

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**W6b**

Filed: 7/15/2008
49th Day: 9/2/2008
180th Day: 1/11/2009
Staff: Charles Posner - LB
Staff Report: 8/21/2008
Hearing Date: September 10, 2008
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-08-162**APPLICANTS:** Peter & Wendy Asher**AGENT:** Ronald E. Howell, Architect**PROJECT LOCATION:** 232 Sherman Canal, Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Three-story addition (consisting of two levels of living space and a ground-level garage) onto the rear of an existing two-story, 1,053 square foot single-family residence on a 2,850 square foot canal-fronting lot, resulting in a three-level, thirty-foot high, 2,522 square foot single-family residence with an attached two-car garage.

Lot Area	2,850 square feet
Building Coverage	1,265 square feet
Pavement Coverage	475 square feet
Landscape Coverage	1,110 square feet
Parking Spaces	3
Zoning	RW-1
Plan Designation	Single Family - Waterway
Ht above final grade	30 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2008-1471 (VSO), 4/11/2008.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to permeable yard area, landscaping, density, parking, building height, drainage, permit compliance and deed restriction. As conditioned, the project conforms with the thirty-foot height limit and the permeable yard area requirement (at least 450 square feet of permeable yard area will be maintained on the site). The applicants are permitted to maintain the existing building's non-conforming 8'5" front yard setback. The applicants agree with the recommendation. **See Page Two for the Motion.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit P-78-2987 (Ofsanko & Argyropoulos).
3. Coastal Development Permit Amendment 5-01-485-A1 (Danieri).
4. Coastal Development Permit Amendment 5-02-047-A1 (Rubin).
5. Coastal Development Permit Amendment 5-03-077-A1 (Pickett).
6. Coastal Development Permit Amendment 5-06-307-A1 (Gartner).

STAFF RECOMMENDATION:

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

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 the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

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 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. Permeable Yard Areas

In order to maintain an open and visible access corridor, to enhance visual quality, and to preserve the water quality and biological productivity of the canals, at least 450 square feet of permeable yard area shall be maintained on the property. In lieu of providing all 450 square feet of the required permeable yard area within the front yard setback as is required for new houses, 153 square feet shall be provided and maintained within the front yard setback area situated between the structure and the front (Sherman Canal) property line and 297 square feet of permeable yard area shall be provided elsewhere on the property (as generally shown on **Exhibit #4 of the 8/21/08** staff report). Uncovered means that no fill or building extensions (i.e. chimneys, balconies, stairs, trellises) shall be placed in or over the 450 square foot permeable yard areas with the exception of a fence (not to exceed 42 inches in height) and permeable decks at grade (not to exceed 18 inches in height). An existing permeable wooden deck (not to exceed 18 inches in height) is permitted to remain in the front yard setback area. The precise boundaries of the areas that must remain uncovered and permeable yard areas will be described and depicted in the exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit.

PRIOR TO ISSUANCE, BY THE EXECUTIVE DIRECTOR, OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT, and prior to the recording of the deed restriction required by Special Condition Eight below, the applicants shall provide a site plan, subject to the approval of the Executive Director, which complies with all of the above terms of this condition and clearly identifies the locations and dimensions of the required permeable yard areas, in accordance with the general description of that area in **Exhibit #4 of the 8/21/08** staff report. Once the Executive Director approves the site plan, the plan will be included as an exhibit to the NOI.

2. Building Setback – Front Yard

A minimum 8'5" deep front yard setback shall be maintained between the front of the structure and the front (Sherman Canal) property line. The existing eighteen-inch high covered wooden deck is permitted to remain within the 8'5" front yard setback area. In no case shall the proposed building addition encroach within fifteen feet of the front (Sherman Canal) property line.

3. Landscaping

Vegetated landscaped areas shall only 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. The use of pesticides and herbicides is prohibited in the front yard permeable yard areas required by Special Condition One.

4. Parking and Residential Density

The permitted use of the approved structure is a single-family residence. A minimum of three parking spaces shall be provided and maintained on the site as shown on **Exhibit #4 of the 8/21/08** staff report. Any proposed change in the number of residential units, change in number of on-site parking spaces, or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

5. Building Height – Building Envelope

No new development is authorized within fifteen feet of the fronting canal property line (Sherman Canal) and within or above the required 450 square foot permeable yard areas, except as described in Special Condition One above. At a point ten feet landward of the fronting canal property line the maximum height of any building addition shall not exceed 22 feet above the centerline of the rear alley. Beyond ten horizontal feet from the fronting canal property line, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of thirty feet (30') except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Roof deck railings may exceed the height limit by 42 inches. This permit approves no roof access structure that exceeds a height of thirty feet (30').

6. Drainage – Water Quality

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a drainage plan that provides for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board.
- b) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals.

- c) A one hundred cubic foot french drain shall be installed on the project site to collect and reduce the amount of runoff that leaves the site.
- d) All runoff leaving the site shall be directed away from the canals and into the City storm drain system.
- e) No water from any pool or spa shall be discharged into any canal or street that drains into a canal.

The permittee and all successors in interest shall construct and maintain the development consistent with the drainage plans approved by the Executive Director.

7. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

8. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development 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 governed by this coastal development 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 coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development 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

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose to add onto an existing two-story, 1,050 square foot single-family residence on the south bank of Sherman Canal in the Venice Canals residential neighborhood (See Exhibits). The existing house was built in 1926. The surrounding neighborhood is comprised of both old and new one, two and three-story single-family residences and duplexes. Public sidewalks currently provide public access along all banks of the canals (Exhibit #2). The alleys provide vehicular access to each lot.

The proposed project includes the construction of a thirty-foot high addition on the rear portion of the 2,850 square foot lot (adjacent to the alley). The proposed three-story addition will be attached to the existing two-story house by a new second floor hallway (Exhibit #5). The proposed three-story addition includes a two-car garage on the ground floor, two levels of living space, and a roof deck. The existing house will remain unaltered, except for the connecting hallway and the addition of 187 square feet to the second floor (Exhibit #4). No alterations or additions are proposed within fifteen feet of the front (canal side) property line. The proposed project will result in a three-level, thirty-foot high, 2,522 square foot single-family residence (Exhibit #5).

Three on-site parking spaces will be provided: two in the garage, and one on the driveway within the nine-foot rear setback area (Exhibit #4). A total of 450 square feet of permeable yard area will be maintained on the site: 153 square feet in the front yard setback and 297 square feet in the middle and rear portions of the property (Exhibit #4). Since the project is an addition to an existing residence, and not a new house, the applicants are permitted to maintain the existing building's non-conforming 8'5" front yard setback (instead of the ten-foot minimum front yard setback required for new development). The proposed project conforms to the thirty-foot height limit.

B. Development - Community Character

The Commission has recognized in both prior permit and appeal decisions that the Venice Canals are a unique coastal resource [e.g. Coastal Development Permit 5-91-884 (City of Los Angeles)]. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located. These building standards, which apply primarily to density, building height, parking, and protection of water quality, reflect conditions imposed in a series of permits heard prior to 1980. Since 1980, the Commission has consistently applied these newer density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the area.

In 1999 the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the City's effort to develop a certified Local Coastal Program (LCP) for Venice. On November 14, 2000, the Commission approved the

City's proposed LUP for Venice with suggested modifications. The Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. On June 14, 2001 the Commission officially certified the Venice LUP. The Commission-certified LUP for Venice contains updated and revised building standards for the various Venice neighborhoods, including the Venice Canals neighborhood where the proposed project is situated. The policies and building standards contained in the Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing unique character of the area.

Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice now provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this permit.

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 surrounding areas....

In order to protect public access, community character and visual quality in the Venice Canals neighborhood situated north of Washington Boulevard where the proposed project is located, the Commission has consistently limited residential density and structural height, and has required structural setbacks from the canals.

On June 14, 2001, the Commission certified the following policy as part of the Venice LUP in order to regulate residential development in the Venice Canals neighborhood.

Venice Land Use Plan Policy I.A.4.a states:

a. Venice Canals

Use: Single-family dwelling / one unit per lot

Density: One unit per 2,300 square feet of lot area. Lots smaller than 5,000 square feet shall not be subdivided. Lots larger than 2,300 square feet shall not be combined.

Buffer/Setback: In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the canal property line.

Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the

canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with the exception of 42-inch high fences or permeable decks at grade (no more than 18" high).

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

As discussed below, the proposed project complies with the standards contained in the above-stated LUP policy, with the exception of the non-conforming front yard setback and the location of the required permeable yard area (it cannot all fit in the non-conforming front yard).

Residential Density

In order to protect public access to the shoreline and to preserve the character of the Venice Canals neighborhood, the Commission has consistently limited residential density to one unit per lot. The certified Venice LUP limits residential density in the project area to one unit per lot. The applicants propose to maintain the existing use on the 2,850 square foot lot, which is a single-family residence. Therefore, the proposed project conforms to the density limit for the site.

Building Height

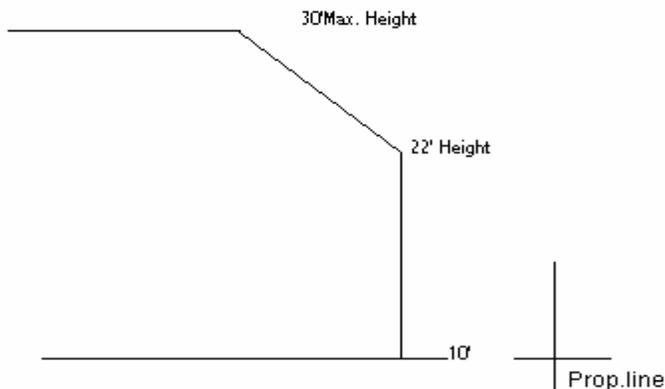
Building height and bulk can also affect the scenic and visual qualities of coastal areas. In prior actions, the Commission and the City have both consistently limited the height of structures in order to preserve the character of the Venice area. Development immediately adjacent to the Venice Canals has been limited to a height of thirty feet in order to provide more air space for bird flyways and to enhance public recreation by protecting the waterways from a canyon effect created by taller buildings [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission-certified Venice LUP maintains the historic (since 1980) thirty-foot height limit for all development in the Venice Canals neighborhood.

The existing two-story house is 26 feet high. The proposed three-story addition will increase the building's height to thirty feet (Exhibit #5). The permit is conditioned to limit the height of the single-family residence to a maximum of thirty feet above the elevation of the adjacent alley. No portion of the structure is permitted to exceed thirty feet in height above the elevation of the alley, except for the roof deck railings, chimneys, ducts and ventilation shafts. As conditioned, the proposed project conforms to the thirty-foot height limit.

Front Yard Setback and Permeable Yard Area

Buildings in Venice have been required to be setback from waterways in order to enhance visual quality and public recreation, protect marine resources, and to provide an area on the site for water percolation. The Commission routinely approves thirty-foot high structures within a building envelope that the certified Venice LUP defines as follows:

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. (See Figure 1 below).



A front yard setback must be provided between all buildings and the waterways in order to prevent a canyon effect along the canals and to provide an area on each site for water percolation (to improve water quality). The certified Venice LUP requires that all new development along the Venice canals provide a minimum ten-foot front yard setback, with a required fifteen-foot setback average setback, between the front of each structure and the canal property line. The LUP requires that the front yard setback area be maintained as a permeable yard area. Commission-approved development adjacent to the Venice Canals has been consistently required to provide an open and permeable yard (at least 450 square feet for a thirty-foot wide lot, and at least six hundred square feet for a forty-foot wide lot) in the front yard between the canal property line and the front of any structure.

In this case, the existing house provides a non-conforming 8'5" setback from the canal property line, with a covered deck occupying most of the setback (Exhibit #4). Since the project is an addition to an existing residence, and not a new house, the applicants are permitted to maintain the existing building's non-conforming 8'5" front yard setback (instead of removing part of the existing structure in order to comply with the currently required ten-foot minimum front yard setback). In no case, however, shall the proposed building addition encroach within fifteen feet of the front (Sherman Canal) property line.

A total of 450 square feet of permeable yard area will be maintained on the thirty-foot wide lot as required, but because the required 450 square feet of permeable yard area cannot all fit in the non-conforming front yard, other portions of the property must be maintained as permeable yard area.

In lieu of providing all of the required 450 square feet of the required permeable yard area within the front yard setback as is required for new houses, the applicants have proposed to maintain 153 square feet in the existing 8'5" front yard setback and 297 square feet in the middle and rear portions of the property (Exhibit #4).

The Commission has approved similar additions to existing houses that have non-conforming front yard setbacks [See Coastal Development Permit 5-05-137 (Standring)]. The Commission finds that prior to issuance of the permit, the applicants shall record a deed restriction for the lot which provides for the maintenance of at least the 450 square feet of uncovered and permeable yard area as generally shown on Exhibit #4 of the staff report. No fill or building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the permeable yard areas with the exception of fences, garden walls and permeable decks.

As conditioned, the scenic and visual qualities of the area will not be negatively impacted by the proposed project. As conditioned, the proposed house addition is consistent with past Commission approvals in the Venice Canals neighborhood. Therefore, the Commission finds that the proposed project, as conditioned, conforms with Section 30251 of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast.

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.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public sidewalk currently exists on the canal bank situated between the project site and the waters of Sherman Canal (Exhibit #3). The existing sidewalk is part of a continuous City right-of-way system that provides public access and recreational opportunities along all the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of the Venice Canals.

The proposed project will not interfere with the existing public walkway along Sherman Canal. Therefore, the Commission finds that the proposed project, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Marine Resources and Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. The proposed project also includes the maintenance of at least 450 square feet of permeable yard area on the property in order to improve water quality by allowing for on-site water percolation. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. Environmentally Sensitive Habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

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 owners 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.

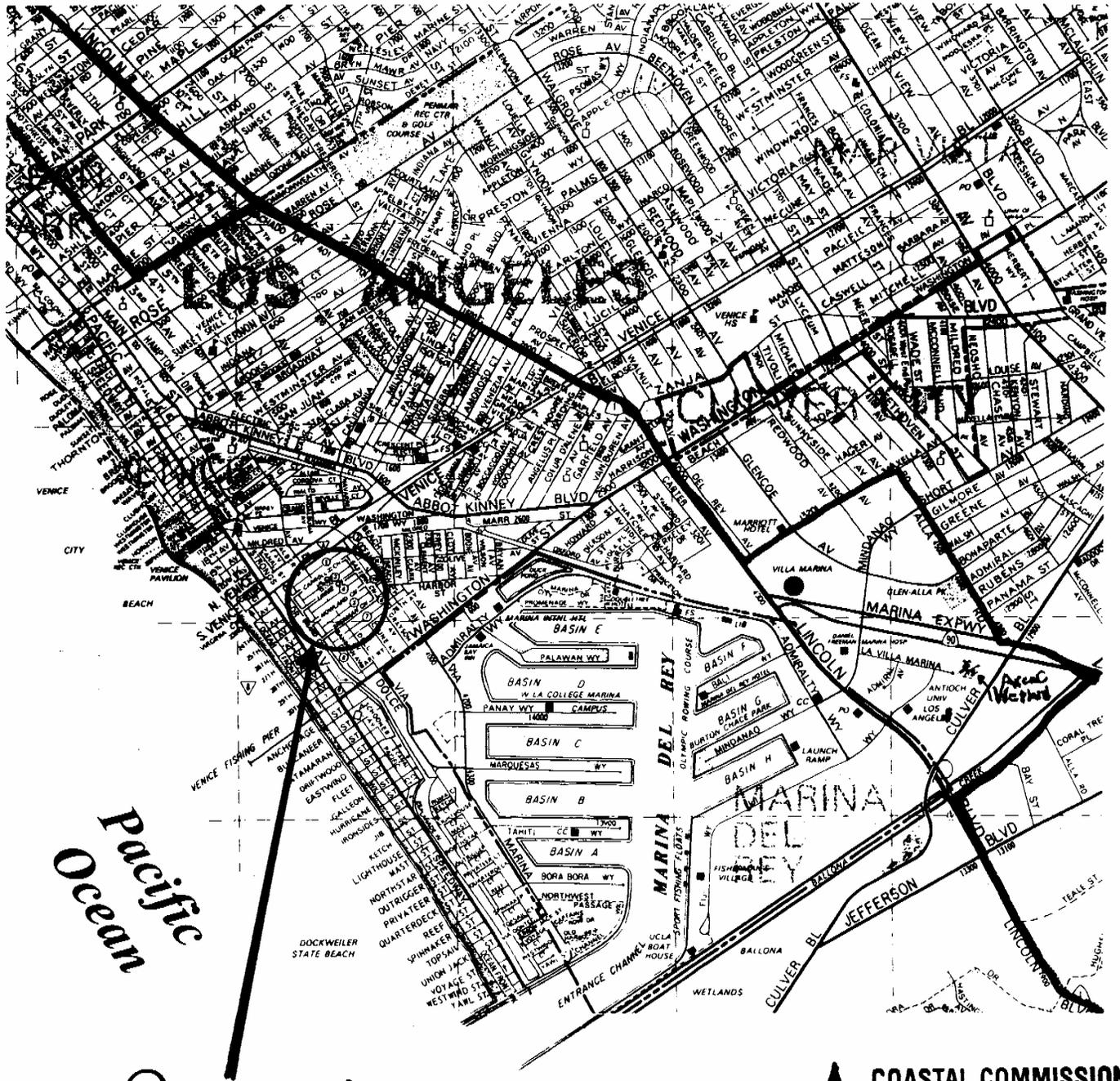
G. Local Coastal Program

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 Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP 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 feasible mitigation measures available which would substantially lessen any significant adverse effect which 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.

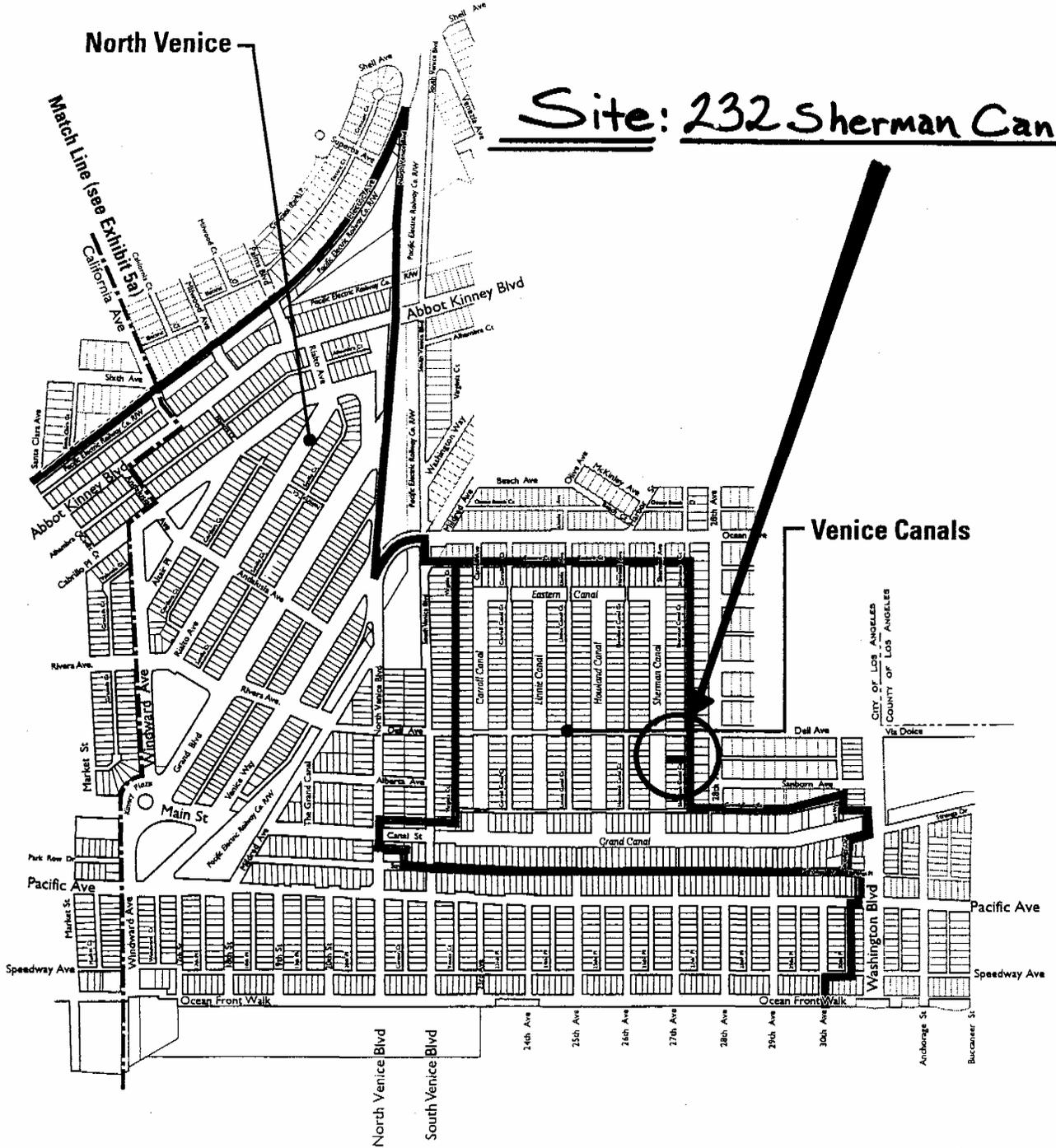
VENICE, CA



Site: Venice Canals



COASTAL COMMISSION
5-08-162
EXHIBIT # 1
PAGE 1 OF 1



Site: 232 Sherman Canal

LUP
Exhibit 5b
Subarea: North Venice • Venice Canals

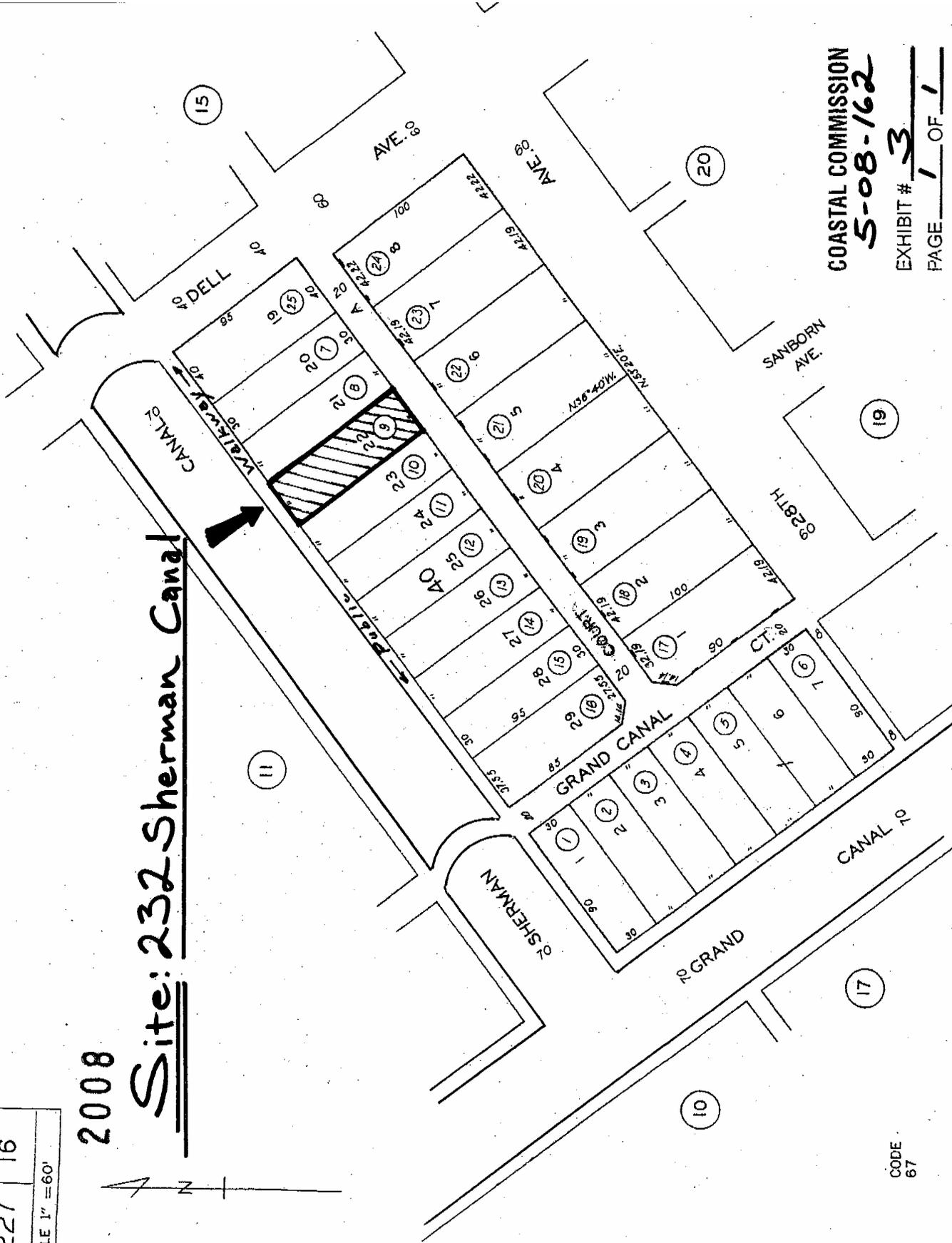

 Not to Scale
COASTAL COMMISSION
5-08-162
 EXHIBIT # 2
 PAGE 1 OF 1

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SCALE 1" = 60'

2008

Site: 232 Sherman Canal



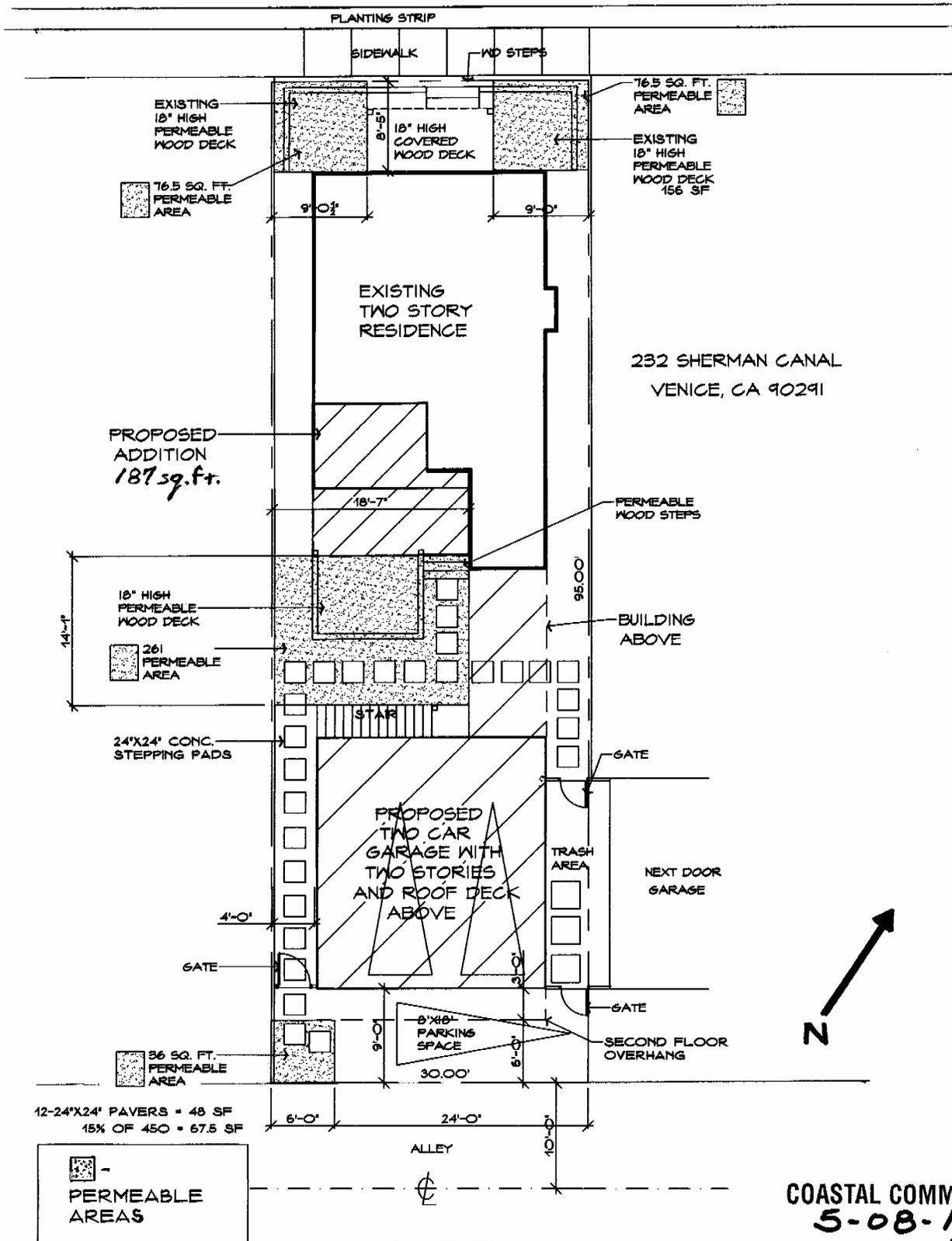
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 PAGE 1 OF 1

SHORT LINE BEACH VENICE CANAL
 SUBDIVISION NO. 1

MR 7-126-127

CODE 67

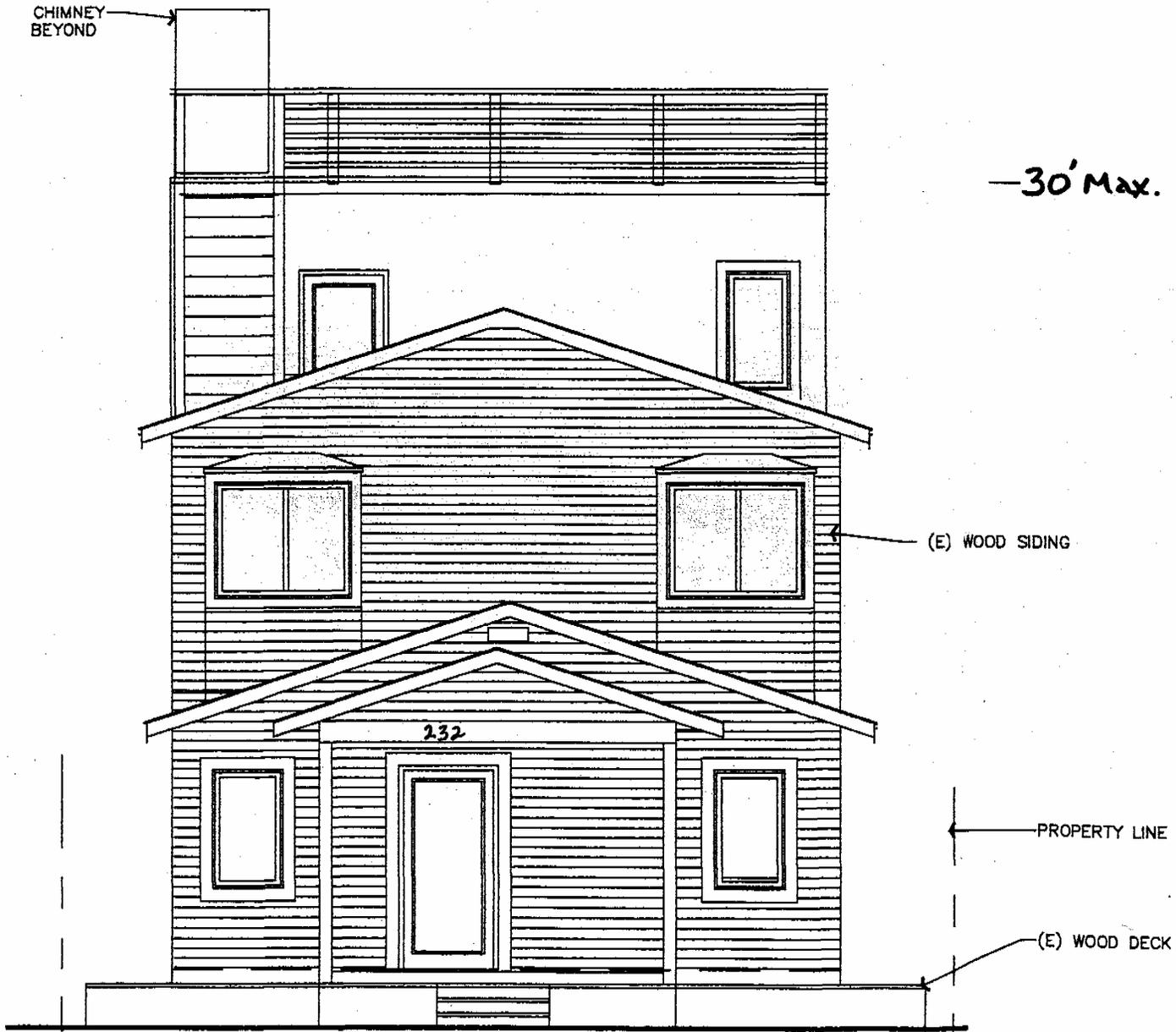
SHERMAN CANAL



SITE PLAN

COASTAL COMMISSION
5-08-162

EXHIBIT # 4
PAGE 1 OF 1



NORTH ELEVATION - Sherman Canal

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5-08-162

EXHIBIT # 6

PAGE 1 OF 1