

CALIFORNIA COASTAL COMMISSION

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



W21a

Filed: 5/18/2011
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Staff: John Del Arroz - LB
Staff Report: January 25, 2012
Hearing Date: February 8, 2012
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' high, 4614 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 **three (3) special conditions** regarding **1)** submission of revised plans approved by the City which are in compliance with the Baseline Hillside Ordinance; **2)** drought tolerant native and non-invasive landscaping; and **3)** 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. The project was brought before the Commission again on November 3rd, 2011. After a public hearing the project was continued at the request of the applicant.

Comments made by Commissioners at the November hearing included that the proposed residence was not consistent with the character of the surrounding neighborhood. Specifically, Commissioners raised objections with the mass, scale, and architectural style of the proposed residence. Guidance given to the applicant and staff included a recommendation to alter the mass, scale, and architectural style of the proposed residence to fit more in line with the design and scale of surrounding

residences in the Santa Monica Canyon area of the proposed project, and to look towards the City of Los Angeles' Baseline Hillside Ordinance as a factor in determining the appropriate scale and design to conform to community character for this area.

29 letters were previously submitted in opposition to the project which was proposed at the August 2011 and November 2011 meetings. A representative sampling of the letters can be found at Exhibit 5. The letters included nine 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 in compliance 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.
- 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 prior to the November 2011 meeting. Pictures of the story poles for the previously proposed residence can be found at Exhibit 4.

In response to comments made by commissioners at the November 2011 meeting the applicant has revised the project to more closely conform to the provisions of the Baseline Hillside Ordinance. The revised project does not totally comply with the Baseline Hillside Ordinance, however.

Staff has received 5 additional letters regarding the new, revised project (Exhibit 6), with 2 main points:

- 1) Development that is not consistent with the Baseline Hillside Ordinance would not be consistent with the character of the community
- 2) The proposed development is 2 feet higher than allowable, as the height should be measured from Lowest Average Grade, rather than height of slab.

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 for previously proposed project
5. Public Comment Letters from November 2011 hearing
6. Public Comment Letters

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. **Revised Final Plans.**

A. Prior to Issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which are in compliance with all applicable requirements of the City of Los Angeles Baseline Hillside Ordinance. The revised plans shall be reviewed and approved by the City of Los Angeles Planning Department for compliance with the Baseline Hillside Ordinance. The final plans shall include a visible building envelope which shows the maximum height, development footprint – lot coverage and/or building square footage – Floor Area Ratio (FAR) allowable by the Baseline Hillside Ordinance for this specific property, and further demonstrates that the height, footprint – lot coverage and square footage – FAR of the structure does not exceed the maximum allowable in the Baseline Hillside Ordinance. If significant changes have been made to the plans submitted on December 22, 2011 to the Commission's South Coast Area Office, an amendment to the approved Coastal Development Permit may be required.

2. **Landscaping**

All landscaping on the project site 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).

3. **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 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 to the immediate north of Santa Monica within the City of Los Angeles, in the Pacific Palisades region of the city. Santa Monica Canyon is unique from Pacific Palisades, however, in that the canyon contains smaller homes once largely inhabited by writers, artists, and actors with a history of unique architectural styles. 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.

The project originally proposed by the applicant 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.

Since the November, 2011 Commission hearing, the applicant has submitted a revised project plan. The proposed project includes demolition of the existing two story single family residence and construction of a new, 33' high, 4614 sq. ft. single family residence. The applicant proposes to include elevator access to the proposed rooftop deck, which he states is necessary to allow adequate access to the rooftop deck. The elevator access structure would extend to a maximum height of 38' from the finished floor elevation of the garage, or 5' 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 main differences between the revised proposal and the proposal which was previously reviewed by the Commission at its November, 2011 hearing include the following:

- a) The project has been revised from a more modern architectural style to a Spanish Colonial style architecture and features levels which are stepped back, rather than a flat façade as was proposed previously.
- b) The maximum height of the revised residence is 33', 6" lower than the previously proposed project.
- c) The revised plan has eliminated the stair access structure.
- d) The maximum height of the elevator access structure has been reduced from 40' 9" to 38'.
- e) The revised plan has reduced the elevation of the roof deck by 6", from 30' to 29' 6".

B. 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...

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.

Background.

The proposed development is located within an existing developed area in Santa Monica Canyon. Santa Monica Canyon is an area that is developed with a mix of residences of varying sizes and styles, and includes both structures with some historical significance and structures of more modern design. 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.

The majority of the discussion at the November 2011 Commission hearing centered around whether the proposed project was compatible with the character of the surrounding area. At the hearing, the Commission stated that the previously proposed project was inconsistent with the character of the surrounding area due to factors including the mass, scale, height, and architectural style. Additionally, the Commission stated that, lacking a certified Land Use Plan or Implementation Plan for the City of Los Angeles, staff should consider the BHO as a guiding factor in determining the project's compatibility with the character of the surrounding area.

As noted previously, the proposed project was reviewed and approved by the City during the intervening period between passage of the Baseline Hillside Ordinance on April 26, 2011 and the date that the BHO became effective on May 9, 2011. The Baseline Hillside Ordinance was designed and passed into law in response to the increasing trend of large home construction, often described as "mansionization" on sloping hillside and canyon lots in Los Angeles. 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%. According to the *Baseline Hillside Ordinance: A Comprehensive Guide to the New Hillside Regulations*, written by the Los Angeles Department

of City Planning and dated May 9, 2011, elevations for purposes of the BHO guidelines should be measured from the Hillside Area Grade, which is defined on page 24 of the document as "the Elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action." 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.

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 Commission has also approved structures in the immediate area of the subject site. The following chart shows the square footages and heights of structures in the surrounding area that were approved by the Commission:

Permit No.	Address	Square Footage of Residence	Height	Lot Area (sq. ft.)
5-91-481	147 Mabery Rd	4264	31	8,209
5-96-079	156 Mabery Rd	2846	27	6,271
5-02-212-W	123 Ocean Way	2896	33.5	6,164
5-02-214-W	120 Ocean Way	6030	36	14,063
5-07-227-W	273 Mabery Rd	3717	31	9,331

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.

Since the November 2011 hearing, the applicant has submitted a revised proposal for a single family residence on the site. The applicant states that the revised project would not be fully consistent with the BHO. Specifically, the applicant states that the proposed structure would meet the requirements of the BHO except for the elevation of the proposed rooftop deck. The rooftop deck is proposed at an elevation of 29' 6", instead of the maximum allowable height of 28' for a flat roof structure. As specified above, the BHO also contains restrictions on allowable square footage. The applicant's architect has stated that the total allowable square footage on the site is 4,632; however the slope analysis required in order to determine the maximum allowable square footage on the site has not been submitted or reviewed by staff.

Analysis

The City of Los Angeles does not have a certified Land Use Plan, nor a certified Implementation Plan. Therefore, the standard of review for the proposed project is consistency with the Coastal Act. Coastal Act Section 30251 states that “permitted development shall be... visually compatible with the character of surrounding areas...” The Commission typically uses certified portions of an LCP as guidance when it has permitting jurisdiction and when the Coastal Act is the standard of review. 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. Even though the BHO is not part of a certified LCP, the BHO includes relevant criteria that the Commission can nevertheless use to determine the consistency of a proposed project with the mass and scale of structures in the hillside areas of the City of Los Angeles.

The proposed structure, at 4614 sq. ft., would be one of the larger structures within the range of square footages of structures in the surrounding area. Relying on an aerial image of the surrounding area, and using the Commission-approved 147 Mayberry residence as a reference point in that image (which is 350 sq. ft. smaller than the proposed home), the aerial image illustrates that the character of the surrounding area includes homes that are, on balance, much smaller in scale than what was approved at 147 Mayberry, and therefore smaller in scale than the proposed development. The proposed residence is also located on a lot which is more constrained due to its shape as a flag lot, which leads to a lot area which has a smaller available development footprint than many of the adjacent lots. The combination of lot constraints and the proposed size of the structure results in a structure which appears to be larger when compared to the existing homes in the surrounding area. Therefore, the proposed project is not consistent with the character of the surrounding neighborhood in terms of height, mass, and scale.

Staff has reviewed the proposed project, and found that, based on the materials provided, it appears that the project is not consistent with the Baseline Hillside Ordinance due to the presence of the roof deck at an elevation of 29' 6" instead of at the maximum allowable elevation of 28'. Based upon the submitted materials, it appears that the proposed project would exceed height guidelines established by the City to ensure the protection of the character of hillside areas within the City of Los Angeles.

Therefore, the proposed residence exceeds current height standards established by the City in the BHO, and also represents a structure that is larger than many of its neighbors on a lot that is more constrained than many of its neighbors. The structure as proposed would therefore not be consistent with the character of the surrounding area which necessarily includes the character of the various residences in the surrounding neighborhood.

However, if the proposed project were revised to be consistent with the BHO, the project would be made consistent with the standards for height and mass that all future hillside projects in the area will be required to meet. Based on an analysis by staff of the submitted materials, it appears that the project may be able to be found consistent with the Baseline Hillside Ordinance if the proposed roof deck were either removed, or altered to reduce the elevation of the roof deck to at or below 28'. However, it is the City of Los Angeles that must ultimately determine whether a project is consistent with the Baseline Hillside Ordinance. Therefore, the Commission imposes Special Condition 1, which requires the applicant to

submit revised final plans which have been approved by the City of Los Angeles Planning Department as consistent with the requirements of the Baseline Hillside Ordinance. As conditioned, the proposed project would be consistent with the guidelines regarding height, mass, and scale of residences on hillside areas within the City of Los Angeles.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act with regard to siting of development within an existing developed area able to accommodate it. Further, as conditioned, the proposed residence would be consistent with the character of the surrounding area, 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, as conditioned, the proposed project is consistent with Section 30251 of the Coastal Act with regard to protection of public views.

C. 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 project 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 4 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.

D. Water Quality**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...

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 2, 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.

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 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 3, 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.

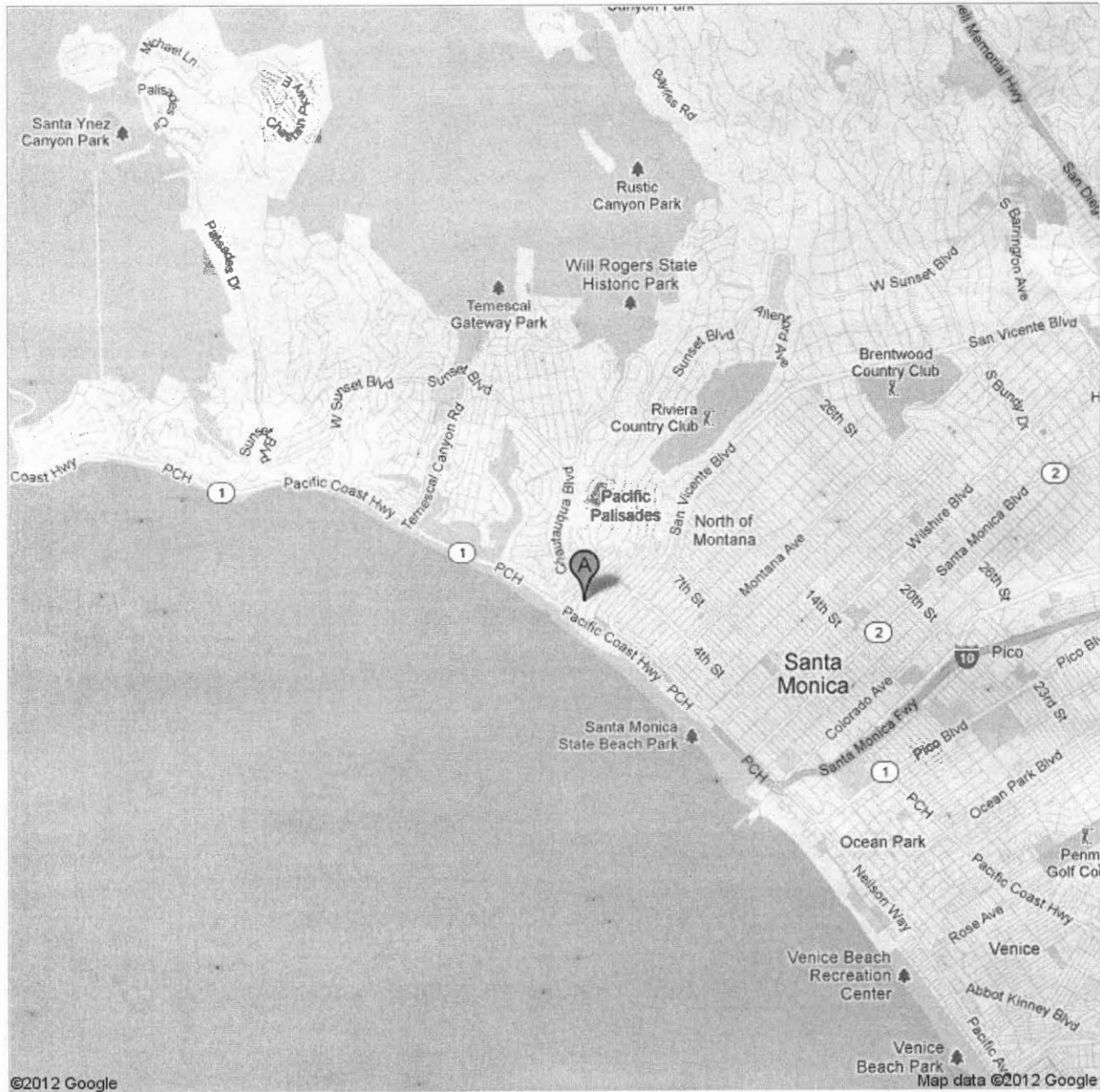
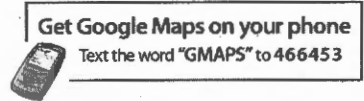
G. California Environmental Quality Act (CEQA)

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.

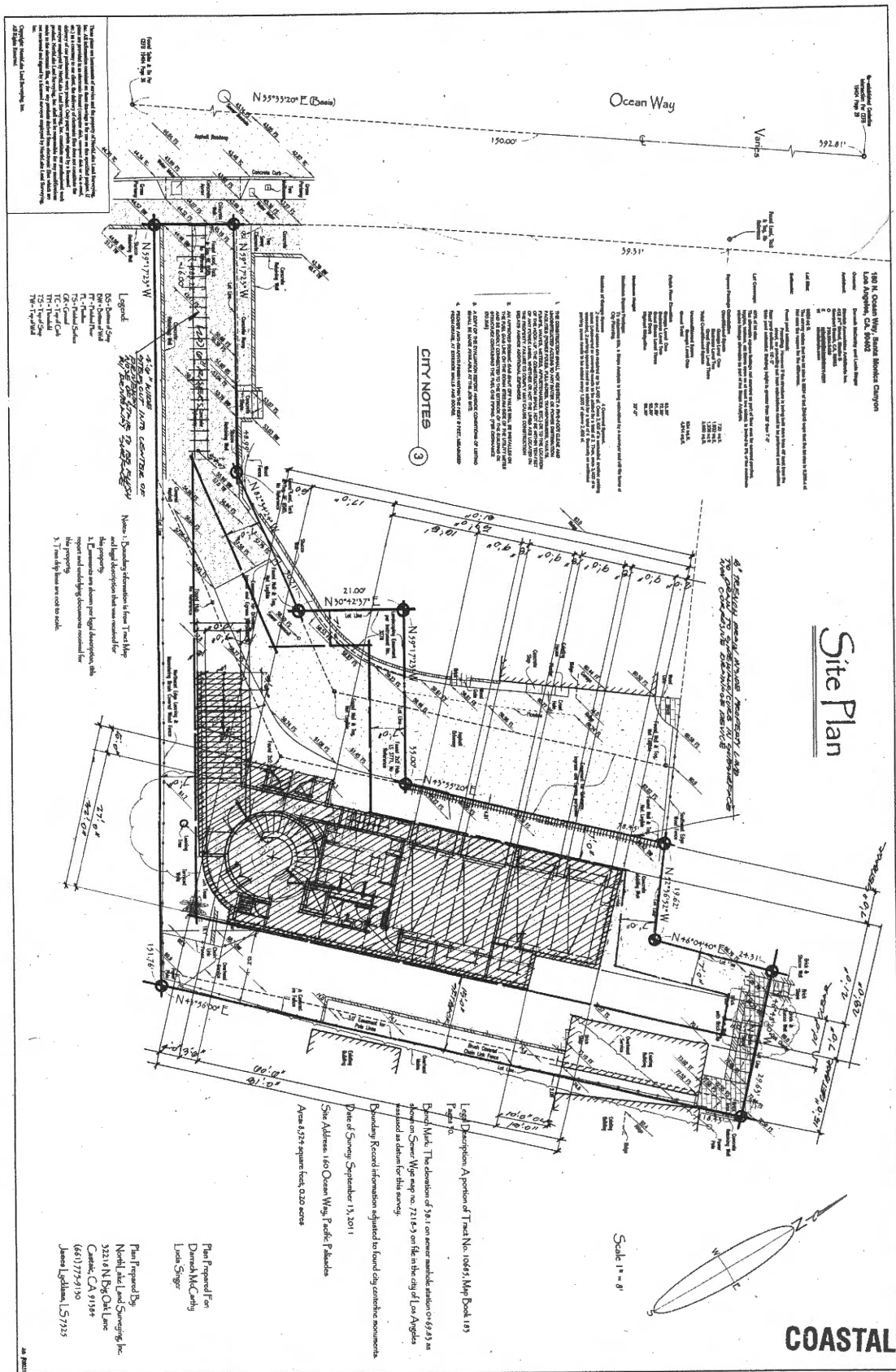


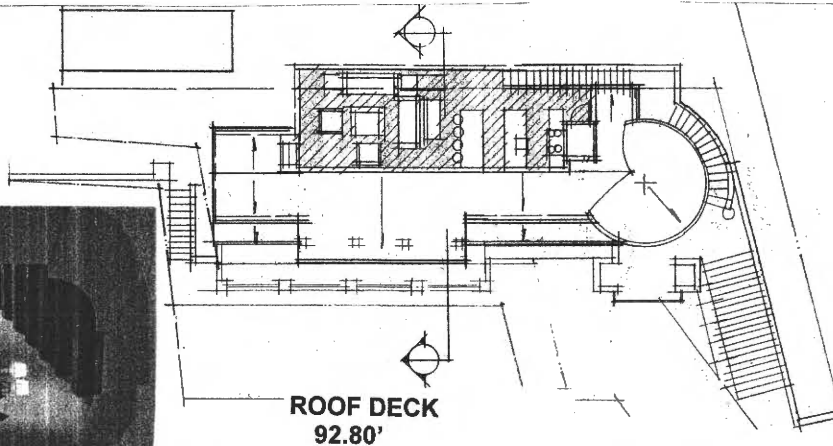
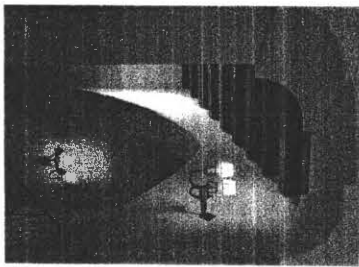
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Santa Monica, CA 90402



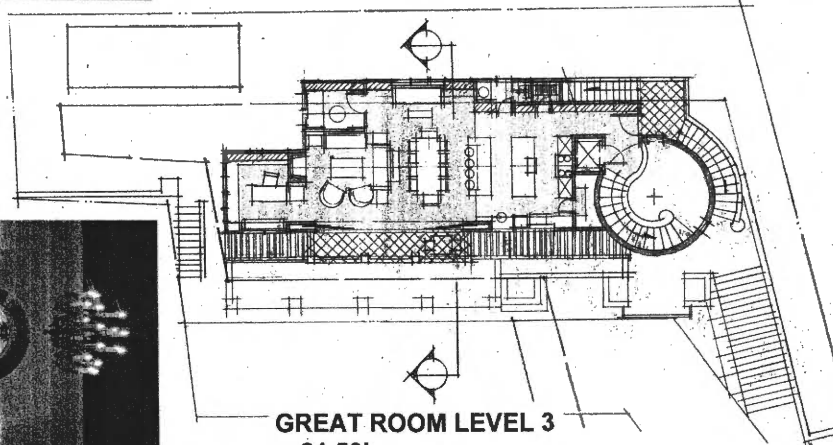
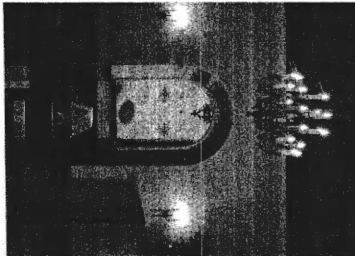
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EXHIBIT # 1
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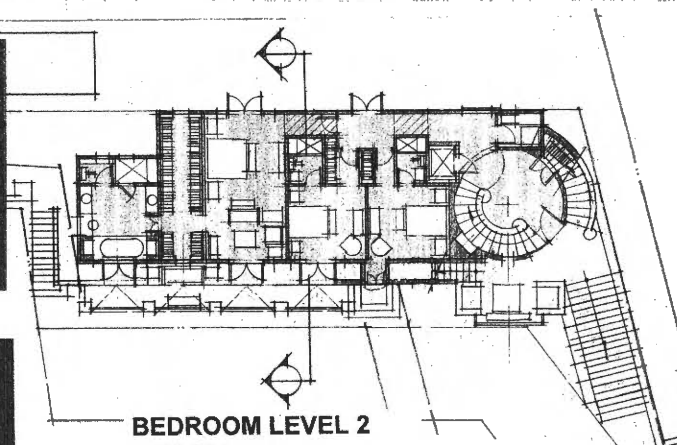
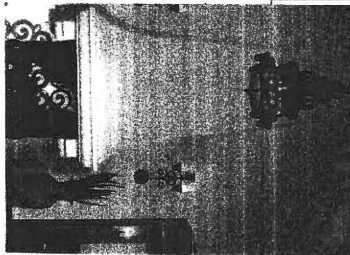




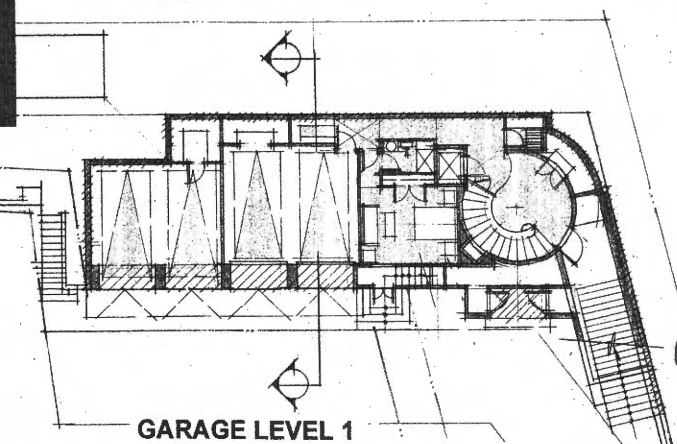
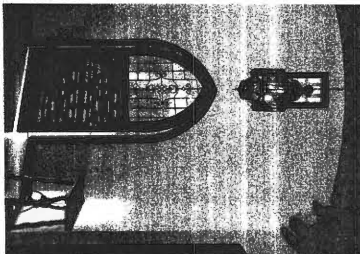
ROOF DECK
92.80'



GREAT ROOM LEVEL 3
81.50'



BEDROOM LEVEL 2
72.30'



GARAGE LEVEL 1
63.30'

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150 N. Ocean Way, Suite 1000
Santa Monica, CA 90402
Tel: 310.311.1111
Fax: 310.311.1112
www.sinclair-architects.com

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Santa Monica, CA 90402
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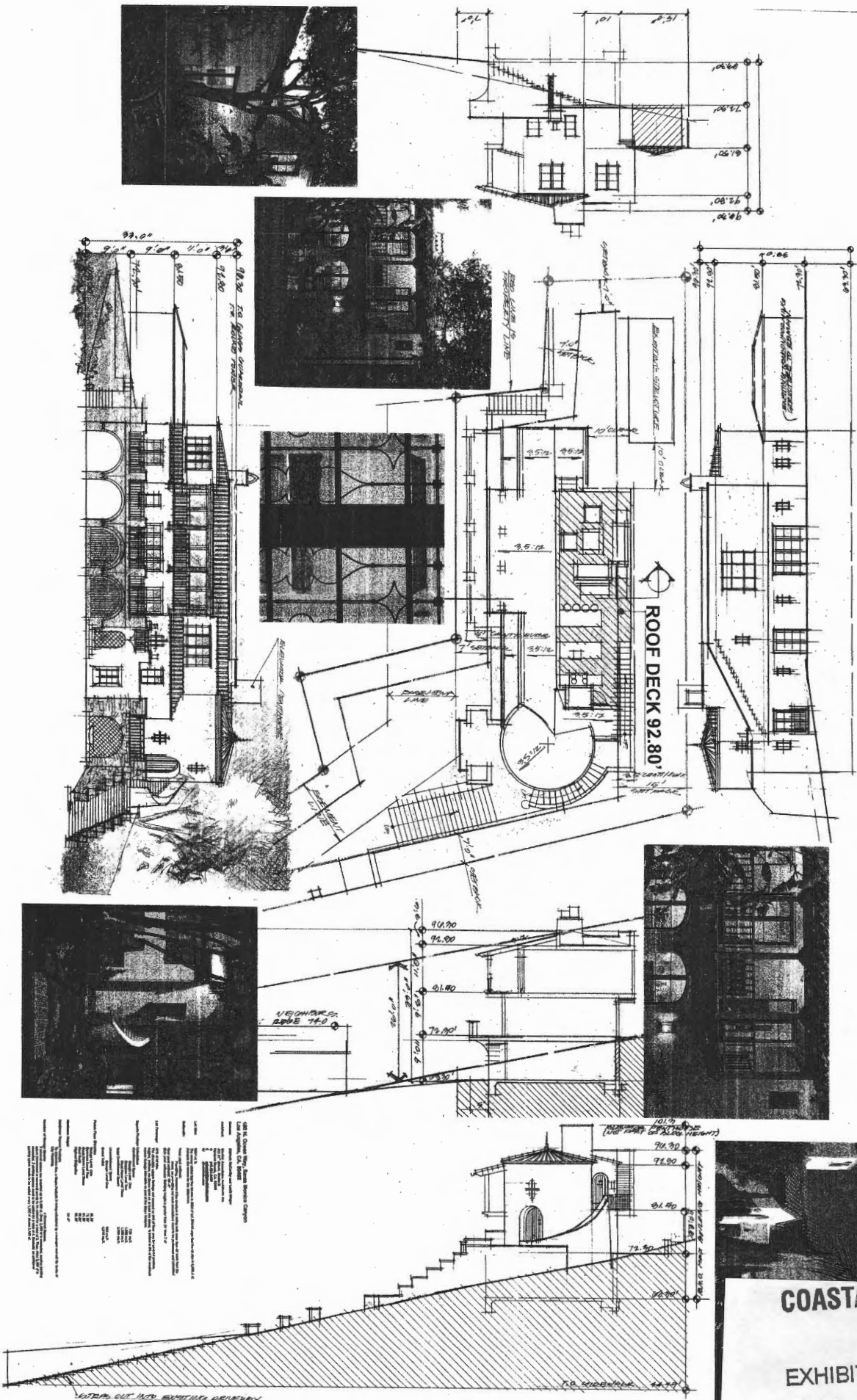
150 N. Ocean Way, Suite 1000
Santa Monica, CA 90402
Tel: 310.311.1111
Fax: 310.311.1112
www.sinclair-architects.com

SINCLAIR ASSOCIATES ARCHITECTS

150 N. Ocean Way, Suite 1000
Santa Monica, CA 90402
Tel: 310.311.1111
Fax: 310.311.1112
www.sinclair-architects.com

FLOOR PLANS SCALE 1/8"=1'-0"

OWNER: Derrach McCarthy and Lucia Singer
PROJECT ADDRESS: 150 N. Ocean Way, Santa Monica Canyon
Los Angeles, CA 90402
ARCHITECT: Sinclair Associates Architects Inc.
413 N. Grand, Suite 8
Hollywood, CA 90028
Tel: 310.461.4600
www.sinclair-architects.com

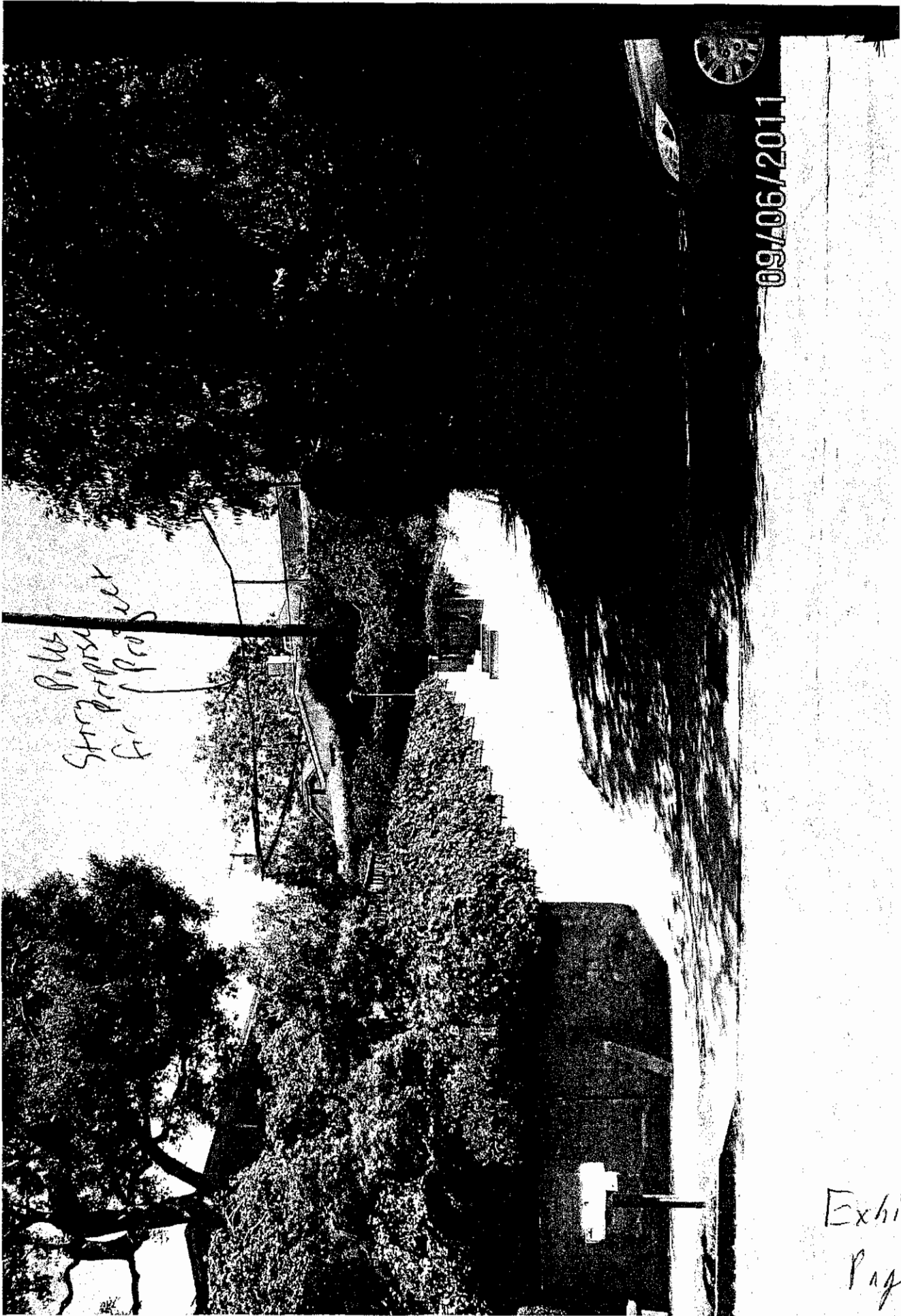


SINCLAIR ASSOCIATES ARCHITECTS
 100 N. Ocean Way, Santa Monica Canyon
 Los Angeles, CA 90402

OWNER: Darrach McCarthy and Lucia Singer
 PROJECT ADDRESS: 100 N. Ocean Way, Santa Monica Canyon
 Los Angeles, CA 90402
 ARCHITECT: Sinclair Associates Architects Inc.
 100 N. Ocean Way, Santa Monica Canyon
 Los Angeles, CA 90402

COASTAL COMMISSION

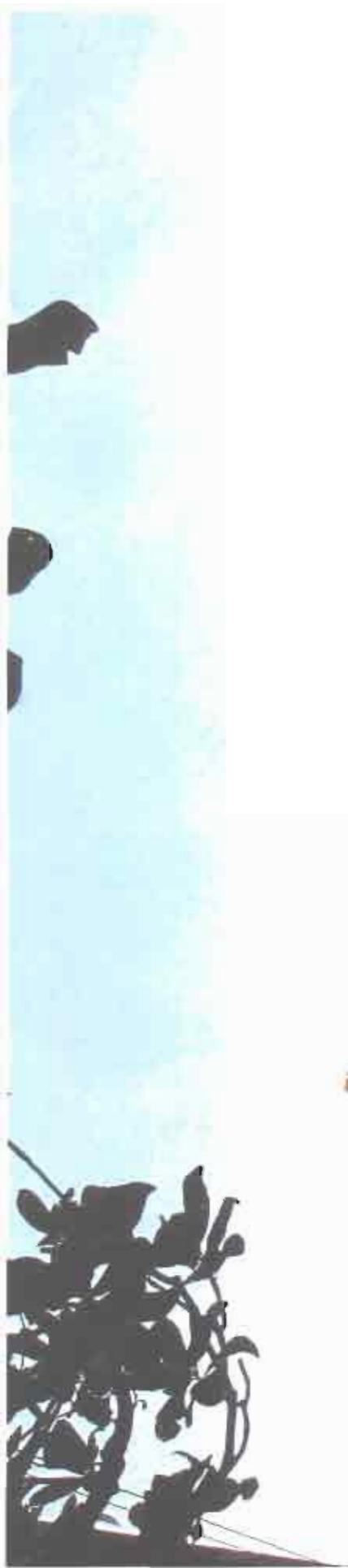
EXHIBIT # **3**
 PAGE **1** OF **1**



Strong
Pole
for
Project

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. **COASTAL COMMISSION**
the right of the new owners to modify or rebuild. However, it should be done with some

EXHIBIT # 5
PAGE 1 OF 27

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) Poursababian, 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 27


CALIFORNIA COASTAL COMMISSION

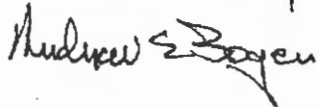
Re: Proposed Construction at : 160 N. Ocean Way, Santa Monica, CA 90402
Building/Grading Permit Application No.: 11014-30000-01056
Applicant : Michelle Cardiel

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

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

SIGNATURE:  PUA

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

NAME: Andrew E Bogen
ADDRESS: 144 Ocean Way, Santa Monica CA 90402
SIGNATURE:  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 27

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

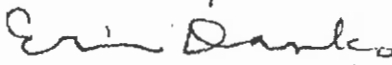
NAME: GARY SHEETS
ADDRESS: 136 OCEAN WAY

SIGNATURE:  5/31/11

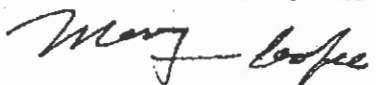
NAME: SAMUEL BAYAR
ADDRESS: 147 MABERY

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 27

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 27



COMMISSION

EXHIBIT # 5
PAGE C OF 27

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

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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 7 OF 27

Gerry Shapiro
Royal Hemlock Road
Monterey, MA 01245

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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. 8 OF 27

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,

Monica Salinas

COASTAL COMMISSION

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PAGE 4 OF 27

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South Coast Region

AUG 2 - 2011

July 25, 2011

CALIFORNIA
COASTAL COMMISSION

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

COASTAL COMMISSION
EXHIBIT # 5
PAGE 10 OF 21

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
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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
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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 **broad 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
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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 15 OF 27

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.

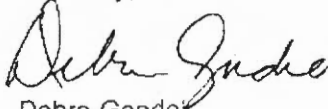
- 123 Ocean Way is on the opposite side of Ocean Way from the proposed house and this house descends down the side of Santa Monica Canyon. It does not rise above the hillside. **From most vantage points this 3,000 SF house appears to be only two stories high.**
- 120 Ocean Way is on the same side of 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 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". 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 16 OF 27

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

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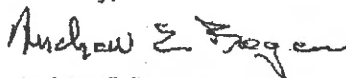
AUG 2 - 2011

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
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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. Arroz:


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 19 OF 27

AGENDA ITEM: TH 12c

APPLICATION# 5-11-125

BARBARA KLEINMAN

OPPOSED

RECEIVED
South Coast Region

OCT 27 2011

CALIFORNIA
COASTAL COMMISSION

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

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 20 OF 27

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 21 OF 27

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.

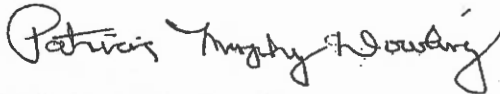
The staff report packet shows that the height will be 41 feet or higher for the new structure. This will be the tallest building in the canyon! The visual impact for the public from Chautauqua Blvd. and Will Rogers State Beach will be significant. The fourth story is a roof top sun deck. It will have 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

COASTAL COMMISSION

EXHIBIT # 5
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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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 23 OF 27

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.

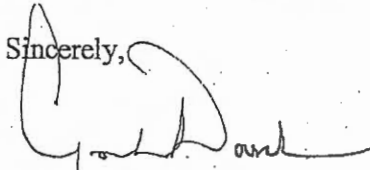
But most of all the neighborhood is particularly concerned about the proposed construction because, based on the drawings on file with the Commission, the house is clearly out of character with the surrounding Santa Monica Canyon community. Please note that by community character we are not referring 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.

COASTAL COMMISSION

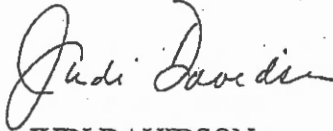
EXHIBIT # 5
PAGE 24 OF 27

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 25 OF 27

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

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South Coast Region

OCT 27 2011

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COASTAL COMMISSION

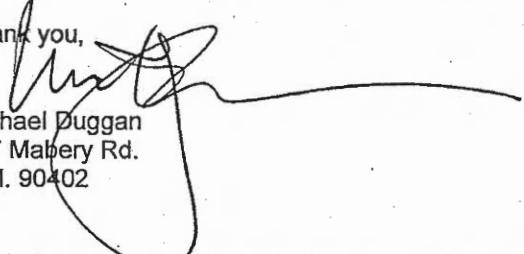
Commissioners:

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

COASTAL COMMISSION

EXHIBIT # 5
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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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 27 OF 27

November 29, 2011

Commission Richard Bloom
California Coastal Commission

Dear Commissioner Bloom,

I want to thank you for the time you took to meet with us and listen to our presentation at the November 3 hearing. Your comments indicate you agree with using the BHO as guidance. However, you indicated some concern about the conflicting statements made by the applicant's representative, Mr. Gaines, and our presentation. I realize that things move fast and furious at a hearing so I wanted to take some time to go over them so you have a better understanding of the issues and what was presented.

Let me first assure you that as an architect I have made every effort to make sure that any exhibits presented on behalf of the community are as accurate as possible under the circumstances. We have had to gather and develop most of our information independently, which has not always been easy. Since the hearing we have gone back to recheck the dimensions used and have found no significant errors. I also want to underscore what you already know, which is that the community character issue is not simply one of square footage or maximum height, but of *prevailing* height, massing (bulk), setbacks, and lot coverage.

I am attaching some drawings and photos, along with an analysis of statements by Mr. Gaines and our response to them. Among them is the comparison that I believe concerned you - between the existing house at 120 Ocean and the proposed house at 160 Ocean. We have added dimensions to the drawing to make the relationship very clear. You will note that the lot size of 120 Ocean is almost twice the size of the lot size of 160 Ocean, a critical difference. As a result, even though the square footage of the homes is somewhat similar, their massing is entirely different. The applicant is attempting to squeeze a building into a site that is too small for the size of the home, forcing the design to go up in height and spread out along the full frontage of the lot.

The community is grateful for your appreciation of the special character of Santa Monica Canyon and the importance of assuring that, under the Coastal Act, any development is visually compatible.

If I can answer any other questions, please feel free to contact me.

Sincerely yours,



Doug Suisman FAIA
On behalf of Concerned Residents of Santa Monica Canyon

cc: Jack Ainsworth
John del Arroz
Doug Carstens

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 15

MR. GAINES' OPENING STATEMENT

"The new house will be 7 feet taller than the existing house."

The existing house has sloped roofs, whose highest point is at the ridgeline, approximately 21' above grade (measured from the garage slab). All other parts of the roof are lower, and sloping down to the perimeter wall height, which is approximately 18' above grade.

If one only measured to the *floor* of the proposed house's roof, at 30' above grade, it would be **9' higher** than the *highest point* of the existing roof. Yet the proposed building's mass is not defined by the roof floor, but by the parapet walls and balustrade which run around the entire perimeter. These are **12.5' higher** than the ridgeline of the existing roof, and **15.5 feet higher** than the existing house's perimeter.

The top of the proposed elevator and stair bulkheads are higher still - **17.55 feet higher** than the ridgeline, **20.5 feet higher** than the existing perimeter.

We believe the claim that the new house will only be "7 feet taller" is clearly misleading.

"We're using the same footprint [as the existing house], within a few feet of the same footprint, in fact we're actually moving it a foot back to meet current setback requirements"

The drawings submitted by the applicant to the Commission show a clearly marked and labeled dotted line for the perimeter (or footprint) of the existing house, and a heavy black line for the footprint of the proposed house. The area within the existing house's footprint as shown in the drawing is 1660 s.f.; the area shown within the proposed house is 2174 s.f., **a 30% increase**.

We believe the claim that the new footprint is the same or within "a few feet" of the existing - or even more, "set back a foot" overall, is clearly misleading.

"And in fact the city plan check for Building & Safety was submitted, and has been completed."

This is the text of an October 9 e-mail from the City of Los Angeles engineer who is checking the plans:

Hi Ms. Cutting,
I have not received the revised plans for my review. I will inform you as soon as they come in however, as I mentioned to you over the phone, they were thinking of coming back no earlier than December to submit the plans. As for coastal commission, I will generate another clearance for them to go back to coastal as part of my review.

COASTAL COMMISSION

We believe the claim that the plan check process has been completed is misleading.

EXHIBIT # 6

PAGE 2 OF 15

MR. GAINES' REBUTTAL STATEMENT WITH RESPECT TO 123 OCEAN WAY

"The house on the left [123 Ocean] is a...33 and a half foot tall - they're both (123 and 160) exactly the same feet tall...the one on the left is 3,000 s.f.. I guess this is some kind of legitimate comparison of what the houses are going to look like"

- The image on the left is a photograph taken from across the street
- The image on the right is a drawing made directly from the applicant's own elevation drawing (in the public record)
- The existing house (left) is 33' tall (above Lowest Average Grade, or LAG) only at its highest point, which is the ridgeline of its roof.
- The proposed house (right) has a roof deck whose floor is at 33' (above LAG), and whose entire perimeter is 36' (railing and balustrade) with additional roof projections reaching 41'.
- The side by side comparison of the front elevation of each house is accurate and to scale.

It is confusing at best, and misleading at worst, to say - with respect to the bulk, massing, and scale of the house - that they *"are exactly the same feet tall."* The mass of the proposed house is significantly greater - note four-car garage as compared with the two-car garage on the left.

MR. GAINES' REBUTTAL STATEMENT WITH RESPECT TO 120 OCEAN WAY

"That house that he's showing you, to look tiny compared to the drawing that he's put together - that's a 6,000 s.f. house, 36' feet tall."

"I'm trying to sit in the audience to go through whether there's accuracy to this information. He's showing you, 'Look how small this house is in comparison.' The one on the left was a house you approved, 36' tall, 2 and a half taller, 6,000 feet, and he's showing it to look at what, to be 25% of the house?"

- **"36' tall, two and a half feet taller"** - Mr. Gaines is confusing maximum height with prevailing height and overall mass. The house at 120 Ocean is 36' feet tall *only* at the ridgeline of the *addition*, which is itself a small mass relative to the size of the house; the vast majority of the mass of this historic house has always been and remains between 20' and 23' tall; to suggest that the mass of this existing house is greater than the mass of the proposed house is, we believe, clearly misleading.
- **"that's a 6,000 s.f. house"** - Mr. Gaines fails to note that the house at 120 Ocean sits on a double lot of nearly 15,000 s.f.; its massing is compatible because it has sufficient space around it to spread horizontally; it is hardly comparable to the proposed house, which sits on a sloped and highly constrained 8,000 s.f. flag lot with shared driveway and minimum open space. Despite these constraints, the proposed house has, with the 4-car garage incorporated into its mass, more than 5,000 s.f. of enclosed space.

COASTAL COMMISSION

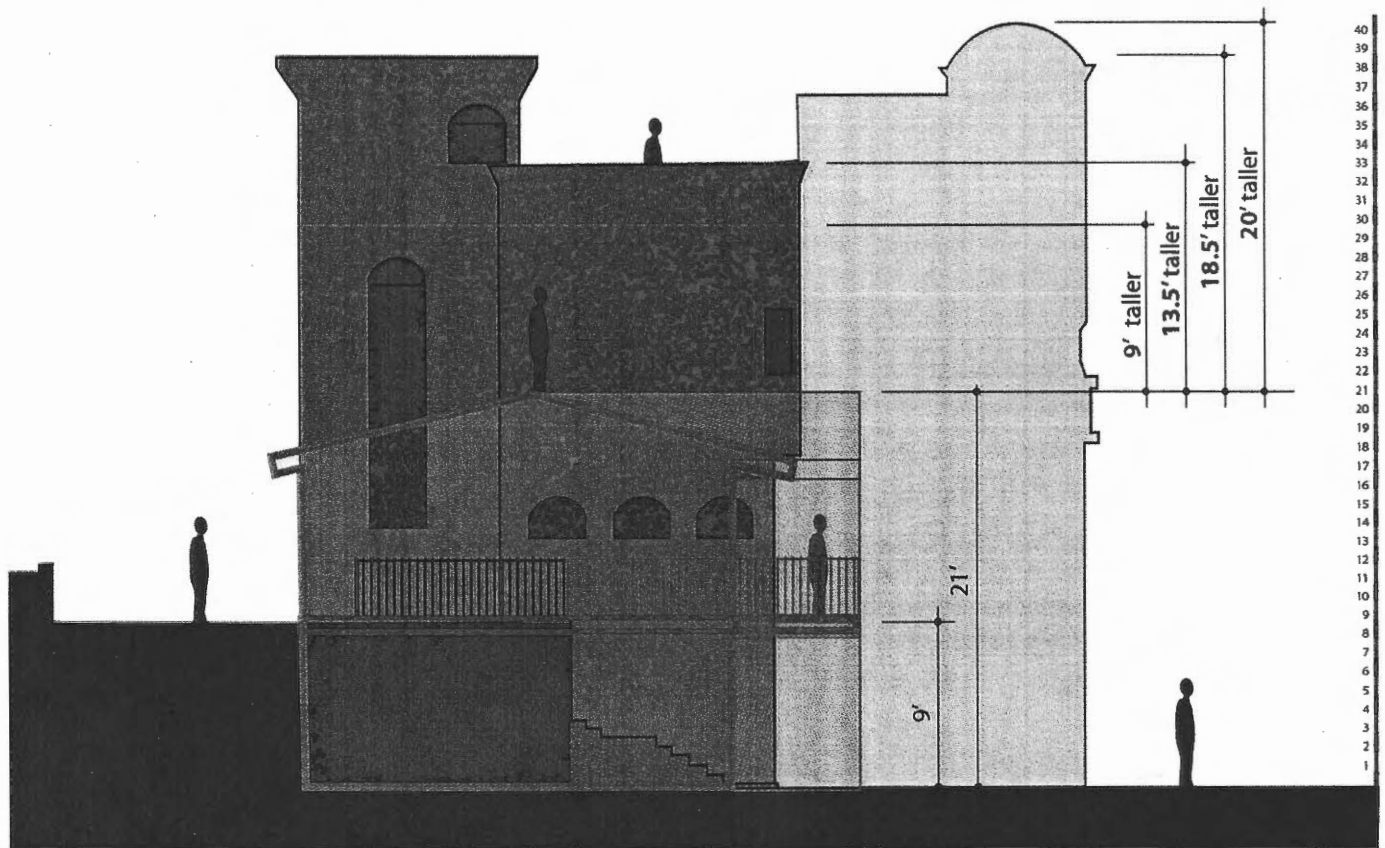
- **"look how small this house is in comparison"** - the comparison of the two front elevations is accurately scaled (Mr. Gaines appears not to know that 120 Ocean is only 2 stories and approximately 20' feet high at the street). The comparison is indeed intended to show how large the proposed house is, even in relation to a large historic house on a double lot with a partial 3rd-story addition.
- **"a house you approved"** - the Commission never approved this house, only a 1,000 s.f. *addition* to the large (5,000 s.f.) historic house that has stood on that site since the 1920's; if by 'you' he means the Commissioners, this is also untrue, as the addition was approved on a *waiver*, and never came in front of Commissioners for review (the waiver was granted because of a complete lack of opposition in the community).

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 15

"The new house will be 7 feet taller than the existing house."

Statement by Applicants' attorney, Mr. Fred Gaines

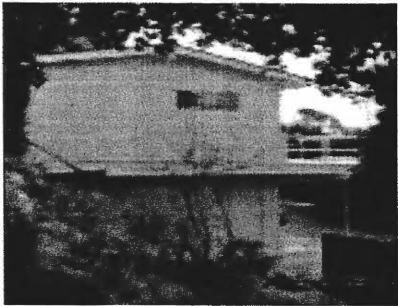


COASTAL COMMISSION

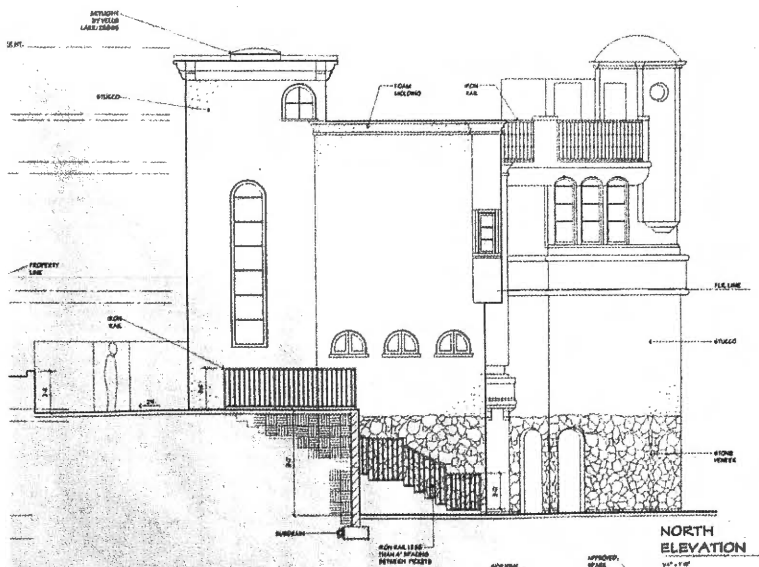
EXHIBIT # 6
PAGE 5 OF 15



Northwest corner of existing house



North elevation of existing house



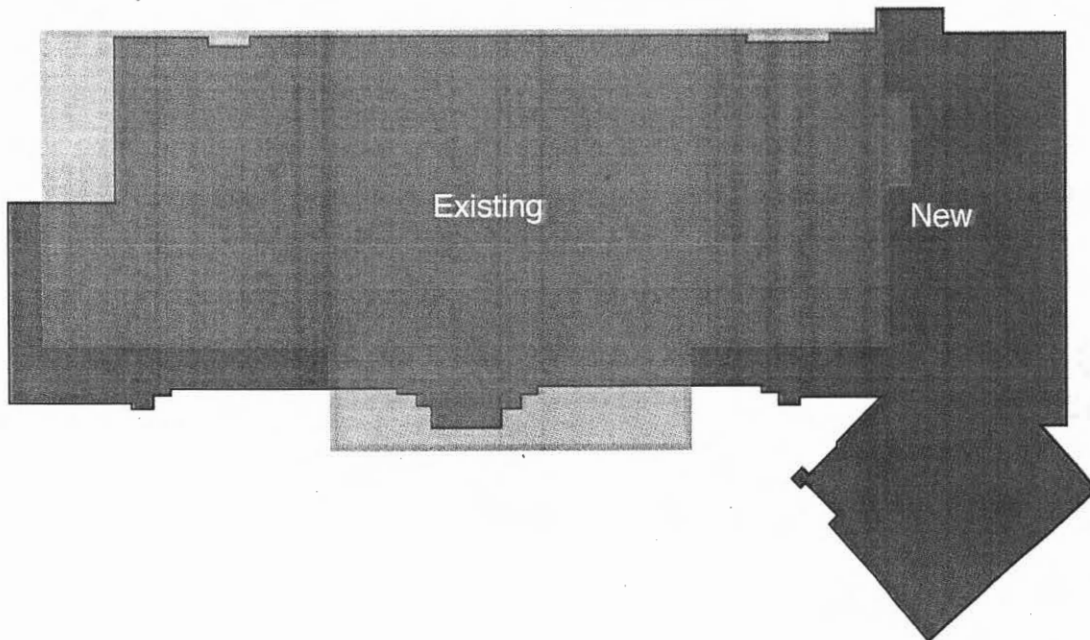
Applicants' drawing showing north elevation of proposed house

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 15

"We're using the same footprint [as the existing house], within a few feet of the same footprint, in fact we're actually moving it a foot back..."

Statement by Applicants' attorney, Mr. Fred Gaines

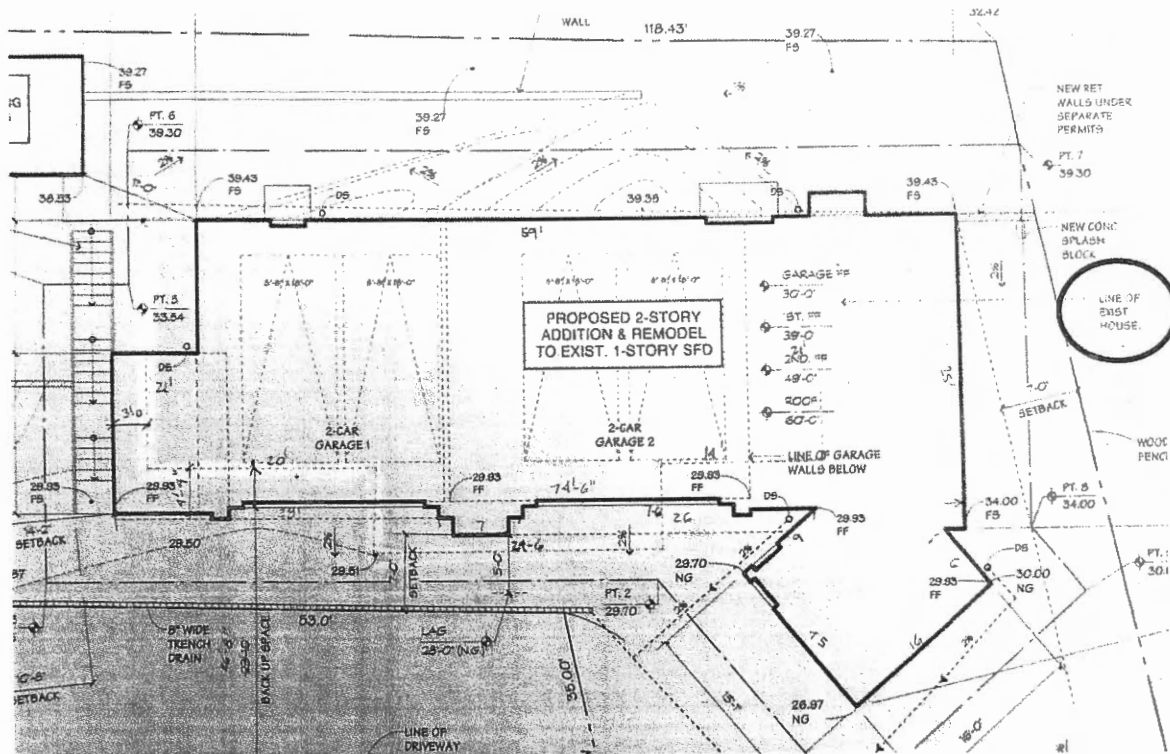


**New footprint is
30% larger than existing**

Existing Footprint: 1660 s.f.
New Footprint: 2174 s.f.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 7 OF 15



Applicants' drawing showing existing house footprint and proposed house footprint.

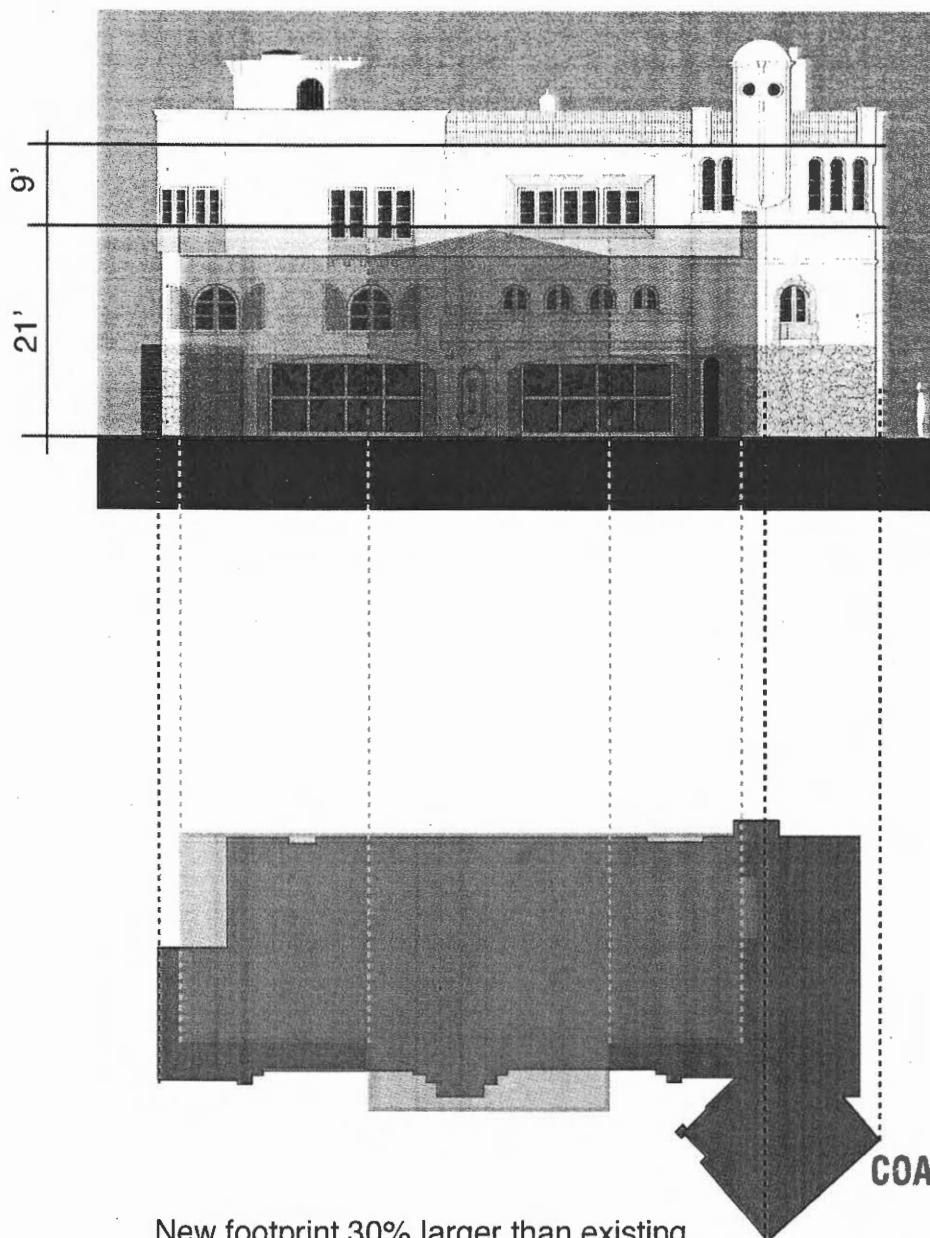
COASTAL COMMISSION

EXHIBIT # 6
PAGE 8 OF 15

"The new house will be 7 feet taller than the existing house."

"We're using the same footprint [as the existing house], within a few feet of the same footprint, in fact we're actually moving it a foot back..."

Statement by Applicants' attorney, Mr. Fred Gaines



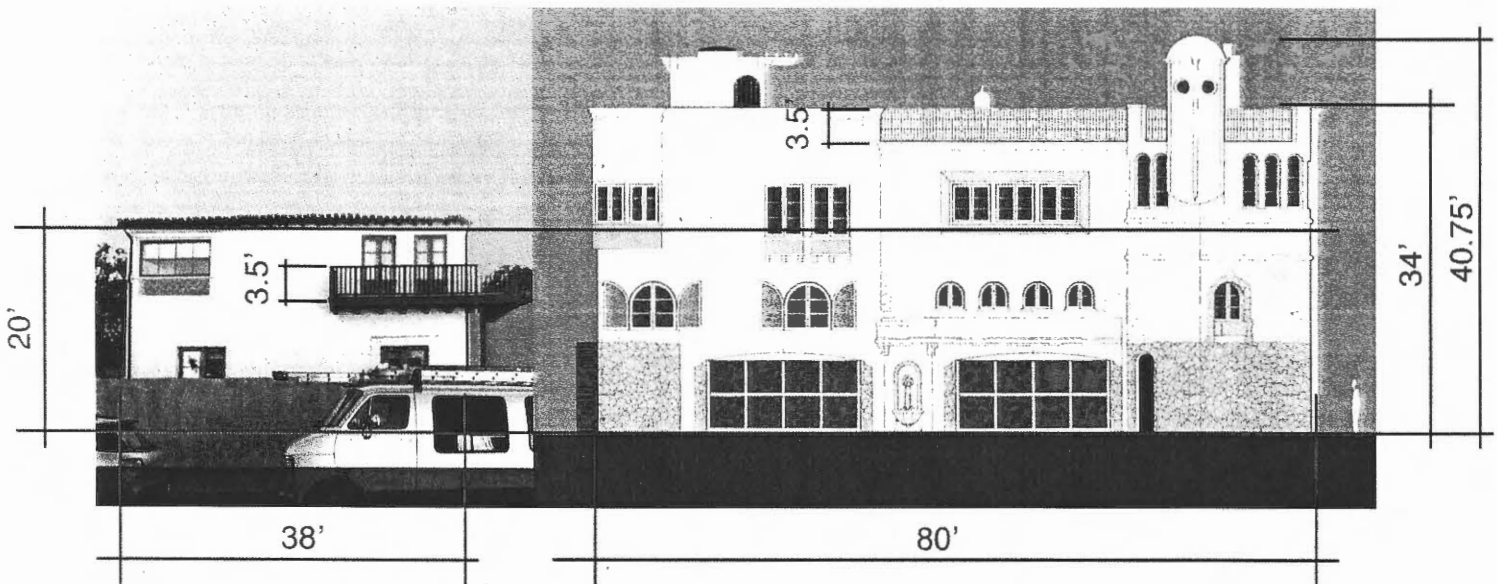
New footprint 30% larger than existing

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 15

"That house that he's showing you, to look tiny compared to the drawing that he's put together - that's a 6,000 s.f. house, 36' feet tall."

Statement during rebuttal by Applicants' attorney, Mr. Fred Gaines



120 OCEAN - FRONT ELEVATION

Lot size: **14,250 s.f.** (double lot)

Site Constraints: **none**

House: Built 1924

Original Size: **5,900 s.f.** plus 1991 addition:
1,000 s.f. 3rd story at back

Predominant roof height (85% of mass):

20' at base, **23'** at ridgeline

3rd story addition roof height (15% of mass):

28' at base, **31'** at ridgeline

160 OCEAN - FRONT ELEVATION

Lot size: **8,700 s.f.**

Site Constraints: **steep slope, shared driveway**

House: Proposed

Proposed size: **5,300 s.f.**
(including four-car enclosed garage)

Predominant roof height:

34' at top of parapet

Maximum roof heights:

39' at top of bulkheads, **40'-9"** at elevator dome

COASTAL COMMISSION

EXHIBIT # 6
PAGE 10 OF 15

John Del Arroz

From: Wes Hough [weshough@gmail.com]
Sent: Monday, January 09, 2012 4:23 PM
To: John Del Arroz
Cc: Doug Suisman; Gary Timm; George Wolfberg; Frank Langen; Moye Thompson; Wesley Hough
Subject: Re: 160 Ocean resubmission?

Hello John and Gary -

I'm writing on behalf of the Santa Monica Canyon community regarding the 160 Ocean Way resubmission. As you know, the applicants now are working with an architect and they provided a set of preliminary plans to the neighborhood community in late December for our review. We believe the plans provided to us are the same revised plans filed with your office in December.

The new proposed house seems to address some of the concerns expressed by the neighbors to the initial proposal but not all. Based on our preliminary review, we do not believe the revised house conforms to the BHO, as was intended by the Coastal Commissioners. As you can see from the comments below submitted by Doug Suisman to Rob Sinclair, the architect, on Saturday 1/7/12, we are still working through very important issues with the applicants.

The specific comments that were given to the architect are as follows:

RIDGELINE - The earlier analysis of the site's Lowest Average Grade (LAG) shows it to be two feet below the existing garage slabs. Your survey shows the garages at 63.3'. This would place the LAG at 61.3'. The maximum 33' height for the ridgeline should therefore be at 94.3', rather than the 96.3 shown on the drawings (please correct me if I'm wrong on this).

LOWERING THE HOUSE BY 2' - Your suggestion that, to address this, the garage level be lowered by 2' to 61.3 (i.e. to the L.A.G.), virtually level with Mrs. Cutting's garage, seems like a great idea. I assume you would need her permission to achieve this, since it would involve lowering the grade of the driveway segment on her property. I think she might well agree to this, if the inconvenience of losing her garage access during regrading and repaving could be addressed.

DECK - It's my understanding that the BHO does permit a flat roof, including one designed as a roof deck, as long as its floor level does not exceed 28' above the L.A.G. With the L.A.G. at 61.3, the maximum flat roof or deck section height would be 89.3'. I believe, therefore, that the deck as shown on the drawings - at 92.8' - is 3.5' higher than allowable under BHO; if the house is lowered 2 feet, it would still be 1.5' higher than allowable.

ELEVATOR TO ROOFDECK - Finally, as I mentioned, Darrach had previously assured the community that the elevator would no longer go to the roof, thereby eliminating the bulkhead. While the BHO does allow an elevator to the roofdeck, I believe the size of the bulkhead is smaller than previously allowed, and its top floor level would of course have to be no higher than the allowable 28' above L.A.G. If the roofdeck is eliminated, there is no issue; if the roofdeck remains but is lowered to 28' above L.A.G. and the elevator to the roof is put back into the project, the visibility of the bulkhead would still be a concern.

COASTAL COMMISSION

The architect responded today to Doug's message. The response is provided below:

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1/19/2012

////////////////////

I believe they will push the house into the ground two feet so the entire building will be 2 feet lower to match the elevations in Doug's letter.

Darrach always wanted the roof-deck. so I believe his options are

1. BHO house without a roof deck or

2. BHO house with a roof deck per the letter below per Doug.

Both options will be BHO qualified.

I hope this helps.

I will keep you posted.....

The exhibit we submitted to Coastal is the set that you have.....so we need to make a decision quickly, alert you all....and submit a revised exhibit to the coastal staff.

I'll keep you posted.

////////////////////////////////////

As you can see from this exchange, the neighbors are now engaged in a dialog with the applicants and their architect. The preliminary feedback from the architect has been encouraging.

But, you can also see that we are not quite done. We do not have plans that are acceptable. And the proposal still does not comply with the BHO in significant areas (e.g., overall height and bulkheads extending above Canyon). And the applicants' architect mentioned that he expects to file another revised set of plans with the Commission in the next week or so.

Based on this, it seems that a February meeting would not be opportune for the Commission to reconsider the application. The plans before you still do not conform to BHO and the Santa Monica community continues to have concerns with the revised plans on file with the Commission. Therefore we are unable to support this project at this time and if scheduled for the February meeting we would continue expressing our previous position as presented at the November 3, 2011 meeting in Oceanside, unless you receive some additional changes that bring this into conformity with the BHO and can share those changes with us in advance of the meeting.

Thank you both for the careful review of this project we know you are undertaking.

Wes Hough

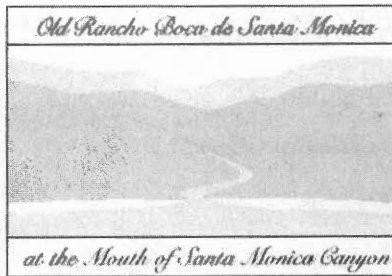
on behalf of Concerned Neighbors in Santa Monica Canyon

242 Entrada Drive

Santa Monica, CA 90402

COASTAL COMMISSION

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January 12, 2012

Mr. Gary Timm
Mr. John Del Arroz
California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA 90802

RE: 160 Ocean Way, Santa Monica, CA 90402

Dear Mr. Timm and Mr. Del Arroz:

The BOCA Neighborhood Association would like to stress the importance to our community of requiring the new home proposed for 160 Ocean Way to comply with the Baseline Hillside Ordinance in all respects. It is our understanding that the revised plans provided to the Coastal Commission in December still fail to meet the height and roof characteristics of the BHO.

The neighborhood and the Coastal Commissioners have made it clear that the new home should be designed to be consistent with the BHO. We respectfully request that any approval of the application by the Commission require the new home to comply 100% with the BHO. No exceptions should be permitted.

We appreciate the hard and necessary work of the Coastal Commission in protecting the coastal character of Santa Monica Canyon.

Sincerely,

Frank Langen
President
BOCA Neighborhood Association

COASTAL COMMISSION

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January 12, 2012

Mr. John Del Arroz
Mr. Gary Timm
California Coastal Commission
South Coast District
200 Oceangate, 10th Floor
Long Beach, CA 90802

Dear Mr. Del Arroz and Mr. Timm:

RE: 160 N. Ocean Way, Santa Monica, CA 90402

I am submitting this letter on behalf of Priscilla Lani Cutting, the adjacent property owner that shares a driveway with the owners of 160 N. Ocean Way. I understand that you are in the process of reviewing revised plans and will be making another staff recommendation to the Coastal Commissioners regarding this application.

It is also my understanding that the revised plans submitted to the Coastal Commission in December still fail to meet Baseline Hillside Ordinance (BHO) requirements. The adjacent neighbors, the Santa Monica Canyon civic organizations, and the Coastal Commissioners themselves have made it clear that the new home design and revised building plans should be consistent with and conform to BHO requirements in all respects.

One method of design the property owners have considered as a way to meet the BHO roof and height requirement was to lower the shared driveway and foundation level of the house. I want to make it clear that as the owners of that portion of the driveway we are not willing to grant permission for that to happen. We have considerable concern as to what digging into the hillside might do to the stability of our property.

As you review the revised plans we respectfully request that any approval of the application by the Commission be contingent upon full 100% compliance with BHO requirements.

Thank you for your time and attention in this matter.

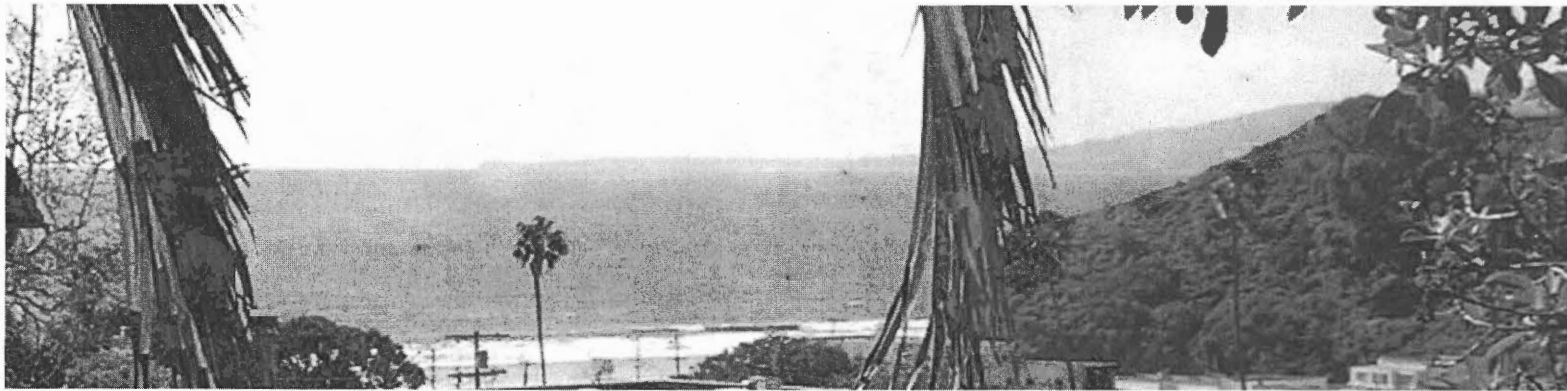
Sincerely,

Lisa Cutting

For Priscilla Lani Cutting
168 Ocean Way
Santa Monica, CA 90402

COASTAL COMMISSION

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SANTA MONICA CANYON CIVIC ASSOCIATION

January 12, 2012

Mr. Gary Timm
Mr. John Del Arroz
California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

Re 160 Ocean Way, Santa Monica, CA 90402

We understand the applicants have hired an architect to redraw the plans for their proposed house at the reference location. We also understand that the new plan is being revised to more closely approach the BHO standard that the Commission has requested. However, the current drawings fail to meet the standard with respect to height and roof characteristics.

SMCCA greatly appreciates the careful review by the Commission and the dedicated work of staff as the project moves closer to meeting the requested criteria. We continue to believe that total compliance with BHO must be achieved before this project moves forward.

We appreciate and thank the Commission for its clearly stated objective to protect the coastal character of our canyon.

Sincerely yours,

George Wolfberg, President

COASTAL COMMISSION

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