

**CALIFORNIA COASTAL COMMISSION**

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**W8b**

Filed: 4/13/2015  
180th Day: 10/10/2015  
Staff: S. Vaughn-LB  
Staff Report: 5/21/2015  
Hearing Date: 6/10/2015

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 5-15-0005

**Applicant:** 1405 Investments, LLC

**Agent:** Elizalde Buendia

**Location:** 1405 Palisades Beach Road, Santa Monica, Los Angeles County (APN 4291-031-007)

**Project Description:** Demolition of a 2-story, single-family residence and construction of a 5,105 sq. ft., 4-story, 37-foot high, single-family residence with an attached 575 sq. ft. 3-car garage and 2 additional on-site parking spaces, and a roof deck.

**Staff Recommendation:** Approval with conditions

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant proposes to demolish a two-story, beach front, single-family residence and construct a 5,105 sq. ft., four-story, single-family residence with an attached 575 sq. ft., three-car garage, 704 sq. ft. of balconies and decks, and a 737 sq. ft. roof-top deck with a Jacuzzi. The proposed project includes two additional on-site parking spaces (total of four on-site parking spaces) on the driveway apron, grading of approximately 154 cu. yds., landscaping in planters, storm water matrix tanks and sump pump, and new block walls along the north and south property lines.

Staff is recommending **approval** of the proposed coastal development permit with **nine (9)** special conditions. The special conditions regarding: **1)** Assumption of Risk, Waiver of Liability, and Indemnity; **2)** No future Shoreline Protection; **3)** Conformance With Recommendations of the Geotechnical and Soils Engineering Reports; **4)** Conformance with Drainage and Runoff Control Plans; **5)** Construction Best Management Practices; **6)** Landscaping; **7)** Bird Strike Prevention; **8)** Future Development; and **9)** Deed Restriction.

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## EXHIBITS

Exhibit 1 - Vicinity Map

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*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. 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:

This permit is granted subject to the following 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 of 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:

This permit is granted subject to the following special conditions:

1. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
2. **No Future Shoreline Protective Device.**
  - A. By acceptance of this permit, the applicant(s) agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0005 including, but not limited to, the residence, garage, foundations, and patio, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future. By acceptance of this permit, the applicant(s) and landowner(s) hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
  - B. By acceptance of this permit, the applicant(s) further agrees, on behalf of himself and all successors and assigns that the landowners shall remove the development authorized by this permit, including the residence, garage, foundations, and patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
3. **Recommendations of the Geotechnical and Soils Engineering Reports.** All final design and construction plans shall be consistent with all recommendations contained in the *Wave Runup & Coastal Hazards Report for New Residence, 1405 Palisades Beach Road, Santa Monica* report prepared by GeoSoils, Inc., dated February 19, 2015 and the *Soils Engineering Exploration* report prepared by Grover Hollingsworth and Associates, dated June 19, 2014. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 4. Conformance with the submitted Drainage and Run-Off Control Plan.** The applicant(s) shall conform to the drainage and run-off control plan submitted on January 5, 2015 to the South Coast Region office showing roof drainage and paved walkways designed to slope into a trough drain at the landward side of the property and a sump pit with sump pump at the seaward side of the property. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- 5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
  - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
  - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
  - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
  - (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
  - (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
  - (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials.

Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
  - (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
6. **Landscaping - Drought Tolerant, Non Invasive Plants.** Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
7. **Bird Strike Prevention.** Ocean front deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or appliques (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliques. All materials and appliques shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.
8. **Future Development.** Pursuant to Title 14 California Code of Regulations Section 13250(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-15-0005. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-15-0005 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcels governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT DESCRIPTION & LOCATION**

The proposed project involves the demolition of a two-story, single-family house on a 3,675 sq. ft. beach front lot and the construction of an approximately 5,105 sq. ft., four-story, approximately 37-foot high, single-family residence with an attached 575 sq. ft., three-car garage and two additional on-site parking spaces, 704 sq. ft. of decks and balconies, and a 854 sq. ft. roof-top deck with Jacuzzi (**EXHIBIT 2**).

The proposed project is located at 1405 Palisades Beach Road (Pacific Coast Highway), north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica (**EXHIBIT 1**). The lot is 36.75 feet wide by 100 feet deep and fronts Ocean Front Walk, a 20 –ft. wide pedestrian promenade. Directly west to the promenade is an approximately 16 ft. wide bicycle path, which runs along the sandy beach. The beach front lot is zoned R2B (Low Density Multiple Family Coastal Residential/Beach Overlay District) by the City of Santa Monica. The applicant received Approval-in-Concept for the proposed project from the City of Santa Monica Planning Division on October 8, 2014. The North Beach area provides a broad beach, over 800 feet in width, and contains the City's northern sandy beach area, beach clubs and single-family and multi-family residential developments. The subject lot is located within a row of residentially developed lots and public beach parking lots. The proposed residence will be setback approximately seven ft. from the western property line, which is consistent with the pattern of development in the area (**EXHIBIT 1**).

Due to the width of the beach and the location of the Santa Monica Pier and breakwater, properties along this beach are generally protected from storm wave impacts and have not required shoreline protective devices. Previous wave run-up analysis studies for the Santa Monica beach area that examined the impact of wave run-up and wave induced flooding (i.e. overtopping) in the area under extreme oceanographic conditions over the next 75 years, found that, based upon beach width and the presence of the pier structure and a breakwater located off shore of the North Beach area, it is extremely unlikely that the shoreline will erode significantly in the next 75 years. In the case of the proposed project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development.

The residential structure will be setback 20 ft. from Palisades Beach Road (Pacific Coast Highway) consistent with City requirements and past Commission permit action on development along this area. Furthermore, the proposed project is consistent with the City's 40-foot maximum height limit and Palisades Bluff view shed requirements, and is below the 50-foot height limit for this area as established through past Commission permit action (**EXHIBIT 2**).

Due to the limited parking in the area, the Commission has required single-family residences along Palisades Beach Road to provide four parking spaces. The project will provide three parking spaces within an attached three-car garage and two additional parking spaces on the driveway apron for a total of five on-site parking spaces.

The City requires all new development to reduce the projected runoff for the site. The City's Best Management Practices are designed to treat, infiltrate or filter the amount of stormwater runoff up to the 85% percentile for a 24 hour storm event. The applicant is proposing to install stormwater matrix tanks and a sump pump, consistent with the City's requirements (**EXHIBIT 3**).

## **B. ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **C. DEVELOPMENT**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to require a future improvements condition and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

## **D. HAZARDS**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.



## **E. WATER QUALITY**

The proposed site was previously developed with a residential structure. The proposed project will not significantly increase site runoff from the previous development and the project will comply with the City of Santa Monica's water quality requirements. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health

## **F. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **G. 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 City of Santa Monica has neither a certified LCP nor a certified Land Use Plan for the North Beach area. The proposed development is 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.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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.

## **Appendix A - Substantive File Documents**

*Wave Runup & Coastal Hazards Report for New Residence, 1413 Palisades Beach Road, Santa Monica, GeoSoils, Inc, February 19, 2015*

*Soils Engineering Exploration, Proposed Single-Family Residence, Lot 8 and Portion of Lot 9, Sunset Beach Tract, 1413 Palisades Beach Road, Santa Monica, Grover Hollingsworth and Associates, August 28, 2014*

1405 Palisades Beach Rd

Street View · Search nearby



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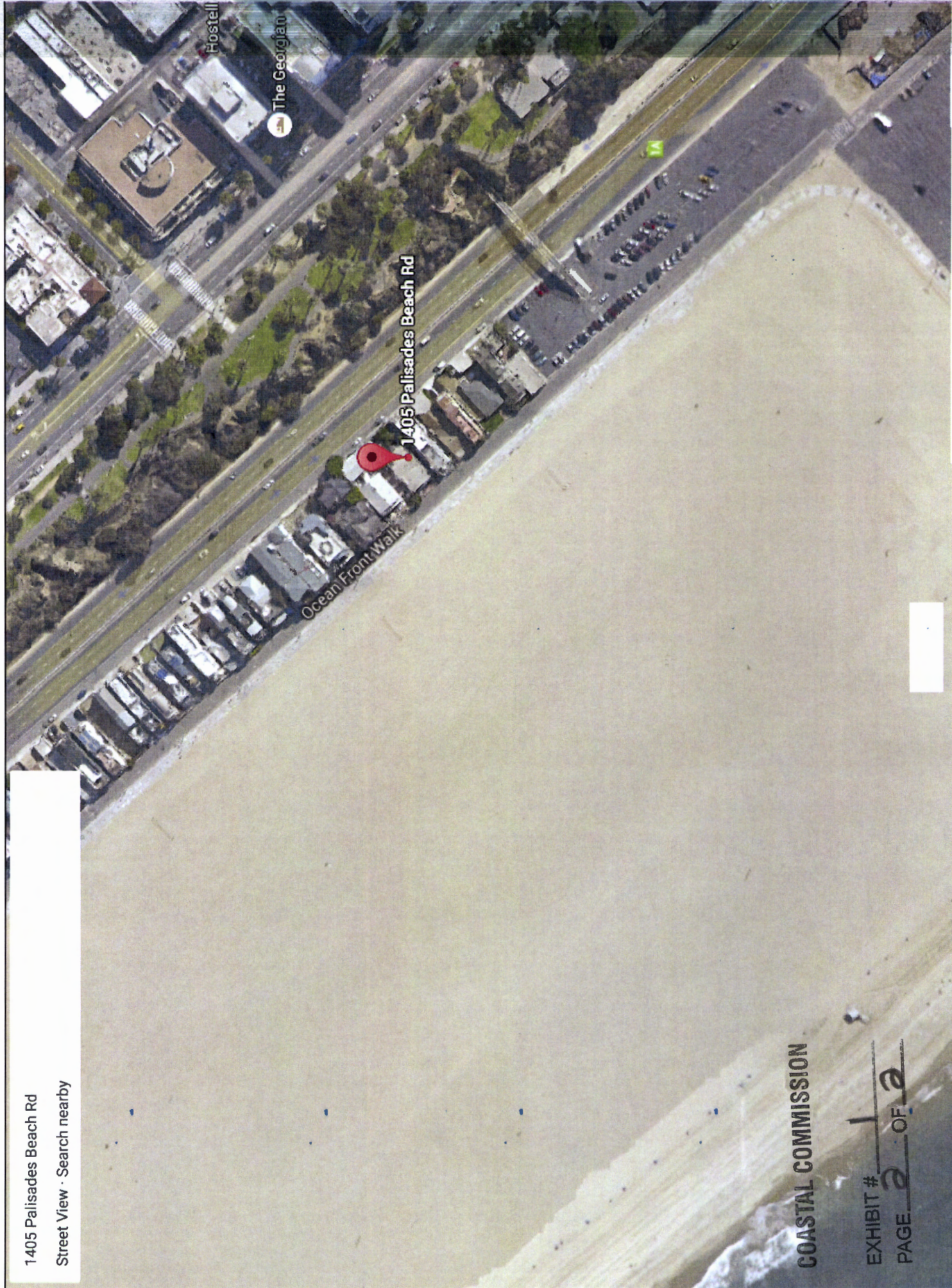
5-15-0005

EXHIBIT # 1

PAGE 1 OF 2



1405 Palisades Beach Rd  
Street View · Search nearby



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EXHIBIT # 1  
PAGE 2 OF 2

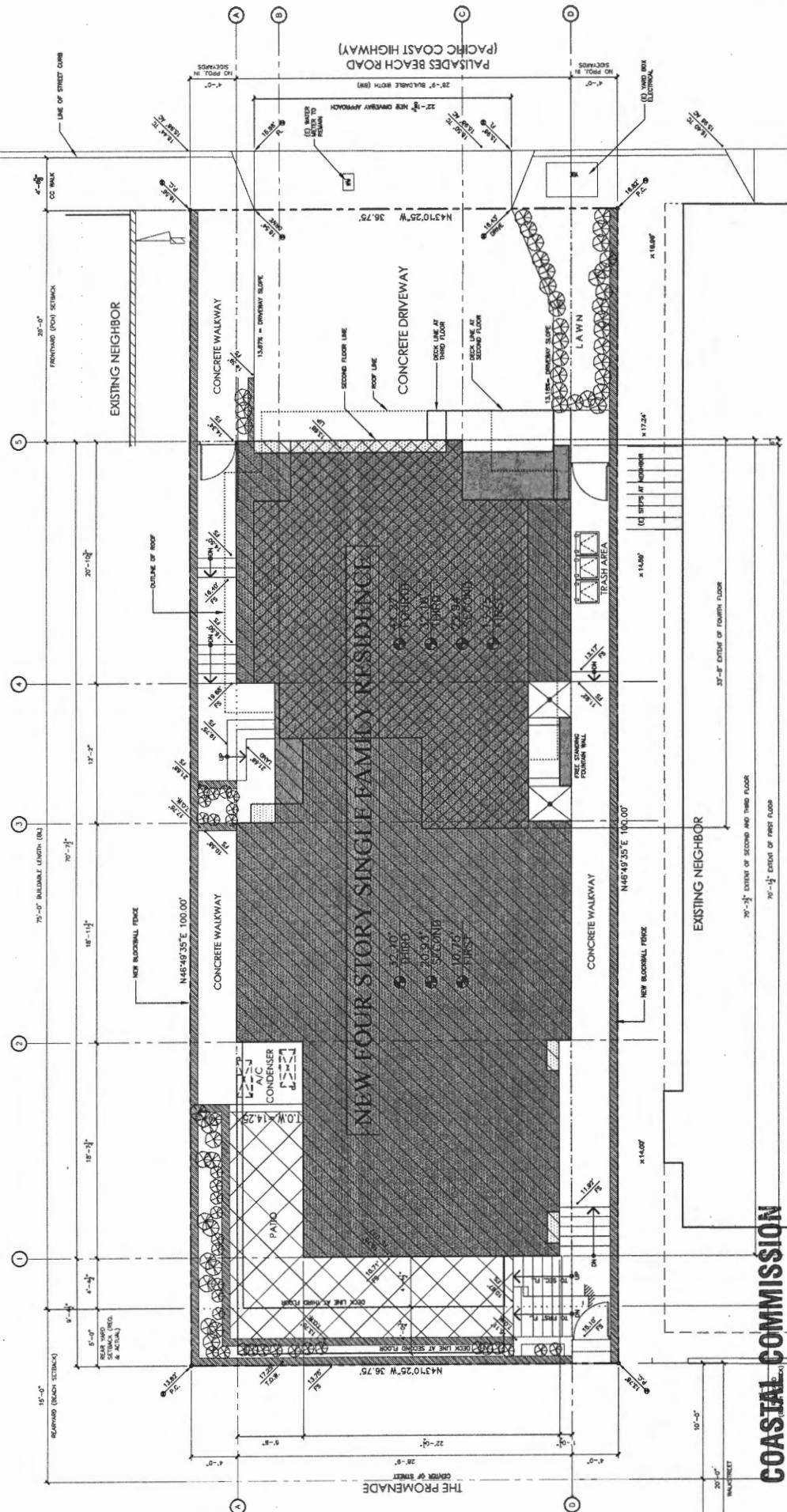




HATCH LEGEND FOR FLOOR FOOTPRINT	
	OUTLINE OF FIRST FLOOR
	OUTLINE OF SECOND FLOOR
	OUTLINE OF THIRD FLOOR
	OUTLINE OF FOURTH FLOOR

ABBREVIATION	
C.T.P.	CURTAIN POINT
L.A.W.	LINE OF ADJACENT OR PROPERTY
L.A.W.	LINE OF ADJACENT OR PROPERTY
F.L.P.	TOP OF FLOOR
F.L.P.	TOP OF FLOOR
F.L.P.	TOP OF FLOOR
F.L.P.	TOP OF FLOOR



**SITE PLAN**  
 SCALE: 1/4" = 1'-0"

**COASTAL COMMISSION**



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STAMP

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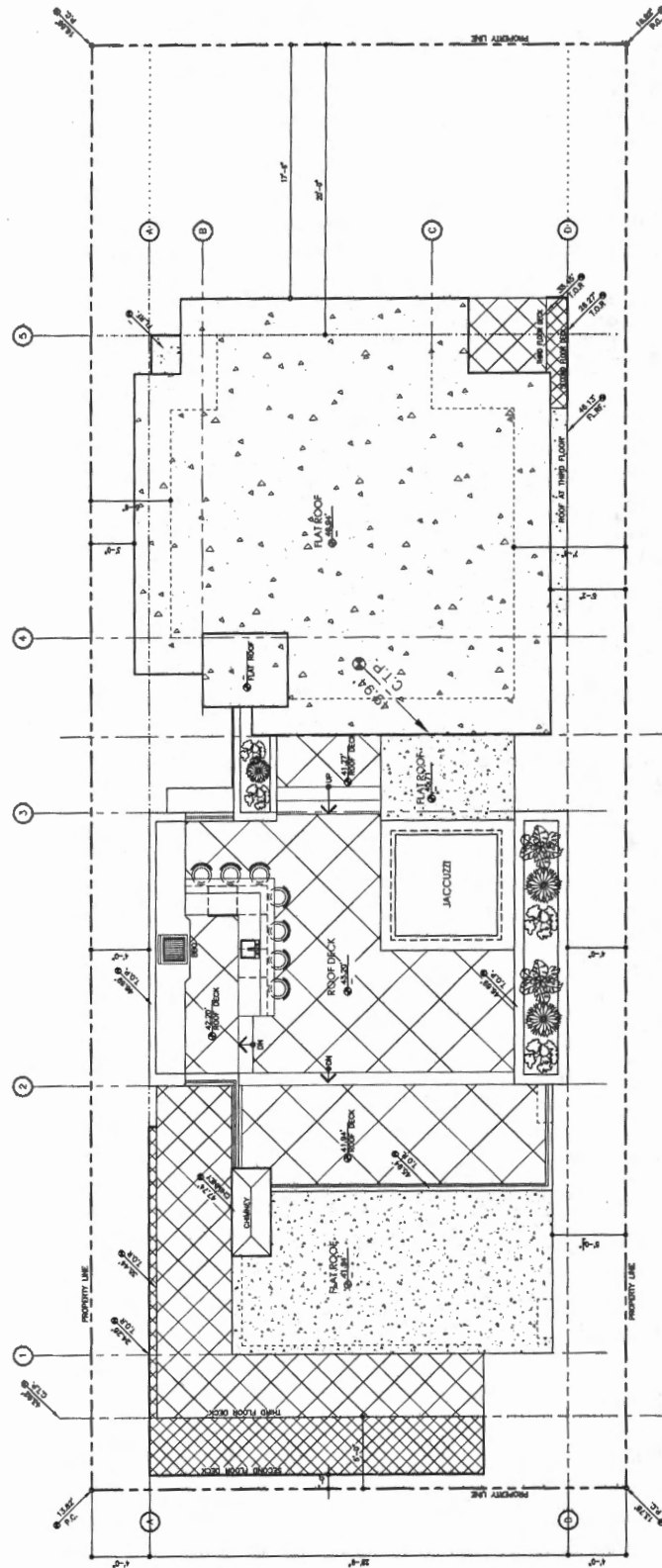
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EXHIBIT # 2  
PAGE 3 OF 7

ROOF PLAN  
SCALE: 1/4"=1'-0"

**SECOND FLOOR PLAN**  
SCALE: 1/4"=1'-0"

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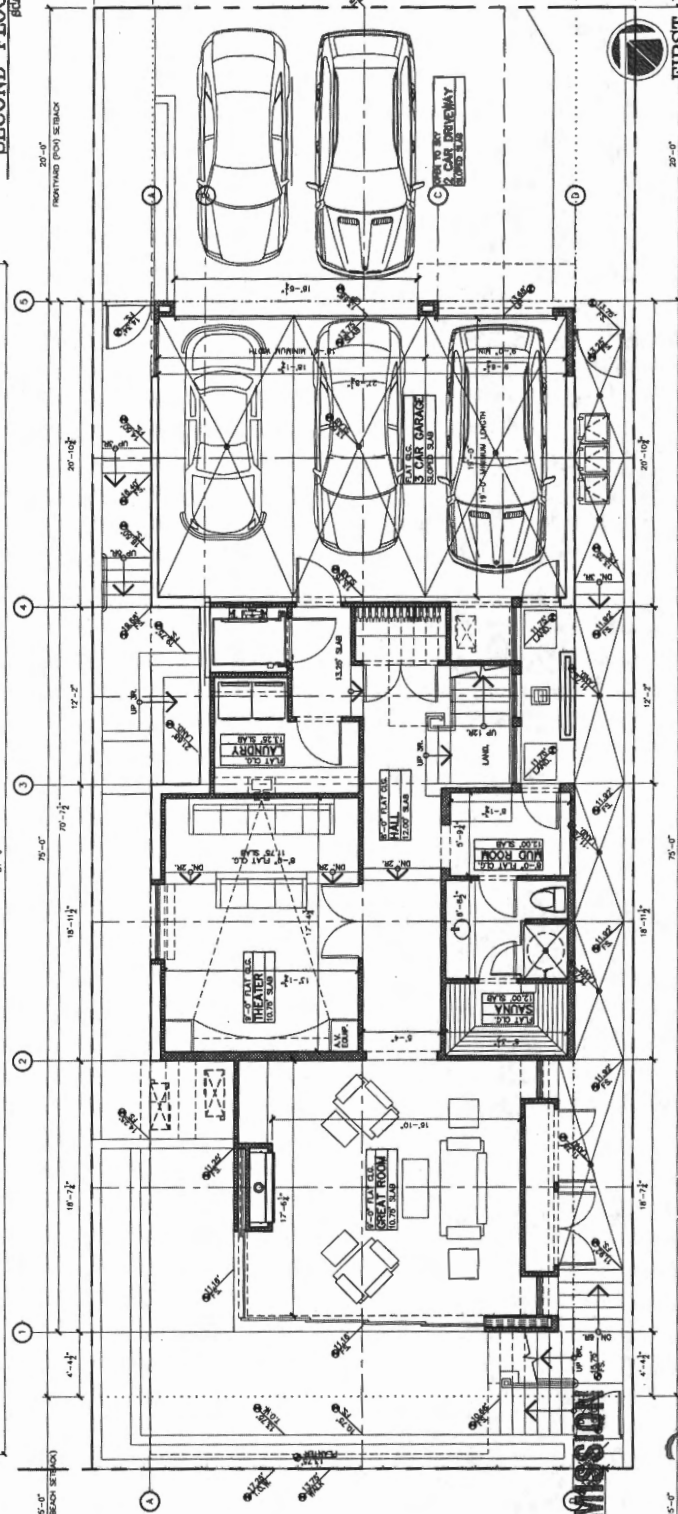
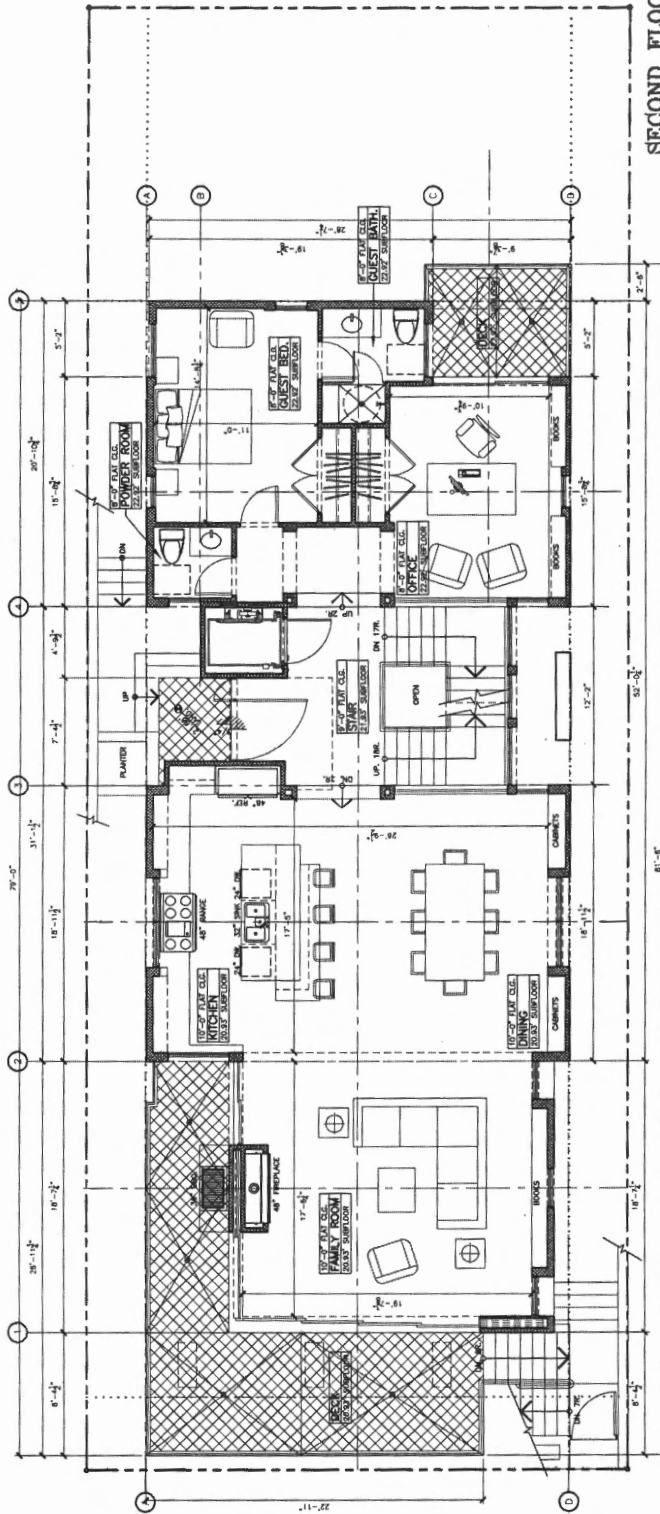
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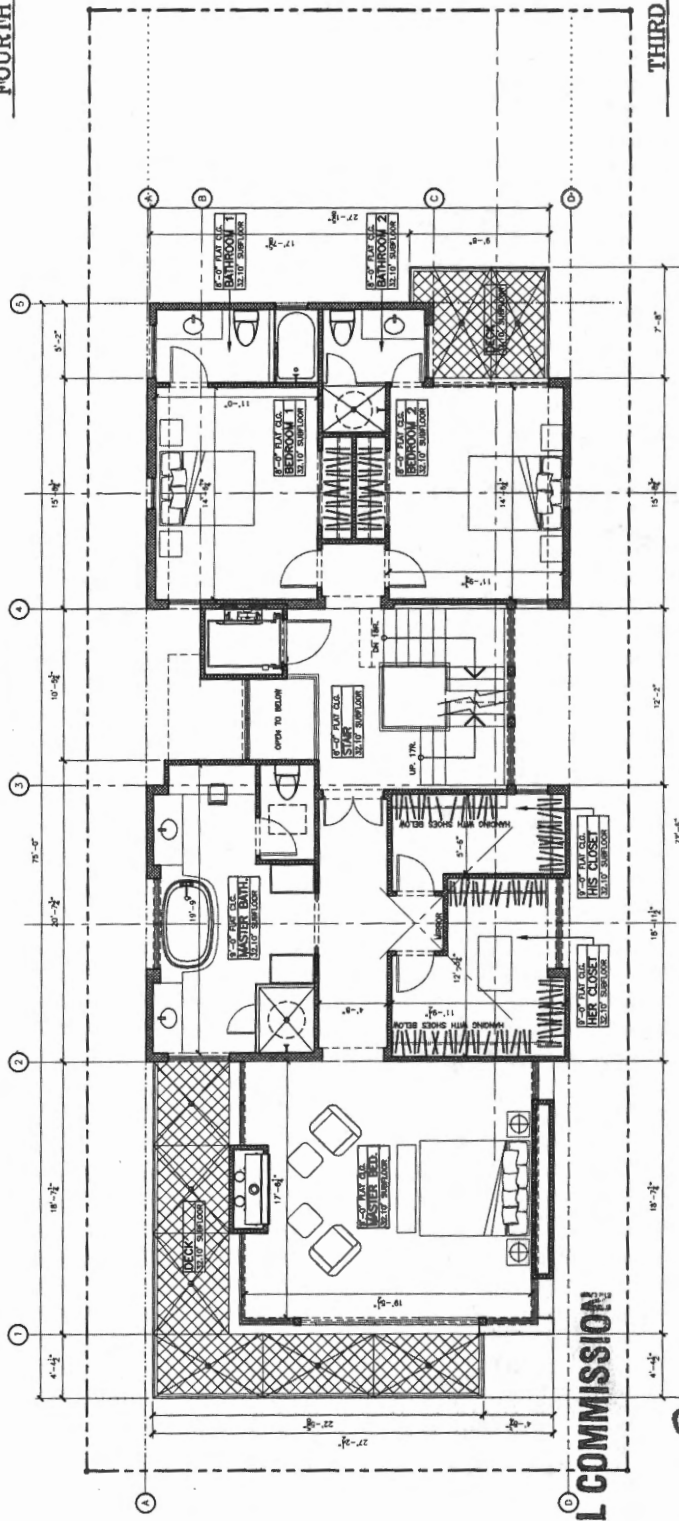
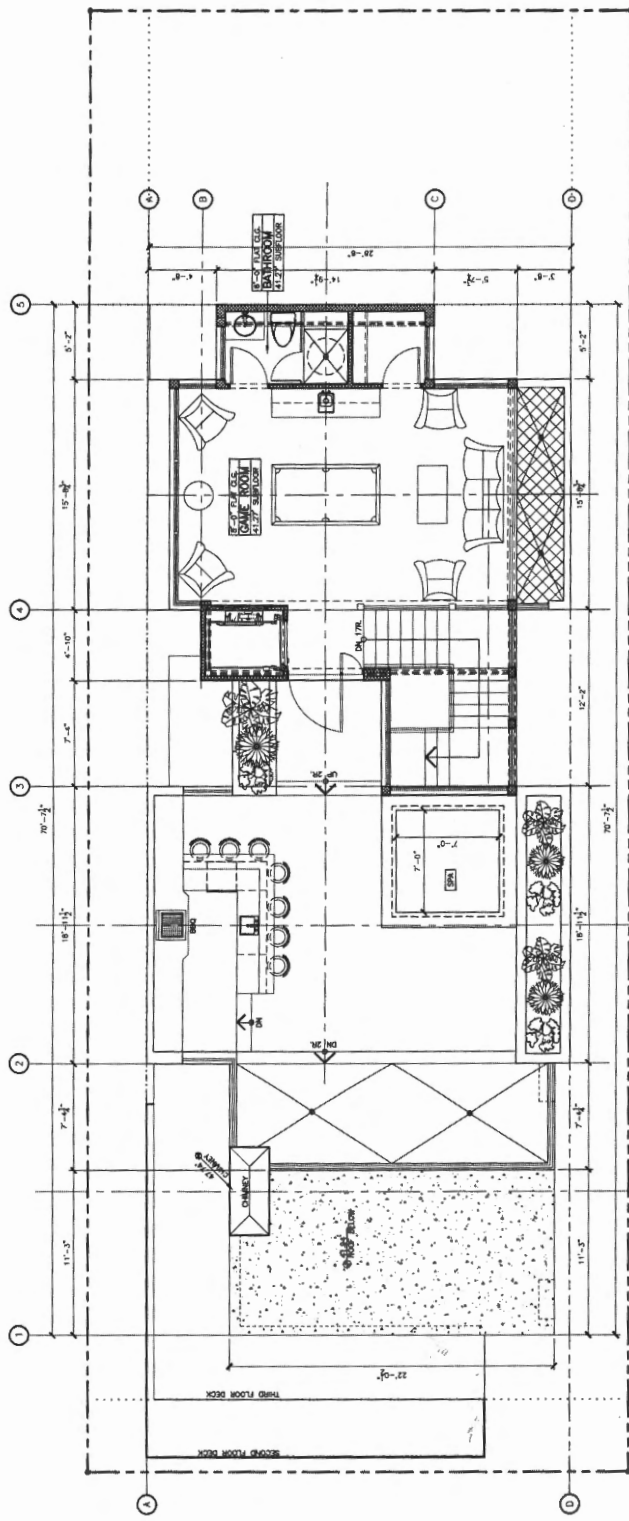
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EXHIBIT # **4** OF **7**  
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**FOURTH FLOOR PLAN**  
SCALE 1/4"=1'-0"



**THIRD FLOOR PLAN**  
SCALE 1/4"=1'-0"

**COASTAL COMMISSION**

EXHIBIT # **2**  
PAGE **52** OF **77**



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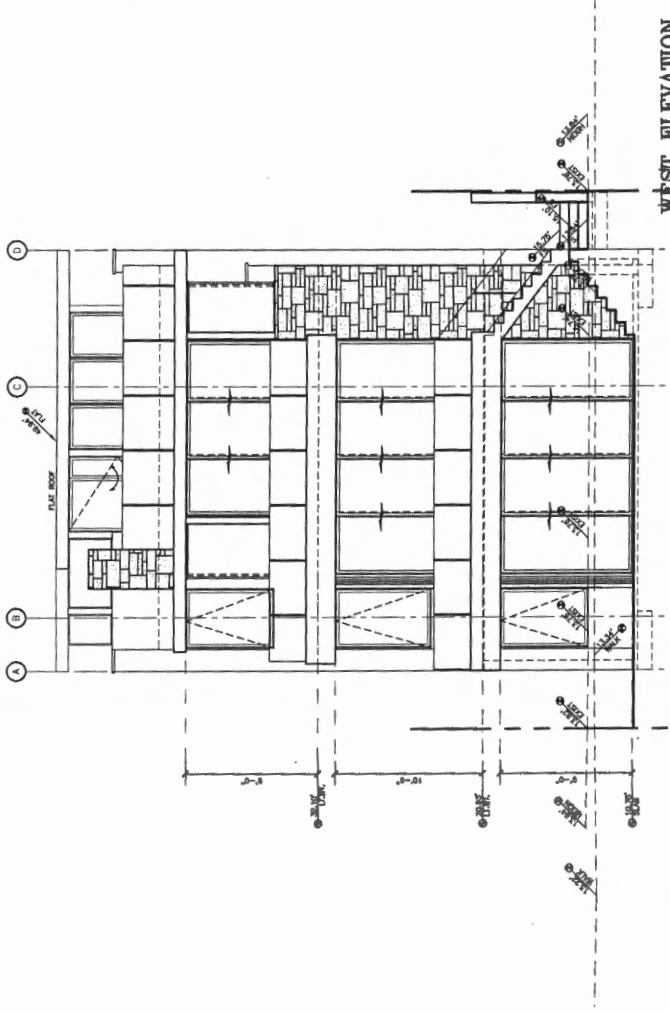
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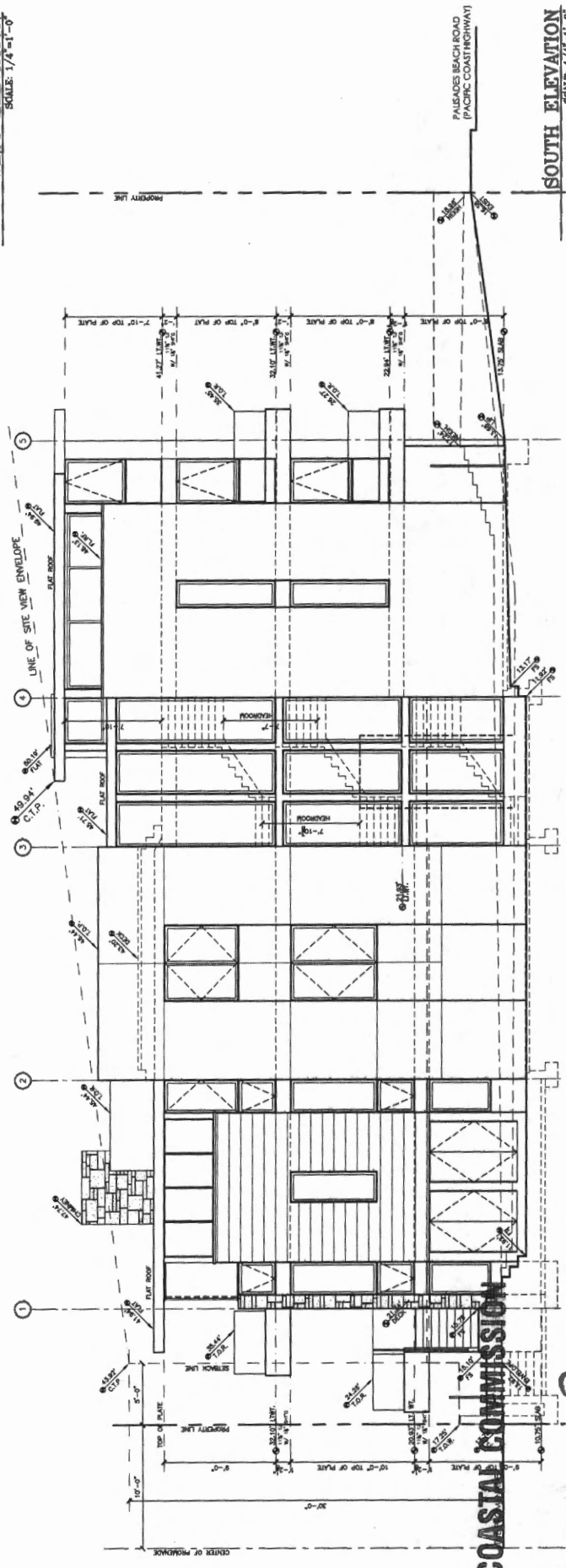
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WEST ELEVATION  
SCALE: 1/4"=1'-0"



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

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EXHIBIT # 2  
PAGE 6 OF 7



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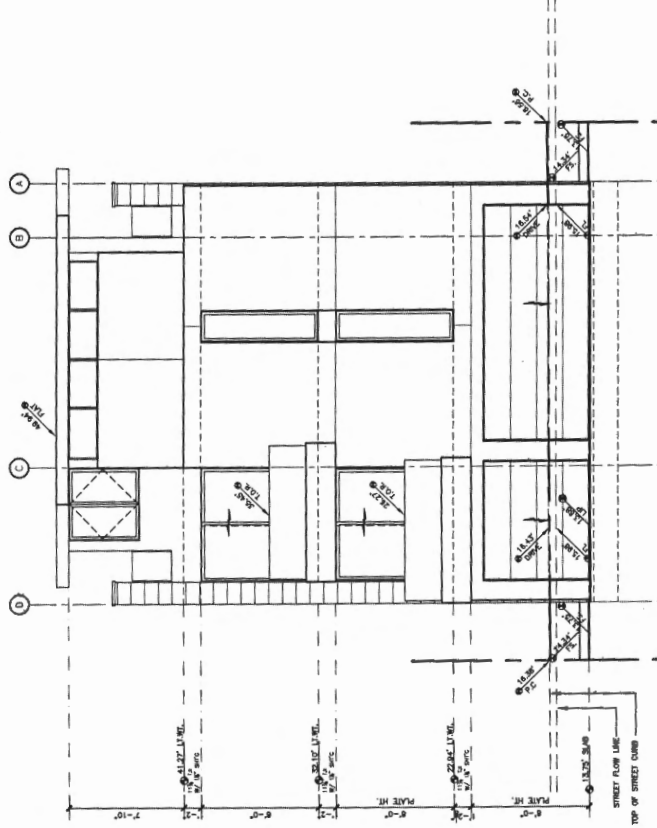
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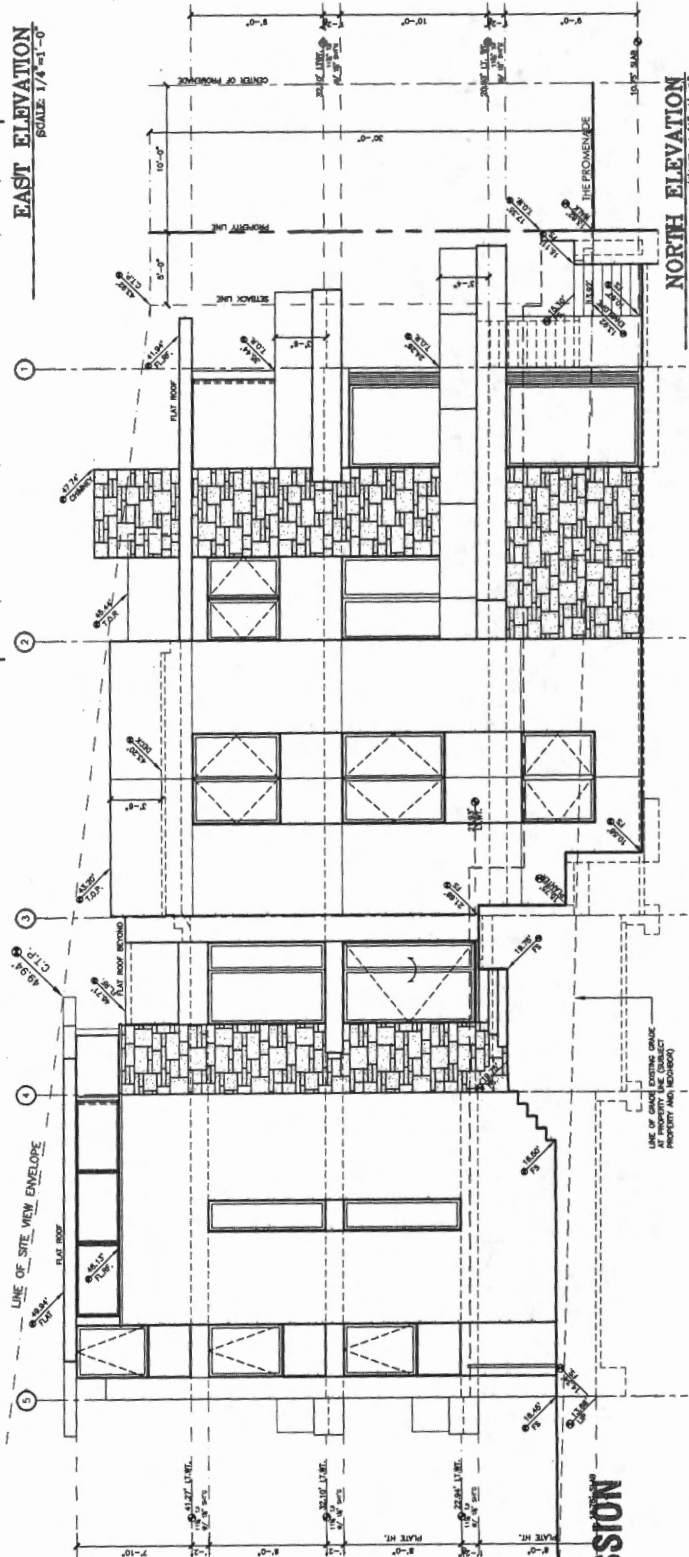
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EAST ELEVATION  
SCALE: 1/8"=1'-0"



NORTH ELEVATION  
SCALE: 1/8"=1'-0"

PAUSADES BEACH ROAD  
(PACIFIC COAST HIGHWAY)

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EXHIBIT #

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