

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Tue 11d

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Staff: Laurinda Owens-SD  
Staff Report: 10/24/06  
Hearing Date: 11/14-17/06

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-84

Applicant: Jerry Suppa

Agent: Di Donato Associates

Description: Demolition of an existing single-family residence and garage and construction of a two-story, 2,843 sq.ft. residential duplex with underground parking for four cars including landscaping and fencing on a 4,150 sq.ft. beachfront lot.

Lot Area	4,150 sq. ft.
Building Coverage	1,455 sq. ft. (35%)
Pavement Coverage	602 sq. ft. (15%)
Landscape Coverage	1,908 sq. ft. (46%)
Unimproved Area	185 sq. ft. ( 4%)
Parking Spaces	4
Zoning	RM 2-4 (25 dua)
Plan Designation	Multi-family residential (25 dua)
Project Density	20.9 dua
Ht abv fin grade	25 1/2 feet (approx.)

Site: 2027 Cape May Place, Ocean Beach, San Diego, San Diego County.  
APN 448-021-07

Substantive File Documents: Certified Ocean Beach Precise Plan; Wave Run-up Report by GeoSoils Inc. dated 10/11/06

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends the Commission approve the proposed development with conditions. The main issue raised by the proposed development relates to assuring that the proposed duplex on a beachfront lot (proposed to be constructed without a seawall) will be safe from wave run up and flooding. Based on information provided in the applicant's wave

run-up report, the Commission's coastal engineer has determined that the proposed project will be reasonably safe from risk of flooding concerns. However, since there is still the potential for future changes to storm waves, erosion and sea level that could be larger than what has been used in the siting and design of the proposed duplex, a special condition requires that the applicant waive rights to construct a future shoreline protection device. In addition, conditions require that the duplex be constructed consistent with the recommendations contained in the wave run-up study. Other conditions require landscape plans to limit any landscaping in the front yard next to the beach and ocean park to a maximum height of three feet which will not have an adverse effect on public views toward the ocean. Also, because work during the summer in this location can have significant impacts on public access, a special condition is recommended that addresses timing of construction to avoid impacts to public access during the summer season. The proposed duplex, as conditioned, is consistent with all applicable Coastal Act policies.

Standard of Review: Chapter 3 policies of the Coastal Act, with the certified City of San Diego LCP used as guidance.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-06-84 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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 THE PERMIT:**

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. 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.

See attached page.

## III. Special Conditions.

The permit is subject to the following conditions:

### 1. No Future Bluff or Shoreline Protective Device

- A(1) By acceptance of this Permit, the applicant agrees, on behalf of himself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. **6-06-84** including, but not limited to, the residence, foundation, decks, driveway and basement parking garage in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant 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.
- A(2) By acceptance of this Permit, the applicant further agrees, on behalf of himself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if any government agency has ordered that the structures are 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 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.

2. Revised Landscape/Yard Area Fence Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans as submitted by Di Donato Associates, dated 5/17/06 and shall include the following:

- a. A view corridor a minimum of 15 ft. wide shall be preserved in the south yard area adjacent to the unnamed alley. All proposed landscaping (including raised planters) and hardscaping (patios and decks) in the south yard area shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean. A maximum of two (2) tall trees with thin trunks are permitted, provided they are located close to the building and they do not block views toward the ocean.

- b. All landscaping shall be (1) drought-tolerant and (2) native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, 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 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- c. Any fencing in the south side yard setback area shall permit public views and 75 percent of its surface area shall be open or transparent.
- d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

3. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director final plans for the proposed residential duplex that have been approved by the City of San Diego and that are in substantial conformance with the recommendations contained in the report by Geosoils, Inc. dated 10/11/06. Specifically, said plans shall include the following:

- a. The proposed sub-grade garage shall be water-proof and designed with a de-watering system;

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

4. Timing of Construction. No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via

the maintenance of existing public parking areas and traffic flow on coastal access routes (No street closures or use of public parking as staging areas).

5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and wave uprush; (ii) to assume the risks to the applicant 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.

6. 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 parcel(s) 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.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing single-story residence and garage and construction of a two-story, approximately 25 ½ ft. high, 2,843 sq.ft. duplex with underground parking on a 4,150 sq.ft. beachfront lot. A total of four parking spaces will be provided in a 1,921 sq.ft. underground garage/basement which is adequate to serve the proposed development. An elevator is also proposed adjacent to a proposed stairwell. Unit A (two bedrooms) will occupy 1,455 sq.ft on the first floor and an additional 570 sq.ft. on the second floor. Unit B (one bedroom) will occupy a portion of the second floor and will contain a total of 818 sq.ft. Also proposed is on-site landscaping, fencing and exterior decks which will consist of three decks at the ground level, one deck at the second level and a roof deck which total to 1,514 sq.ft. The subject site is located at the northwest corner of Cape May Place and the unnamed alley

to the south in the community of Ocean Beach in the City of San Diego. The project site is located immediately adjacent to Ocean Beach Park and the public beach. A large grassy park with picnic tables and fire rings exists immediately southwest of the project site. Immediately west of the site is a large patch of iceplant on the sandy beach which has been in existence for at least 34 years. To the west of this area is a large sandy beach.

Although the City of San Diego has a certified LCP for the Ocean Beach community, the subject site is located in an area where the Commission retains permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's LCP used as guidance.

2. Geologic Hazards/Shoreline Protective Devices. Section 30235 of the Coastal Act states, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [...]

To find a proposed beachfront residence consistent with Section 30253, the Commission must find that the residence will not be subject to threat throughout its useful life such that it require a seawall or other shoreline protective device to protect it. The Commission has traditionally been concerned with the siting of new development directly along the shoreline in terms of both its encroachment onto public sandy beach as well as visual impacts. The Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply.

In the case of the proposed development, the applicant is requesting to demolish an existing single-family residence and construct a new residential duplex on a beachfront site. Presently, there is no shoreline protection on the subject site and the applicant is not

proposing any in connection with the new development. The sandy beach area immediately adjacent to the site is covered with iceplant. Beyond this area to the west, is a large and expansive sandy beach. The proposed residence will be constructed 18" above grade. As part of the proposal, a 36" high masonry garden wall will surround the house along the property line. No other houses or structures along this shoreline have seawalls.

In any case, because the project site is on a beach it must be assured that the new development will be safe from wave run up and other coastal hazards. As such, the applicant submitted a wave run up analysis which discusses the potential threats to the proposed duplex from erosion, wave inundation and tsunamis. The findings of that study evaluated the potential threat to the site from waves, flooding, and shoreline erosion hazards over the next 75 years including estimated the potential frequency of occurrence. In addition, the report concluded that while there will be a rise in sea level over the next 75 years, which may result in a small landward movement of the high water line, this would not result in an increase in erosion or a threat to the proposed home because the shoreline in this area is stabilized by the jetty and groin located on the north end of Ocean Beach and because the site is located over 200 feet from the shoreline. The report concludes that there is no significant potential erosion hazard at the site over the next 75 to 100 years.

With regard to potential flooding hazard, the wave run up analysis indicates that allowing for a 0.75 foot rise in sea level over the next 75 to 100 years, the mean higher high water mark will be at about +3.34 feet Mean Sea Level (MSL). The highest observed water elevation in this location was on 11/13/97 which was +4.92 MSL. If a sea level rise of 0.75 feet is added to this elevation, it is about +5.8 MSL. The lowest proposed habitable finished floor is at about elevation +11.5 MSL, above any potential ocean flood elevation. The finished floor of the underground garage (+ 3.0 ft. MSL) is below this flood elevation. Therefore, it is recommended that the garage be designed to be waterproof and include a dewatering system.

With regard to wave runup, the report concludes that the site is sufficiently setback from the shoreline to be safe from breaking waves. The potential for wave runup to the site is very small due to the wide beach and because the site is partially shielded from wave runup from the southwest due to the grass park immediately south of the site (ref. Exhibit No. X). According to the report, even if flood waters reach the site, they would have little, if any velocity or force and would likely be less than one foot in elevation. It is also noted that the City of San Diego constructs an artificial sand berm seaward of the subject site along the public beach every winter to further reduce the potential for flooding of adjacent streets.

The report therefore concludes that over the last several decades there has been no shoreline retreat in front of the site; it has not been subject to significant flooding, erosion damage or wave runup attack in the past; and the proposed habitable improvements are above any potential coastal hazard. In addition, it is stated that flooding, erosion and wave runup will not significantly impact the proposed development over its lifetime (75

years). Recommendations include that the proposed basement garage be water-proofed and designed with a de-watering system. In addition, the garage driveway should consider a low height berm at the entrance. The report also concludes that it is unlikely that a seawall will be necessary in the future to protect the proposed development.

The Commission's staff coastal engineer has reviewed the submitted technical report and concurs that the proposed development can be constructed without the need for a seawall and that the site is reasonably safe from the risks of geologic and flooding conditions. However, there is a risk that the anticipated future changes to storm waves, erosion and sea level could be larger than what has been used in the siting and design of the proposed duplex. As such, Special Condition #1 requires that the applicant agree to waive his rights to construct shoreline protection under 30235 of the Coastal Act. Only with this waiver can the project be found to be consistent with Section 30253 of the Act, which prohibits new development from requiring future shoreline protection. Special Condition #3 requires that final plans be submitted that document that the proposed development be designed consistent with the recommendations contained in the wave run up analysis.

As noted above, the Commission finds that the proposed project can be constructed without the need for a seawall. Although the Commission finds that the proposed development has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The subject site may be subject to wave action. Thus, there is a risk of damage to the principal residential structure as a result of wave action. Given that the applicant has chosen to perform these improvements despite these risks, the applicant must assume the risks. Accordingly, Special Condition #5 requires that the applicant acknowledge the risks and indemnify the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

In addition, Special Condition #6 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Therefore, as conditioned, since the proposed development can be assured structural stability over its lifetime and not require shoreline protection, the proposed development is consistent with Section 30253 and 30235 of the Coastal Act.

3. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

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 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

Section 30211

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 30604(c) of the Act requires that specific access findings be made for any project located between the first public roadway and the sea. The project site is located between the ocean and the first public roadway (Abbott Street). The project site is located immediately adjacent to Ocean Beach Park and the public beach. The beach is a popular area, consisting of a wide sandy beach used by residents and beach-goers alike for many recreational activities. Immediately south of the site is a large grassy picnic area with picnic tables.

The Ocean Beach Pier is located southwest of the site and a groin exists almost directly west of the project site. Access to the beach can be gained nearest the project site at the streetend of Cape May Avenue, immediately adjacent to the subject site and at the unnamed alley to the south.

The Certified Ocean Beach Precise Plan recommends protecting public access to the beach. The site is currently developed with a single-family home and no access to the beach across the subject site currently exists. The proposed project will not result in any adverse impacts to public access. Adequate on-site parking will be provided with four parking spaces (two per unit) consistent with Section 30252 of the Act.

In addition, to assure construction impacts do not result in public access impacts during the time of highest demand for recreation and public beach access, the Commission has typically restricted work in and around beach and other public recreational areas to outside the summer season. As noted above, the area where the proposed work will occur is immediately adjacent to a public beach and as such, any work occurring during the summer months could potentially interfere with the public's use and enjoyment of this area. Therefore, Special Condition #4 notifies the applicant that no work may occur during the summer peak season between Memorial Weekend and Labor Day of any year. In addition, the condition further requires that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces

(no use of public parking). As conditioned, no short or long-term impacts to public access are anticipated. Therefore, the proposed development, as conditioned, does not interfere with public access opportunities and can be found consistent with the public access and recreation policies of the Coastal Act.

4. Public Views/Community Character. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

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,...

The certified Ocean Beach Precise Plan, which the Commission uses for guidance also states:

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. [p.85]
- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new developments to provide visual and physical access. [p. 42]

The project site is located in Ocean Beach near Ocean Beach Park and the public beach. A large area immediately west of the site (beach park with sandy area) is completely covered with iceplant. Beyond the iceplant is a wide sandy beach. The Certified Ocean Beach Precise Plan recommends protecting public views to the ocean. In the Ocean Beach community, public views to the ocean exist along the east-west running streets in the community. In this particular case, public views to the ocean exist along Cape May Avenue north of the subject site as well as along the unnamed alley to the south. Thus, it is important to assure that new development not interfere with public views from these public vantage points, by among other things, assuring adequate building setbacks.

Presently, there are no existing public views across the subject site as it is currently developed an existing single-family residence. There is a carport that extends all the way to the southern property line without a building setback. The roof of the house has been extended to cover the carport, as well. A large tree is also located at the southwest corner of the property – near the western terminus of Cape May Place. All of these structures and landscaping in the south side yard setback area currently obstruct public views to the ocean while looking west. The proposed structure will enhance public views as it will observe a larger building setback in the south yard area setback. The new structure, however, will observe the minimum required building setback of 15 feet from the south property line and will also be terraced back such that the second level observes a larger setback than the lower level which will greatly open up views along this elevation.

In addition, the large canopy tree at the southwest corner of the property will also be removed. While landscaping is desirable to enhance the scenic quality of coastal neighborhoods, tall trees adjacent to public view corridors/streetends can obscure public views to the ocean. In this particular case, the applicant is proposing to remove a tree that blocks views to the ocean and replace it with other landscaping and tree elements that will be more closely situated to the new residential structure. In addition, as designed, there is a stone veneer solid wall that is proposed along the east property line that extends to the south in the side yard setback area. A special condition requires that revised plans be submitted such that only open fencing is allowed south side yard area setback adjacent to the public view corridor. The condition also requires that only low level landscaping be installed (with two tall trees permitted if placed close to the building), and no raised planters exceeding 3 ft. in height, in order to enhance public views to the ocean. As conditioned, the proposed development will open up views to the ocean at this location, consistent with Section 30251 of the Coastal Act.

In this particular case, the proposed development will observe all required setbacks and for the south side yard, public views to the ocean will not be impacted as a result of the proposed structure. However, there is the potential for proposed landscaping in the south side yard adjacent to the unnamed alley to impede public views to the ocean (both initially and over time, as plant materials/trees mature). As such, Special Condition #2 requires that the applicant submit final landscape plans that require all proposed landscaping and hardscaping in the south yard area setback area consist of only low level materials that do not impede views to the ocean. The condition also allows for a maximum of two (2) tall trees with thin trunks such as palm trees, provided they are placed close to the building and they do not block public views toward the ocean. Through the above-cited condition, it can be assured that any improvements proposed in the yard areas will not impede public views toward the ocean. Special Condition #6 requires the permit and findings be recorded to assure future property owners are aware of the permit conditions.

In addition, because the proposed residential duplex is located in close proximity to the ocean it will be highly visible from the public beach. However, the exterior of the structure will consist of a stone veneer with natural stone color and the stucco will be of a light natural color (as opposed to anything bright which could result adverse visual impacts in this scenic coastal setting). In addition, the roof will be composed of a galvanized metal color. As proposed, the structure will be compatible with the character of the surrounding area and is designed to protect views to and along the ocean and scenic coastal areas, consistent with Section 30251 of the Act.

With regard to community character, the existing residences along Cape May Place and Cape May Avenue vary widely in architectural style and appearance. The proposed project will result in a two-story structure (over a basement level) next to the public beach. The proposed structure will be approximately 25 ½ feet high, consistent with current zoning requirements. In addition, the proposed structure will be visually compatible in terms of bulk and scale with the character of the surrounding neighborhood and the pattern of redevelopment in the area. In summary, the proposed development, as

conditioned, will not result in any public view blockage and will be visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act and the certified LCP

5. Local Coastal Planning. While the City of San Diego has a certified LCP that governs the Ocean Beach community, the subject site is in an area of original jurisdiction, where the Commission retains permanent permit authority. The project is consistent with the certified Ocean Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach community.

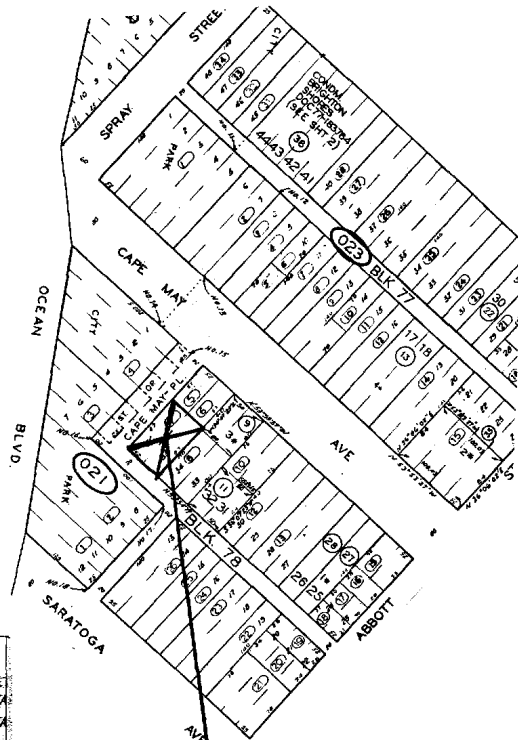
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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 has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing hazards and protection of public views to the ocean and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.


STANDARD CONDITIONS:

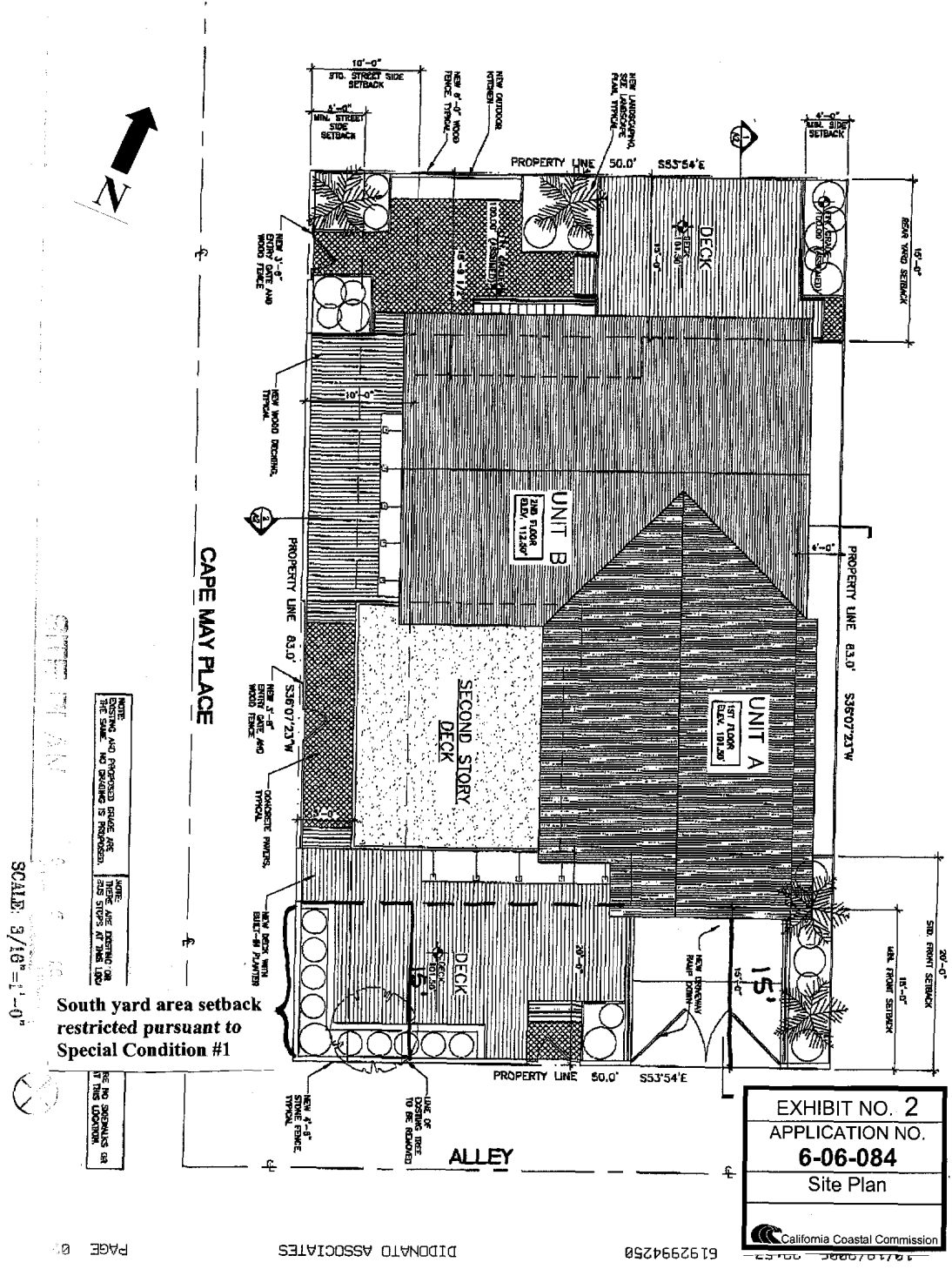
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SITE

EXHIBIT NO. 1
APPLICATION NO.
<b>6-06-084</b>
Location Map
 California Coastal Commission



CAPE MAY PLACE

SCALE: 3/16" = 1'-0"

South yard area setback  
restricted pursuant to  
Special Condition #1

EXHIBIT NO. 2  
APPLICATION NO.  
**6-06-084**  
Site Plan  
California Coastal Commission

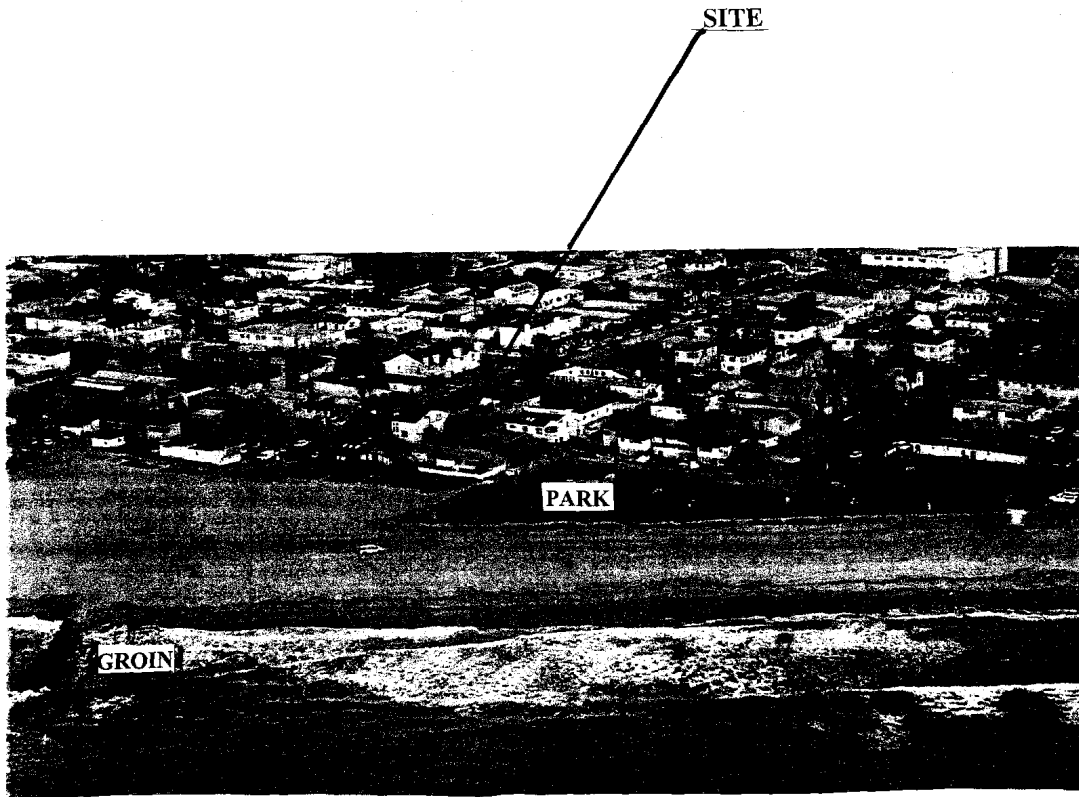


EXHIBIT NO. 3
APPLICATION NO.
<b>6-06-084</b>
2004 Photo of Site & Shoreline
 California Coastal Commission