn that the letter which you received from a number of concerned local residents signed by 17 such individuals is being counted as a single letter opposing the proposed construction. I hope that you will read all such letters with open minds, imagining each individual writer or signatory as a person motivated to communicate their distress to you on this matter. None of us is taking time out of our lives to participate in this process of writing, circulating and signing letters, or making the decision to object to a future neighbor's desired development of their property, lightly.

First, I would like to bring to your attention that while the construction proposal represents that the property in question is at a Pacific Palisades address, in fact the 90402 zip code is part of Los Angeles County, and is a Santa Monica postal code. By no stretch of anyone's imagination has that address in Santa Monica Canyon, or that zip code, ever been part of Pacific Palisades. However, a residential project of this square footage and height might seem less out of place in Pacific Palisades than it would be here in this Canyon of small lots with houses built close to one another on what are mostly the Canyon's very steep walls. The lot under discussion is located a half block from Will Rogers State Beach at the top of a Canyon wall, which makes the proposed height of the building a matter of great concern (which I discuss further below). I can only submit that

COASTAL COMMISSION
EXHIBIT # 5
PAGE 7 OF 42

this is why the property is being represented as being in another city which has larger, flatter lots and hence, an ability to absorb larger residential structures.

Second, even though the proposed height of the structure is represented to be an already appallingly inappropriate 33.5 feet, in fact a close examination of the plans (Exhibit 3) clearly shows that there are two towers rising even significantly higher, reaching 41 feet above grade. There is not another structure in Santa Monica Canyon of this height, and the staff report's examples and the homes nearby are uniformly not anywhere near that proposed height. I have visited this location to see for myself what this proposed structure would look like, taking into consideration the topography and neighboring homes. This proposed structure would tower above the one and two story residences crowded in beside it, and since the lot is at the crest of the hill, would tower above the entire neighborhood and be glaringly visible from the beach and throughout the Canyon. The lot is a very small flag lot, relying on easements across a neighbor's property to even have its own driveway access. I do not have access to the surveying of that property to determine whether these easements were counted in as part of the lot size of 160 N. Ocean Way. This question should have been addressed by the City of Los Angeles for permitting, but I do not find reference to any such inquiry. The lot may not in fact be as large as was represented. The owner's desire to build horizontally on this lot is dictated purely by the lack of enough lot size to build more horizontally, but that does not give license to build a tall shoebox that will leave all neighbors with a view dominated by that house, and leave some of them in the shade for the better part of their days. This building would also dominate the view of anyone looking at the now-lovely vista of the Canyon, jutting way up at the crest.

Third, this house does NOT fit within the character of the neighborhood, notwithstanding any assertions to the contrary. The three examples set forth in the staff report are situated entirely different in the topography of the Canyon. Two of them (123 Ocean Way and 273 Mabery) were built lower on the Canyon wall so that they are built into the hillside and appear to be one or two stories from their frontage, and they do not jut out at the top of the Canyon from a lot located high above many neighborhood houses. The third example cited (120 Ocean Way) was a rebuild of an existing house, and it was redone largely following the parameters and character of the original construction, which blended in well with the neighboring properties and also with the contours of the Canyon.

Finally, this proposed construction does NOT meet current City of Los Angeles requirements for new housing development in the Canyon. The permit for this property was applied for after the enactment (although, sadly, prior to the effective date) of new stringent prohibitions on overbuilding of mini-mansions on small lots to the detriment of the neighbor's enjoyment of their property, the character of the neighborhood, and the viability of the sensitive Canyon itself. But clearly the property owner was aware of the restrictions now in effect, and chose to try to end run them by filing their proposed plans in the last window of opportunity before the door on such development was firmly slammed shut. These new restrictions were implemented for very good cause after lengthy study, neighborhood input, deliberation, and due process, and should not be allowed to be so cynically circumvented.

I know that some of my neighbors who are writing letters and/or are planning to attend the Coastal Commission hearing regarding this Project will be submitting photographs of the lot and the neighboring lots to demonstrate how the placement of this small flag lot, elevated high on the Canyon wall and surrounded already with densely built neighboring residences on small lots, should preclude the permitting of a monster shoe box building such as the one proposed for this location. I respectfully request that you look closely at all of the pictures, and closely read all of the letters, which the neighbors in this community are providing to assist you in achieving a deeper understanding of the issues presented in the upcoming hearing.

Sincerely,

Lorraine W Todd

Lorraine W. Todd, neighbor
392 Entrada Drive
Santa Monica, CA 90402

cc: Mr. John Del Arroz, CA Coastal Commission Staff

COASTAL COMMISSION

EXHIBIT # 5
PAGE 14 OF 42

Agenda Item: W 20 a
Application #: 5 - 11 - 125
Proposed Project: 160 N. Ocean Way, Santa Monica
Samuel Bayer
OPPOSED

July 26 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA
90402 Application # 5-11-125

Dear Coastal Commission Members:

I just received notice that a hearing is being held on August 10, 2011 in Watsonville CA. (re: application no, 5-11-125, requested by Darrach McCarthy and Lucia Singer at 160 North Ocean Way, Pacific Palisades)

I live in Santa Monica Canyon within 100 feet of the proposed residential construction site. As many of my neighbors are, I am concerned about such a large-scale house being built in such close proximity to other smaller houses. It will be blocking their views, towering over the landscape, and being inconsistent with the beauty, charm and scale of this great neighborhood.

This was exactly the type of project that I tried to escape when I moved from the Hollywood Hills: people tearing down small homes and building ugly large boxes that loom over the horizon.

The builders/developers were not taking into account the impact they were having on the neighborhood or that they were building structures that made the neighborhood look like a development zone rather than a place to raise a family.

I am in NYC and this hearing is very important to me. I would like the commission to hear my voice. If not for my young infant at home I would try to send my wife in my place.

The venue you've chosen, in Watsonville, Northern California, is a great distance from Santa Monica Canyon. I respectfully request that the hearing be postponed until a later date, and is held closer to the proposed construction site and neighborhood. I would like everyone affected by the construction of this massive house to give you a chance to hear our voices.

Cc: Mr. John Del Arroz, CA Coastal Commission Staff

Sincerely,
Samuel Bayer



COASTAL COMMISSION

EXHIBIT # 5
PAGE 20 OF 42

RECEIVED
South Coast Region

JUL 27 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: W 20 a
Application #: 5-11-125
Proposed Project: 160 N. Ocean Way, Santa Monica
My Address: 242 Entrada Drive, Santa Monica
Position: Opposed

July 26, 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members:

I am a resident of the coastal neighborhood of Santa Monica Canyon and am writing to respectfully request that the Commission defer the public hearing on the above referenced matter until the next meeting near Santa Monica so that the neighbors can have a chance to personally address the Commission. I would also like to alert the Commission to inaccuracies and misrepresentations in the staff report dated July 25, 2011 regarding the above matter.

Inaccuracy: The height of the proposed building is greater than 40 feet. This is clearly seen from Exhibit 3 where there are two towers that rise more than 40 feet above grade. However, the staff report says that the structure is only 33.5 feet high. This will be the tallest structure in Santa Monica Canyon and far exceeds the height of the examples given in the staff report or any of the nearby homes.

Misrepresentation: The staff report sites three other Coastal Commission approved projects and says that the prior approval of these structures is apparently indicative that the proposed house would also fit into the character of the neighborhood. This is not true. It completely ignores the unique hillside nature of this coastal area and seems to treat all houses as equal.

- 123 Ocean Way is on the opposite side of Ocean Way from the proposed house and this house descends down the side of Santa Monica Canyon. It does not rise above the hillside. From most vantage points this 3,000 SF house appears to be only two stories high.
- 120 Ocean Way is on the same side of Ocean Way as the proposed house but several houses away. This house was a remodel of an existing home in a very sensitive way that did not change the character of the house at all. In fact the newly renovated house looks basically the same. It was a remodel. Not a new home.
- 273 Mabery is quite a distance from the proposed house. Like 123 Ocean Way, this house descends down into Santa Monica Canyon hillside and at street level is only one story.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 21 OF 42

All three of the examples cited are consistent with the character of our coastal neighborhood. They are in the same scale as neighboring homes and fit into the area very well. They do not stand out and are sensitive to hillside and coastal ambience. None of these houses towers above nearby homes. Two of the houses descend down into the Canyon rather than rise above it.

The proposed house for 160 Ocean Way is not "*visually compatible with the character of surrounding areas*". Santa Monica Canyon is a unique coastal community where homes are built into the coastal hillside adjacent to Will Rogers State Beach. The neighboring homes are one and two story homes. The proposed structure is Four Stories. There are no four-story homes in the coastal neighborhood. This towering structure will be far taller than anything in the neighborhood.

Misrepresentation: The staff report indicates that the proposed house has been approved by the City of Los Angeles and therefore meets City requirements regarding new housing development in our hillside area. This is a misleading statement. The staff report fails to mention that the City Council recently enacted prohibitions on overbuilding. These restrictions against "mansionization" were much needed to protect the coastal and hillside environment and the character of our neighborhood. These new limitations are currently in effect. The staff report fails to mention that the proposed house was not required to comply with current requirements regarding overbuilding. The plans for this house were submitted after passage of the new restrictions but prior to their effective date. Therefore, this house is technically grandfathered under the old requirements, not current law.

If approved by the Coastal Commission, this house would be the last out of scale house built in our beachside neighborhood. The Coastal Commission should not permit a 40+ foot tower to be constructed in the coastal hillside.

Sincerely,

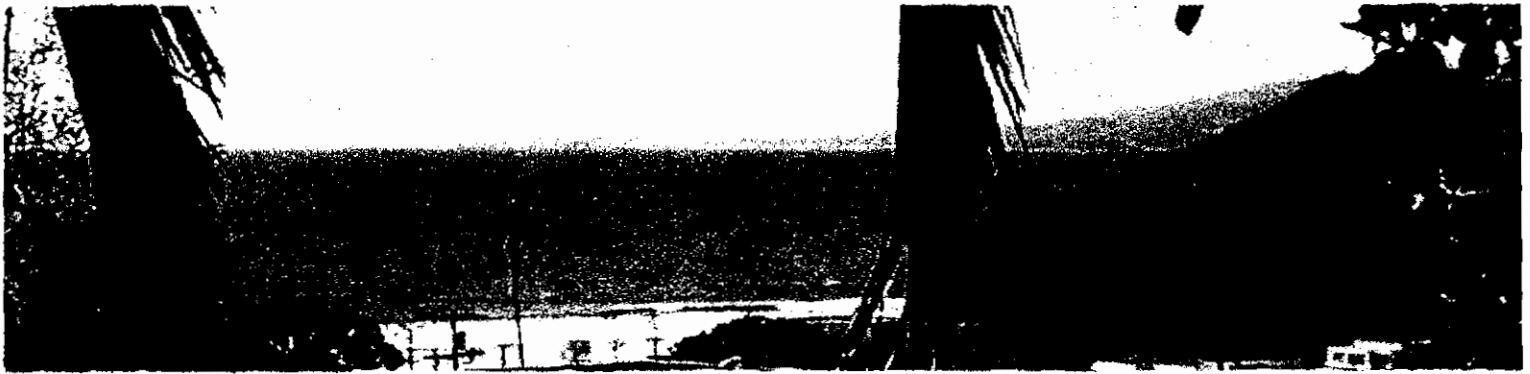
Marlow Fisher

Marlow Fisher, 242 Entrada Drive, Santa Monica, CA 90402

cc: John Del Arroz, Coastal Commission Staff

COASTAL COMMISSION

EXHIBIT # 5
PAGE 22 OF 42



SANTA MONICA CANYON CIVIC ASSOCIATION

July 27, 2011

Ms. Martha McClure, Supervisor
California Coastal Commission
County of Del Norte
981 H Street, Suite 200
Crescent City, CA 95531

August Agenda Item: W 20 a
Application #: 5-11-125
Proposed Project: 160 N. Ocean Way,
Santa Monica, 90402
Request for Continuance

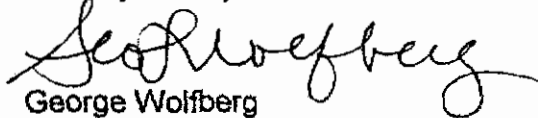
Dear Commissioner McClure,

The Santa Monica Canyon Civic Association is a voluntary neighborhood association located in the City of Los Angeles, North of Santa Monica, between Chautauqua Drive, the Riveria Country Club and the Pacific Ocean. SMCCA was incorporated in 1946 and is one of the oldest associations in California. We include nearly 1,200 families.

We have been contacted by several residents adjacent to 160 Ocean Way who would like to testify before the Commission of their opposition to the reference project. I knew well the late previous residents of the house at this location and can see that the proposal would result in the tallest home ever built in our canyon which consists mainly of smaller R-1 lots. There would be impacts on views of and from the beach/ocean and the proposal is clearly in violation of the spirit if not the letter of the City of Los Angeles "Hillside Baseline Ordinance," recently enacted after several years of public outreach and comment.

I support the neighbors' request for the continuation of the hearing so that the community can attend a Commission meeting closer to home, perhaps in October. I am not aware of any legal deadline for action that mandates this hearing be held in Watsonville.

Thank you for your consideration of this request.


George Wolfberg
President

COASTAL COMMISSION

EXHIBIT # 5
PAGE 23 OF 42

RECEIVED
South Coast Region

AUG 1 - 2011

CALIFORNIA
COASTAL COMMISSION

Proposed Project: 160 N. Ocean Way, Santa Monica, 90402

My Address: 168 Ocean Way, Santa Monica, 90402

Position: Opposed

Agenda Item: W 20 a

Application #: 5-11-125

July 27, 2011

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Coastal Commission Members:

I am a resident of the coastal neighborhood of Santa Monica Canyon and am writing to alert you to an item that is scheduled on your agenda for August 10, 2011 in Watsonville, CA. It is listed as agenda item 20. (a) and is application number 5-11-125 (Applicant: Darrach McCarthy and Lucia Singer; 160 North Ocean Way, Pacific Palisades, Los Angeles County).

Request for Hearing Location Change to Local Venue

Approximately 20 local residents have expressed their concerns in writing to the Commission (the letters are included in the staff report packet prepared by Mr. John Del Arroz dated July 25, 2011). Many of the residents have been waiting for this issue to come before the Commission so that they could attend in person but we have just found out that this hearing will take place in Watsonville, CA – a significant distance from the project area – which will preclude people from attending.

This proposed project has generated significant community concern regarding the height and magnitude of the proposed new construction and its related impacts to the community, including visual impacts from the beach and coastal area.

I respectfully request that the Coastal Commission change the hearing location to a more appropriate Southern California venue so that residents can attend the hearing and voice their concerns directly to the Commission.

Staff Report Inaccuracies and Misrepresentations

Furthermore, there are many inaccuracies and misrepresentations in the staff report prepared by Mr. Del Arroz. Given the fact that the Coastal Commissioners are presumably basing their decision almost exclusively on this staff report and the fact that Mr. Del Arroz has recommended approving the permit, it is critical to correct the staff report document. I offer the following corrections below:

EXHIBIT # 5
PAGE 24 OF 42

1. **Project city is incorrect.** The staff report has the project location listed as 160 North Ocean Way, *Pacific Palisades*, Los Angeles County. The correct address is 160 North Ocean Way, *Santa Monica*. This error has misleading implications as a proposed residential project of this height and square footage might be viewed as more appropriate in Pacific Palisades than in Santa Monica Canyon. Santa Monica Canyon differs from Pacific Palisades in that the lots are generally smaller and are nestled in the steep canyon walls which are visible from the beach and Santa Monica Bay.
2. **Number of letters opposing the project.** The staff report states that eight letters were received but does not state that one of the letters had seventeen signatures. This is misleading as it potentially minimizes the amount of public concern for the project.
3. **Height of the structure is incorrect.** The project description states that the height of the structure will be 33.5' high which is in conflict with Exhibit 3 of the staff report packet which shows the height to be 41' or higher. The structure would be located on a slope which will further exacerbate the height issue. If built, this structure would be the tallest building in Santa Monica Canyon. Given the fact that the lot is located 750' from the beach, the scenic and visual impacts from Will Rogers State Beach and Santa Monica Bay would be significant.
4. **Staff report cites three previously approved Coastal Commission projects as "similar" in height and size which is misleading given their location relative to the canyon sloping topography.** Details for each property listed below:
 - a. 123 Ocean Way is on the opposite side of Ocean Way from the proposed project and descends down the side of Santa Monica Canyon. It does not rise above the hillside. From most vantage points this 3,000 SF house appears to be only two stories high.
 - b. 120 Ocean Way is on the same side of Ocean Way as the proposed project but was a remodel of an existing home in a very sensitive way that did not change the character of the house at all. In fact the new house looks basically the same. It was a remodel, not a new home.
 - c. 273 Mabery is quite a distance from the proposed project. Like 123 Ocean Way this house descends down into Santa Monica Canyon hillside and at street level is only one story.

All three of these examples are consistent with the character of Santa Monica Canyon and "fit" with the existing character of the coastal community. They do not tower above other adjacent structures or stand out in any way. In fact, two of the homes descend into the canyon rather than rising above the canyon walls. The proposed structure is for three stories and an additional fourth story roof-top deck. Currently, there are no four story homes in Santa Monica Canyon and if built, this will be the tallest structure in the neighborhood.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 25 OF 42

5. Staff report indicates City of Los Angeles *Approval in Concept* but fails to elaborate on Baseline Hillside Ordinance applicability especially given that it is in a hillside *coastal* zone and therefore under jurisdiction of the Coastal Commission. The plans for this project were submitted after the passage of the new restrictions but prior to the effective date of implementation. Regardless of the timing of the project and the City of Los Angeles' interpretation of the new ordinance *and the intent of the ordinance*, the Coastal Commission surely has the authority to review the project under the lens of the new ordinance requirements as it relates to scenic and visual impacts from the adjacent coastal areas.

Staff report assessments and conclusions

1. The staff report states "the proposed project will not adversely affect the scenic and visual qualities of coastal areas". I wholeheartedly disagree. How can this project not affect the scenic and visual qualities of the coastal area when if proposed just a few months later it would have not met the new Baseline Hillside Ordinance limitations and would have at a minimum been rejected by the City of Los Angeles?
2. The staff report states "the proposed project will not result in development which would impact public views to or along the ocean, nor would it result in impacts to scenic coastal areas". Again, I disagree. The staff report explains that the project will "blend into the surrounding residential neighborhood" and that it is consistent with Section 30251 of the Coastal Act with respect to protection of public views. Section 30251 states: "Permitted development should be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." This project does not meet the requirements of Section 30251.
3. The staff report states that the result of CEQA analysis and review was that no feasible mitigation measures were available that would substantially lessen any significant adverse effect on the environment. Since height is the primary reason for scenic and visual impacts, the Coastal Commission should consider requiring a revised alternative that significantly reduces the height of the proposed structure. Doing so would mitigate the significant scenic and visual impacts on the environment.

Conclusion

I strongly urge you to give this project the attention and scrutiny that it deserves. If approved, this project will have significant long-lasting effects that will impact coastal views and the character of our coastal community for both residents and visitors alike.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 26 OF 72

Santa Monica Canyon is a valuable and unique asset of the California coast and all applicable protections should apply.

Thank you for your attention in this matter.

Sincerely,



Lisa Cutting

For Priscilla Lani Cutting

168 Ocean Way

Santa Monica, CA 90402

(310) 454-3833

Cc: John Del Arroz

Bill Rosendahl

Norman Kulla

Whitney Blumenfeld

COASTAL COMMISSION

EXHIBIT # 5
PAGE 27 OF 42

RECEIVED
South Coast Region

AUG 1 - 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: W 20a
Application #5-11-125

Proposed Project: 160 N. Ocean Way

My Address: 230 Ocean Way, Santa Monica, 90402

My name: Patricia Murphy Dowling

Position: Opposed

July 29, 2011
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4402

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402
Application # 5-11-125

Dear Mr. John Del Arroz,

I am the next door neighbor to the above residence. I am writing to ask you to reconsider the location of the hearing on August 10, 2011 in Watsonville, California to be changed to a more convenient location for the concerned neighbors to attend. As I stated in earlier correspondence there are many neighbors who want to attend but due to physical and monetary constraints they will be unable to do so. Some of the neighbors are handicapped. One neighbor, stated that she is handicapped and cannot go such a distance although she would do so if it were closer. The hearing should be located in the area near the proposed project, if at all possible.

I am deeply concerned by the proposed construction at 160 N. Ocean Way because of the potential destruction to the character of this historic community.

In 1958 my family moved to 230 Ocean Way, I was twelve years old. The canyon was a special place with trees, ocean, quiet, peace, and most importantly the families that loved the Santa Monica Canyon. The Santa Monica Canyon was part of the Rancho Boca de Santa Monica. It was part of a land grant established in 1839 while Southern California was under Mexican rule. The descendants of Francisco Marquez still live in the canyon today. The original adobe home is now gone but other original adobes are still occupied and one is 102 Ocean Way on the same block as this proposed construction. Will Rogers Beach is one block from 160 Ocean Way.

As I grew up, I met the Marquez family members who had settled here in 1847. The Marquez blacksmith shop was located across the street from my home. It was and still remains the home of Sharon Kilbride who is a descendent of the Marquez family.

COASTAL COMMISSION
EXHIBIT # 5
PAGE 28 OF 42

The area is filled with rich California history. Uplifters Ranch in the upper Santa Monica Canyon was a private club but now is part of the Los Angeles Parks and Recreation. The original club built in 1923 is a historic building of Spanish design and is cherished by the canyon residents. Thousands of park lovers come to enjoy the picnic grounds, baseball fields, tennis courts, pool, and programs of Rustic Canyon Park.

Our Canyon School was originally a one room school built on land donated by the Marquez family. The original school is still there and is a historical treasure. Each year Canyon School celebrates with a Cinco De Mayo fiesta as part of the agreement for the donation of the land. Across the street the Marquez Family Cemetery is just one of the rancho-era monuments.

I think the history of the Santa Monica Canyon is vital in order to emphasize the unique characteristics of this community. The homes in the area are all one and two story homes that began as bungalows built for weekend visitors to escape the city. This was a simpler time and most of us want the community character to remain unchanged. We believe that the area is suited to small homes with no more than two stories as the lots are small and the roads are narrow.

My home is next door to 160 N. Ocean Way. I can remember when this (160 and 168 Ocean Way) was an empty lot. At the back of the lot there was a hill of approximately fifteen feet in height. 160 N. Ocean Way was built on the hill of a flag lot. It rises up above 168 Ocean Way where they share a driveway. This proposed structure will be visible from all over the canyon as it will be four stories high with the foundation being higher than the rest of the footprint. The proposed structure is completely out of character for the area.

The staff report packet shows that the height will be 41 feet or higher for the new structure. This will be the tallest building in the canyon! The visual impact for the public from Chataqua Blvd. and Will Rogers State Beach will be significant. The fourth story is a roof top sun deck. It will have an elevator and a bell tower. These will rise to the level of the power lines just behind the house. A FOUR STORY STRUCTURE is two stories higher than the neighboring homes. This structure impacts the public views and changes the natural landforms to be visibly prominent and is out of community character for the Santa Monica Canyon.

Another concern is the noise. In this canyon the noise carries everywhere. It echoes. I will be able to hear the conversations on the sun deck of the new home at 160 Ocean Way very easily.

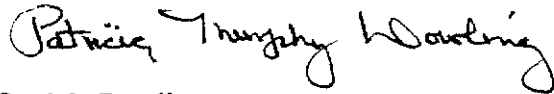
The people of California, who come to the historic Santa Monica Canyon to take their families to the beach, as they have done for the past 167 years, will appreciate and respect that we have protected their coast. I urge you to change the date and location of the hearing as this project is important to the future of our coastal community and all the neighbors' voices, including those with physical disabilities, should be heard.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 21 OF 42

Thank you for your service in protecting our California coastline.

Sincerely,



Patricia Dowling
230 Ocean Way
Santa Monica, CA 90402
310 456 2323

cc: Steve Blank
Dayna Bochco
Dr. William Burke
Wendy Mitchell
Mary K. Shallenberger
Jana Zimmer
Martha McClure
Steve Kinsey
Mark W. Stone
Brian Brennan
Richard Bloom
Esther Sanchez
James Wickett
Dr. Clark E. Parker
Meg Caldwell
Scott Peters
Steve Kram
Sarah Glade Gurney
Connie Stewart
Pam O'Connor
Bruce Reznik
William Rosendahl

COASTAL COMMISSION

EXHIBIT # 5
PAGE 30 OF 42

RECEIVED
South Coast Region

AUG 2 - 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: W 20 a
Application #: 5-11-125
Proposed Project: 160 N. Ocean Way, Santa Monica
Debra Gendel, 225 Mabery Road, Santa Monica
OPPOSED

July 29, 2011

Mr. John Del Arroz
CA Coastal Commission
South Coast Area Office
200 Oceangate Ave., Suite 1000
Long Beach, CA 90802-4302

Re: Proposed Construction: 160 N. Ocean Way, Santa Monica, CA 90402, Application # 5-11-125

Dear Mr. Del Arroz:

I am a resident of the coastal neighborhood of Santa Monica Canyon and am writing to ask for a **change of venue** for the above referenced project review from the Coastal Commission hearing in Watsonville on August 10, to the L.A.-area hearing date just 10 weeks away, in October.

Many of the neighbors surrounding the project are in their 70s and 80s and it would be a hardship for them to travel so great a distance. Since there is **no legal deadline for action** on 160 Ocean Way, a single-family residence, moving the project's review to the next hearing in the Los Angeles area would **facilitate—rather than preclude—public participation** by those residents of this Santa Monica Canyon neighborhood who would be impacted by the project.

Furthermore, I would request the Coastal Commission to require **a reduced height and mass**.

The designer claims the house has been developed "as of right" and is therefore not subject to discretionary review by the City of Los Angeles and its Board of Zoning Appeals. However, the house epitomizes the kind of design which the new Hillside Ordinance is meant to prevent.

The City seems prepared to grant a permit because the owners managed to get their application in just before the deadline in order to avoid being subject to the new rules. However, the Coastal Commission has **broader discretion**. I believe this project calls for **a broad discretionary review**.

With the new Hillside Ordinance, it is the clear intent of the City of Los Angeles to prevent such massive houses in ALL hillside areas, and given that this is not only a hillside area but a Coastal Zone, the Commission should insist on compliance with the new Hillside Ordinance, even if the project was technically "grandfathered" in.

I am not opposed to a new house, I am opposed to allowing this particular design to become the last massive house built in the Canyon **because of a technicality**. A house of this mass and height, shoehorned into a tight lot, has a negative impact not only on many neighbors but on the **public environment of the Canyon**.

Reasons why the Coastal Commission should review this project with special attention

COASTAL COMMISSION

EXHIBIT # 5
PAGE 31 OF 42

HILLSIDE

This is not on a typical flat site, but a sensitive canyon hillside

COASTAL

This is not an inland hillside, but a hillside within the coastal zone, highly visible from the beach and from public streets above, and a major regional point of access to the coast, for by car, transit, biker, and pedestrian.

CANYON

Santa Monica Canyon is not an isolated canyon, but a major coastal gateway by car, bus, bike, and on foot - the potential impacts of this house are public

HISTORIC

This is not a new neighborhood, but one that has been settled for more than 100 years

FLAGLOT

This is not a conventional rectangular lot, but a highly irregular and constrained flag lot with reciprocal easements on the driveway

ADJOINING NEIGHBORS

This is not a typical lot with 2-3 abutting properties: it is in the middle of the block that has 6 abutting and surrounding properties, with numerous others affected

CROWDED SITING

Though the property is 8,804 s.f., when the steep driveway is subtracted, the actual buildable area (before setbacks) is closer to 5,750 s.f.

SIZE

The enclosed area of the existing house is roughly 1,630 s.f.; the enclosed area of the proposed house is more 5,400 s.f. (this includes 800 s.f. of garage)

FOUR STORIES

All the surrounding structures have 1 or 2 usable floor levels - the proposed house has 4

MASSING

There is no stepping down of the building's massing with the slope, but rather a single massive rectangular block (precisely what the new Hillside Ordinance is intended to preclude)

ROOFDECK

The top floor is not a flat or sloping roof, but an inhabitable roofdeck with entertainment area 33.5 feet above the ground, higher than many surrounding houses, with potential audible impacts throughout the Canyon

ELEVATOR AND TOWER

A tower, more than 40' in height, rising directly from the driveway, within 36' of the neighboring house.

MINIMAL LANDSCAPE

Unlike the generous gardens of surrounding properties, there will remain practically no planted area

COASTAL COMMISSION
EXHIBIT # 5
PAGE 32 OF 42

The staff report sites three other Coastal Commission-approved projects and says that the approval of these structures is apparently indicative that the proposed house would also fit into the character of the neighborhood. This is not true. It completely ignores the unique hillside nature of this coastal area and seems to treat all houses as equal.

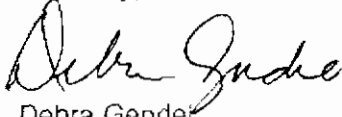
- 123 Ocean Way is on the opposite side of Ocean Way from the proposed house and this house descends down the side of Santa Monica Canyon. It does not rise above the hillside. **From most vantage points this 3,000 SF house appears to be only two stories high.**
- 120 Ocean Way is on the same side of Ocean Way as the proposed house but this house was a remodel of an existing home in a very sensitive way that **did not change the character of the house at all.** In fact the new house looks basically the same. It was a remodel. Not a new home.
- 273 Mabery is quite a distance from the proposed house. Like 123 Ocean Way, this house descends down into Santa Monica Canyon hillside and at **street level is only one story.**

All three of the examples sited are consistent with the character of our coastal neighborhood. They are in the same scale as neighboring homes and fit into the area very well. They do not stand out and are sensitive to hillside and coastal ambience. None of these houses towers above nearby homes.

Two of the houses descend down into the Canyon rather than rise above it. The proposed house for 160 Ocean Way is not "visually compatible with the character of surrounding areas". The **neighboring homes are one and two story homes. The proposed structure is four stories. There are no four-story homes in the coastal neighborhood.** This towering structure will be far taller than anything in the neighborhood.

In conclusion, I would ask that the venue for the project hearing be moved from Watsonville to Southern California. And I would ask that the Coastal Commission require the house to be lower, with its massing stepped down with the hillside, and without a roofdeck and elevator.

Sincerely,



Debra Gender
225 Mabery Road
Santa Monica, CA 90402

CC: Mr. John Del Arroz, California Coastal Commission Staff

COASTAL COMMISSION

EXHIBIT # 5
PAGE 33 OF 4

CHATTEN-BROWN & CARSTENS

2601 OCEAN PARK BOULEVARD

SUITE 205

SANTA MONICA, CALIFORNIA 90405

www.cbcearthlaw.com

TELEPHONE: (310) 314-8040

FACSIMILE: (310) 314-8050

E-MAIL:

JCB@CBCEARTHLAW.COM

AGENDA ITEM W20a

August 1, 2011

Via Email

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

RE: Agenda Item W20a: 160 North Ocean Way, Pacific Palisades, Los Angeles County,
REQUEST FOR CONTINUANCE

Dear Mr. Douglas:

On behalf Concerned Residents of Santa Monica Canyon, we hereby provide you with additional information in support of their request that you continue the hearing of the above-entitled matter currently set for August in Watsonville to the October meeting in Southern California. Concerned Residents of Santa Monica Canyon is made up of many residents of the Santa Monica Canyon area of the Pacific Palisades that seek design modifications to the significantly oversized development proposed for 160 North Ocean Way (the "Project") due to the Project's negative impacts on public and private views and the potential geotechnical dangers. Attached please see illustrations of the proposed Project prepared by architect, which demonstrate the incompatibility of the Project with the surrounding neighborhood. We request the hearing on this matter be continued from the August meeting in Watsonville until the October meeting in Los Angeles or Orange County. Concerned Residents' request for a continuance is also supported by the two neighborhood associations in the Project area; the BOCA Neighborhood Association and the Santa Monica Canyon Civic Association have both submitted letters to the Commission recommending a continuance of the hearing on the Project.

There are several reasons that a continuance is appropriate. First, there has been inadequate notice of the Project to allow neighbors of the Project site adequate time to

COMMISSION
EXHIBIT # 5
PAGE 34 OF 42

respond to the Commission staff's findings or to make travel arrangements to attend the hearing in Watsonville. Written notice of the August hearing on the Project was not received by any neighbor or neighborhood organization until July 25. On that day, a small number of homeowners - approximately six residents on adjacent properties - received a letter notifying them that the Commission hearing on the Project would be held just 16 days later, on August 10. For nearly all the neighbors, residents, and Canyon homeowners associations, this was the very first written notice of any Commission hearing. Many of the immediate neighbors to the Project site are elderly and one is disabled. They all want to attend the hearing, but it would be a real hardship for them to attend a hearing in Watsonville. It will be especially difficult because of the short time they now have to make possible arrangements. At least 50 residents and representatives of the two neighborhood associations have indicated they would like attend the hearing on the Project, but few would be able to go to Watsonville. Furthermore, the staff report, which recommended approval of the Project, was only issued on July 22, giving the community very little time to read it and respond to its findings. A continuance is needed to allow residents to attend the hearing on the Project and to provide the Commission with suggested modifications to mitigate the Project's impacts.

Based on an email Commission staff sent to a neighbor of the Project, it is our understanding that the decision to hold the Project hearing at the August hearing in Watsonville was based upon staff workload considerations. According to Commission policy, hearings should be held "relatively close" to the location of the proposed development, unless there is a "legal deadline for action." (www.coastal.ca.gov/meetings/mtgdates.html.) Staff workload is not listed as a legitimate basis for holding a hearing at a location remote to the Project site. The Project application was filed on May 18, 2011, meaning the 180 day legal deadline for action runs until November 14, 2011. While the August meeting is being held far from the proposed Project site in Watsonville, the October Commission meeting will be held in Los Angeles or Orange County, much closer to the proposed Project site. Thus, the legal deadline for action on the Project does not preclude holding the hearing at a location relatively close to the location of the proposed development.

Additionally, the local South Coast Representative of the Coastal Commissioners, Commissioner Richard Bloom, is unable to attend the August hearing in Watsonville. The alternative South Coast Representative, Pam O'Connor, is also unable to attend this hearing. Concerned Residents of Santa Monica Canyon believe a local perspective is very important, thus it would be appropriate to continue the hearing on the Project until the October meeting, which Commissioner Bloom will be able to attend.

Finally, since this is clearly a controversial project adversely affecting views and raising serious geotechnical issues, it would benefit greatly from additional time to work

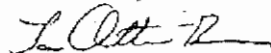
COASTAL COMMISSION
EXHIBIT # 5
PAGE 35 OF 4

Peter Douglas
August 1, 2011
Page 3 of 3

out potential mitigation or modifications. It is appropriate to continue the hearing until a time when the local Commissioners and impacted residents will be able to attend.

We appreciate your consideration of this request and look forward to your response.

Sincerely,



Jan Chatten-Brown

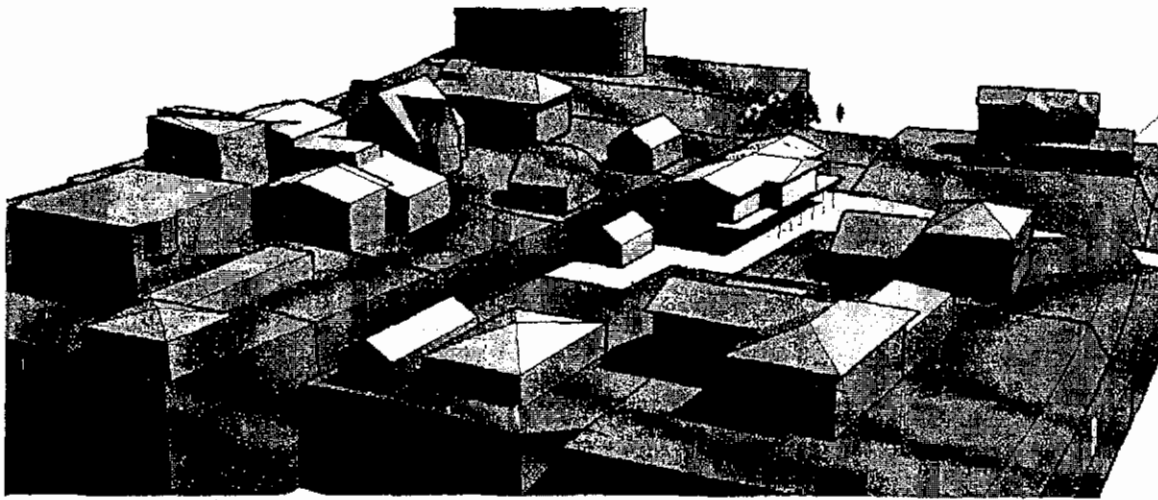
Cc: Commissioner Shallenberger, Chair of the Coastal Commission
Commissioner Stone, Vice Chair of the Coastal Commission
Commissioner Blank
Commissioner Bocheo
Commissioner Burke
Commissioner Mitchell
Commissioner Zimmer
Commissioner McClure
Commissioner Kinsey
Commissioner Brennan
Commissioner Bloom
Commissioner Sanchez
Pam O'Connor, Alternate Commissioner
John Del Arroz, Coastal Commission staff

COASTAL COMMISSION
EXHIBIT # 5
PAGE 36 OF 4

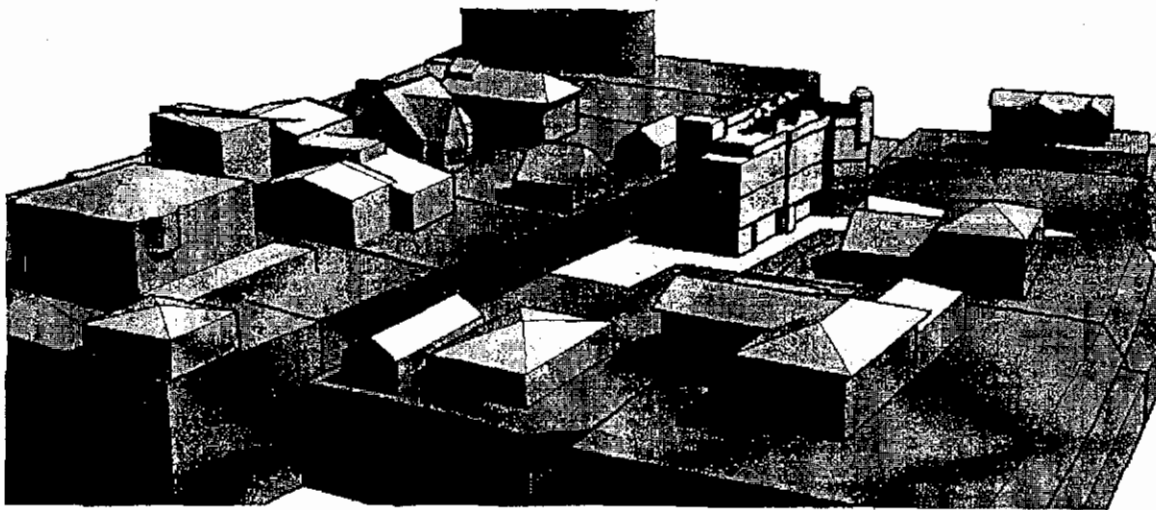
Architectural Illustrations of Proposed Development

COASTAL COMMISSION

EXHIBIT # 5
PAGE 37 OF 42



existing house from the northeast



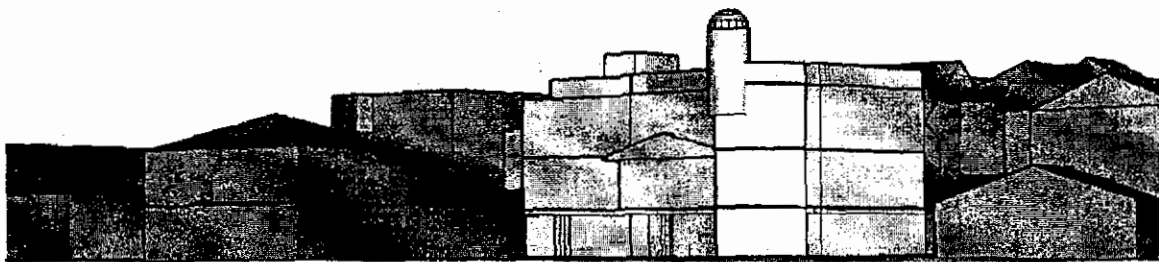
proposed house from the northeast - note rooftop entertainment deck with proposed hot-tub, barbecue, seating, and elevator

COASTAL COMMISSION

EXHIBIT # 5
PAGE 38 OF 42



existing house from Ocean Way



proposed house from Ocean Way

COASTAL COMMISSION

EXHIBIT # 5
PAGE 34 OF 42

ANDREW E. BOGEN
FORTY-EIGHTH FLOOR
333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071
(213) 229-7159

August 1, 2011

California Coastal Commission
South Coast District Office
200 OceanGate, 10th Floor
Long Beach, CA 90802

Re: Proposed Construction at 160 Ocean Way
Santa Monica CA 90402
Application # 5-11-125

Dear Coastal Commission Members,

My wife and I reside at 144 Ocean Way, Santa Monica CA 90402, adjacent to the proposed project at 160 Ocean Way. We are writing to urge that the Coastal Commission hearing on this matter, which has been scheduled for August 10-12 in Watsonville with a scant two weeks' notice to adjacent property owners, be rescheduled to a location in the Los Angeles vicinity in order that you may have a realistic opportunity to hear from persons living in the neighborhood and users of the area.

The proposed construction at 160 Ocean Way, if it is permitted to proceed, will significantly and adversely change the character of Santa Monica Canyon. In doing so it will affect one of the most heavily-used beach areas in all of Los Angeles County. Hundreds and, depending upon the weather and season, thousands of Los Angeles residents come to Santa Monica Canyon daily throughout the year to park and walk to the adjacent beach, to walk on the winding, tree-lined streets of the area, and to bicycle. This area is one of Los Angeles' great public resources.

A major part of the appeal of Santa Monica Canyon is the small scale of the residences and businesses in the area, a large part of which were constructed 50 and more years ago. The Canyon remains one of the few beach neighborhoods in Los Angeles in which the overwhelming majority of houses are low-profile, with minimal visual impact.

If the 160 Ocean Way project is approved it will initiate a radical change in this pattern. The proposed three-story structure with a party deck on the roof and stairway and elevator towers rising to 40 feet will be the tallest structure in the area and have an unprecedented visual impact. Of the utmost importance, it would undoubtedly set the pattern for future development so that inexorably over time more and more views will be blocked and less and less of the canyon's low key, friendly, inviting, atmosphere will remain.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 40 OF 42

RECEIVED
South Coast Region

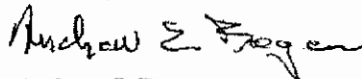
AUG 2 - 2011

California Coastal Commission
South Coast District Office
August 1, 2011
Page 2

CALIFORNIA
COASTAL COMMISSION

We find it astonishing that an issue of such importance would be set for hearing, on very short notice, several hundred miles away. To do so is completely at odds with the purpose of the Coastal Commission and, we are certain, the principles of the Commission members. We believe it is most unfair to require citizens to travel such a distance in order to participate in the Coastal Commission's hearing, and we are aware of no extraordinary circumstances which would justify such a burden.

Sincerely,



Andrew E. Bogen

cc: Mr. Richard Bloom
Ms. Pam O'Connor
Mary K. Shallenberger, Chair
Ms. Wendy Mitchell
Ms. Martha McClure, Supervisor
Mr. Steve Kinsey, Supervisor
Mr. Mark W. Stone, Supervisor
Ms. Esther Sanchez
John Del Arroz
Ms. Dayna Bochco

COASTAL COMMISSION

EXHIBIT # 5
PAGE 41 OF 42

Agenda Item: W 20, an Application # 5-11-125
Proposed Project: 160 Ocean Way, Santa Monica
From: Earl and Carol Fisher, 102 Ocean Way, Ca. 90402
Position: Opposed

Del
Dear Mr. Arrozo:

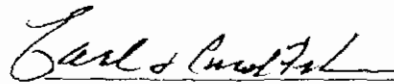
8/3/11

My wife and I have lived at 102 Ocean Way (the Bradbury House, one of the monuments in the Los Angeles Conservancy) for the last thirty years.

We strongly oppose "mansionizing" homes in our area. Therefore, we are in opposition to the proposed four-story construction at 160 N. Ocean Way, Santa Monica, Ca. 90402, Application # 5-11-125.

Furthermore, we suggest that you re-schedule the August 10-12, 2011 meeting on this subject in Watsonville, to a later date, to an area near Santa Monica. You should hear the feelings of the people in our locale before you pass on this most important application.

Respectfully,



Earl and Carol Fisher

Coastal Act Section 30251 States:

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.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 42 OF 42

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
NANCI SESSIONS-STACEY
KIMBERLY A. RIBLE
ALICIA B. BARTLEY

* a professional corporation

LAW OFFICES OF
GAINES & STACEY LLP
16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

August 1, 2011

ORIGINAL VIA HAND DELIVERY

VIA FACSIMILE (415) 904-5400

Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

W 20a

Re: 160 North Ocean Way, Pacific Palisades
Coastal Development Permit Amendment No. 5-11-125
Commission Hearing Date: August 10, 2011
Request for Approval Per Staff Recommendation

Dear Chair Shallenberger and Honorable Commissioners:

This law firm represents the applicants, Darrach McCarthy and Lucia Singer, in the above-referenced matter. We urge you to follow Staff's recommendation to approve the Coastal Development Permit with conditions as proposed. The proposed permit is for the applicant's own residence, which meets all applicable Los Angeles Municipal Code and Coastal Act requirements (no variances or exceptions sought). The applicants have agreed to accept all conditions as proposed by the Commission Staff.

The project involves the remodel of an existing 1959 home on an interior flag lot, which is not visible from any public street. The correct square footage of the proposed house is 4204 (plus garage). The project size and height are consistent with the Commission's recent approvals on this same street (CDP 5-02-212, CDP 5-02-214 and CDP 5-07-227).

The new home will be seven feet taller than the current home. The Commission Staff has correctly determined that no public views will be affected, and that private views are not protected under the visual protection policies of the Coastal Act.

G&S/1854-001

COASTAL COMMISSION

EXHIBIT # 6

PAGE OF

Mary Shallenberger, Chair
August 1, 2011
Page 2

We respectfully request that you approve the permit as recommended by Commission staff. Thank you for your consideration. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By


FRED GAINES

cc: All Coastal Commission Members
Peter Douglas, Executive Director
John Del Arroz, Long Beach Office

COASTAL COMMISSION

EXHIBIT #

6

PAGE _____ OF _____