

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**RECORD PACKET COPY**

Filed: 3/7/01  
 49th Day: 4/25/01  
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 Staff: AM-LB AM  
 Staff Report: 3/15/01  
 Hearing Date: April 10-13, 2001  
 Commission Action:

**Tu 11c****STAFF REPORT: PERMIT AMENDMENT****AMENDMENT****APPLICATION NUMBER: 5-00-358-A1****APPLICANT: Josh Touber****AGENT: Toby Watson****PROJECT LOCATION: 420 Sherman Canal, Venice, City/County of Los Angeles****DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (P-77-2082):**

Construction of a two-story, single-family home with a two-car garage, 25 feet above the centerline of the frontage road (See Exhibit #6).

**DESCRIPTION OF AMENDMENT (5-00-358-A1):**

Amend 1977 Coastal Development Permit to modify condition #1c to allow an increase in the height limit from 25 feet to 30 feet and eliminate condition 2b that requires a deed restriction which prohibits any extension of the second story within 25 feet of the canal property line. The project includes a 573 square foot addition and remodel to the existing 1,734 square foot single family home.

**SUMMARY OF STAFF RECOMMENDATION:**

The major issue of this staff report is the impact the proposed project has on the community character and visual quality of the Venice Canals area. Staff is recommending approval of the proposed coastal development permit amendment with four special conditions relating to water quality, sensitive habitat, and community character. Special Condition #1 carries forward the previously imposed special conditions. The applicant agrees with the recommendations.

**LOCAL APPROVALS:** Venice Coastal Zone Specific Plan Director of Planning Determination and Findings # 2000-4268 (SPP)

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit # P-77-2082  
Coastal Development Permit # 5-92-184-A1  
Coastal Development Permit # 5-99-227-A1  
Coastal Development Permit # 5-00-397  
Coastal Development Permit # 5-00-461

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**PROCEDURAL NOTE**

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

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**STAFF RECOMMENDATION OF APPROVAL:**

**MOTION:**

*I move that the Commission approve Coastal Development Permit #5-00-358-A1 (which amends Coastal Development Permit P-77-2082) 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.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

**I. Approval with Conditions**

The Commission hereby **APPROVES** the amendment to Coastal Development Permit P-77-2082 on the grounds that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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 this permit is reported to the Commission. 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. Prior Conditions

Unless specifically altered by this amendment, all Regular and Special Conditions attached to Coastal Development Permit P-77-2082 remain in effect (Exhibit #6).

#### 2. Permeable Yard Area

A. In order to provide a setback for access, visual quality, and to protect the water quality and biological productivity of the canals, an uncovered and permeable yard area totaling no less than 450 square feet shall be maintained in the front yard area between the front of any structure and the front (canal) property line. A minimum 10-foot front yard setback, with a 15-foot setback average, shall provide the required permeable front yard. Uncovered means that no fill or building extensions, including stairs and balconies, shall be placed in or over the 450 square foot pervious front yard area with the exception of fences (not to exceed 42 inches in height) or permeable decks at grade (not to exceed 18 inches in height).

B. **Prior to issuance of the coastal development permit**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development on the site. This deed restriction supercedes and replaces the deed restriction recorded on December 7, 1977, recorded document number 77-1346538, in the County of Los Angeles. The deed restriction shall include the legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal

Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Height

No development is authorized within 10 feet of the canal property line and within the 450 square foot, permeable front yard area, except as described in Special Condition #2 above. At a point 10 feet landward of the canal property line the maximum height of any structure shall not exceed 22 feet above the centerline of the rear alley (Sherman Canal Court). Beyond 10 horizontal feet from the canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 30 feet. Roof deck railings and roof equipment housings shall not exceed 42 inches above the 30-foot height limit.

4. Drainage

The applicant shall provide and maintain a 100 cubic foot french drain on the project site as proposed.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A Project History and Description**

On November 21, 1977, the California Coastal Commission approved Coastal Development Permit P-77-2089 for development at the subject property that included the construction of a two-story, 25 foot high, 1,734 square foot single family home with an attached two-car garage, on a canal fronting lot (Exhibit #6). The permit was issued on December 7, 1977 and required, among other things, a 25-foot height limit and a 450 square foot, permeable front yard area.

The development that is proposed by the amendment to Coastal Development Permit P-77-2089 is a 573 square foot addition and remodel to the existing single family home, creating a three level, 30-foot high, 2,307 square foot single family home. The applicant is requesting to amend the 1977 Coastal Development Permit to modify condition #1c to allow an increase in the height limit from 25 feet to 30 feet and eliminate condition 2b that requires a deed restriction which prohibits any extension of the second story within 25 feet of the canal property line.

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals is a coastal neighborhood of unique character. Six man-made canals

create the distinctive make-up of the area (Exhibit #2). The Venice Canals area is designated as The Venice Canals Historic District as shown on the National Register of Historic Locations. On November 14, 1991, the Commission approved Coastal Development Permit #5-91-584 (City of Los Angeles) for the rehabilitation of the Venice Canals. The project involved dredging the canals and construction of new canal banks and new public walkways along the banks. Where possible, the banks were replanted with native wetland habitat. The rehabilitation of the Venice Canals was for the benefit of public recreation and to enhance the unique features of the community.

Along the canals are public walkways and bridges that provide recreation to visitors and residents. Walking through this area allows the public to see a variety of homes from one-story cottages to three story dwellings all with unique gardens and lawns. The canals, themselves, are home to several animal species that add to the uniqueness of the region. Residents and visitors alike frequent the Canals to enjoy recreational activities provided by the public walkways, bridges, and the peacefulness of the area.

The canals and the canal facing lots are small in scale. Typical lot widths are 30 feet and the average width of the canals is 50 feet. The Commission finds that the scale of development is related to the quality of the recreational experience. To ensure the continued public enjoyment of this community, the Commission has imposed height limits on homes and imposed front yard setbacks between the canals and the canal fronting homes. Without the requirements, the massive structures would create a canyon effect along the canals, blocking viewsheds and negatively impacting the unique community character.

The Commission has imposed various building standards in the Venice Canals area to address the Coastal Act issues of public access, habitat protection, water quality, preservation of community character, and scale of development. In order to mitigate the identified impacts, the appropriate special conditions also are applied to this permit.

**B. Habitat Protection**

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The Venice Canals are located up stream from Ballona Lagoon, and are part of the Ballona Wetlands system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the canals which directly impacts the biological productivity of the system.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, Special Conditions #2 and #4 requires the applicant to provide and maintain front yard setbacks, pervious yard areas, and drainage devices to absorb and filter rainwater and site drainage before it enters the canals. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan (a plan completed in August 1994 by a coalition of government officials, scientists, industries, and environmentalists that targets critical problems associated with water pollution in the Santa Monica Bay) to reduce non-point source pollutants.

The applicant shall provide and maintain a large, pervious front yard as a setback from the canal to provide an area for percolation to protect the water quality and biological productivity of the canals and to protect community character by maintaining a comparable scale between buildings in the area. No fill nor building extensions may be placed in or over the required pervious front yard area with the exception of fences (not to exceed 42 inches in height) or permeable decks at grade (not to exceed 18 inches in height).

The proposed project will provide a 512 square foot pervious front yard area by setting back part of the façade 22 feet from the canal property line, while the remainder of the façade is set back 14½ feet across the 30-foot width of the property (Exhibit #3). No fill or building extensions are proposed for placement in or over the pervious front yard area. The pervious front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard creates a "rush" of water run-off increasing sediments and pollutants draining into the adjacent canals.

Special Condition #2 requires that the applicant record a deed restriction requiring the pervious yard area on the property to ensure continuous and ongoing protection of coastal resources and compliance with the requirement. Therefore, the Commission finds that, prior to issuance of the permit, the applicant shall record a deed restriction which provides for the maintenance of not less than 450 square feet of uncovered and pervious yard in the front yard area between the front of any structure and the canal property line. Uncovered means that no fill nor building extensions shall be placed in or over the pervious yard area with the exception of fences or permeable decks at grade. Fences in the front yard area shall not exceed 42 inches in height. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Only as conditioned to record a deed restriction on the property for the maintenance of not less than 450 square feet of uncovered, pervious front yard does the Commission find the project consistent with the Chapter 3 policies of the Coastal Act.

The previous permit for the subject property (P-77-2082) required a french drain on the property to prevent excessive run-off into the canal (see Exhibit #6, condition #1a). However, condition #1a did not specify the size of the french drain. Therefore, in order to mitigate the impacts on habitat caused by surface drainage and drainage from roofs, landscaping, and streets, Special Condition #4 requires the applicant to provide a 100 cubic foot french drain in order to filter urban runoff before it enters the canals. The system directs run-off into the french drain, allowing water to percolate into the ground rather than drain onto the street collecting pollutants and sediment

before entering the canals. In this case, the applicant has proposed to provide the required french drain on the site (Exhibit #3).

The Commission finds that, only as conditioned to provide a 100 cubic foot french drain and 450 square feet of pervious yard area to mitigate impacts on biological productivity and water quality caused by surface runoff into the canals, is the proposed project consistent with Section 30240, 30230, and 30231 of the Coastal Act.

**C. Scale of Development**

Section 30251 of the Coastal Act 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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30253 of the Coastal Act states:

*New development shall:*

*(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Venice Canals area is comprised of both old and new one, two and three-story single family residences and a few remaining duplexes. The majority of the structures in the area do not exceed 30 feet in height. In order to protect the existing scale and character of the neighborhood, and to protect the visual corridor along the canal's public walkways, Special Condition #3 limits the development at a maximum of 30 feet as measured from the center line of the canal walkway. This height is consistent with the general height of the area. To reduce the canyon effect of massive structures lining the canals, the 30-foot height limit ensures the proportionality between the homes and the 50-foot wide canals.

The original permit conditioned the project to a height limit of 25 feet. The Commission has since conditioned new homes in the canals area to 30 feet. The

Commission has found that allowing new development to exceed the original height limit of 25 feet, not to exceed 30 feet, would not jeopardize the unique characteristic of the Venice Canals.

In this case, the proposed residence has a roof height of 30 feet measured from the elevation of the centerline of the canal walkway (Exhibit #4 & #5). As proposed, the design of the residence will not adversely effect the visual quality and community character of the Venice Canals area. No living area or storage space is proposed above the 30-foot height limit.

The proposed project also includes a request to eliminate condition #2b from the 1977 Coastal Development Permit on the property. The removal is necessary to allow the remodel and addition to portions of the second story within the 25-foot setback area. Condition #2 of Coastal Development Permit #P-77-2082 states:

2. *Submit a deed restriction for the recording:*
  - a. *that provides for the maintenance of the 450 sq. ft. pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at grade; and*
  - b. *that prohibits any extensions of the second story closer than 25 feet to the canal property line except that said 25 feet may be modified to 20 feet when the option allowed in condition 1(h) is exercised.*

The above condition was placed on projects in the Venice Canals in the 1970's. The purpose of the condition was to protect the community character of the Venice Canals and to protect the visual resources of the area. In 1980, after hearing testimony from residents, property owners, and developers, the Commission found that the 25-foot second story setback impeded the ability of homeowners to construct modern-styled single family homes. The Commission further found that the second story setback was not necessary to protect the community character and visual quality of the Venice Canals if a standard 450 square foot front yard setback was required.

An average 15-foot permeable front yard setback, totaling no less than 450 square feet, for the entire project, including the second story, protects the visual quality and community character of the Venice Canals. The proposed project contains a 512 square foot pervious front yard setback (Exhibit #3). Therefore, the removal of the 1977 condition #2b is consistent with Section 30251 and 30253 of the Coastal Act.

In order to remove condition 2b, the entire deed restriction required by condition #2 in Coastal Development Permit P-77-2082 must be eliminated. Therefore, as mentioned in the previous section, prior to issuance of the Coastal Development Permit, a new deed restriction must be recorded in order to protect and maintain the required 450

square foot, pervious front yard setback as required in Special Condition #2 of this Coastal Development Permit 5-00-358-A1.

In order to ensure that the proposed project complies with Section 30251 and 30253 of the Coastal Act, special condition #3 limits the height of the structure to 30 feet measured above the centerline of the canal walkway and limits the height of all roof deck railings and roof equipment housing to 42 inches. Also, Special Condition #2 requires the recording of a deed restriction to provide and maintain no less than a 450 square foot permeable front yard setback. This deed restriction supercedes and replaces the original deed restriction as required in Coastal Development Permit #P-77-2082. Only as conditioned does the Commission find the proposed project consistent with sections 30251 and 30253 of the Coastal Act.

**E. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice on October 29, 1999. The Commission approved the proposed Land Use Plan with suggested modifications on November 14, 2000. The City of Los Angeles has six months to except the approved Land Use Plan with suggested modifications. The proposed project, as conditioned, conforms to the Commission approved Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**F. California Environmental Quality Act**

Section 13096 of the California Code of Regulations requires Commission approval of 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.

The proposed project, as conditioned, has been found consistent with the habitat, community character, and coastal access policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am

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SEE MAP 41

SEE MAP 55A



PACIFIC OCEAN

Site Area

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EXHIBIT # 1  
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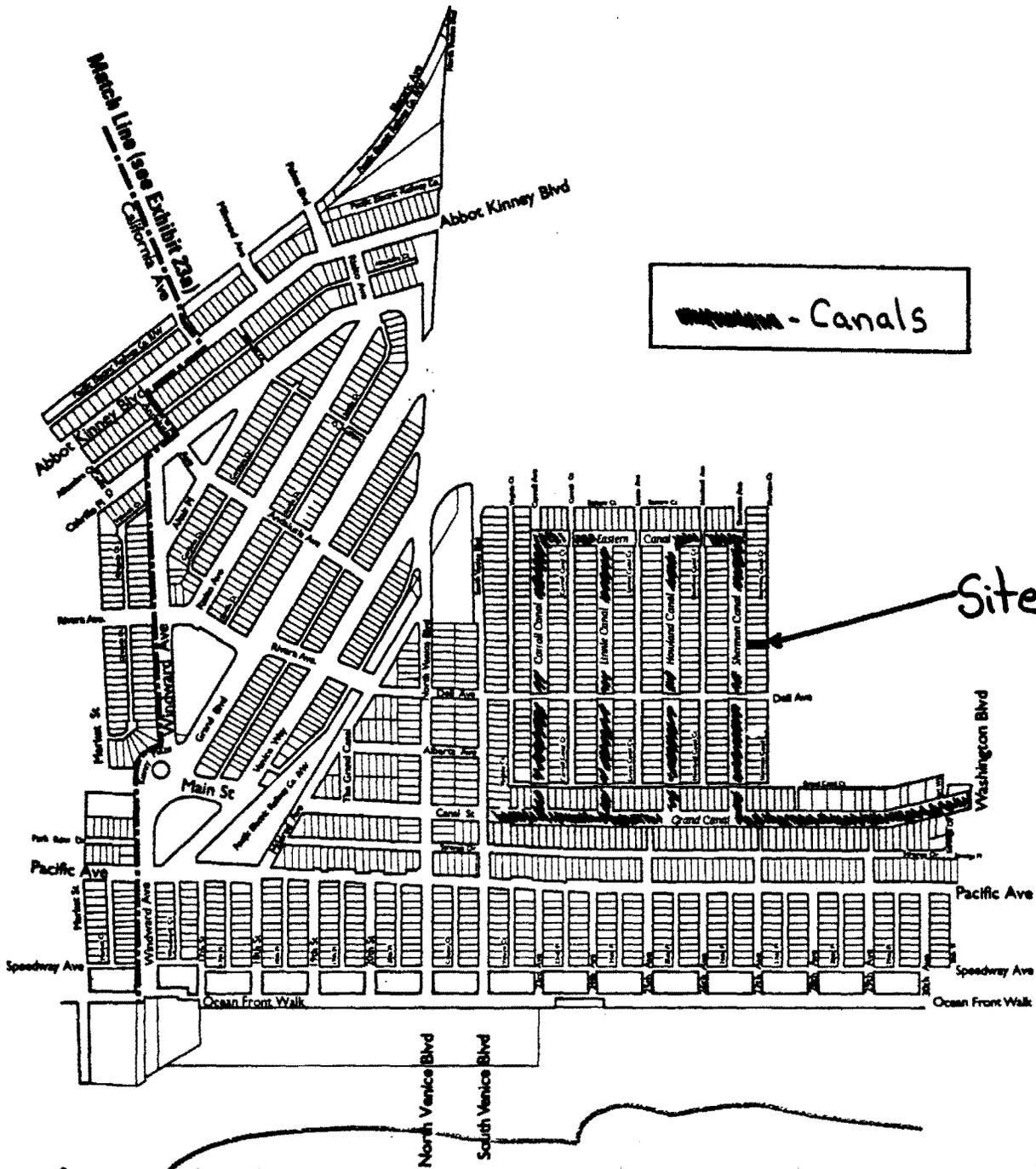
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EXHIBIT # 2  
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SHERMAN CANAL

RECEIVED  
AUG 30 2000

CALIFORNIA COASTAL COMMISSION  
GENERAL ADDITION  
CORNER / ROOF DECK OVER

OUTLINE OF EXISTING  
TO BE ALTERED

EXISTING TWO STORY  
HOUSE TO BE  
REMODELED

TWO STORY INFILL  
ADDITION

EXISTING 2-CAR  
GARAGE

LINE OF SECOND  
FLOOR OVER

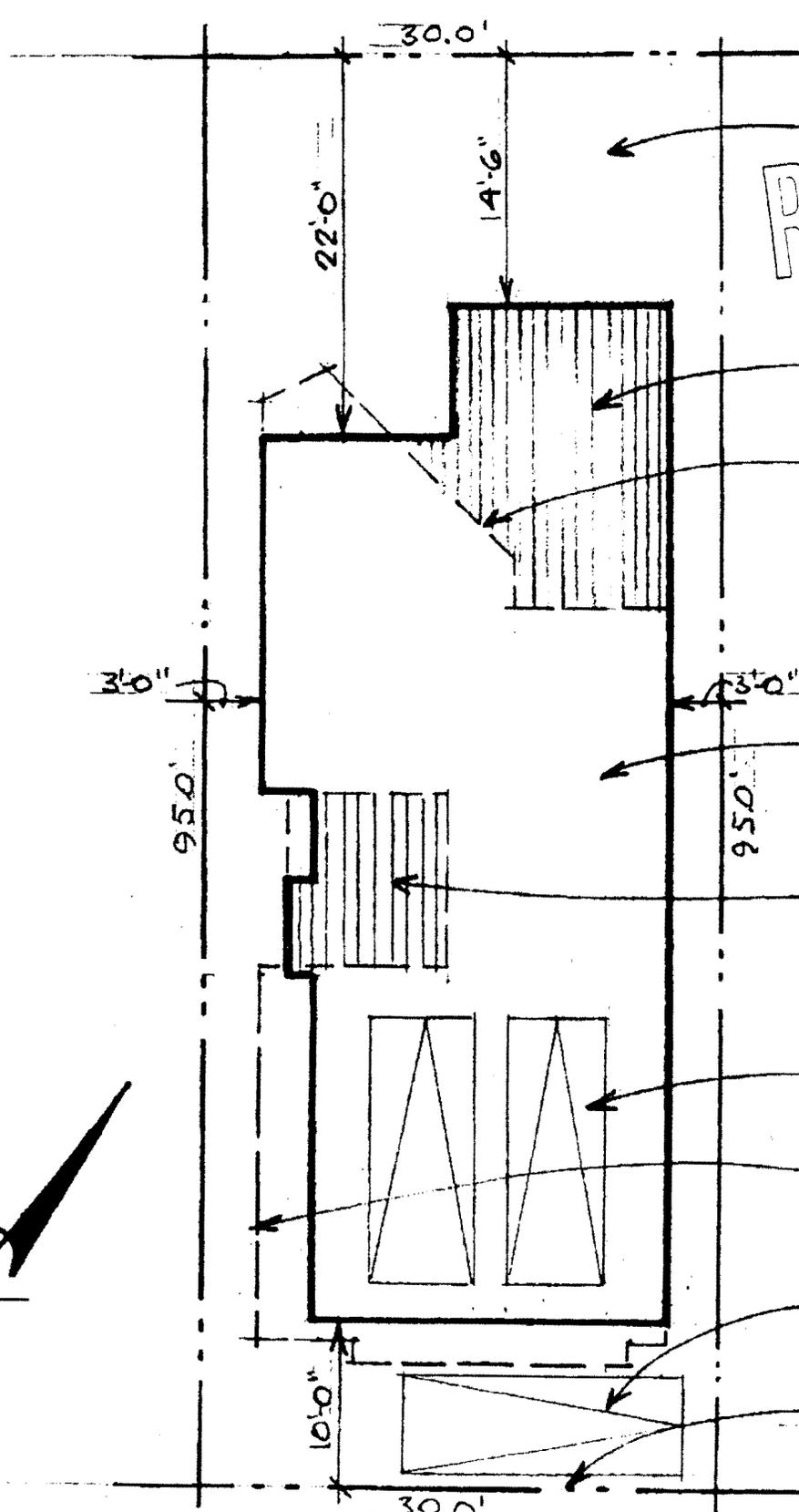
SPACE FOR THIRD  
CAR PARKING

100 CU. FT. FRENCH  
DRAIN @ REAR

SITE PLAN

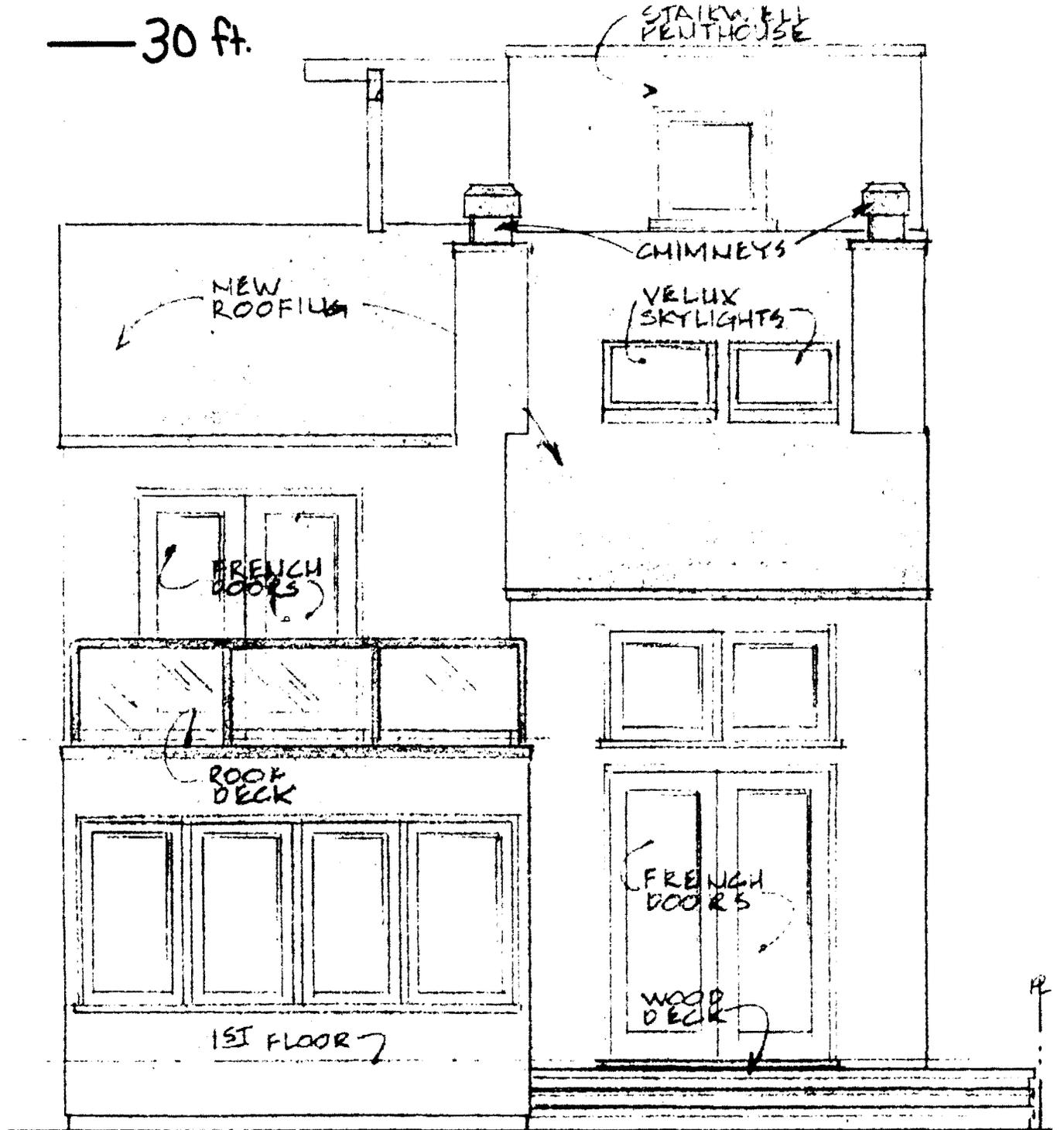
1" = 10'

TOLBER ADDITION  
420 SHERMAN CANAL  
VENICE, CA 90291



SHERMAN CANAL COURT  
20' WIDE

— 30 ft.



NORTH ELEVATION

COASTAL COMMISSION  
5-00-358-A1

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CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
556 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
313 590 5071 (714) 846 0648



**FILE COPY**

COASTAL DEVELOPMENT PERMIT

Application Number: P-10-19-77-2082

Name of Applicant: William V. Stein, Jr.

4500 Lincoln Boulevard, Marina del Rey, CA 90291

Permit Type:  Emergency  
 Standard  
 Administrative

Development Location: 420 Sherman Canal, Venice, CA

Development Description: Construct a two-story, single-family dwelling with two-car garage, 25 feet above centerline of frontage road, with conditions.

1. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

See attached Pages 3 and 4 for conditions.

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EXHIBIT # 6

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Condition/s Met On December 7, 1977 By cw

The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and 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 California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shore line of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

II. Whereas, at a public hearing, held on November 21, 1977 at Torrance by a unanimous ~~xxx~~ vote permit application number P-10-19-77-2082 is approved.

III. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

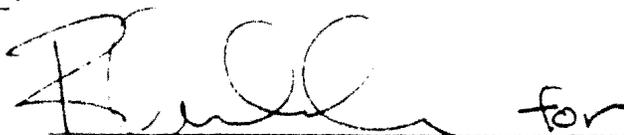
IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VI. Issued on behalf of the South Coast Regional Commission on December 7, 1977.

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 for  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-10-19-77-2082 and have accepted its

(date)

(signature)

Conditions for P-77/2082

Prior to issuance of permit, applicant shall submit:

1. revised plans which conform to the following guidelines:
  - a. drainage plan which prevents any runoff into the canal and disposes of all but the heaviest storm flows on-site in a French drain (gravel filled well);
  - b. compliance with the 1.1 criteria;
  - c. 25 foot height limit measured from centerline of the alley;
  - d. a rear setback not less than 9 feet or other provision for guest parking;
  - e. create a pervious front yard adjacent to the canal equivalent in size to a 15 foot front setback.  
In order to achieve variation, one portion of the house up to 15 feet wide may extend to within 10 feet of the canal property line as long as a yard area of at least 450 sq. ft. is maintained adjacent to the canal property line free of all structures except for fences less than 3.5 feet and pervious decks at grade.
  - f. in all events, except for corner lots (lots bounded on two sides by canals), all portions of the second story shall be set back a minimum of 25 feet from the canal property line;
  - g. nothing in this permit implies approval of any construction on city property except for removable fences less than 3 1/2 feet in height that do not impede access along the sidewalks;
  - h. on corner lots (lots bounded on two sides by canals) an uncovered deck a minimum of 240 sq. ft. in area on the second story along the longest canal frontage may substitute for 5 feet of the second story setback along the narrowest canal frontage; and

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2. submit a deed restriction for recording:
  - a. that provides for the maintenance of the 450 sq. ft. pervious yard area adjacent to the canal property line, free of all structures except for fences and pervious decks at grade; and
  - b. that prohibits any extension of the second story closer than 25 feet to the canal property line except that said 25 feet may be modified to 20 feet when the option allowed in condition 1(h) is exercised.

\* \* \*

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