

CALIFORNIA COASTAL COMMISSION

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-98-58

APPLICANTS: Stan Furmanski, Trianchor Marine, Pique Partners

PROJECT LOCATION: 350 and 380 Princeton Avenue, Princeton, San Mateo County, APNs 047-024-150, 047-024-160 and 047-024-170

PROJECT DESCRIPTION: Repair and expand a riprap revetment.

LOCAL APPROVALS RECEIVED: None received.

OTHER APPROVALS REQUIRED: Either State Lands Commission or San Mateo County Harbor District, and Corps of Engineers review may be required for a portion of the project.

SUBSTANTIVE FILE DOCUMENTS: Coastal Commission Emergency Permit number 1-98-044G; San Mateo County Local Coastal Program; San Mateo County Coastal Development Permit 90-82; Geotechnical Investigation, Proposed Warehouse, Princeton, Ca. for Mr. Stan Furmanski, Bay Area Geotechnical Group, Feb. 21, 1991;

SUMMARY OF STAFF RECOMMENDATION

Major issues raised by the proposed project include fill in coastal waters or wetlands and visual resources. Staff recommends DENIAL of the project because the project is inconsistent with Coastal Act provisions regarding these issues.

The project includes fill for a revetment originally placed pursuant to an emergency permit and additional proposed fill to extend that revetment. This project is not consistent with Section 30233, as a revetment or seawall is not one of the eight uses allowable use under Section 30233(a). The project is also not consistent with Section 30233 requirements that no fill project be approved if there is a feasible, less environmentally damaging alternative. In this case, a smaller revetment or vertical seawall located closer to the natural shoreline would be a feasible, less environmentally damaging alternative.

Section 30235 provides that revetments and other such construction shall be permitted only when required to serve coastal-dependent uses or to protect existing structures. The project is not consistent with Section 30235 as there is no existing structure in danger of erosion on the site. A chandlery building has been permitted on the site by the County of San Mateo, but has not been built. As a condition of approval, this building was set back from the edge of the bluff specifically to avoid the need for shoreline protection as proposed in this application. The project is also inconsistent with Section 30235 in that it provides no substantive evidence that it is designed to eliminate or mitigate adverse impacts on local sand supply as required by Section 30235.

Finally, the project is inconsistent with Section 30251 in that its size and location fail to protect views along the coast, do not minimize alteration of natural landforms, and are not visually compatible with the character of the surrounding area, as required by that section. _

STAFF NOTES:

1. Development Authorized Pursuant to Emergency Permit

Part of the development currently before the Commission was constructed pursuant to Emergency Permit 1-98-044G (Exhibit 6), which authorized "the placement of additional riprap and erosion control to prevent damage to the subject property." Condition 4 of the permit specifies that emergency work is temporary and that a regular coastal development permit must be obtained in order to permanently authorize the work. At the time the emergency permit was issued, staff was informed that the emergency permit was required to protect a chandlery building as well as to prevent damage to the portion of the seawall that currently existed at the

site. The emergency permit was issued on this basis. Subsequent to the time that the emergency permit was issued, staff learned that (1) the chandlery building allegedly in need of protection had not yet been constructed and (2) there is no record of any coastal development for the seawall that previously existed on the site.

2. Denial of Permit Exemption Request.

The recent history of Coastal Development Permit application #1-98-58 is detailed in the "Project History" section below. As indicated there, the applicant was issued Emergency Permit number 1-98-044G in February 1998 authorizing the placement of additional riprap and erosion control to prevent damage to the subject property. Rather than apply for a follow-up permit to permanently authorize this development, the applicant contended in his permit application that development on the shoreline completed to date was exempt under Section 30610(g)(1) of the Coastal Act as the replacement of a structure destroyed by a disaster. The applicant's coastal development permit application additionally requested authorization to add "a revetment as a repair to the existing riprap wall." To evaluate the claim that the development is exempt from coastal permit requirements, the staff requested additional information from the applicant. After receiving additional information, on April 19, 1999, the Executive Director notified the applicant of the determination (Exhibit 9) that the repair work or additions done by the applicant do not qualify for an exemption, and that the development already completed pursuant to the emergency permit requires permanent authorization by the Coastal Commission if it is to remain in place.

Consequently, the development before the Commission in this application includes any and all riprap development completed pursuant to Emergency Permit 1-98-044G as well as the additional riprap development proposed by the applicant, but not yet begun.

3. Incomplete Application

Staff does not view the application as complete, but has nevertheless filed the application to expedite Commission action on a coastal development permit application for development that has already been constructed pursuant to an emergency permit but which has not been permanently authorized. Staff had asked in writing for information important to processing the application on July 10, 1998 and again on November 19, 1998 (Exhibit 12), as well as in phone conversations with the applicant. Much of that information was still not provided in the applicant's last submittals of March 22 and 23, 1999. This information includes, but is not limited to, issues about what, if any, structure was destroyed; what development existed prior to the emergency permit, and how much new fill has subsequently been added; specific information about ownership and other interests in land involved in the project; evaluations of the effect on local sand supply; other approvals required; and alternatives that would reduce potential coastal resource impacts. Notwithstanding the missing information, however, the staff has sufficient

information to determine that the proposed project is inconsistent with the use provisions of Section 30233(a) of the Coastal Act and the other grounds for denial discussed below. Therefore, rather than delaying action because the application is incomplete, the staff filed the application and scheduled it for a public hearing.

4. Commission Action is Not Authorizing Unpermitted Development on the Subject Site

As stated above, the development before the Commission in this application includes any and all riprap development completed pursuant to Emergency Permit 1-98-044G, as well as the additional riprap development proposed by the applicant, but not yet begun.

However, the subject site contains other riprap development which may not be permitted. In fact, the Commission has no record of any coastal development permits for any portion of the seawall that exists on the subject site. Staff notes that Commission action on this coastal development application for new unbuilt development and for permanent authorization of the emergency work in no way authorizes any development undertaken on the site without a coastal development permit.

5. Jurisdiction and Standard of Review.

The proposed project is located on the northern end of the Pillar Point Harbor in the unincorporated Princeton area of San Mateo. San Mateo County has a certified LCP, but the project site is in tidal areas within the Commission's retained jurisdiction. There has been a considerable amount of confusion over whether the currently proposed and previously constructed development is in the Commission's retained jurisdiction or in the County's certified area. On June 5, 1998, the Commission's mapping unit informed the applicant that the proposed project's parcel boundaries did not appear to fall within the Commission's continuing permit jurisdiction area. (Exhibit 8). This letter also cautioned the applicant that the boundary between the Commission's retained permit jurisdiction and the appeal jurisdiction (i.e. County coastal permit jurisdiction) may vary depending on the exact location of public trust lands. . Contemporaneous site visits by North Coast staff have established that the development site is in an area subject to the daily wash of tides. The development site is now subject to the daily wash of tides because the shoreline appears to have eroded inland, creating a large tidal area between the previously surveyed Mean High Tide Line (See Exhibit 5, 10) and upland portions of the subject property. Therefore, the proposed rip rap lies within the Commission's retained jurisdiction area, which includes tidelands, submerged lands and lands subject to the public trust. Accordingly, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act. The County agrees with the Commission's assertion of jurisdiction. The Commission staff notes that even if the project had been in the County's certified area, this project would have been appealable to the Commission. The Commission

staff also notes that the applicant declined Commission staff's invitation to submit evidence of the current Mean High Tide Line (Exhibit 12, p. 6)

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion.

I move that the Commission approve Coastal Development Permit No. 1-98-58 subject to conditions.

Staff Recommendation of Denial.

Staff recommends a **NO** vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny Permit:

The Commission hereby denies a coastal development permit for the proposed project on the grounds that the project, located between the sea and the first public road nearest the shoreline, is not in conformance with the provisions of Chapter 3 of the California Coastal Act of 1976. Granting of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares as follows:

1. Site Description.

The subject property is located in the unincorporated community of Princeton, north of the city limits of Half Moon Bay, and lies on the northern shore of Pillar Point Harbor, west of Highway One (Exhibits 1, 2). The property consists of four individual assessor parcels on the south side of

Princeton Boulevard with a total area of approximately 20,500 sq.ft. (Exhibit 3). The Commission notes that the applicant shows (see Exhibit 5) his parcel extending beyond the parcel boundaries shown on the Assessor Parcel map (the clarification of ownership boundaries was a question that remained unresolved at the time the project was filed (see 11/19/98 letter from Commission staff, Exhibit 12, item B2(e), and applicant's response by Mr. Robert Clark, Exhibit 13, item 2e).

The property includes a portion of a low terrace which fronts on approximately 135 feet of the shoreline of Princeton Harbor. The shoreline is currently lined with riprap and rubble rising approximately 15 to 20+ feet above the beach. A concrete slab covers the top of the riprap and the southern part of the blufftop. Otherwise the subject property is vacant. An approximately 60-foot long row of full grown cypress trees bisects the southern part of the property (Exhibit 7). Across the street to the north is an existing two-story office building. A boat ramp and a two-story conference facility are between the property and Broadway Avenue to the east, and the hotel/motel is to the west.

2. Project Description.

The applicant was verbally issued Emergency Permit number 1-98-044G in February 1998 authorizing the placement of riprap and erosion control to prevent damage to the subject property. The written emergency permit was transmitted to the applicant on May 15, 1998 (Exhibit 6). As discussed with the applicant at the time the emergency permit was granted in February 1998, Condition #4 of the permit specifies that the emergency work is considered to be temporary work done in an emergency situation, and that for the emergency work to become a permanent development, a regular Coastal Development Permit would need to be obtained for all development performed pursuant to the emergency permit. On June 12, 1998, the Commission received a Coastal Development Permit application (#1-98-58) from the applicant, contending that development done on the property pursuant to the emergency permit was exempt under section 30610(g)(1) of the Coastal Act. The applicant at the same time requested additional development to add "a revetment as a repair to the existing riprap wall." To evaluate the claim that the development is exempt from coastal permit requirements, the staff requested additional information from the applicant. After receiving additional information on March 22 and 23, 1999, the Executive Director notified the applicant on April 19, 1999 of the determination, (Exhibit 9, herein incorporated by reference) that the repair work or additions done by the applicant do not qualify for an exemption, and that the as-built configuration of the revetment requires a coastal development permit from the Coastal Commission if it is to remain in place.

Since the development was determined not to be exempt from Coastal Development Permit requirements, the Commission considers the current application to cover: (1) all work performed

by the applicant pursuant to the emergency permit and (2) all additional shoreline protective work the applicant indicates as planned for the site in his submittals.

The unbuilt portion of the proposed development (termed a "repair" by the applicant) involves the addition of riprap over an area 3 feet seaward of the existing riprap, the addition of grout to the upper portion of the existing riprap, and the addition of a gutter drain to the concrete slab resting atop the riprap (Exhibit 5 "repair zone", Exhibit 14, 15). Exhibit 5 also shows the additional development proposed by the applicant that has not yet been built (indicated by the applicant as a row of asterisks). This portion of the proposed project would cover approximately an additional 423 square feet of shoreline based on the dimensions in the applicant's drawings. The applicant estimates that this would add "about 98+" cubic yards of fill to the amount already in place.

3. Previous Revetment Development

As noted above, there is no record of a coastal development permit being issued for a seawall or other fill of open coastal waters or wetlands at the subject property prior to the authorization of Emergency Permit 1-98-044G in February 1998. In addition, it is not clear what the configuration and extent of the shoreline was at the time the applicant began placing material pursuant to the emergency permit. One benchmark of the pre-existing development is a topographic survey by a licensed surveyor showing the extent of riprap existing as of February 1991 (Exhibit 6). Exhibit 5 shows the current extent of riprap as indicated by the applicant.

Inspection of an April 19, 1993 aerial photo (Exhibit 24) indicates that the riprap on that date had a configuration similar to that shown by the 1991 topographic survey. A May 5, 1998 photo (Exhibit 25) shows development completed after the issuance of Emergency Permit number 1-98-044G. "Before" and "after" photos from the beach level are also included in Exhibit 26. Finally, the area between the 1991 extent of the seawall (Exhibit 10) and the current seawall (Exhibit 5) represents the already-built portion of the proposed project. Exhibit 11 is a composite of Exhibits 10 and 5 which depicts the approximate extent of this development.

Mention is made of a seawall in the July 1991 San Mateo County staff report on the applicant's then-pending application for a Coastal Development Permit (CDP) for a chandlery building on the subject property (the County released a building permit for this project, but has subsequently issued a stop-work order until permitting issues on the property are resolved). The county staff report on that application (Exhibit 7) noted:

"As demonstrated by the request for an emergency sea wall permit in December of 1989, the face of the bluff in this area is unstable. At that time, the property owners intended to

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protect a mature Monterey Cypress tree located where the bluff was eroding. This project was referred to the Coastal Commission, but because the seawall is located above the mean high tide line no permits were applied for or approved and the property owners repaired the site on their own.”

While this reference does not unambiguously indicate whether or not there was some sort of seawall existing prior to December 1989, it is clear that some seawall work was done, albeit without permits, prior to July 1991. It is not clear why the applicant did not obtain a coastal development permit from the County for the portion of the seawall located above the mean high tide line.

The 1991 county report goes on to recommend a geotechnical report that “analyzes the placement and affect of the seawall on the bluff and beach in this vicinity (LCP Policy 9.16)...” and states:

“If the report requires repair of the sea wall, an additional Coastal Development Permit would be required. It is recommended this CDP be applied for prior to the granting of a building permit.”

Condition #9 of that 1991 CDP specifically states:

“The applicant shall not conduct any repair or alteration of the existing seawall without authorization from the Planning Direct; a Coastal Development Permit may be required upon review of the repair proposal.”

Staff has been unable to find such a CDP or other authorization for the additional placement of riprap from the July 18, 1991 date of the referenced County staff report to the February 1998 Emergency Permit 1-98-044G. Staff has requested copies of any such permits from the applicant, but none have been provided. Exhibit 16 is a copy of a “Request for Waiver” date stamped by the Commission’s Santa Cruz office in May 1995 that the applicant has submitted as part of his present application. However, that May 1995 request was returned to the applicant as incomplete and there is no record of a waiver being issued, nor has the applicant submitted any evidence that such a waiver was issued.

The lack of evidence substantiating the legality of the riprap development that occurred prior to the development authorized by the emergency permit raises issues of unpermitted development. These issues, however, are not before the Commission at this time. The Commission finds that its action on this coastal development permit application is not a waiver of any legal action with regard to any alleged violation and in no way authorizes any development undertaken on the site without a coastal development permit.

4. Jurisdiction

The proposed project is located on the northern end of the Pillar Point Harbor in the unincorporated Princeton area of San Mateo. San Mateo County has a certified LCP, but the project site is in tidal areas within the Commission's retained jurisdiction. There has been a considerable amount of confusion over whether the currently proposed and previously constructed development is in the Commission's retained jurisdiction or in the County's certified area. . On June 5, 1998, the Commission's mapping unit informed the applicant that the proposed project's parcel boundaries did not appear to fall within the Commission's continuing permit jurisdiction area. (Exhibit 8). This letter also cautioned the applicant that the boundary between the Commission's retained permit jurisdiction and the appeal jurisdiction (i.e. County coastal permit jurisdiction) may vary depending on the exact location of public trust lands. . Contemporaneous site visits by North Coast staff have established that the development site is in an area subject to the daily wash of tides. The development site is now subject to the daily wash of the tides because the shoreline appears to have eroded inland, creating a large tidal area between the previously surveyed Mean High Tide Line (Exhibits 5, 10) and upland portions of the subject property. Therefore, the proposed riprap lies within the Commission's retained jurisdiction area, which includes tidelands, submerged lands and lands subject to the public trust. Accordingly, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act. The County agrees with the Commission's assertion of jurisdiction on this basis. The Commission staff notes that even if the project had been in the County's certified area, this project would have been appealable to the Commission. The Commission staff also notes that the applicant declined Commission staff's invitation to submit evidence of the current Mean High Tide Line (Exhibit 12, p. 6)

5. Legal Entitlement to Use the Property for the Proposed Development

Section 30601.5 of the Coastal Act states in part:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant.

The applicant has not demonstrated fee interest, legal right, interest, or other entitlement to use the property for the proposed development. While not shown on the applicant's site plan (Exhibit 5), both the existing and as-yet-unbuilt portions of the proposed project encroach

substantially on to a paper street, Ocean Blvd., that the County states has been dedicated and accepted in fee for public use by the County of San Mateo (see Exhibit 12, following page 7). The applicant states in his submittal received March 23, 1999 (page 3):

...the County has issued it (sic) own opinion letter, stating the County considers it has only an easement and no fee interest.

The applicant, however, did not submit a copy of this letter. Therefore, in view of the County's assertion of a fee interest in the affected area, the Commission finds that the applicant has not demonstrated sufficient right to use the property as proposed.

6 Fill in Coastal Waters and Wetlands.

The Coastal Act defines fill as including "*earth or any other substance or material ... placed in a submerged area.*" The proposed project includes the placement of fill in open coastal waters or wetlands in the form of previously placed rock, dirt and concrete rubble and proposed additional rock.

Section 30233 of the Coastal Act addresses the placement of fill within open coastal waters and wetlands. Section 30233(a) provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities,

including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities. (Emphasis Added.)

Section 30235 provides, in applicable 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 sand supply.

The above policies set forth a number of different limitations on what fill projects may be allowed in coastal waters or wetlands. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- a. that the purpose of the fill is for one of the eight uses allowed under Section 30233, to serve coastal-dependent uses, or to protect existing structures or public beaches in danger from erosion; and
- b. that the project is designed to eliminate or mitigate adverse impacts on local sand supply; and
- c. that the project has no feasible less environmentally damaging alternative; and
- d. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

a. Non-Allowable Use

As noted above, the first test for a proposed fill to be approved under Chapter 3 of the Coastal Act is whether the fill is for one of the eight uses allowed under Section 30233, to serve coastal-dependent uses, or to protect existing structures or public beaches in danger from erosion.

The proposed project is not consistent with Section 30233, as a revetment or seawall is not one of the eight uses allowable use under Section 30233(a).

In addition, the project is not "required to protect an existing structure." Aside from the existing riprap, there is no existing structure on the site. The Commission notes that the Coastal Development Permit issued by San Mateo County on July 18, 1991 for the as-yet-unbuilt chandlery was conditioned upon moving the structure 30 feet north of the top of the bluff. The approval was based in part on the fact that the soils and geotechnical reports submitted by the applicant "determined that the engineering of the proposed building would ensure the building's stability for a minimum of 50 years on this site." In other words, even if there were a "existing structure" on the site, the applicant's own technical evaluations suggest there would currently be no need for a shoreline device to protect it.

The idea that the proposed project was necessary to protect whatever riprap was previously located on the site is untenable for three reasons. Most importantly, there is no record that this pre-existing riprap ever received a permit; it is therefore not a legal structure necessitating protection. Secondly, the pre-existing riprap was purportedly a shoreline protective device. Under the Coastal Act, the purpose of such devices is to protect the structures behind them, not simply to exist independently on their own. There was no such structure being protected. Third, even if the pre-existing riprap was validly protecting something, and began to fail, the appropriate action would be to evaluate rebuilding, re-engineering or re-inforcing it, rather than building something separate seaward of it to "protect" it.

With regard to whether the proposed riprap fill is necessary to serve a coastal dependent use, the proposed chandlery building that is yet to be built on the subject parcel is not a coastal dependent use. Section 30101 defines "coastal-dependent uses" as follows:

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

The as-yet-unconstructed building that would be located on the subject parcel is described in the conditions of approval of CDP 90-82 issued by the County of San Mateo as a building that is to "be used exclusively as a chandlery for the resale of nautical equipment." Although there may be

certain advantages to locating a marine chandlery near an existing harbor, such as Princeton Harbor, such a commercial structure does not “requires a site on, or adjacent to, the sea to be able to function at all.” Many businesses selling nautical or marine equipment do not have sites on or adjacent to the sea and function quite well. The highly successful West Marine chain of marine supply stores is but one example. In fact, the San Jose yellow pages show ten such businesses in inland locations. Therefore, the Commission also finds that the riprap fill does not serve a coastal dependent use. Finally, the proposed riprap fill is not proposed to protect a public beach in danger from erosion.

Therefore, the Commission finds that the project does not meet the requirement of the Coastal Act Sections 30233 and 30235 for permissible uses for fill of open coastal waters or wetlands, and is therefore inconsistent with the Chapter 3 policies of the Coastal Act and accordingly must be denied.

No further analysis of the proposed project is required to find the development inconsistent with Sections 30233 and 30235 of the Coastal Act. However, the Commission notes that based on information provided, even if the proposed project met the test for permissible uses for fill set out above, it has not been adequately demonstrated that other tests for compliance with the fill policies of the Coastal Act have been met, as discussed below.

b. Protection of Sand Supply

In addition to the limitations on the use of the riprap fill discussed above, Section 30235 mandates that riprap revetment shall only be approved if it is designed to eliminate or mitigate adverse impacts on local sand supply.

There are a number of adverse impacts to public resources associated with the construction of shoreline structures. The natural shoreline processes referenced in Section 30235 of the Coastal Act, such as the formation and retention of sandy beaches, may be altered by construction of a seawall, since bluff retreat is one of several ways that beach area and beach quality sand is added to the shoreline. This retreat is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse, saturation to the bluff soil from ground water causing the bluff to slough off and natural bluff deterioration. When a seawall is constructed on the beach at the toe of the bluff, it directly impedes these natural processes.

Many of the effects of a structure on the beach are temporary or difficult to distinguish from all the other actions which modify the shoreline. Nevertheless, some of the effects which a structure may have on natural shoreline processes can be quantified. Three of the effects from a shoreline protective device which can be quantified are: 1) loss of the beach area on which the structure is

located; 2) the long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline; and 3) the amount of material which would have been supplies to the beach if the back beach of bluff were to erode naturally.

The applicant was asked to provide information on the effects of the project on shoreline processes (Exhibit 12, item 5). The following response was provided:

“Sand loss is not an issue within the general harbor area, since sand is delivered each year into the harbor and there is “sand excess”, not sand loss. The rock slope protection helps to prevent worsening of this excess condition. If sand is available within the harbor, transporting it to the toe of the rock slope protection could be done as a way to do beach nourishment. This would not be required structurally. If it is contemplated, or desirable to the Commission, the transport of sand (beach nourishment) should be included as an optional permitted activity.”

This information provides no substantive evidence that the proposed project is designed to eliminate or mitigate adverse impacts on local sand supply. Therefore, the Commission finds that the project does not meet the requirement of the Coastal Act Section 30253 with regard to impacts on sand supply, and therefore even if the riprap fill was required to protect an existing structure or serve a coastal dependent use, the riprap fill need not be approved under Section 30235.

c. Alternatives

Coastal Act Section 30233 does not allow fill of coastal waters if there is a feasible, less environmentally damaging alternative to the project. Alternatives to the project as proposed must be considered before a finding can be made that a project satisfies this provision of Section 30233.

Re-engineered Revetment or Vertical Wall

The applicant's initial submittal to the Commission proposed a vertical wall (called a “revetment” by the applicant) that would be placed seaward of the existing riprap as shown in Exhibit 19. In letters requesting additional information needed to file the project application, staff requested an alternatives analysis, emphasizing possible alternatives that conceivably could reduce the amount of coverage of the beach, such as removing the riprap and relocating the “revetment” at the bluff face, re-engineering the revetment to avoid additional fill, and the no project alternative. In particular, staff requested an analysis of the feasibility of removing the existing riprap to make room for a new vertical wall, pointing out that this approach would allow

the applicant to install his preferred protective option while at the same time minimizing seaward encroachment.

On March 22 and 23, 1999, the applicant submitted schematics for a new preferred plan proposing extension of the riprap wall (Exhibit 5), and four alternatives consisting of one slightly modified riprap wall design (Exhibit 20), and three vertical wall alternatives (Exhibit 21). None of the alternatives propose to reduce the existing encroachment on to the beach. Instead, they would variously encroach anywhere from a minimum of 2 feet to well over 60 feet further on to the beach.

However, a re-engineered riprap revetment and a vertical seawall, both placed against the natural bluff as it existed in 1991 are feasible alternatives that would involve less encroachment on to the beach. The applicant's geotechnical report for the San Mateo County-issued CDP for the chandlery explicitly lays out exactly how either of these alternatives could be accomplished (excerpted in Exhibit 25). It states in part that to upgrade the then-existing riprap to more permanent protection, the riprap should be removed from the existing slope and stockpiled to the side, any massive chunks of concrete should be broken up, the exposed slope should be cut back to a 2:1 gradient, any areas of soft or loose soil should be compacted, and specified erosion fabric, filter material and riprap material installed.

No Project Alternative

The "no project alternative" is summarily dismissed in the applicant's submission as follows:

"It is not economically nor structurally feasible to remove or move the riprap wall. The wall has been present many years and provides a very vital erosion-control function. It is also grandfathered as an erosion control structure. A theoretical removal is not feasible since wave-induced erosion would cause major property damage and cause silt-up of the Harbor, which is a condition which would drastically worsen. Erosion control is a vital function, to be preserved."

As part of the no project alternative analysis, staff had requested the applicant to discuss and document which, if any, existing structures were in danger from erosion prior to the placement of fill pursuant to Emergency Permit No. 1-98-044G and/or are now in danger from erosion. In response the applicant submitted "witness statements" from three individuals, Thomas Steele (Exhibit 22), Robert Johnson (Exhibit 23) and David Chen (Exhibit 24). Mr. Steele's and Mr. Johnson's declarations identically state:

"In February 1998, I was present at the subject property at 380 Princeton, adjacent to Pillar Point Harbor, and I can attest to the fact that, very violent and large Pacific storms

occurred in February and March, and I saw and can attest that the seawall at that location was significantly damaged and nearly entirely destroyed by those storms....”

“I personally saw the riprap wall damaged by storm action of the sea as follows: Damage was caused by storm surge, and wind-driven swells from the ocean, high storm tides, waves, wind driven rain, extreme rainfall, and cumulative storm damage from repeated insults of El Nino storms one-after-the other. This damage was storm-damage all out of the control of the owner.”

Mr. Chen’s declaration states:

“I agree with the statements in Attachment #32, that the wall was damaged by El Nino storms...”

However, the applicant had previously submitted recent photographs showing that rocks at the base of the existing riprap were unmoved from their previous positions in 1995. Thus, the information submitted by the applicant evidences that although some damages apparently occurred to the revetment, it was not “destroyed.” Similarly, the Commission finds that the evidence provided by the applicant is insufficient to demonstrate that any existing structures were, or now are, in danger from erosion.

Conclusion:

Because the alternatives of a re-engineered riprap revetment and a vertical seawall, both placed closer to the natural bluff, as well as a no project alternative are all feasible, less environmentally damaging alternatives to the proposed project, the Commission finds that the proposed development is not consistent with the requirement of Section 30233 of the Coastal Act that no fill project be approved if there is a feasible, less environmentally damaging alternative.

7. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The primary project impacts to coastal visual resources will result from construction of the 15-20+ foot-high riprap wall.

The proposed development fails to protect views to and along the coast, since it extends well on to the beach and cuts off views along this section of beach that would otherwise be available to beach users. The massive addition of rock and other riprap materials creates a huge man-made structure that overwhelms the natural landforms. Other alternatives such as a vertical seawall nearer the natural shoreline, or a smaller revetment, as discussed above, are available to minimize the alteration of the landforms. Such a vertical seawall might also be designed to incorporate color and texture to be more compatible with natural landforms in the area. The proposed project is not visually compatible with the character of the surrounding area, which still contains large stretches of unrevetted shoreline. Even compared to the other portions of the area that have shoreline protection, the proposed structure is much larger in mass, height and extension onto the beach than other nearby devices, and visually stands out.

The Commission therefore finds that the project as proposed is not consistent with Coastal Act Section 30251 requirements that development be designed to protect public coastal views and be visually compatible with the character of the surrounding area.

8. Alleged Violation.

According to the Commission's analysis of historical photographs and other documentation described in this staff report, substantial amounts of fill may have been placed at this site without a permit. Although unpermitted development may have taken place at the subject site separate from the development that is the subject of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

9. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications 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 effects which the activity may have on the environment.

The proposed project is not consistent with the policies of the Coastal Act that restrict the filling of coastal waters and wetlands. There are 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 can not be found consistent with the requirements of the Coastal Act and 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

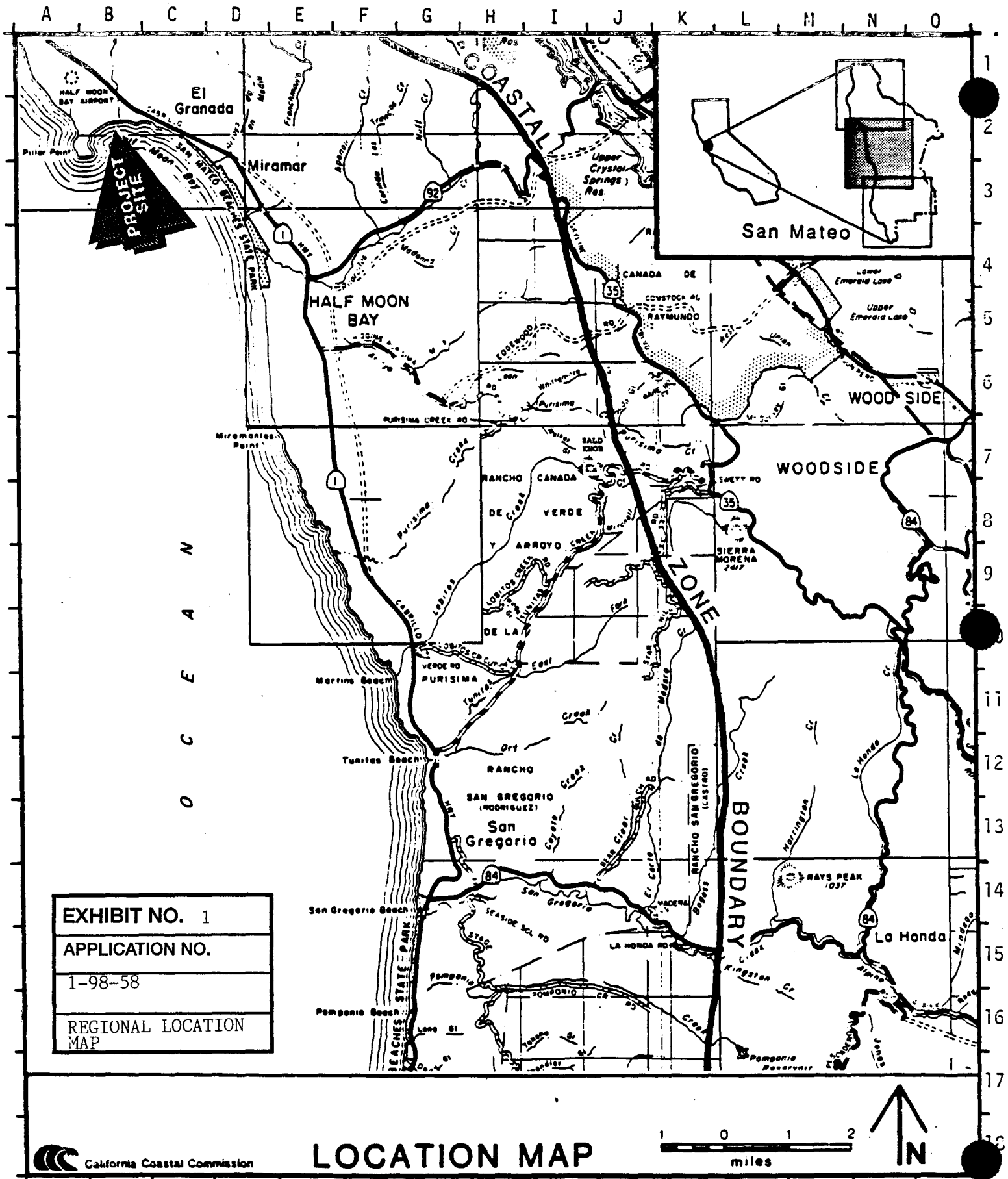
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

EXHIBITS:

1. Regional Location Map
2. Site Location Map
3. Assessor Parcel Map
4. Site Parcel Map
5. Site Plan
6. Emergency Permit 1-98-044G
7. County staff report, CDP 90-82
8. Boundary Determination 24-98
9. Executive Director's Letter on Exemption Request, April 19, 1999
10. 1991 Location of Seawall.
11. Approximate Development Since 1991
12. Request for Information Needed for Filing Application, November 19, 1998
13. Applicant's Response to Commission Request of November 19, 1998
14. Proposed New Riprap, cross-section
15. Proposed New Riprap, gutter detail
16. Applicant's May 1995 Request for Waiver
17. Original Project Proposal
18. Alternative Variation, Proposed New Riprap, cross-section
19. Revetment Alternatives
20. Declaration of Thomas Steele
21. Declaration of Robert Johnson
22. Declaration of David Chen
23. Excerpt, Bay Area Geotechnical Group, Feb. 21, 1991
24. April 19, 1993 aerial photo
25. May 5, 1998 USGS photo
26. Site before and after recent development



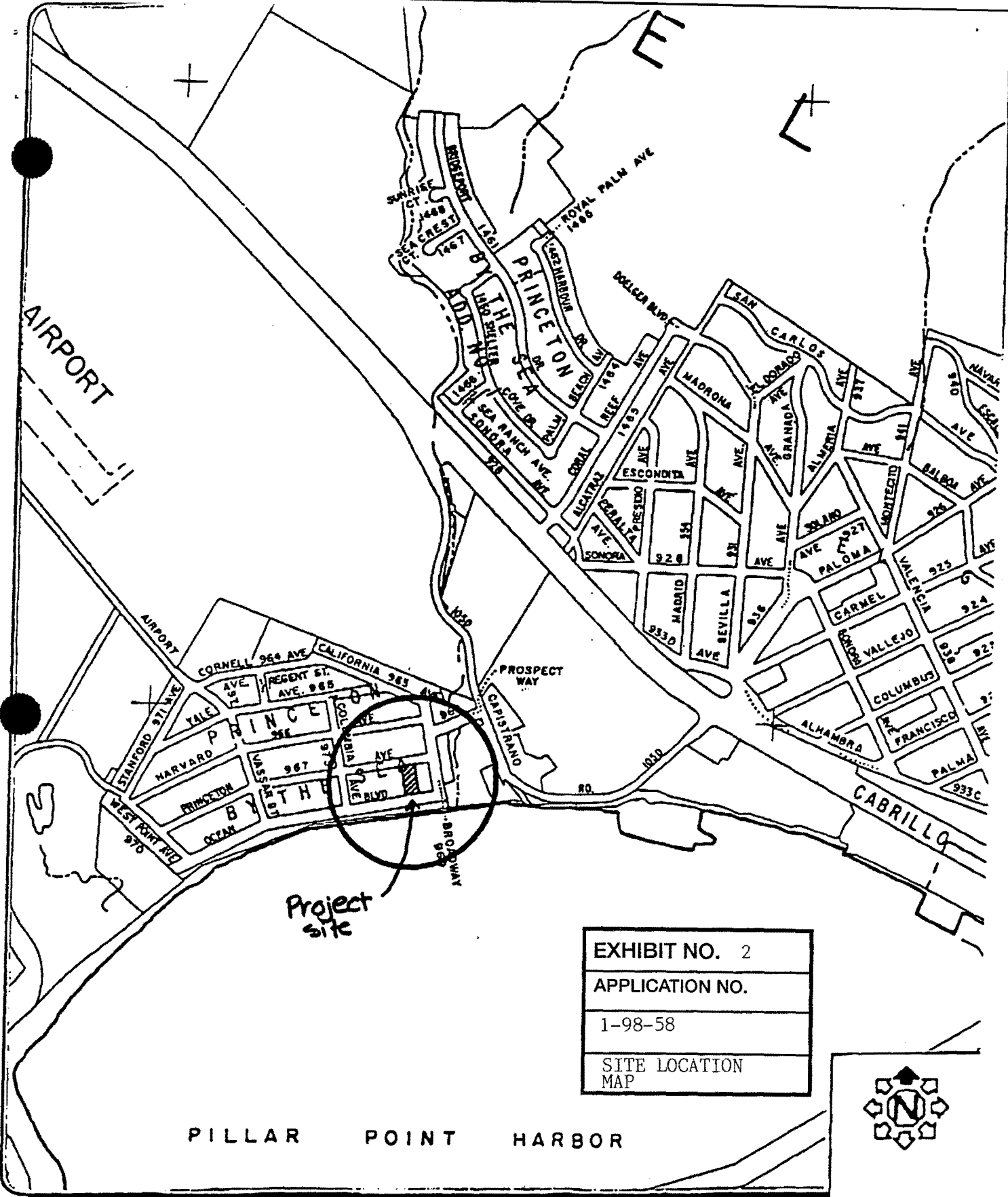
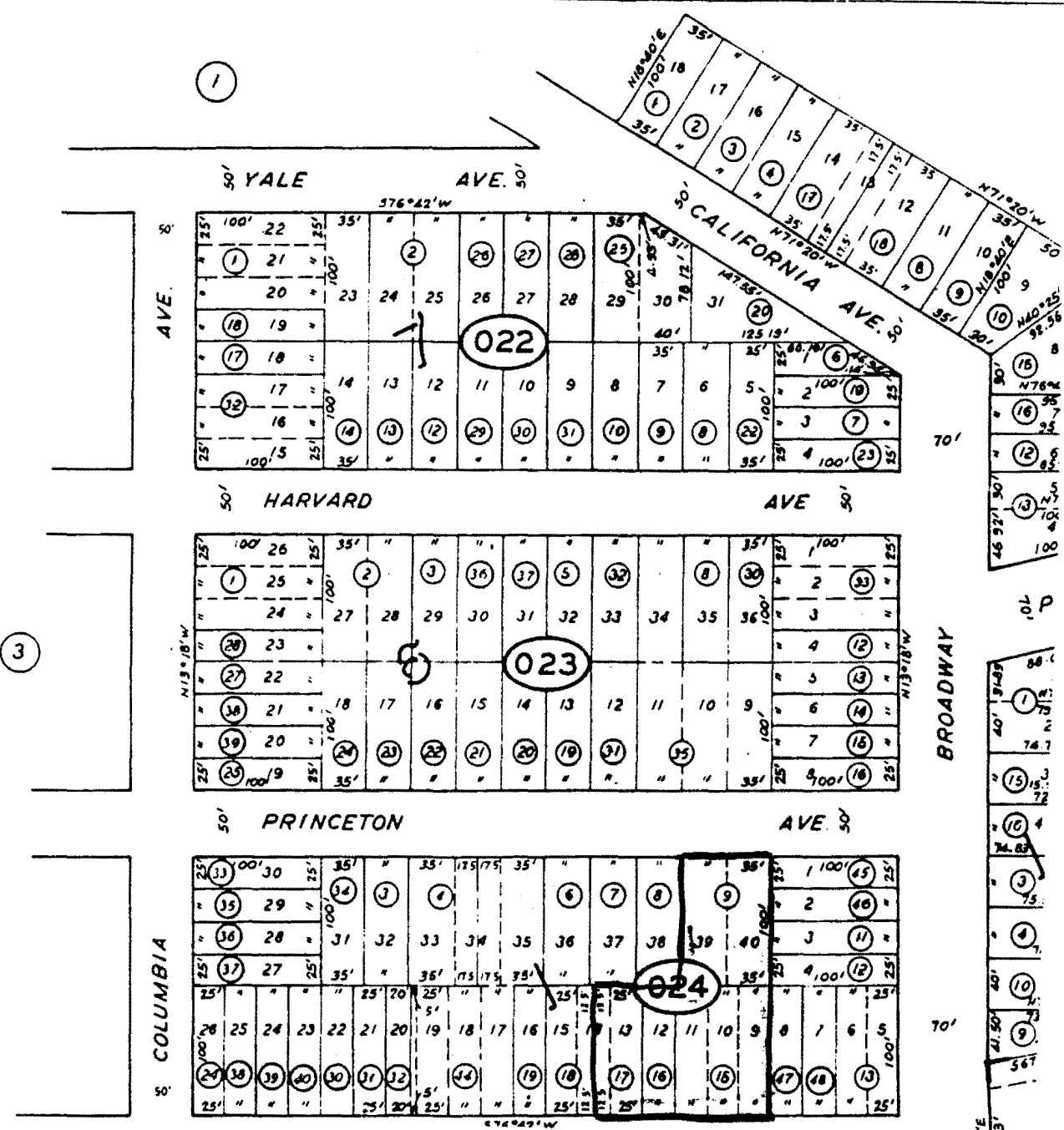


EXHIBIT NO. 2
APPLICATION NO.
1-98-58
SITE LOCATION MAP

PILLAR POINT HARBOR

Applicant: TRIANCHOR MARINE
 Request: CDP



Project Parcels

Assessors Parcel Map ATTACHMENT #2B

EXHIBIT NO. 3
APPLICATION NO.
1-98-58
ASSESSOR PARCEL MAP

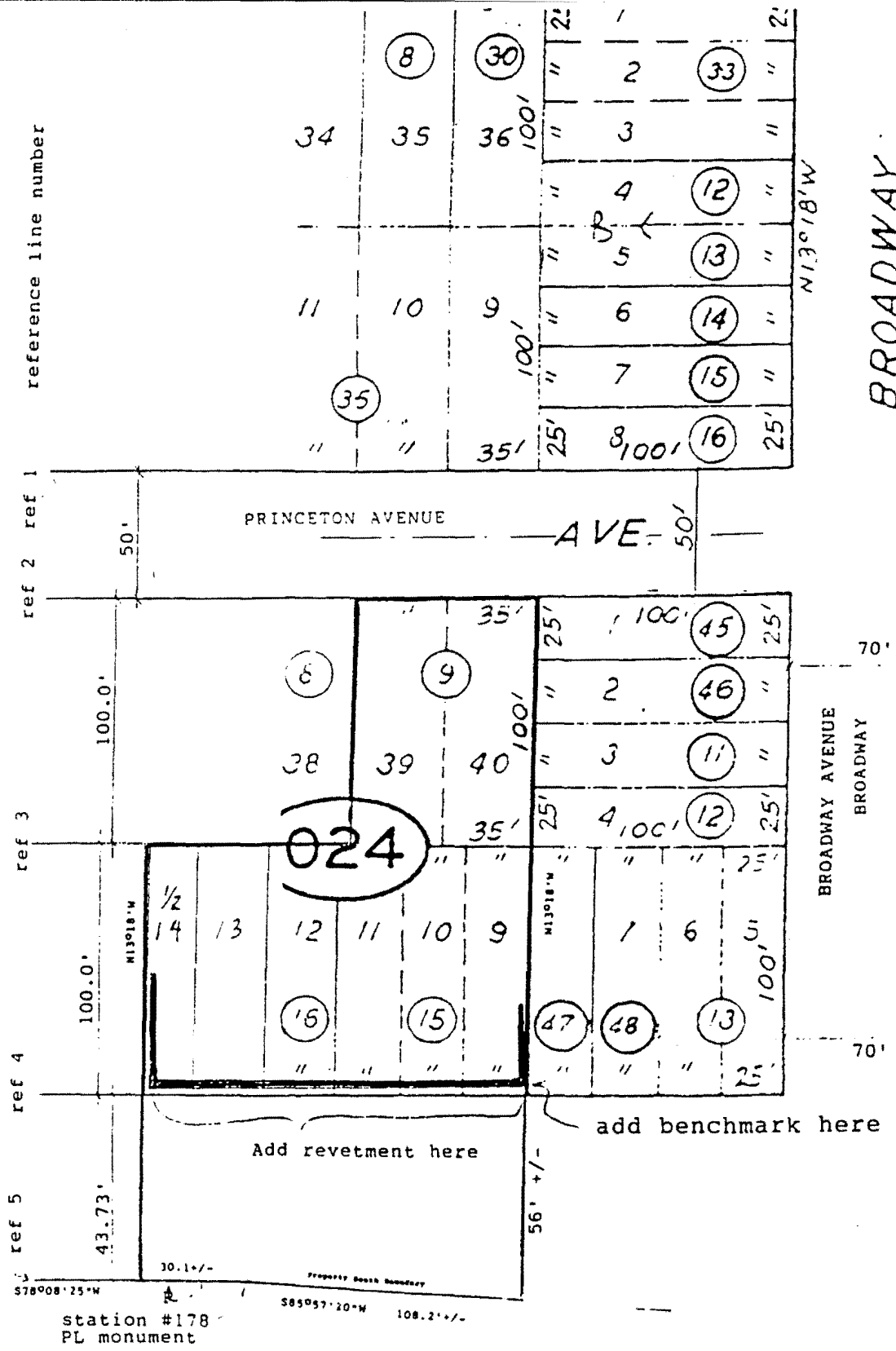


EXHIBIT NO. 4
APPLICATION NO.
1-98-58
SITE PARCEL MAP

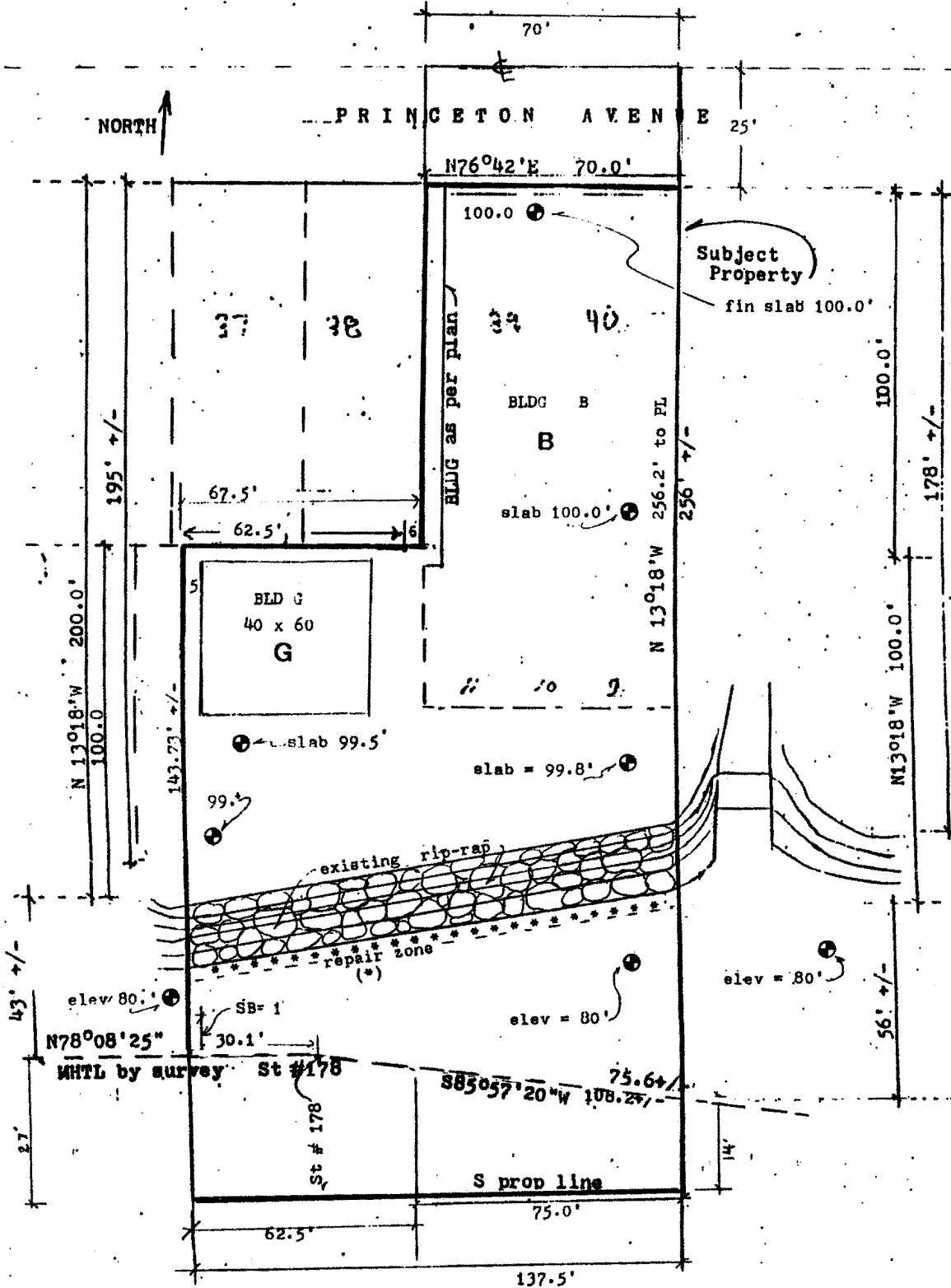


Exhibit 2 REPAIR PLAN 380 PRINCETON AVE

Repair/Grading Plan (no cutting involved)

TOPOGRAPHIC FEATURES (repair zone)

1. each contour line = 3'
2. repair zone for rip-rap marked (*)
3. repair zone set back from MHTL station # 178 by 1' min (SB)
4. est vol new rip-rap is 98 cu yds.
5. section is Exhibit #1

EXHIBIT 2

EXHIBIT NO. 5
APPLICATION NO.
1-98-58
SITE PLAN

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

5) 904-5260



EMERGENCY PERMIT

Stan Furmanski
 Trianchor Marine
 1015 Gayley Avenue, #256
 Los Angeles, CA 90024

Date: May 15, 1998
 Emergency Permit No. 1-98-044-G

LOCATION OF EMERGENCY WORK:

Bluff face at the south end of properties at 350 and 380 Princeton Avenue, Princeton,
 San Mateo County (APN(s) 047-024-150, 047-024-160, 047-024-170)

WORK PROPOSED:

Placement of additional rip-rap to add to existing rip-rap and erosion control to
 prevent severe damage and irreparable harm to the property

This letter constitutes approval of the emergency work you or your representative has
 requested to be done at the location listed above. I understand from your information and our
 site inspection that an unexpected occurrence in the form of extreme ocean storms and rain
 storms associated with El Nino that are causing unusual erosion and threatening
 irreparable harm to the property, requires immediate action to prevent or mitigate loss or
 damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009.
 The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the
 procedures for administrative or ordinary permits and the development can and will be
 completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the
 California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
 Executive Director

By: ROBERT S. MERRILL
 District Manager

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

EXHIBIT NO.	6
APPLICATION NO.	
	1-98-58
EMERGENCY PERMIT	
	1-98-044G (1 OF 4)

Emergency Permit Number: 1-98-044-G

Date: May 15, 1998

Page 2 of 2

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 45 days of the date of this permit.
4. Within 30 days of the date of this permit (i.e., by June 14, 1998), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by October 12, 1998), unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
7. All construction debris and leftover construction materials shall be promptly removed upon the completion of emergency bluff stabilization work.

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area Office.

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

155 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

May 15, 1998

Stan Furmanski
Trianchor Marine
1015 Gayley Avenue, #256
Los Angeles, CA 90024**PROPERTY LOCATION:** 350 and 380 Princeton Avenue, Princeton, San Mateo County,
APNs 047-024-150, 047-024-160 and 047-024-170**EMERGENCY PERMIT NO:** 1-98-044-G

Dear Mr. Furmanski:

Enclosed is Emergency Permit No. 1-98-044-G authorizing the placement of rip-rap and erosion control to prevent severe damage and irreparable harm to the parcels at 350 and 380 Princeton Avenue, Princeton, San Mateo County (APNs 047-024-150, 047-024-160 and 047-024-170). As I informed you when I verbally issued the Emergency Permit in February, this permit is temporary and subject to conditions. Condition #4 specifies that the emergency work is considered to be temporary work done in an emergency situation. If you wish to have the emergency work become a permanent development, a regular Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement), and/or requirements that a deed restriction be placed on the property assuming liability for damages incurred from storm waves, that the project be appropriately designed, and that the impacts on beach and tidelands be minimized.

For your convenience, a Coastal Development Permit application form is enclosed, along with a copy of a December 13, 1993 memorandum for applicants for shorefront development that details the more specific application information we require for shoreline protective works such as your project. In addition to the items specified in the application form, we will also need a site plan and any available photos clearly delineating where the bluff line existed prior to the erosion that prompted your Emergency Permit request, as well as where it existed at the time you began your emergency work.

As noted in Condition #4, these materials should be submitted to us by June 14, 1998. We also understand that work has recently been undertaken on a cement or concrete pad that reportedly extends over the newly placed fill. Such development is not part of the work authorized by Emergency Permit No. 1-98-044-G. Please provide us within the next 15 days a copy, including plans, of any Coastal Development permit authorizing this or other related work on the property. Please note that pursuant to Coastal Act Section 30600, any person wishing to perform or undertake any development in the coastal zone is required to obtain a coastal development permit authorizing such development. Development which exceeds that authorized in a coastal development permit is a violation of the Coastal Act (PRC §30000 et.seq.).

Letter to Mr. Stan Furmanski
May 15, 1998
EMERGENCY PERMIT NO: 1-98-044-G
Page 2

Development is defined under the Coastal Act (Section 30106) as:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC §30106).

Coastal Act Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty not to exceed \$30,000. Section 30820(b) states that a person who intentionally and knowingly undertakes development that is in violation of the Coastal Act may be civilly liable in an amount which shall not be less than \$1,000 and not more than \$15,000 per day for each day in which the violation persists.

Please contact me or Jack Liebster, our analyst for the San Mateo County coastline, at our North Coast Area Office, (415) 904-5260, to discuss the next steps in this matter.

Sincerely,



ROBERT S. MERRILL
District Manager

Enclosures.

cc: Nancy Cave, Statewide Enforcement Supervisor
Gary Warren, San Mateo County Code Compliance Officer

COUNTY OF SAN MATEO
PLANNING AND BUILDING DIVISION

FILE COPY

Date: July 18, 1991

To: Zoning Hearing Officer
From: Planning Staff
Subject: Consideration of a Coastal Development Permit and Design Review pursuant to Sections 6285 and 6565.4, respectively, of the Zoning Regulations to allow the construction of a marine-related chandlery in Princeton.

File Numbers: CDP 90-82; DSR 90-55 (Trianchor Marine)

PROPOSAL

The applicant proposes to construct a three-story, 21,000 sq. ft. marine chandlery warehouse with 24 covered parking spaces on a 14,500 sq. ft. ocean front parcel at 380 Princeton Avenue in Princeton.

RECOMMENDATION

That the Zoning Hearing Officer deny CDP 90-82 and DSR 90-55 by making the findings listed in Attachment A of this report.

BACKGROUND

Report Prepared By: Janice Jagelski

Applicant: Stanley Furmanski

Owner: Trianchor Marine

Location: 380 Princeton Avenue, Princeton-By-The-Sea

APNs: 047-024-090, 047-024-150

Existing Zoning: CCR (Coastside Commercial Recreation); but at time application was filed, the MAR/DR (Marine Related Industrial/Design Review) was in effect.

General Plan Designation: Marine Related Industrial

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Vacant

Environmental Evaluation: Exempt, Class 3; Construction of Small Structures

EXHIBIT NO.	7
APPLICATION NO.	1-98-58
COUNTY STAFF REPORT, CDP 90-82	
(Page 1 of 19)	

Setting: The 14,500 sq. ft. parcel is located on the first block between the Princeton Harbor and Princeton Boulevard. Eight full grown cypress trees line the west property line, and dense shrubs and monterey pine trees exist on the fenced parcel to the east. Approximately 500 sq. ft. of the original parcel has eroded to beach level; a 10 to 14 ft. bluff lined with sandstone riprap supports the remaining 14,500 sq. ft. on the existing marine terrace. The 50-ft. wide street in front of the parcel is unimproved. Across the street to the north is an existing two-story office building, a private boat ramp and another marine chandlery are located on the adjacent parcel to the east; the parcel to the west is vacant.

Chronology:

<u>Date</u>	<u>Action</u>
1908	- Princeton By-The-Sea Subdivision recorded.
1964	- Existing residence on the parcel demolished.
1980	- The Local Coastal Program identified Princeton as an industrial area and zoned it MAR/DR, Marine Related Industrial Use with Design Review.
December 1989	- Seawall constructed.
November 9, 1990	- CDP 90-82 Application submitted.
March 12, 1991	- CDP 90-82 Geotechnical Report submitted to complete the application.

Design Review Chronology:

November 9, 1990	- First Design Submitted.
March 12, 1991	- Modified Design Submitted to Reflect New Setbacks and Parking Requirements.
June 20, 1991	- Current Design Submitted.

DISCUSSION

A. KEY ISSUES

1. Visual Quality

The project site is on a bluff overlooking the Pillar Point Harbor and is visible from public viewing areas in and around the harbor. Because the visual quality of the proposed project is a primary concern, discussions of the design review issues with respect to the appropriate General Plan, Local Coastal Program (LCP) and Zoning components have been consolidated under one section and discussed as follows:

a. General Plan Visual Quality Component

The General Plan Visual Quality policies address the impacts that a building's location and aesthetic design can have on the surrounding area and requires the protection of noted scenic qualities. General Plan Policy 4.2 requires the visual protection of the shoreline in two ways:

- (1) Protect and enhance the visual quality of and from shorelines of bodies of water including lakes, reservoirs, streams, bays, ocean, sloughs.
- (2) Maximize the preservation of significant public ocean views.

General Plan Policy 4.16 requires new development to enhance natural landscape features and preserve the integrity of bluffs and beaches. Any tree with a trunk diameter greater than 6 inches measured at 4 1/2 ft. above the ground is considered a Significant Tree and should be given consideration when designing a site plan. Eight mature cypress trees line the western property boundary of the project site, and General Plan Policy 4.3 requires that Heritage trees be protected. The proposed project is designed and engineered to protect these trees and minimize trimming of branches.

Policy 4.3 encourages the placement of new and existing public utility lines underground. As designed, the proposed project incorporates the undergrounding of all utility lines.

b. LCP Visual Resources Component

The LCP Visual Resources Component regulates both the visual impacts of a development on the existing landform and the aesthetic compatibility of a development with the community. The location of the proposed chandlery is a highly visible ocean front bluff with heritage cypress trees. Recommendations have been included to bring the project into compliance with the objectives of the LCP Visual Quality component both physically and aesthetically.

(1) Vegetation and Significant Trees

Policy 8.9 of the LCP requires the protection of Heritage and Significant Trees by locating and designing development to compliment the scenic quality of an area. As discussed in the General Plan section on Visual Quality, the structural design of the proposed chandlery accommodates the root zone of the cypress trees and the building height would be reduced to 20 ft. along the western property line where the canopies hang over the property. It is recommended that the applicant adhere to the Significant Tree Ordinance if any trees or tree limbs with diameters greater than 6 inches require removal for construction. A recommendation has been included to revise the building's exterior design to reflect a more nautical character; if a new design is adopted, the setbacks

and structural design should also accommodate the cypress trees.

(2) Structural Design

Policies 8.4b., 8.12, and 8.15 of the LCP require that public view corridors be protected from new development. These policies require buildings, decks and patios to be set back far enough to ensure that they are not visible when viewed from the shoreline or other public viewing areas. As designed, the building is set back 20 ft. from the edge of the bluff and extends to the edge of all other property lines. Recommendations have been included to set the entire building back a minimum of 30 ft., from the bluff edge to preserve the view of the heritage trees and make the southern elevation of the building less prominent along the shoreline.

LCP Policy 8.13b requires commercial development in Princeton to reflect the nautical character of the harbor, utilize wood or shingled siding, employ natural or sea colors and use pitched roofs. The applicant has designed an intricate faux-victorian facade for the 70 ft. wide southern elevation; this design does not conform with the LCP Design Review requirements. The applicant has met three times with staff to discuss the design and compare potential exterior designs. The first proposal was a rectangular, corrugated metal building with little relief or inclusion of design features. The second proposal included a schematic for an elegant stucco facade on the southern elevation. The third design replicated an elaborate wooden Victorian facade. None of these proposed exteriors are in compliance with the LCP and General Plan Visual Quality components with respect to designing marine related uses in the Princeton area. Therefore, it is recommended that the applicant and staff convene again to evaluate other potential designs to reduce the intricacy of the southern elevation, incorporate more relief into the other elevations, and adapt a nautical appearance that is more complimentary to other commercial buildings in the area.

As designed, the proposed building would be a maximum of 36 ft. tall and 70 ft. wide and 200 ft. long. The second and third floors would cantilever over a small ground floor to accommodate 24 covered parking spaces. Setbacks for the ground floor and cantilevered stories would be as follows:

	Front North Setback	Rear South Setback	West Side	East Side
Floor				
Ground	112 ft.	20 ft.	5 ft.	0
Second	4 ft.	20 ft.	5 ft.	0
Third	4 ft.	20 ft.	20 ft.	0

It is recommended that the southern setback be increased by an additional 10 ft. so that the entire building would have a 30-ft. setback from the bluff.

c. Zoning Design Review

As discussed in General Plan and LCP sections above, the project site is a visually prominent parcel within the Design Review zoning district and is visible from several areas designated for public use. As discussed and conditioned in these previous sections on Visual Quality, the proposed structure has not fully accounted for the existing natural features which include the bluff and the large cypress trees that line the adjacent parcel. To come into compliance with the full intent of the LCP, General Plan and Design Review objectives, conditions have been recommended that the applicant meet with staff to consider revising the building design.

d. Design Review Summary

In order for the proposed project to come into compliance with the design review objectives of the General Plan, LCP and Zoning Regulations, it is recommended that the applicant incorporate the following design revisions into the proposed project:

- (1) Alter the design of all four elevations to reflect a simple nautical character that is compatible with the Princeton area.
- (2) Relocate the entire building to be a minimum of 30 ft. from the edge of the bluff.
- (3) Set the building out of the drip line of the cypress trees.
- (4) Submit a full landscape plan for review and approval.
- (5) Utilize natural stained wood siding or another acceptable materials and colors for the exterior elevations.

2. Compliance with County General Plan

The proposed marine industrial use is in compliance with the San Mateo County General Plan sections which regulates land use and development in areas with natural hazards. The project site is on a bluff overlooking the Pillar Point Harbor and is visible from public viewing areas in and around the harbor. Therefore, it is recommended that the design be modified to be in compliance with the objectives of the General Plan Visual Quality element. The following General Plan policies specifically address the issues related to this proposal:

a. Land Use

The proposed marine related project is in compliance with the General Plan designation of this area for marine related industrial uses.

b. Natural Hazards

Applicable General Plan policies related to natural hazards in this area outline development standards to minimize risks resulting from unstable marine bluffs. When the Princeton-By-The-Sea Subdivision was approved in 1908, Ocean Boulevard was a through street; now it has eroded onto the beach and the southern end of parcels that were on the north side of Ocean Boulevard are exposed to the harbor. Aerial photographs indicate that beach lands subject to tidal action have encroached from 50 to 150 ft. over Ocean Boulevard and privately-owned parcels on the north side of Ocean Boulevard.

General Plan Policy 15.20 specifies the Review Criteria for Locating Development in Geotechnical Hazard Areas. It requires the following:

Avoid the siting of structures in areas where they are jeopardized by geotechnical hazards, where their locations could potentially increase the geotechnical hazard, or where they could increase the geotechnical hazard to neighboring properties.

The geotechnical report submitted by the applicant discusses the relationship of the structural design with the physical characteristics of the building site and calculates that the proposed building would meet the stability requirements as outlined by the General Plan. The County's Geotechnical Division has reviewed and approved the report which considers the stability of the land where the building would be constructed.

The LCP section on Natural Hazards discusses more specific requirements with respect to development setbacks in areas with potential natural hazards.

3. Compliance with Local Coastal Program

This project has been reviewed with respect to and found to be in conformance with LCP policies relating to Location of New Development (LCP Policy 1.18) and Coastal Access (LCP Policies 10.9, 10.30). The proposed site plan is in compliance with LCP policies (8.9 (tree protection) and 8.18 (location of new development) however, as discussed above in the section on Visual Quality, recommendations have been included to address the exterior design to be in compliance with the objectives of the LCP Visual Resources element policies 8.13. The proposed project also meets the minimum requirements with respect to construction in a geotechnical hazards zone (LCP Policy 9.8, 9.10),

but an analysis of the shoreline protection has not yet been conducted. Although staff has recommended that this application be designed based on the proposed architecture, if the project is redesigned, it is recommended that conditions addressing each of these LCP elements be included where necessary:

a. Planning and Locating New Development

The proposed project would be located in a developed, urbanized area where marine related industrial uses are allowed (LCP Policy 8.18). As proposed, the chandlery would have a 20 ft. setback from the bluff. In order to protect scenic views of the heritage Cypress Trees on site and reduce the visibility of the proposed building from public viewing areas in and around Princeton Harbor, it is recommended that the building be setback a minimum distance of 30 ft. from the edge of the bluff (LCP Policy 8.15). The foundation of the building would be supported with a pier and beam system that would reduce potential impact to the root system of the adjacent cypress trees. The building height would be reduced to 20 ft. along the portion of the property line where the canopy of the cypress trees extend (LCP Policy 8.16).

b. Consideration of Geological Hazard

Because the subject site is a marine terrace elevated over 10 ft. above the beach, it is subject to the regulations for bluff top development. LCP Policies 9.7 and 9.8 define and regulate development along coastal bluffs. This criteria requires that any development be stable for a minimum time span of 50 years, and that the development itself not contribute to further bluff erosion. Because the bluff is no greater than 14 ft. in height, the first 60 ft. of land must be extensively examined in the geotechnical report. The County's Geotechnical Division reviewed the soils and geotechnical report submitted by the applicant and determined that the engineering of the proposed building would ensure the building's stability for a minimum of 50 years on this site.

As demonstrated by the request for an emergency sea wall permit in December of 1989, the face of the bluff in this area is unstable. At that time, the property owners intended to protect a mature Monterey Cypress tree located where the bluff was eroding. This project was referred to the Coastal Commission, but because the seawall is located above mean high tide line no permits were applied for or approved and the property owners repaired the site on their own. It is recommended that a condition be included to require a geotechnical report that analyzes the placement and affect of the seawall on the bluff and beach in this vicinity (LCP Policy 9.16). If the report requires repair of the sea wall, an additional Coastal Development Permit would be required. It is recommended that this CDP be applied for prior to the granting of a building permit.

c. Shoreline Access

The existing vacant parcel provides undeveloped vertical (across the parcel) and lateral (down the rip rap to the beach) access to the beach from Princeton Avenue. Public views would also be blocked if the project were constructed as proposed. The project would meet the necessary parameters of the LCP Shoreline Access Component to provide improved vertical and lateral access (LCP Policy 10.17), however, beach access at this location would not be considered safe because water reaches the seawall at high tide. LCP Table 10.1 lists the location at the end of Broadway Avenue 100 ft. to the east of the project site a designated public viewing and beach access point. Therefore, it is recommended that the applicant pay an appropriate in-lieu fee rather than provide or dedicate access from this site.

4. Compliance with Zoning Regulations

On March 12, 1991, new zoning regulations were adopted for the Princeton area. Visitor serving commercial uses displaced industrial uses within the first two blocks from the harbor. Because the subject application was submitted in November, 1990, it was granted an exception to be analyzed under the previous Marine Related Industrial (MAR) Zoning standards.

a. Use

The project site is located in the Marine Related Industrial District (MAR) between the first public road and the sea, and is therefore limited to the following uses in accordance with Section 6285(a) of the Zoning Ordinance:

- (1) Boat chandlery (retail sales) for supplies and equipment within a building.
- (2) Boat building, repair, storage and sales subject to securing a Use Permit, as specified in Chapter 24 of the Zoning Regulations.

The proposal for a boat chandlery is consistent with the Zoning Requirements. The site development standards for this area limit the height to 36 ft. and require that each building site have a minimum of 5,000 sq. ft. of area and a width of not less than 50 ft. The project is subject to coastal Design Review as other site design requirements as defined by other Zoning Requirements, the LCP and General Plan. Staff recommends that conditions be adopted to ensure that the only commercial use allowed on site is a marine sales chandlery.

b. Parking Requirements

The County Zoning Ordinance requires one parking space for each 160 sq. ft. of customer sales area and one parking space for each 2,000 sq. ft. of shop area. The proposed allocation of floor

space and the required parking spaces for each use would be as follows:

Floor	Chandlery Area	Warehouse Area
Ground	500 sq. ft.	4,200 sq. ft.
2nd Floor	700 sq. ft.	13,300 sq. ft.
3rd Floor	240 sq. ft.	12,460 sq. ft.
TOTAL	1,440 sq. ft.	29,960 sq. ft.
Parking Allocation:	@ 160 sq. ft./space	@ 2,000 sq. ft./space
TOTAL	9 spaces	15 spaces

A total of 24 on-site standard parking spaces would be provided. The total amount of parking spaces is in compliance with the zoning standards which consider the division of floor area per each use within the building.

Per the regulations of the Parking Ordinance, any parking area with more than 10 parking spaces must be set behind a minimum 4 ft. wide planted area. Upon approval of this project, it is recommended that a specific landscape plan and performance bond for the buffer strip area should accompany the redesigned building.

B. ALTERNATIVES

If the applicant chooses to redesign the building to be in compliance with the objectives of the LCP and recommendations outlined in the Visual Quality section of this report, the application shall be continued and then shall return to the Zoning Hearing Officer. If the applicant chooses to appeal the decision and present the proposal to the Planning Commission, a written letter of appeal accompanied by a \$90.00 fee must be presented to the Planning Division within 10 days of this decision.

C. ENVIRONMENTAL REVIEW

The proposed project is exempt from environmental review under the California Environmental Quality Act under Class 3, construction of small structures.

D. REVIEWING AGENCIES

Department of Public Works
 Environmental Health Section
 Building Inspection Section
 Point Montara Fire District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. Elevations

JEJ:kcd - JEJB1402.AKU

Attachment A

County of San Mateo
Planning and Building Division

RECOMMENDED FINDINGS

Permit or Project File Numbers:
CDP 90-82; DSR 90-55

Hearing Date: July 18, 1991

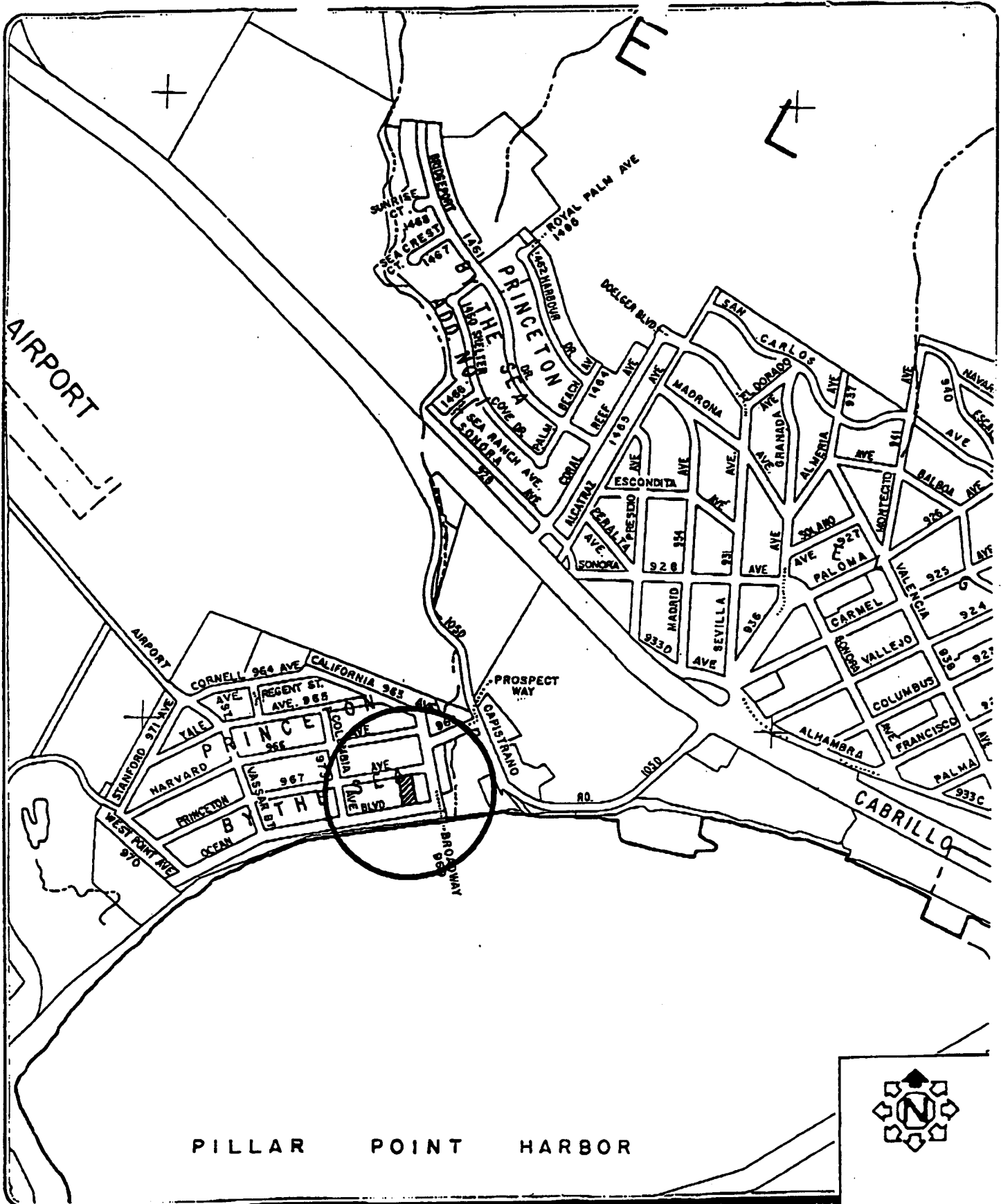
Prepared By: Janice Jagelski

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

1. Find that the project, as described in the application and accompanying materials required by Section 6328.7 and Section 6238.14, does not fully conform with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
2. Find that the project does not conform with the appropriate guidelines and standards for design review applicable to the Coastal Zone.

JEJ:kcd - JEJB1402.AKU



PILLAR POINT HARBOR

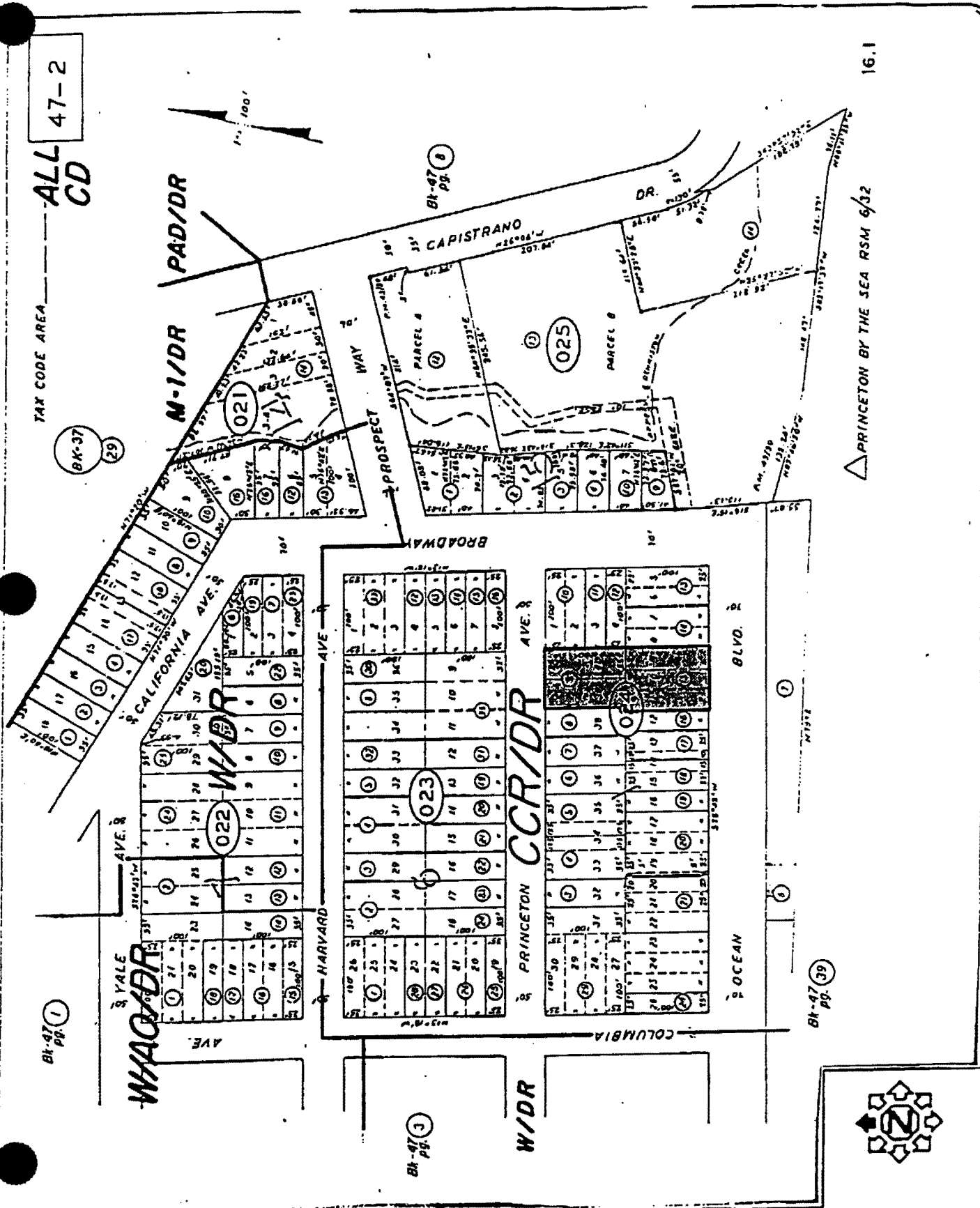


San Mateo County Zoning Hearing Officer Meeting

Applicant: TRIANCHOR MARINE

Request: CDP 90-82; DSR 90-55

154



San Mateo County Zoning Hearing Officer Meeting

Applicant: Triancher Marine

Request: CDP 90-82; DSR 90-55

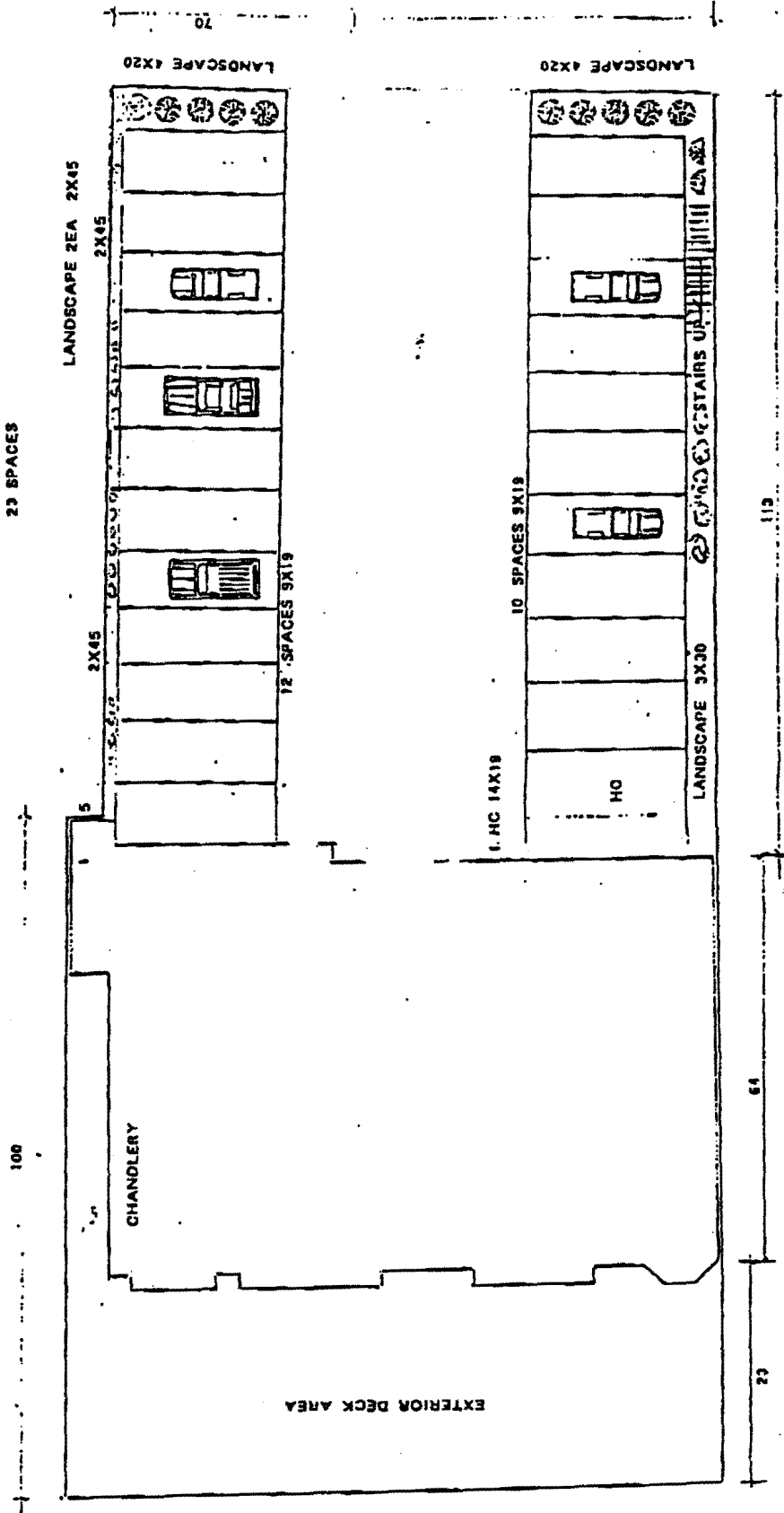
Location: 047-024-090-150

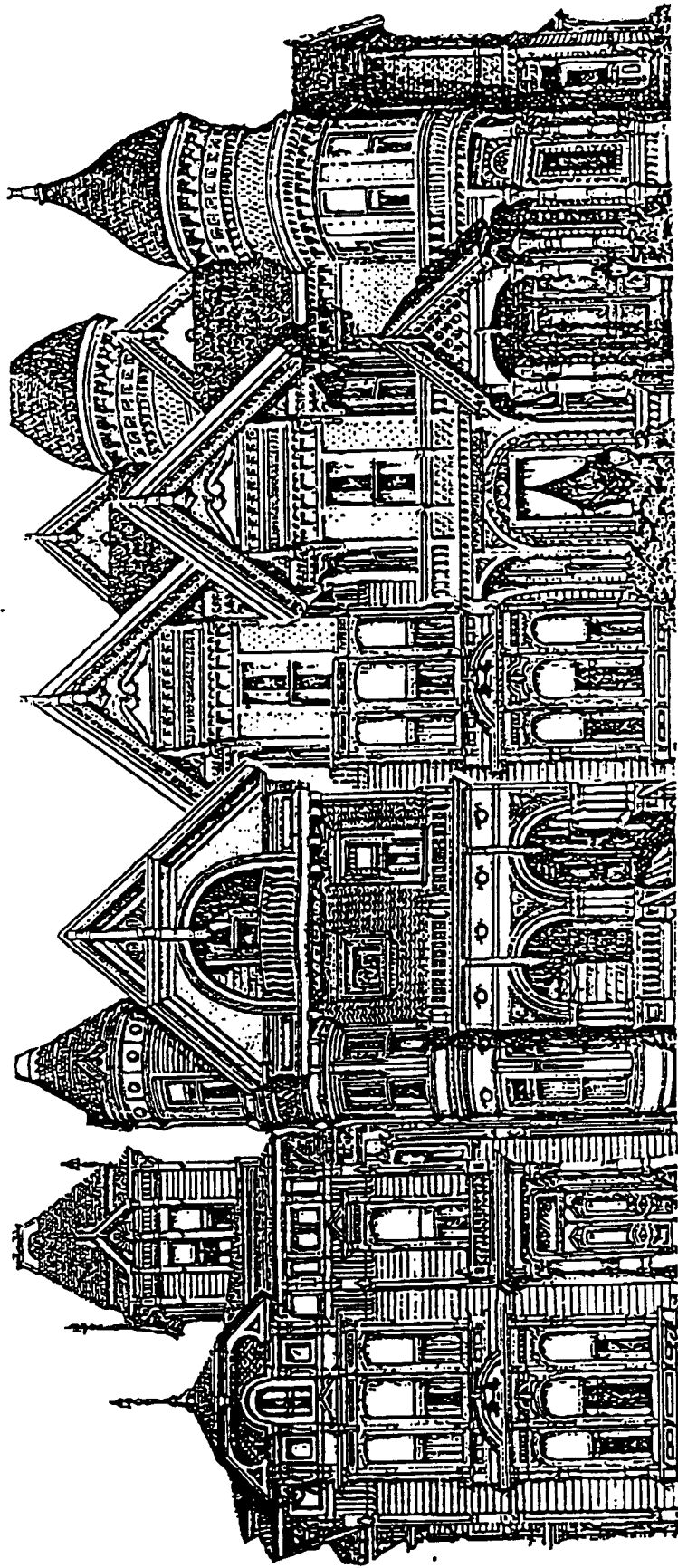


PARKING & LANDSCAPING PLAN

PARKING 112X70

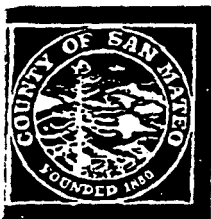
23 SPACES





380 PRINCETON AVENUE

Department of Environmental Management
Planning and Building Division



- Planning Division** - 415/363-4161
Mail Drop 5500 • 590 Hamilton Street • Redwood City • California 94063
- Building Inspection Section** - 415/363-4601
Mail Drop 5514 • 590 Hamilton Street • Redwood City • California 94063

COUNTY OF SAN MATEO

Board of Supervisors

Anna G. Eshoo
Mary Griffin
Tom Huening
Tom Nolan
William J. Schumacher

Director of Environmental Management
Paul M. Koenig

Planning Administrator
Terry L. Burnes

July 18, 1991

Stanley Furmanski
1015 Gayley #256
Los Angeles, CA 90024

FILE COPY

Dear Mr. Furmanski:

**SUBJECT: Coastal Development Permit, CDP 90-82
Design Review, DSR 90-55**

On July 18, 1991, the Zoning Hearing Officer considered your application for: a Coastal Development Permit and Design Review, pursuant to Section 6285 and 6565.4, respectively, of the Zoning Regulations to allow the construction of a marine related chandlery in Princeton, at 380 Princeton Avenue, Princeton. This project is appealable to the California Coastal Commission.

Based on the information provided by staff and evidence presented at this hearing, the Zoning Hearing Officer:

A. Found:

1. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
2. That the project conforms with the appropriate guidelines and standards for design review applicable to the Coastal Zone.

B. Approved Coastal Development Permit, CDP 90-82 and Design Review, DSR 90-55 Subject to the following conditions:

Building Inspection

1. The applicant shall obtain a building permit prior to the commencement of any construction.

Planning Division

Mr. Furmanski

- 2 -

July 17, 1991

2. The applicant shall have a formal survey conducted by a licensed engineer to verify the actual dimensions of the subject parcel. All site plans shall be drawn to scale on this surveyed parcel map and shall adhere to the setbacks recommended by these Conditions of Approval.
3. The applicant shall submit a Tree Removal or Tree Trimming Permit for review and approval prior to the trimming or removal of any tree with a branch or trunk diameter greater than or equal to 6 inches. If the tree is on the neighbor's property, signed authorization shall accompany the tree removal or tree trimming permit.
4. The applicant shall incorporate design features and exterior colors on all elevations of the proposed building to meet the criteria of the LCP Visual Resources Component which requires development to reflect a nautical character and utilize pitched roofs. The revised design shall meet the approval of the Planning Director.
5. The applicant shall construct the building utilizing a wood siding or shingled exterior to reflect a nautical character. The colors of these materials shall be approved by the Design review Officer prior to construction of the building.
6. The applicant shall locate the structure 30 ft. north of the top edge of the bluff. *indicate on survey*
7. The applicant shall design a landscape plan to screen the parking area on the north property line from the right-of-way along Princeton Avenue. This planted or landscaped area shall be no less than four (4) feet wide, and 55 ft. wide, and not more than thirty (30) percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, concrete, or other impervious materials. The landscaping plan shall be approved by the Planning Director prior to issuance of a building permit. A performance bond of \$5,000 shall be collected at the time the Certificate of Occupancy is issued for the building permit and shall be held for three years or until the planted vegetation is stabilized to the satisfaction of the Planning Director.
8. The applicant shall submit a letter from the California Coastal Commission that the existing seawall meets the structural specifications of the Coastal Commission and that any necessary permits required by the Coastal Commission for legalization of the existing seawall have been approved.
9. The applicant shall not conduct any repair or alteration of the existing seawall without authorization from the Planning Director; a Coastal Development Permit may be required upon review of the

Mr. Furmanski

- 3 -

July 17, 1991

repair proposal.

10. The applicant shall install all utilities serving the project underground.
11. The building constructed on this site shall be used exclusively as a chandlery for the resale of nautical equipment. The only goods allowed in storage on this site shall be stock of the items sold in the customer sales area or goods used to operate the business. No additional items shall be stored without the intention of resale. No fees shall be exchanged for the storage of goods not intended for resale. All storage and sales shall occur within the building. Any change in use of this building may be subject to approval of other necessary permits.
12. The applicant shall obtain approval from the Planning Director for any exterior sign used on site to advertise the business at this location.

Environmental Health Section

13. The applicant shall supply evidence of sanitary connection and water connection to the Building Division and Planning Division at the time of application for a building permit.

Geotechnical Section

14. The applicant shall provide a geotechnical report to the Geotechnical Section. All required geotechnical conditions shall be met prior to issuance of a building permit.

Department of Public Works

15. The applicant shall provide payment to the Public Works Department of "Roadway Mitigation Fees" prior to the issuance of the Building Permit.
16. The applicant shall submit a driveway plan and profile, with his Building Plans, for review by the Public Works Department. Said plan shall also show the existing drainage and drainage patterns and should show any proposed changes or additions to the drainage patterns.
17. No work shall take place in the right-of-way of either Princeton Avenue or Ocean Boulevard until an Encroachment Permit has been issued by the Public Works Department to do the work.

Fire Marshal

18. The applicant shall install an automatic sprinkler system as per the specifications of the N.F.P.A. (National Fire Protection Association) and Half Moon Bay Fire District Ordinance.

Mr. Furmanski


- 4 -

July 17, 1991

- 19. The applicant shall install a monitoring alarm for the automatic sprinkler system, as per Sate Fire Marshal and Half Moon Bay Fire District Ordinance, and National Electrical Code.
- 20. The design and construction of the chandlery shall meet all building and fire codes regarding corridors, exist doors, type of construction, per the requirements of the San Mateo County Building Division and the Half Moon Bay Fire District.
- 21. Other specific code requirements for fire protection may be included upon review of plans approved by the San Mateo County Building Division.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) days from such date of determination. The appeal period for this project will end on August 1, 1991, at 5:00 p.m.

Very truly yours,



S. G. Dalton
Zoning Hearing Officer

SGD:mm1 - zhd718b.7m1

- cc: Department of Public Works
County Geologist
Department of Environmental Health
Building Inspection Section
California Coastal Commission
County Fire Marshal
Citizens' Utilities Company
Marilyn Wright
Assessor's Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

June 5, 1998

Mr. Stan Furmanski
1015 Gayley Avenue #256
Los Angeles, CA 90024
Fax (310) 546-7403

SUBJECT: Boundary Determination 24-98
Princeton-by-the-Sea

Dear Mr. Furmanski:

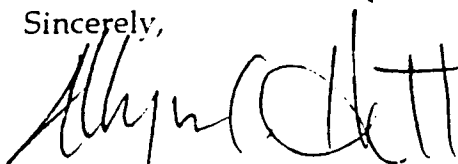
Enclosed is a copy of a portion of the adopted post-LCP certification map no. 61 (Montara Mountain Quadrangle) for San Mateo County with the approximate location of San Mateo County Assessor Parcel Numbers 047-024-090, 150, 160, and 170 highlighted.

Based on the information provided, the parcels in question are entirely landward of the Coastal Commission's permit jurisdiction boundary. In this area, the permit jurisdiction boundary follows the Mean High Tide Line. The parcels are, however, in the Commission's appeal jurisdiction; development on these parcels would require a Coastal Development Permit from the County of San Mateo, which if approved, would be appealable to the Commission.

The boundary between the Commission's retained permit and appeal jurisdictions is based on the State Lands Commission staff delineation of potential public trust lands, and its exact location may vary depending on what lands are actually subject to the public trust. Questions regarding the exact location and extent of public trust lands should be referred to the State Lands Commission for determination. Their status determination procedure may or may not result in a different boundary.

Please call me at (415) 904-5467 if you have any questions regarding this determination.

Sincerely,



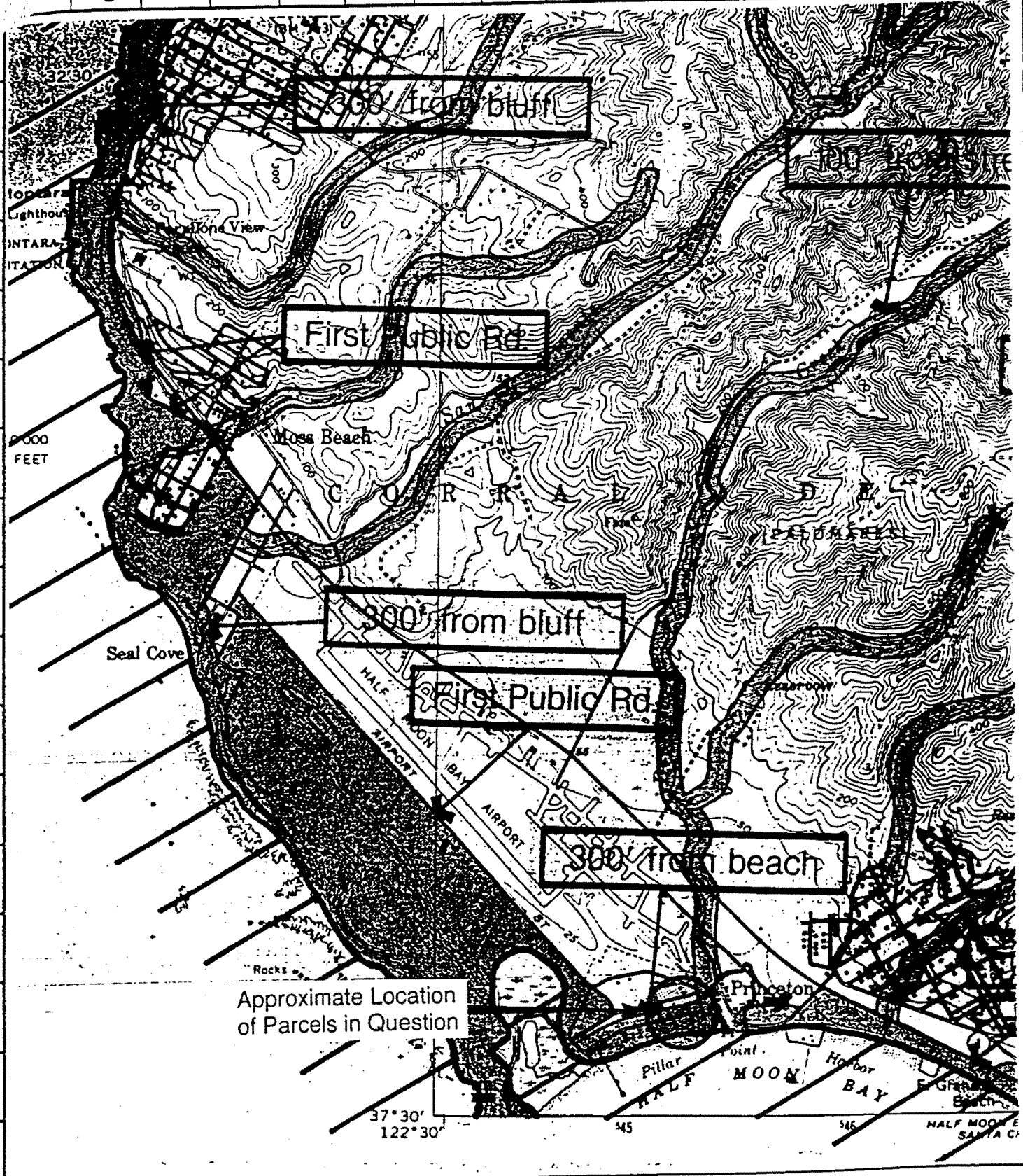
Allyson C. Hitt
GIS/Mapping Unit

✓ cc: J. Liebster, CCC-NC

enclosure

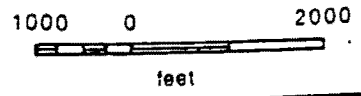
EXHIBIT NO.	8
APPLICATION NO.	1-98-58
BOUNDARY DETERMINATION	
(Page 1 of 2)	

B C D E F G H I J K L M N O



BD 24-98
 APNs 047-024-090, 150, 160, 170

Portion of adopted post-LCP
 Certification Map No. 61
 (Montara Mountain)



 California Coastal Commission

County of San Mateo

CALIFORNIA COASTAL COMMISSION

48 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

EXHIBIT NO.	9
APPLICATION NO.	1-98-58
Exec. Dir.'s Letter on Exemption Request	
April 1 of 1999 (Page 1 of 5)	



April 19, 1999

Stan Furmanski
1015 Gayley Avenue #256
Los Angeles, CA 90024

Re: Coastal Development Permit Application #1-98-58

Dear Mr. Furmanski:

This letter is to let you know the status of the permit application that you submitted for work on a revetment at 380 Princeton Avenue in Pillar Point Harbor, San Mateo County. You have submitted a number of materials and asked a number of questions, and I will respond to them below.

1. Exemption request

In your application and in subsequent materials, you have asserted that you are entitled to an exemption from a coastal development permit for work on the revetment under Section 30610(g) of the Coastal Act for "repairs following a disaster". After reviewing the materials that you have submitted on this point, we do not agree that the repair work or additions to the revetment that you have undertaken are subject to an exemption. In other words, the as-built configuration of the revetment requires approval by the Coastal Commission, if it is to remain in place.

Section 30610 of the Coastal Act provides, in part, that no coastal development shall be required for the following:

- (g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

You have stated in your application materials that you repaired the wall following El Niño storms in 1998. It is clear from photos of the site and other information that the revetment was larger following the work you undertook on it than it was prior to the work. You have asserted that following repair, the bulk of the revetment was "less than 3.5% larger than previously," in other words, less than the 10% limit mentioned in Section 30610(g).

The information you have submitted does not, however, substantiate the conclusions that must be reached in order to conclude that your project is exempt under Section 30610(g). First, to conclude that replacement of the revetment is exempt one must conclude that the revetment was destroyed by the storms. You have submitted various statements to the effect that in February 1998 the seawall was damaged and "nearly destroyed," but you have also submitted information that indicates that rocks at the base of the seawall are unmoved from their previous position in 1995. Our conclusion, based on a review of all the information, is that some damage apparently occurred to the revetment, but that the facts before us do not support the conclusion that it was "destroyed," as the dictionary defines destroy to mean "to ruin utterly" or "to do away with."

Even if we were to conclude that the revetment had been destroyed, your replacement of it would not be exempt from a coastal permit. In order to be exempt, a replacement structure shall conform to applicable existing zoning requirements. The Commission has interpreted this requirement to include the issuance of all necessary land use entitlements. In other words, if a revetment or other structure lacks necessary authorization in the first place, then Section 30610(g) cannot be interpreted to authorize its replacement following a disaster. There is no indication in the information you have provided that the seawall's original construction was authorized by applicable land use permits in effect at the time it was constructed. If you have evidence that a coastal permit for the seawall has been issued at any time in the past, please do not hesitate to send it to me.

Under the Coastal Act, the placement of a solid structure in the coastal zone in the form of a revetment requires a coastal permit. You can apply for a coastal development permit for the revetment that existed prior to the storms of February 1998 by submitting an application. For the revetment to remain in place, a coastal permit needs to be issued. Alternatively, you have the option of submitting a claim of exemption accompanied by evidence that the revetment predates the effective date of the Coastal Act and that it was constructed consistent with all permits that were legally required at the time of construction.

2. Coastal Act exemption for certain repair or maintenance activities

The Coastal Act exempts from coastal permits certain repair or maintenance activities (Public Resources Code Section 30610(d)). To be exempt, such activities must not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. You have not asserted that work on your revetment is exempt under this Section, and my purpose in mentioning it is merely to clarify that we do not consider repair work on it to be exempt.

We have reached this conclusion for two reasons. One reason is that the revetment has been expanded through the placement of additional solid materials. The second reason is that the Commission's regulations provide in Section 13252 that repair and maintenance of a revetment involving placement of riprap or other solid materials on a beach or involving mechanized equipment on a bluff or within 20 feet of coastal waters is not exempt. Because additional riprap has been placed on the subject revetment, and the revetment is located on a beach and is subject to the wash of the tides, repair of it is not exempt from a coastal permit.

3. Addition to the revetment.

In addition to the exemption request noted above, your application states that you are applying for a coastal development permit to "add a revetment as a repair to the existing rip-rap wall". This request is accompanied by a schematic cross-sectional drawing showing installation of steel sheet piles backed by 12-inch-square concrete piles and faced by additional riprap.

We understand your application to include both repair work undertaken during or after February 1998 and additional work not yet begun. We interpret your application, however, not to include the original revetment itself. As noted in #1 above, Commission approval of an amendment to this application or a separate application would be necessary to legalize the original revetment.

I want to let you know that we have tentatively scheduled your application #1-98-58 for review by the Commission at the meeting of May 11-14, 1999 in Santa Rosa. I would add that we are filing the application as of April 19 and scheduling it for Commission review in spite of the fact that the materials you have submitted on March 22, 1999 did not fully respond to the requests for information that we sent you on July 10, 1998 and November 19, 1998.

We are filing the application, in any event, because the Executive Director may waive ordinary filing requirements for a coastal permit application for good cause. We believe such cause exists in this case because your permit application is an after-the-fact one. That is, the revetment that is the subject of your permit application has already been partially constructed, although it has not been permitted.

4. Coastal permit jurisdiction area.

I want to clarify that the site of the subject revetment lies within the Coastal Commission's coastal development permitting jurisdiction area. The Commission's mapping unit provided you a preliminary letter on June 5, 1998 that indicated your parcel boundaries did not appear to fall within the Commission's continuing coastal permit jurisdiction area. That letter stated, however, that the boundary between the Commission's retained permit jurisdiction and the appeal jurisdiction (i.e., County coastal permit jurisdiction) may vary depending on the exact location of public trust lands.

Site visits to the property conducted since June 1998 have demonstrated that the revetment is located in an area subject to the daily wash of the tides. Therefore, the revetment lies within the Commission's permanent jurisdiction area, which includes tidelands, submerged lands, and lands subject to the public trust.

5. Your request to attend staff meetings regarding 380 Princeton

You have requested to attend or be represented at Commission staff meetings held to discuss the subject property. The Commission staff meets regularly to discuss permit applications and the various steps that we take to respond to them. It is not practical or feasible to include permit applicants in all meetings held to discuss aspects of their applications. We are available to answer questions you may have about your application, however, and we will provide you with our written staff recommendation on your application as soon as it is published. You may also view the Commission's file on your permit application; please call to make an appointment to do so.

6. Your request regarding restarting construction at 380 Princeton

You have requested that Commission staff send you a letter stating that we have no objection to construction restarting on the commercial building at 380 Princeton. I believe this request was made because San Mateo County issued a stop-work letter on the construction of a commercial building at that address. I have spoken to Bill Rozar from the San Mateo County Planning Department who indicated that the County issued its letter because of concerns with County building permit compliance. The status of your County building permit is a matter for you to take up with the County directly, and therefore I do not believe it is necessary for Commission staff to take additional steps in this regard.

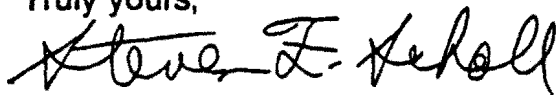
7. Designation of Robert Clark

This is to acknowledge that you have provided an annotated copy of page 1 of your application form, indicating that Mr. Robert Clark would communicate on behalf of the applicant regarding this application. Thank you for sending that information.

Mr. Stan Furmanski
April 19, 1999
p. 5

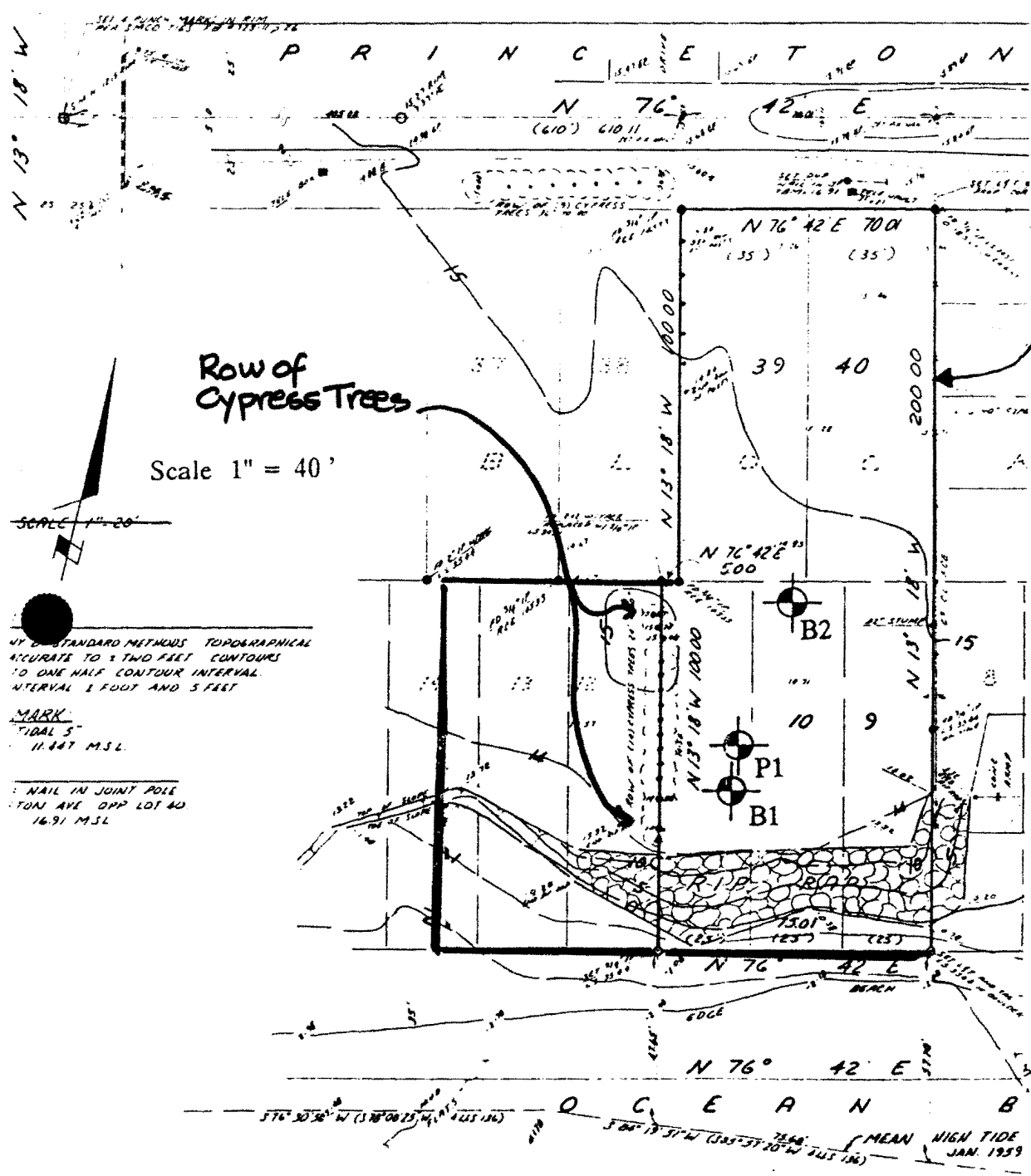
In conclusion, your permit application is tentatively scheduled for Commission consideration at the meeting of May 11-14, 1999 in Santa Rosa. We will provide you with a notice of the time and place of the hearing when the Commission's agenda for that meeting is set, within approximately two weeks. We will provide you with a copy of the staff's recommendation on your application as soon as it is ready, also within the next couple of weeks. Please contact me if you have any questions.

Truly yours,

A handwritten signature in cursive script that reads "Steve F. Scholl". The signature is written in black ink and is positioned above the typed name.

Steven F. Scholl, AICP
Deputy Director

EXHIBIT NO. 10
 APPLICATION NO. 1-98-58
 1991 Location of Seawall



Scale 1" = 40'

Property line
 SURVEY & TOPOGRAPHY
 LOTS 9, 10, 11, 29 & 40 BLOCK 1
 AS SHOWN ON THAT MAP
 ENTITLED "PRINCETON BY THE
 SEA" RECORDED IN VOLUME 6
 OF MAPS AT PAGE 32, RECORDS
 SAN MATEO COUNTY, CALIFORNIA

FOR
 STAN FURMANSKI
 1015 GAYLEY AVE #256
 LOS ANGELES, CA 90024

BY STANDARD METHODS TOPOGRAPHICAL
 ACCURATE TO ± TWO FEET CONTOURS
 TO ONE HALF CONTOUR INTERVAL
 INTERVAL 1 FOOT AND 5 FEET

MARK
 TIDAL 5'
 11.447 M.S.L.

NAIL IN JOINT POLE
 TONIA AVE OPP LOT 40
 14.91 M.S.L.

KEY
 Borings by [Symbol]
 Borings by Engineers, [Symbol]

JOSEPH R. BENNIE
 LICENSED LAND SURVEYOR
 759 MAIN STREET, SUITE "E"
 HALF MOON BAY, CA 94019
 (415) 726-9727

JANUARY, 1991 W 01-91

Reference for eastern adjacent parcel borings: A report by Cooper
 "Report, Geotechnical Investigation, Proposed Boat Storage Building :
 Parcel 10-B-66, Princeton, California, For Mr. Ronald Mickelson," date



SITE PLAN of FURMANSKI PROPERTY Showing 1991 Rip Rap and New Fill Princeton by the Sea

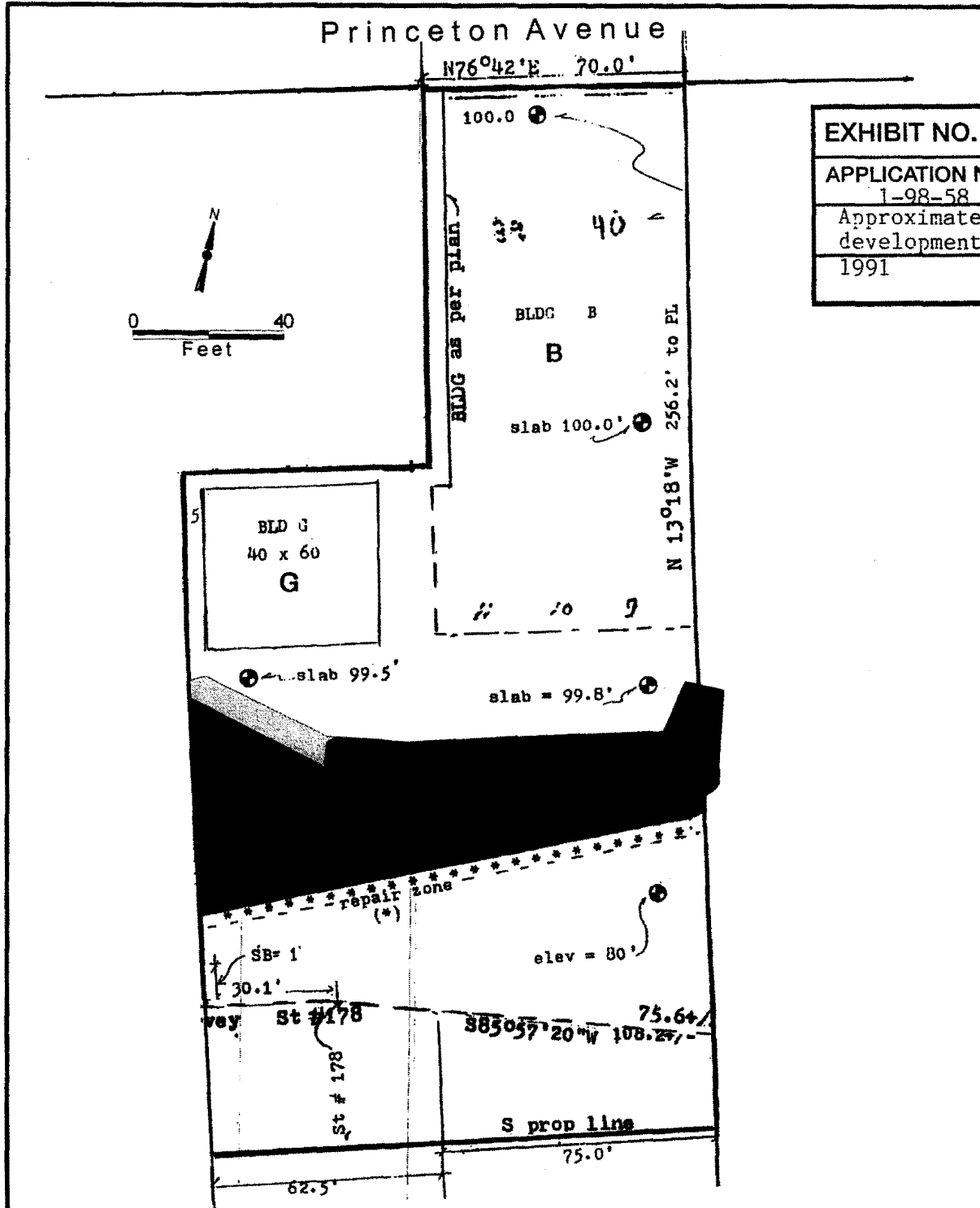


EXHIBIT NO.	11
APPLICATION NO.	1-98-58
Approximate development since	1991

- Rip Rap as of 1991*
- Fill Since 1991**
- Bluff Face*

* 1991 Fill and Bluff Face Source: Report, Geotechnical Investigation for Mr. Stan Furmanski, Plate 1 Bay Area Geotechnical Group, February 21, 1991.

** Base Map and Existing Fill Source: Permit to Repair Rockslope Protection Project Application 198-58, Exhibit 2 Submitted March 23, 1999

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260



November 19, 1998

Stan Furmanski
 Trianchor Marine
 1015 Gayley Avenue, #256
 Los Angeles, CA 90024

PROPERTY LOCATION: 350 and 380 Princeton Avenue, Princeton, San Mateo County,
 APNs 047-024-150, 047-024-160 and 047-024-170
 PERMIT Nos.: 1-98-044G, 1-98-058

Dear Mr. Furmanski,

There are two parts to this letter:

- (A) The first part addresses the information needed to determine whether the emergency work already completed in relation to Emergency Permit 1-98-044G is exempt under Section 30610(g) of the Coastal Act.
- (B) The second part deals with additional information still needed to file Coastal Development Permit Application # 1-98-058.

A. Claim of Exemption for development completed in relation to Emergency Permit 1-98-044G

In our letter to you dated July 8, 1998 concerning additional information required to process Application # 1-98-058, I noted that you were claiming that development done under Emergency Permit 1-98-044G was exempt from permit requirements under Coastal Act Section 30610. I stated that we do not believe that a Coastal Development permit is required to make that work permanent. We continue to believe that the information we have received to date does not demonstrate that the work you have performed meets the criteria set forth in Section 30106(g) to be exempt from coastal development permit requirements

Section 30610(g) states that no coastal development permit shall be required for:

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

1

EXHIBIT NO.	12
APPLICATION NO.	1-98-58 Request for
	Info needed for
	filing application
	Nov. 19, 1998
	(page 1 of 11)

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

With regard to whether your project is exempt under 30610(g), it is important to determine at least three things: (a) whether the structure was "destroyed" within the meaning of this section, (b) whether the "replacement structure" is within the specified 10% dimensional limits, and (c) whether it is "in the same location," i.e. that it did not encroach further seaward onto the beach.

Section 30610(g) applies to "replacement of any structure...destroyed by a disaster." The reprints of news articles in your Attachment B through K regarding storm damage in San Mateo County, other areas of California, and Papua, New Guinea do not substitute for evidence that your pre-existing seawall was destroyed by a disaster. In fact, the documentation you provided in Attachment "W" to prove that a seawall existed in 1995 shows that all the rocks at the base of the seawall are unmoved from their previous positions. This appears to be strong evidence the seawall structure was not destroyed at all, and that your work did not fall under section 30610(g). To support your claim of exemption, you will need to submit sufficient evidence demonstrating that the structure was destroyed, and identifying what parts, and what overall percentage of the structure suffered that destruction.

I have reviewed the materials you submitted on June 12 and August 11, 1998. The information does not demonstrate that the total amount of rip-rap and dirt fill placed during the "emergency" work was less than 10% of the bulk of the pre-existing seawall. You had said in a previous phone conversation that you would be submitting a "volumetric analysis" of the material you added to the existing seawall pursuant to your emergency work request, but I did not find that in your submitted materials. Attachment 29D, #14 states that such a size/volumetric comparison has been made, and that "volumes show less than 10% difference." However, this analysis itself was not provided. To support your claim of exemption, please submit that analysis or other information that sufficiently demonstrates that the bulk of material added indeed did not exceed 10% of the pre-existing volume.

You also submitted photocopies that do apparently show that the seaward extent of the rip-rap has not been increased on the east end of the seawall (8/11/98 attachment "W,"). However, I have recently received photos of your parcel taken prior to the time you did your emergency work. When compared to the current conditions at the west end of the rip-rap wall, these photos appear to show that substantial material was added during that work, extending the footprint of the seawall further seaward on to the beach.

Our July letter to you asked for specific information that could resolve this issue. Specifically under item 3, "Site plans," I asked for plans that clearly show the location, footprints and cross-sections of (1) the existing rip-rap seawall prior to the emergency work, (2) the rip-rap wall as

enlarged by the emergency work, and (3) the additions to the structure proposed in your new application.

With regard to (1), your Attachment #12 indicates the footprint and contours of the seawall in April 1995. (Note that this figure shows the western part of the seawall extending south of your Assessor's Parcel line, shown as "ref."). You did not, however supply cross-sections of the seawall as it then existed.

Regarding (2), I have been unable to find anything specifically labeled as showing the seawall footprint as it existed after completion of your emergency work or as it exists today. In our phone conversation on October 28, 1998, followed by my faxed materials, I asked again that you supply accurate footprint and cross-section drawings of the location and extent of the seawall as it existed at completion of your emergency work. As you will see below, such survey information is also needed for other purposes to complete your application filing, so I have summarized the survey information needed in section B2(c) below. Please provide this information to support your possible exemption under Coastal Act section 30610(g).

We will certainly reconsider whether the work you performed to date is exempt under 30610(g) if you provide the information outlined above. In the meantime, we will assume that you are continuing to seek authorization under Permit Application No. 1-98-058 for both this work and the additional work you are proposing.

B. Information Required to Complete Filing of Application # 1-98-058

In our July letter, I specifically asked for several additional items before filing the application as complete and scheduling it for action. You provided extensive material in response, received in this office Aug. 11, 1998. I have reviewed those materials, and although the materials include some of the information we had requested, not all of the information and materials we had previously requested were provided. The following items still need to be submitted to complete the application:

1. **Signatures or authorizations of all applicants.** Your application form was signed only by you "for all applicants." However, the property owners, as shown in your Attachment #27 are Pique Partners and Trianchor Marine Enterprises. We will need a list of the partners in each of these entities, and written evidence (such as a letter signed by all the partners, or any relevant sections of the enterprise's bylaws) showing that you are fully authorized to sign for and bind each of them in all matters pertaining to this application.

2. **Project Plans.** Our staff engineer, Lesley Ewing, has reviewed the additional material you supplied along with the material originally submitted. The information so far provided for the application is not sufficient. We need some basic engineering information that is not included in the application:

(a) The plans are not drawn to scale; they are not what we would accept as engineered plans.

(b) The elevation of the vertical wall is given as 20', but this elevation has not been referenced to any established baseline, such as mean sea level, mean lower low water, National Geodetic Vertical Datum, etc. It appears to be 20 feet above the "surf bed"; however, the surf bed has not been defined

(c) We need a profile of the property, seawalls and the beach area, drawn to scale and based on a site survey, showing property boundaries, the footprints and cross-sections of the existing structure/ rip-rap that is "in danger from erosion," the proposed "revetment", actual mean and maximum tide lines, and both the "summer" and "winter" beach profiles in relation to pre-existing, current and proposed seawalls (The terms "summer" profile and "winter" profile are used to represent the normal accreted beach and the normal eroded beach.) As noted above, corresponding information, based on an accurate survey, showing the seawall as it existed prior to your emergency work is also necessary to review your claim of exemption under Coastal Act 30610(g).

(d) The piling depth has not been shown. This depth should be established from the scour depth and the necessary embedment depth for structural stability from wave forces. Scour is a natural condition that often occurs at the base of a natural bluff or in front of a vertical wall. The initial submittal stated that, "with the installation of the improvements requested, the amount of scouring at the base will decline, since the additional materials to be installed are durable and designed for many years of service." While it is more likely that if a vertical wall is installed in front of the existing rip-rap, that scour will increase slightly, this response does not address our key concern about scour. During times of high wave action, the material in front of the proposed wall may be removed temporarily, creating a scour trench in front of the wall. If the total embedment depth does not take into account this loss of supporting material, the wall may fail. It is important to the engineering design of the proposed wall that scour be considered. It is important for our review of the engineering design that we know how the design engineer addressed scour and what scour depth was used in the design.

(e) The property boundaries for this site need to be clarified.

(f) Regarding the additions to the structure proposed in your new application, your Attachment #3 shows the new "revetment" addition located just inside the Assessor's Parcel line. You also show permanent backfill behind the retaining wall up to grade at the top of the wall. In your Attachments #6 and #26 you show the "proposed revetment" and "existing rip rap" north (landward) of the "revetment." You do not show any seawall materials south (seaward) of the "revetment" in any of these figures.

Please clarify if your application includes removing any fill materials that, as shown in your Attachment #3 and observed in our field visits, lie seaward of the

proposed location of the retaining wall, and submit revised plans, if necessary, to show all the work for which you are seeking authorization.

3. **Project Details (Site Plans)**. In addition to the items noted above, we also have not received the details of the structures involved that we requested under item 3 (site plans) of our July letter. These include descriptions of the materials used in the existing and proposed parts of the project, specifying the sizes, types, and amounts of rip-rap rock and any earthen or other type of backfill. Also, please submit the "volumetric analysis" discussed in Part A above or other information that sufficiently demonstrates the bulk of material already added and the additional material that your application proposes to add.

4. **Historical Shoreline**. Under item 4 of our July letter I had asked for any available photographic, mapped or other information that would show the changes to the parcel and its shoreline protection, in the last 15 years. I noted that any photos of the damage caused to the rip-rap seawall by the cited storms would also be very helpful, and asked for information about any habitat or vegetation that existed on the shoreline prior to the emergency work. As I noted in part "A" above, the photos you supplied did not show the prior conditions on the west end of the seawall. In addition, it appears from our aerial photos that your Attachment #12 does not accurately show the seawall as it existed in April 1995. Please supply any additional information described above that you may have.

5. **Summary of Effects on Shoreline Sand Supply**. Under item 5 of our July letter I asked for a narrative discussing what effects the structure could have on the movement of sand along the shoreline and how the project has been designed to eliminate or mitigate such impacts. You responded that sand loss is not an issue. I understand you have subsequently spoken with a coastal engineer about your project. In light of those conversations and additional information provided above by our staff engineer, is there additional information you can provide for the record?

6. **Property Ownership/Status of State Lands Commission Approval**. I noted the proposed development involves work within areas subject to tidal action.. The State Lands Commission (SLC) has responsibility for all state tide lands, trust lands, and sovereign lands. If a proposed project may be in an area subject to SLC jurisdiction, an application for the project cannot be filed without evidence that the SLC has made a specific determination as to its jurisdiction over the specific project. It is the applicant's responsibility to contact the SLC for this determination, and to provide a copy of the SLC's letter of response to the Commission. The SLC contact for San Mateo County is Nanci Smith at (916) 574-1862.

In addition, if any part of the project, including any construction activities, will take place in the area covered by the legislative grant to the Harbor District, we need evidence of authorization for such work by the Harbor District.

In our October 28 phone conversations and my fax to you on that date, I pointed out that superimposing your Attachment #3 on to Attachment #12 indicated that your seawall as shown in 1995 encroached upon a portion of the Ocean Blvd. paper street. According to the County,

Ocean Blvd. south of the parcel boundaries of Assessor parcel numbers 047-024-150, 047-024-160 and 047-024-170 is in the fee ownership of the County. Enclosed is a copy of the August 1908 Map of Survey for Princeton which records the dedication of streets including Ocean Blvd. and acceptance of these streets by the Board of Supervisors.. In your letter of November 14, 1998 you assert your ownership to a portion of Ocean Blvd. based upon various court decisions. Please provide a current recorded legal description of your property, or a letter from the County attesting that you have sufficient property rights over the Ocean Blvd. Paper street to develop what is proposed on the paper street.

Regardless of the fee ownership of the area subject to tidal action, the Commission asserts permit jurisdiction over all areas seaward of the ambulatory Mean High Tide Line. The Mean High Tide Line is not fixed, but ambulatory. The Commission asserts permit jurisdiction over development in any area that is "wet" at any time of the year. However, you of course have the opportunity to refute our interpretation of the extent of our jurisdiction by submitting evidence of the Mean High Tide Line.

7. **Local Approvals.** I had requested a completed Appendix B, the Local Agency Review Form for the proposed work and copies of all permits granted for this property, including copies of the County planning staff report, letter of approval containing findings and conditions, and a complete set of plans for such projects. I subsequently obtained the staff report, findings and conditions on CDP 90-82 directly from the County. Condition number 9 of your CDP 90-82 as issued by the County on July 18, 1991 states:

The applicant shall not conduct any repair or alteration of the existing seawall without authorization from the Planning Director; a Coastal Development Permit may be required upon review of the repair proposal.

Was any work on the seawall done between July 18, 1991 and the date you commenced work pursuant to our Emergency Permit 1-98-044G, and if so, what was done? For any such work, please provide evidence that the Planning Director approved the work as required by Condition number 9 of County CDP 90-82

We also need to have a completed Local Agency Review form for the project currently proposed, whether the County determines it needs to issue a permit or not.

8. **Alternatives Analysis.** I asked for an alternatives analysis, especially possible alternatives that conceivably could reduce the amount of coverage of the beach, such as removing the rip-rap and relocating the "revetment" at the bluff face, re-engineered the revetment to avoid the need for the proposed wall, and the no project alternative. Your response did not provide any detail on such alternatives. As we had requested in our July letter, please provide a written analysis of the feasibility of the various alternatives that might reduce or eliminate the coverage of the beach, including the no project alternative. As part of the no project alternative analysis, please discuss and document which, if any, existing structures were in danger from erosion prior to the placement of fill pursuant to Emergency Permit No. 1-98-044G and/or are now in danger from

erosion. One alternative to the proposed new vertical wall would be to repair the existing rip-rap. If the existing rip-rap is functioning well, it seems to be most sensible to repair and maintain it. If it is not functioning well and if it makes sense to rely now on a vertical wall (called a revetment in the application), then this new system could replace the old one. Please provide an analysis of the feasibility of removing the existing rip-rap to make room for the new wall. This approach would let you install your preferred protective option and minimize seaward encroachment.

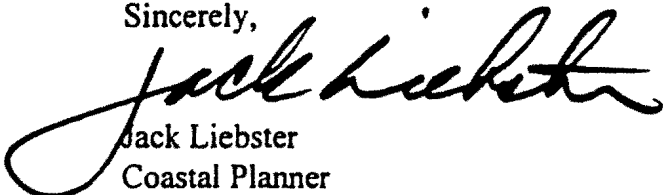
You state your site would experience up to 3' of erosion annually without protection, yet you state the general area has excess sand that the Harbor District has had to remove regularly. This information suggests that you may have a readily available source of sand for beach nourishment. Build-up of the beach seaward of the existing rip-rap could perhaps be a viable and cost effective form of shoreline protection, given that there is a source of sand in the immediate area. This approach should be analyzed in the alternatives discussion.

9. **Effects on Public Access.** I had asked for information on how much of the area could be used by the public at different stages of the tide. I asked for a cross section that shows the former profile of the bluff, seawall, beach, and tidal area before the project was commenced as well as the proposed profile with the project as proposed, in place. I asked that these cross sections show where the profiles are intersected by the winter and summer mean lower low water line (MLLW), mean sea level line (MSL), and the mean higher high water line (MHHW). I was unable to find this information in the material submitted. Please provide this information.

On a recent visit to the area our staff noted that a well-worn path exists across the lower part of the seawall on to the east of your seawall, and appears to lead to what had been the lower part of your seawall. This path appears to have allowed lateral public access (that is walking along the shoreline) by traversing the rocks at the lower end of your seawall as it existed prior to your emergency work. This situation appears to have allowed public lateral access for longer periods of the day and during a wider range of tidal heights. Such use may have established a "prescriptive right of access" across your seawall. If so, the steepening and filling of your seawall done during your emergency work has interfered with such passage. Please provide any information you may have of the historic lateral access use of the seawall as it existed prior to your emergency work.

Again, as I noted in our July letter, once we receive this information, we can file your application as complete and schedule it for the Commission's consideration. Please feel free to call me at (415) 904-5267 if you have any questions.

Sincerely,


Jack Liebster
Coastal Planner

MAP OF PRINCETON BY THE SEA HALF MOON BAY SAN MATEO COUNTY CALIFORNIA

SCALE: 100 FT. TO 1 IN.

WE HEREBY CERTIFY THAT THIS IS A CORRECT MAP OF SURVEY
MADE BY US IN AUGUST 1908.

Purcell & Broughlon
CIVIL ENGINEERS AND SURVEYORS
301 MALDENBOUGH BUILDING
333 KEARNEY STREET
S. F. CAL.

FRANK P. BROPHY and WILLIAM H. GEORGE, are the persons interested in, and the only parties in interest and the only parties necessary to give a clear title to the land and premises included in the within and accompanying map or plan, known as "Map of PRINCETON BY THE SEA, Half Moon Bay, San Mateo County, California, to be made, mapped and platted and do hereby dedicate to the public the following streets, avenues and boulevards, designated therein to public use to wit:--
OCEAN BOULEVARD, PRINCETON AVENUE, HARVARD AVENUE, YALE AVENUE, CORNELL AVENUE, CALIFORNIA AVENUE, STANTOBB AVENUE, WEST POINT AVENUE, BROADWAY, PROSPECT WAY, COLUMBIA STREET, BASSAR STREET, REGENT STREET.

And we, and each of us do hereby acknowledge, the making, mapping and plating of said lands and our consent thereto, and the dedication of said above mentioned avenues to public use and our consent to said dedication.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.
DATED, September 4th 1908.

Frank P. Brophy
William H. George

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO.

On this 6th day of September in the year Nineteen Hundred and Eight (1908) before me George Pullison a Notary Public in and for said City and County of San Francisco, residing therein duly commissioned and sworn, personally appeared WILLIAM H. GEORGE, known to me to be one of the parties who executed the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

(Seal)

George Pullison
Notary Public in and for the
City and County of San Francisco,
State of California.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO.

On this 6th day of September in the year Nineteen Hundred and Eight (1908) before me George Pullison a Notary Public in and for the said City and County of San Francisco, residing therein duly commissioned and sworn, personally appeared FRANK P. BROPHY, known to me to be one of the parties who executed the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

SEAL

George Pullison
Notary Public in and for the City
and County of San Francisco, State of
California.

OCEAN BOULEVARD, PRINCETON AVENUE, HARVARD AVENUE, YALE AVENUE, CORNELL AVENUE, CALIFORNIA AVENUE, STANTOBB AVENUE, WEST POINT AVENUE, BROADWAY, PROSPECT WAY, COLUMBIA STREET, BASSAR STREET, REGENT STREET, as designated and delineated on this map are hereby accepted by the Board of Supervisors of the County of San Mateo, State of California on behalf of the Public and dedicated to public use, by the resolution of said Board of Supervisors, adopted on the 8 day of Sept. 1908.

(SEAL)

Attest: Jas. H. Nash
Clerk of the Board of Supervisors
of the County of San Mateo.

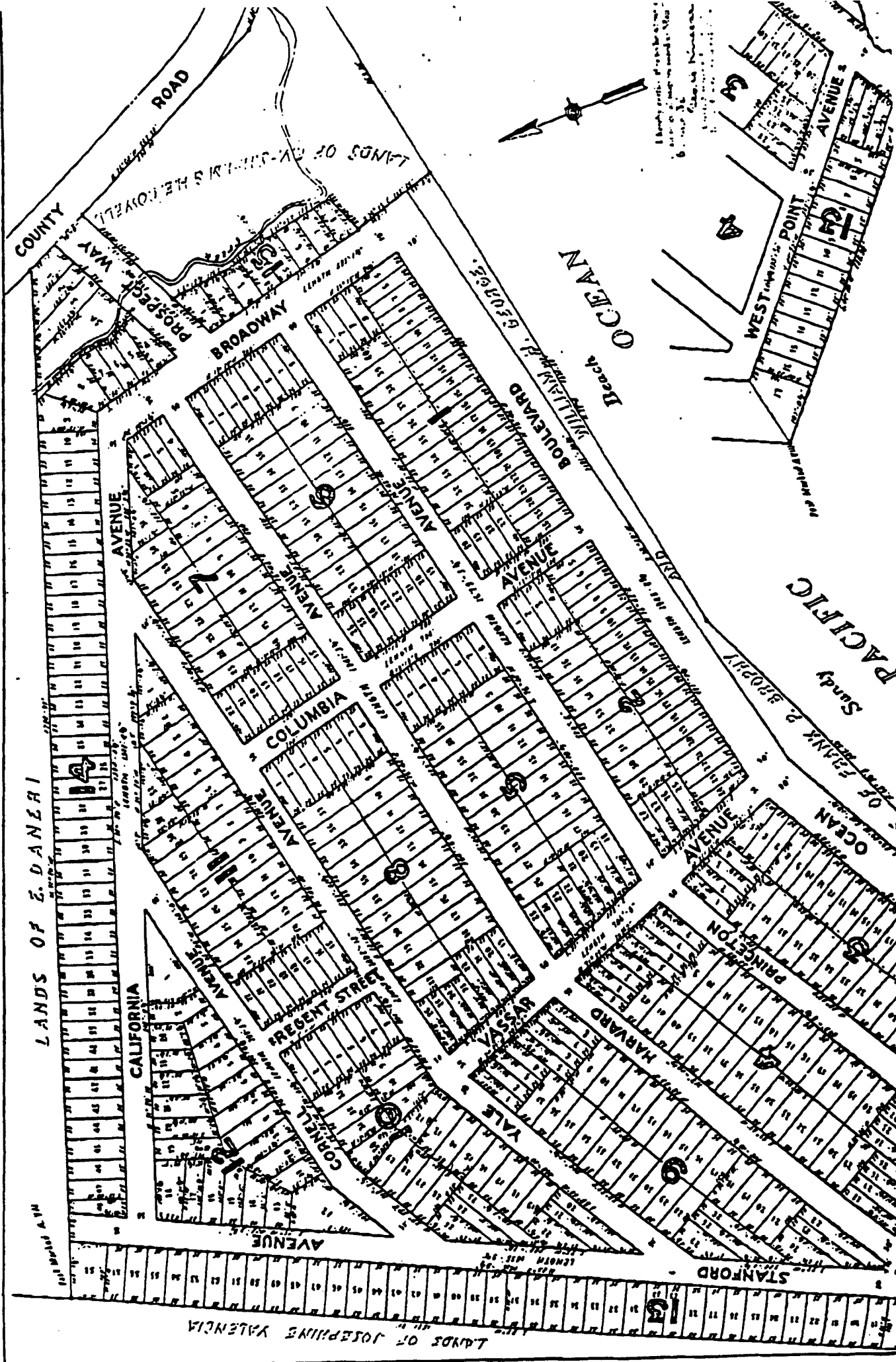
I hereby certify that there are no taxes for unpaid State and County or other taxes against this tract or subdivision of land, as shown on this map or any part thereof.
DATED September 8th, 1908.

(Seal)

M. H. Underhill
Auditor San Mateo County.

FILED at the request of FRANK P. BROPHY, September 8th 1908 at three o'clock P.M. San Mateo County Records.

J. H. Underhill
County Auditor.



MAP OF PRINCETON BY HALF MOON SAN MATEO CO CALIFORNIA

SCALE: 100 FT. TO 1"

WE HEREBY CERTIFY THAT THIS IS A COPY
MADE BY US IN AUGUST 1908.

Funnell
CIVIL ENGINEER
301 MALDEN
333 KEA

FRANK P. BROPHY and WILLIAM H. GEORGE, are the persons interested in, and the only parties in interest and the only parties necessary to give a clear title to the land and premises included in the within and accompanying map or plat, known as "Map of PRINCETON BY THE SEA, Half Moon Bay, San Mateo County, California, to be made, mapped and platted and do hereby dedicate to the public the following streets, avenues and boulevards delineated thereon to public use to wit:--
OCEAN BOULEVARD, PRINCETON AVENUE, HARVARD AVENUE, YALE AVENUE, CORNELL AVENUE, CALIFORNIA AVENUE, STANFORD AVENUE, WEST POINT AVENUE, BROADWAY, PROSPECT WAY, COLUMBIA STREET, VASSAR STREET, REGENT STREET.

And we, and each of us do hereby acknowledge, the making, mapping and plating of said lands and our consent thereto, and the dedication of said above mentioned avenues to public use and our consent to said dedication.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.
DATED, September 4th 1908.

Frank P. Brophy
William H. George

201 MACDONOUGH BUILDING
333 KEARNEY STREET
S. F. CAL.

and in, and the only parties in in-
and premises included in the with.
E. SEA, Half Moon Bay, San Mateo
to the public the following streets,
HILL AVENUE, CALIFORNIA AVENUE,
VIA STREET, YASSAR STREET, REG-
pling of said lands and our con-
use and our consent to said date.

Frank P. Brophy
William H. George

Sept 1908) before me George
isco, residing therein duly com-
me to be one of the parties who
y the same.
Official Seal the day and year

George Pallison
y Public in and for the City
ty of San Francisco, State of
hifornia.

er other taxes against this
f.

M. H. Underhill
Auditor San Mateo County.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO. } ss.

On this 4th day of September in the year Nineteen Hundred and Eight (1908) before me George
Pallison a notary Public in and for said City and County of San Francisco, residing therein duly
commissioned and sworn, personally appeared WILLIAM H. GEORGE, known to me to be one of the per-
ties who executed the within instrument and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year
in this certificate first above written.

(Seal)

George Pallison
Notary Public in and for the
City and County of San Francisco,
State of California.

DEAN BOULEVARD, PRINCETON AVENUE, HARVARD AVENUE, YALE AVENUE, CORNELL AVENUE, CALIFORNIA
AVENUE, STANFORD AVENUE, WEST POINT AVENUE, BROADWAY, PROSPECT WAY, COLUMBIA STREET, VAS-
SAR STREET, REGENT STREET, as designated and delineated on this map are hereby accepted, by
the Board of Supervisors of the County of San Mateo, State of California on behalf of the Public and
devoted to public use, by the resolution of said Board of Supervisors, adopted on the 8 day of
Sept. 1908.

(SEAL)

Attest: Jas. H. Nash
Clerk of the Board of Supervisors
of the County of San Mateo.

FILED of the request of FRANK P. BROPHY, September 8th 1908 of three o'clock P.M. San Mateo
County Records.

J. F. Johnston
County Recorder.

I hereby certify that the above
is a true and correct copy of the
6th page 32
Geo. G. Johnston

March 20, 1999

Mr. Merrill,

1-98-058

MAR 23 1999

Attached is response to your Nov 19th letter.

Scale

- 2 (a) The Plans in Yellow, Blue, and Green binders, such as Exhibits 2, 3, 40, 41, 42 are dimensioned as shown, with scale of 1" = 27'. Attached is a scale drawing at 1" = 50', and 1" = 25'.
- 2 (b) The elev of TOR (top of revetment) is 100. The elev 100. is established from the approved plan. The BOR (toe or Bottom Of Revetment) is 80'. Annual scour is usually less than 6 inches (0.5'). Scour is limited by the outer breakwater. For revetment design, as a safety factor the 0.5 scour depth is doubled to 1' and a further safety factor included, doubling it again to 2', although expected scour is 0.5. BOR' (with factor) is 80-2=78'. Reference elevations are N slab at 100.0, and station #178 at elevation of 77'.
- 2 (c) A section of the existing rockslope protection and proposed repair [not revetment] is Exhibit 1. The Plan is Exhibit #2, The revetment Plan locations are three alternatives, namely Blue Binder Exhibit #40, #41, #42.
- 2 (d) Pile length is 40', driven 20' down. Assuming a max scour of 2', this leaves embedment of 18' deep.
Expected scour is 0.5', but for design this value is increased to 1.' and doubled to 2' as a safety margin. If normal BOR is elev 80', with 20' embedment, then 80-2= 78' elev with 2' scour, and embedment is 18'.
Station 178 has elev of 77'. Top el: TOR=100'
- 2 (e) The boundaries are shown on Plan 2. (Bluebinder "B") Five Supreme Court cases support boundaries.
- 2 (f) The primary repair is Exhibit #1, #2, of blue binder, involves no revetment. As alternatives, three revetments are proposed: Blue Binder Exhibits #40, #41, #42. No rip-rap is required South of the concrete, but placing rip-rap there would reduce the chance of scour (but is not required structurally)
3. Describe materials: rip-rap
The lower wall has mainly 24-60" diam boulders, and upper wall 16-24" diam boulders, of excellent quality. The good quality stone is verified by an engineering consultation from a shoreline specialist (Ex #5). The specialist has proposed the "proposed repair", Exhibit #1, in Bluebinder.

EXHIBIT NO.	13
APPLICATION NO.	1-98-58
Applicant's response to Commission Request of Nov.19/98 (Page 1 of 3)	

As Exhibit #35, evidence has been provided that there is compliance with the "less than 10%" provision of PRC300610. It also states that repair Exhibit #1, or #39 could be completed as well and still be within 10%. Since this applicant asked for all published CCC "regulations" as to seawalls and complied with them, no further more costly volumetrics is warranted, since the Government Code would bar staff from concocting a new costly regulation if such is not specifically published and filed with the Secretary of State.

Volume in new repair: It is estimated about 98 cu yards of additional rip-rap is needed to do the Exhibit #1 repair (primary plan).

4. Historical: Attachment "W", also reproduced as Bluebinder Ex #48, shows the bolders in photo, and toe unchanged in position. The witness statements Ex #31, 32, 35 attest to significant damage to rockslope protection by El Nino. The rockslope protection has been present since before 1974, and it historically has provided a valuable erosion control function. Much of the harbor is lined with rip-rap.
5. Sand loss is not an issue within the general harbor area, since sand is delivered each year into the harbor and there is "sand excess", not sand loss. The rockslope protection helps to prevent worsening of this excess condition. If sand is available within the harbor, transporting it to the toe of the rockslope protection could be done as a way to do beach nourishment. This would not be required structurally. If it is contemplated, or desirable to the commission, the transport of sand (beach nourishment) should be included as an optional permitted activity.
6. The State Lands Commission and Harbor District issued a combined approval in letter dated about October, 1998. It states in pertinent part:

"Both the (Harbor) District and SLC (State Land Commission) staff presently assert no claim either that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters"

Mr. Leibster is wrong about Ocean Bulv, and the County has issued it own opinion letter, stating the County considers it has only an easement and no fee interest. Mr. Leibster ^{was given} also has 5 Supreme Court cases supporting the joint opinion of the applicant and County.

7. The existing plans, and building plans were approved by the LCP, and no further approvals are necessary. The County is awaiting CCC permit, and does not have to consider the same application.
8. The alternative analysis is delt with as Exhibit #44 of Bluebinder. Separate page.
9. The type of information you request is not available. Generally some sand 0.5' accretion occurs in summer and reverse in winter. Usually less than 1' in storms.

The Exhibits 31, 32, 35 are evidence that no "path" exists. Further, a Request under Public Records Act to Commission produced no evidence of a path, or any person trespassing on the property. Further, the U.S. Supreme Court decision of NOLLAN vs. COASTAL COMMISSION provides there is no right of access but a right to exclude as a matter of right. Also posting under CC 1008 has been present for years, and photos in CCC file, Photos marked "N" and "O" were on file in CCC files months before Leipster concocted the silly fantasy about a path. Mr. Merrill said he saw no path.

B 1. A "dated signature" on behalf of applicants has already been provided. This complies with 13053.5, & fulfills the signature & date requirement. A further authorization is attached. The Commission does not require all stockholders or owners to sign, as evidenced by the case of UNION OIL vs COASTAL COMMISSION, in which the thousands of Union Oil stockholders were NOT required to sign. Such a requirement would be burdensome, oppressive and designed to delay an applicant. Also, under the Calif Partnership Act, 1 partner's signature fulfills all legal requirement under the Act.

Respectfully,

/s/

Robert Clark, Trianchor Enterprises.
Address all correspondence to:
Robert Clark & S. Ibara
Trianchor Enterprises
1015 Gayley Ave #256
Los Angeles, Calif 90024

on upper 14' of wall, grout with concrete 5-sack pea gravel pump mix in between rip-rap boulders

add surface drain (gutter) to perimeter of existing slab; See Detail 4B or Detail 1B

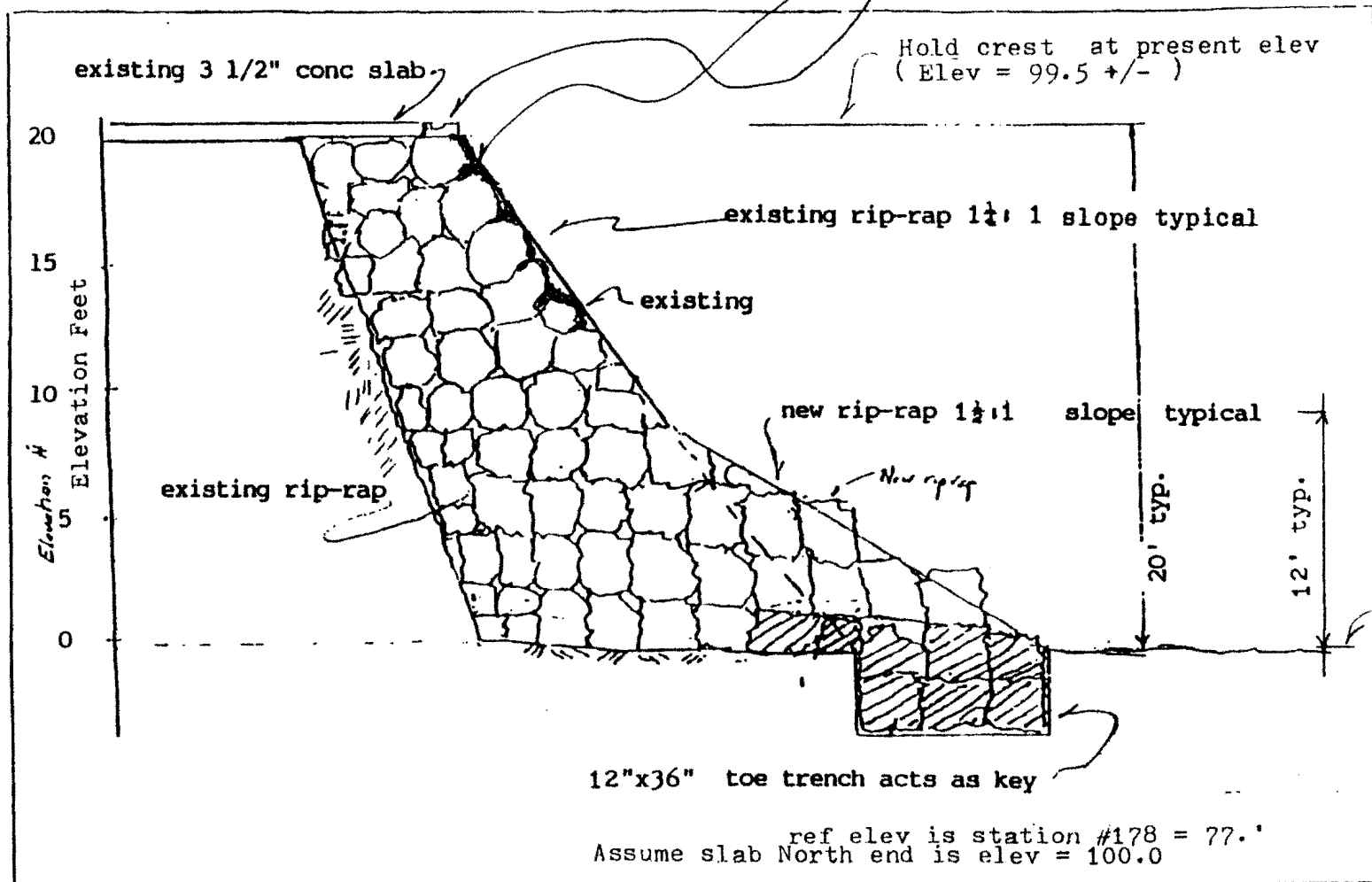


EXHIBIT NO.	14
APPLICATION NO.	1-98-58
Proposed New Riprap Cross-section	

CROSS-SECTION OF EXISTING RIP-RAP & PROPOSED REMEDIAL WORK

Scale: 1 in 6.1 ft

REPAIR FOR EXISTING SEAWALL

EXHIBIT 1

380/350 PRINCETON

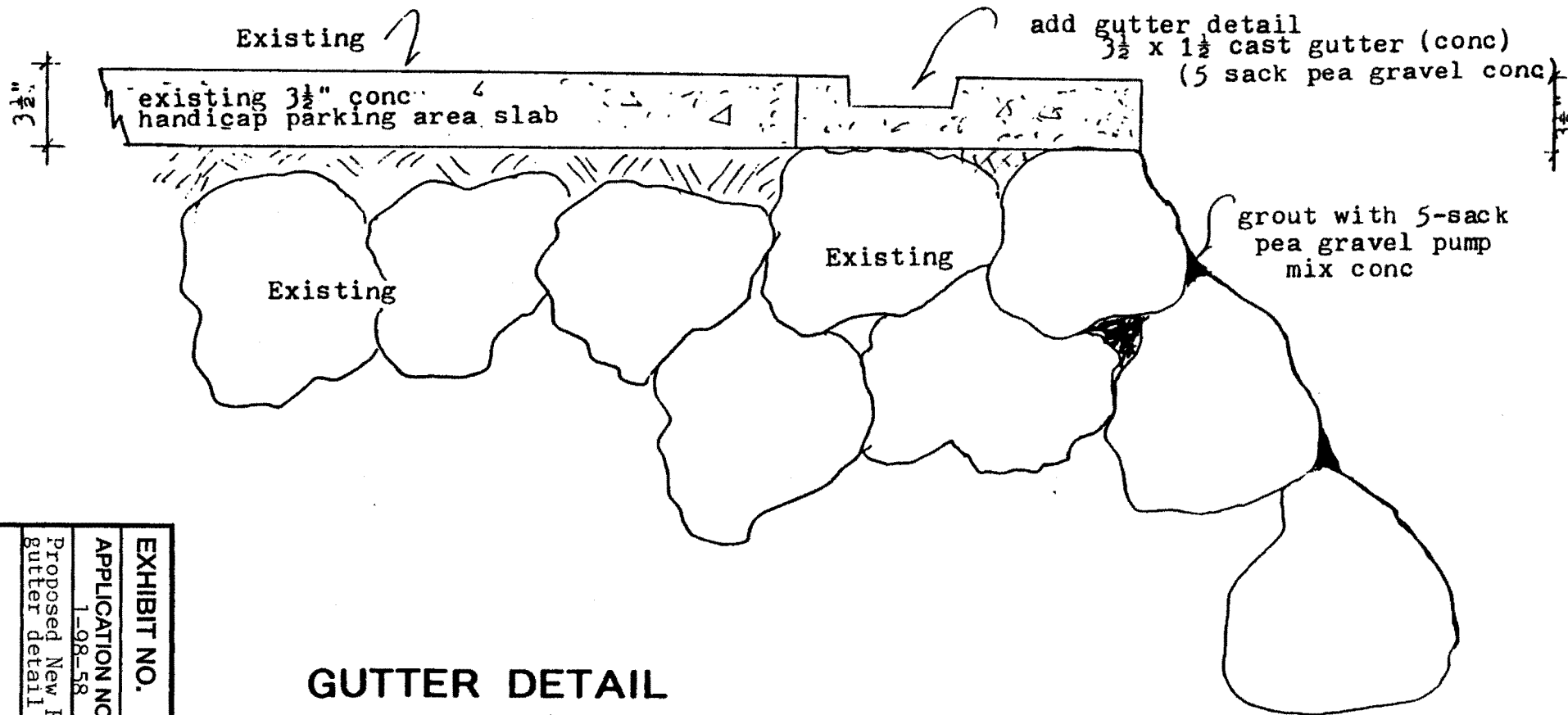
ADD GUTTER

add $3\frac{1}{2}$ " conc surface gutter
at margin of existing slab
width is 8 to 60"

EXISTING:

existing conc slab
is over layer of
granular underlayment
(sand), over boulders

add a recessed surface drain (gutter);
gutter conducts to downspouts



GUTTER DETAIL
(Section)

EXHIBIT NO.	15
APPLICATION NO.	1-98-58
Proposed New Riprap gutter detail	

RECEIVED
MAY 16 1995
PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4843
HEARING IMPAIRED: (415) 904-5200



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

REQUEST FOR WAIVER

Your proposed development requires a Coastal Development Permit under the law and current Commission Regulations (California Administrative Code, Title 14, Division 5.5). However, the Executive Director may waive the permit requirements in some circumstances.

Please complete the following information and submit the project plans. These plans will be kept on file. If the Executive Director waives the permit requirements, the waiver will not become effective until he reports it at the next available Commission meeting. For projects qualifying for a waiver pursuant to Sections 13250c or 13253, any three (3) or more Commissioners may require that the application be treated as a permit application. For projects qualifying for a waiver pursuant to Section 13238, one-third (1/3) of the appointed Commissioners may require that the application be treated as a permit application. You will be sent a copy of the approved waiver.

I Stan Furmanski, this April 29, 1995
(property owner's name) (today's date)

request a waiver of Coastal Development requirements, per Section 13250c and 13253 of Commission Regulations for the following development: (describe all development proposed including any decks, swimming pools or hot tubs, amount of new square footage, grading, paving or other work proposed): Waiver to allow maintenance and slight repair of existing rip-rap which has existed many years.

This is intended to preserve several beautiful large Cypress trees growing on my property, which are beautiful and a visual resource enjoyed by all for many years. Trees are 30 ft tall. Rip-rap is existing and common located at: 380 Princeton Avenue in this area- see photo

Princeton By The Sea (San Mateo Co)

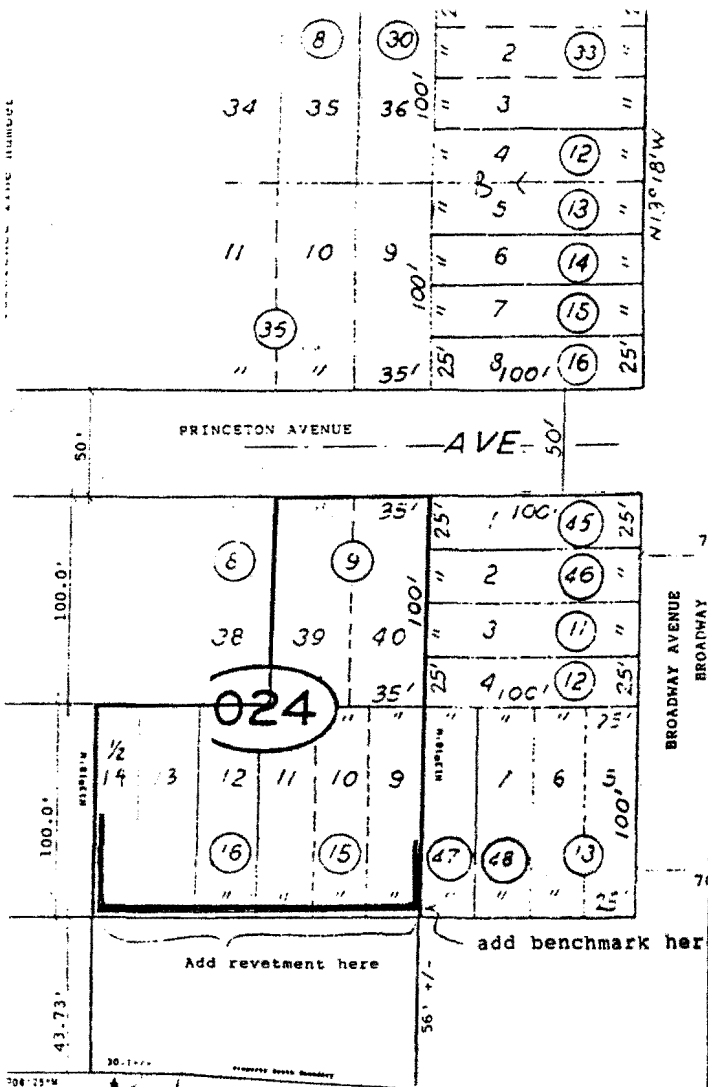
Assessor's parcel number: 047 024 090 & 150. No trees trees are to be removed. I have received all appropriate zoning approvals from the local jurisdiction (attached). Also attached are my project plans.

[Signature]
Signature of property owner or representative

Stan Furmanski Trianchor Marine
1015 Gayley 256 LA Calif 90024

Mailing address 1015 Gayley Ave 256
Los Angeles, Calif 90024

EXHIBIT NO.	16
APPLICATION NO.	1-98-58
Applicant's May 1995 Request for Waiver	



CHARLES H. HARTSOG
SOILS - CIVIL - STRUCTURAL ENGINEER
873 LINDA VISTA AVENUE, MOUNTAIN VIEW, CA 94043-1802, FAX 800-889-8846, 800-877-6457 or 800-US-SOILS

ROCK PERMEABILITY REPAIR LOGGERS PLAN
NOT TO SCALE 1"=40'-0"
DATA FURNISHED BY OTHERS
CHANGES WILL BE SPECIFIED IN THE FIELD
JUNE 3, 1998

TRACERON MARINE - 161/AGES STAR FURNAMENTS
160 AND 161 PRINCETON AVE
PRINCETON, CA
JUNE 3, 1998

REGISTERED PROFESSIONAL ENGINEER
CHARLES H. HARTSOG
No. 2101
Geotechnical
SOILS
STATE OF CALIFORNIA

REGISTERED GEOLOGIST
CHARLES HARTSOG
No. 220
CERTIFIED
ENGINEERING
GEOLOGIST
STATE OF CALIFORNIA

3B

Minor Revision Adds a Revetment to repair damage to an Existing Rip Rap Wall caused by severe winter (El Niño) storm disaster

CHARLES H. HARTSOG
SOILS - CIVIL - STRUCTURAL ENGINEER
873 LINDA VISTA AVENUE, MOUNTAIN VIEW, CA 94043-1802, FAX 800-889-8846, 800-877-6457 or 800-US-SOILS

RETAINING WALL DETAIL
550 AND 560 PRINCETON AVE, PRINCETON, CA.
MR. AGES STAR FURNAMENTS
JUNE 3, 1998
NOT TO SCALE: 1/4"=1'-0"

STRUCTURAL STEEL: 36 LSI
REINFORCING STEEL: 60 ESI
CONCRETE: 3000 P.S.I. 3/4" MAX. AGG. SULFIDE RESIST
ALL STEEL SHALL BE CORROSION PROTECTED

REGISTERED PROFESSIONAL ENGINEER
CHARLES H. HARTSOG
No. 2101
STRUCTURAL
STATE OF CALIFORNIA

REGISTERED GEOLOGIST
CHARLES HARTSOG
No. 220
CERTIFIED
ENGINEERING
GEOLOGIST
STATE OF CALIFORNIA

3C

SHEET A
also same as ATTACHMENT #3

PLAN & SITE PLAN: Add Revetment
ATTACHMENT #3

station # 170
PL monum

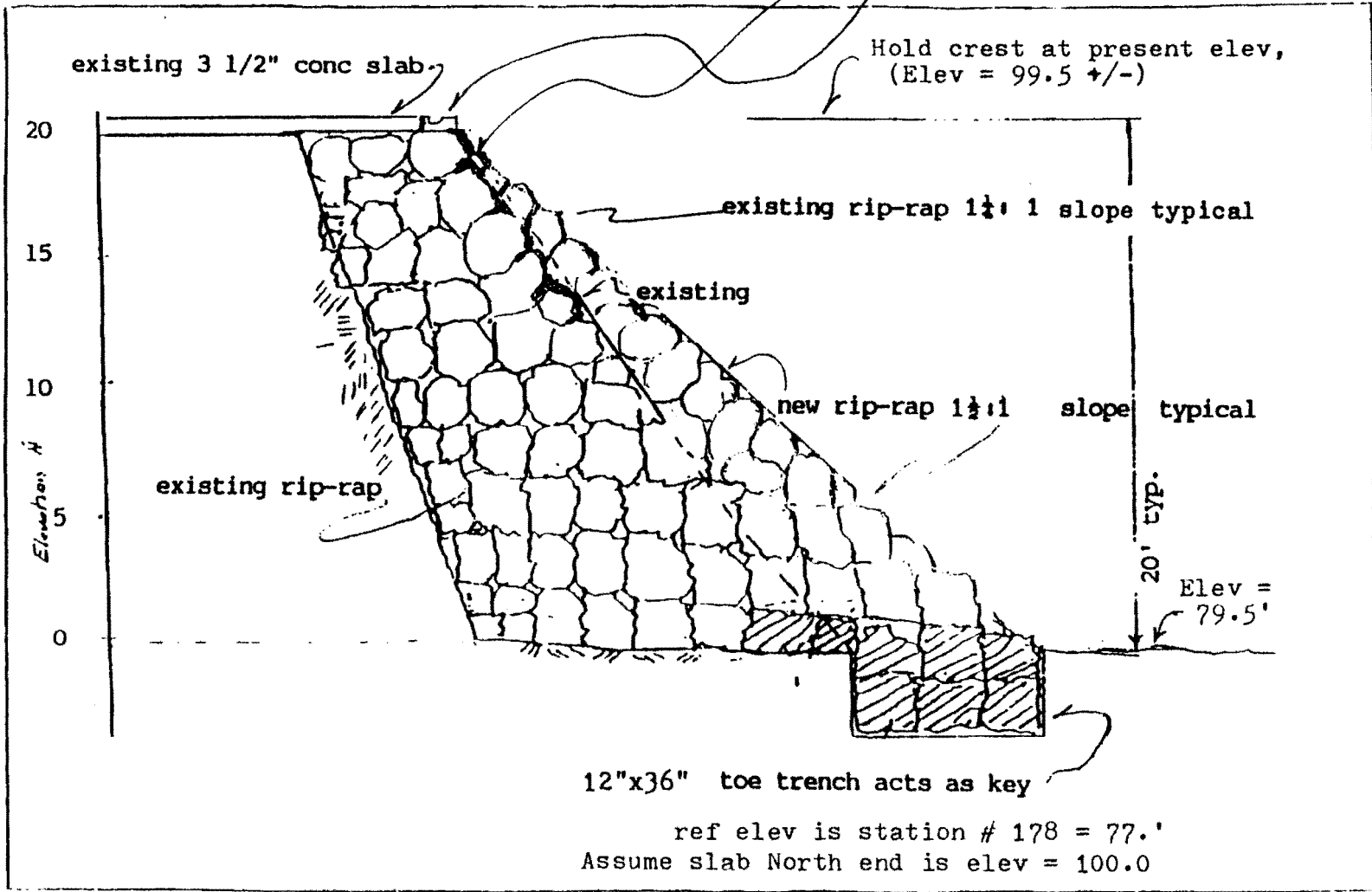
EXHIBIT NO. 17
APPLICATION NO. 1-98-58
Original Project
Proposal

ATTACHMENT #

ATTACHMENT #3

on upper 14' of wall, grout with concrete 5-sack pea gravel pump mix in between rip-rap boulders

add surface drain (gutter) to perimeter of existing slab; See Detail 4B or Detail 1B



CROSS-SECTION OF EXISTING RIP-RAP & PROPOSED REMEDIAL WORK

Scale: 1 in 6.1 ft

REPAIR FOR EXISTING SEAWALL

380/350 PRINCETON

ATTACHMENT 39

EXHIBIT NO.	18
APPLICATION NO.	1-98-58
Alternative Variation Proposed New Riprap Cross-section	

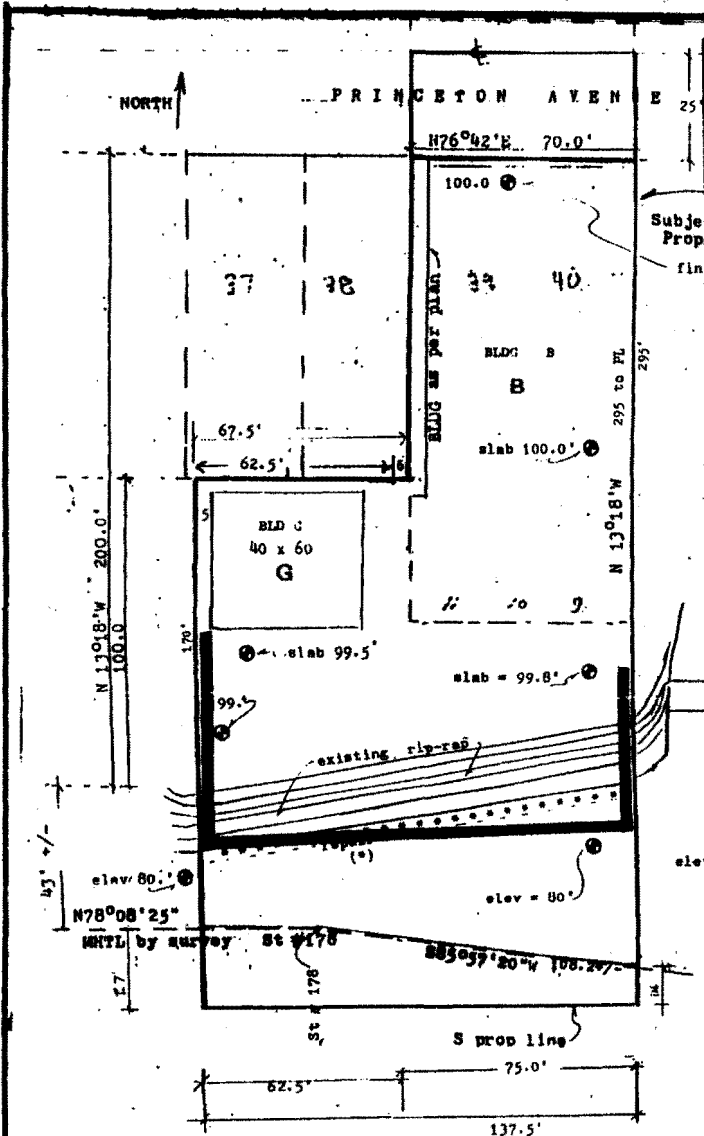
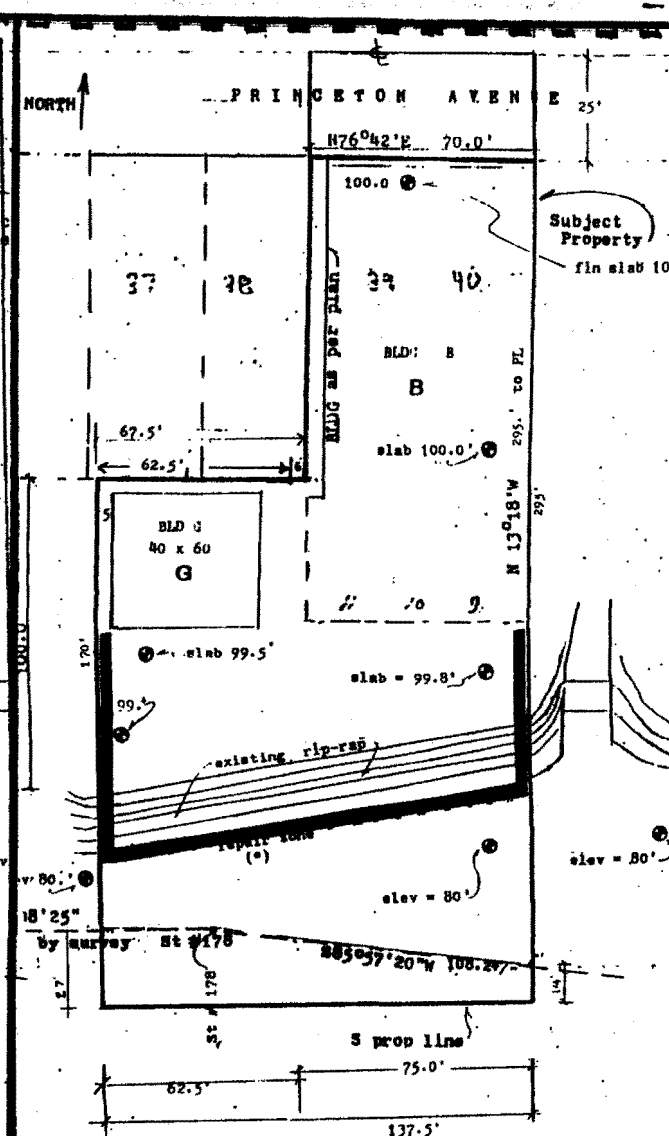


Exhibit 40 REPAIR PLAN 380 PRINCETON AVE

Scale: 1 in = 25 ft

Repair Plan
TOPOGRAPHIC FEATURES (repair zone)
1. each contour line = 3'

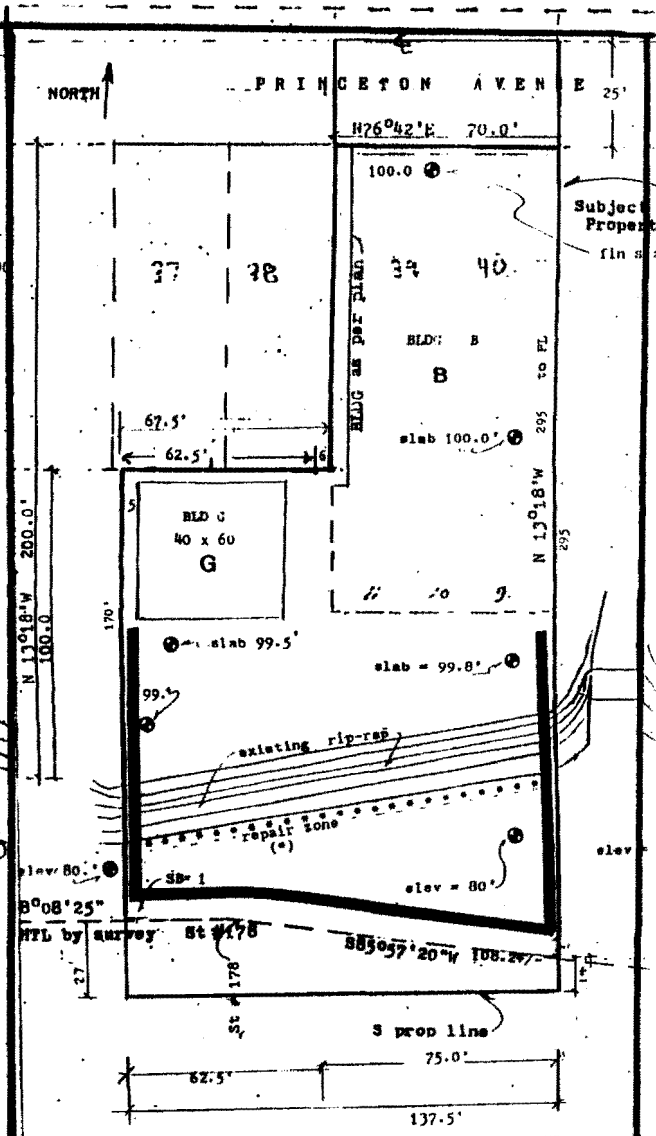
EXHIBIT NO. 19
APPLICATION NO. 1-98-58
Revetment Alternatives



REPAIR PLAN 380 PRINCETON AVE
Exhibit 42

Scale: 1 in = 25 ft

Repair Plan
TOPOGRAPHIC FEATURES (repair zone)
1. each contour line = 3'



REPAIR PLAN 380 PRINCETON AVE
Exhibit 41

Scale: 1 in = 25 ft

Repair Plan
TOPOGRAPHIC FEATURES (repair zone)
1. each contour line = 3'
2. conc revetment ht = 20'

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DECLARATION OF THOMAS STEELE

I, Thomas Steele, know the following of my own personal knowledge, information and belief:

In February 1998, I was present at the subject property at 380 Princeton, adjacent to Pillar Point Harbor, and I can attest to the fact that very violent & large Pacific storms occurred in February and March, and I saw and can attest that the seawall at that location was significantly damaged and nearly entirely destroyed by those storms.

I personally saw the rip-rap wall damaged by storm action of the sea as follows: Damage was caused by storm surge, and wind-driven swells from the ocean, high storm tides, waves, wind driven rain, extreme rainfall, & cumulative storm damage from repeated insults of El Nino storms one-after-the other. This damage was storm-damage all out of the control of the owner. After the repair, a calculation of "bulk" was performed, and I agree the present 1999 bulk (volume) is less than 3.5% larger than previously, which is good compliance with the 10% rule, namely bulk is "less than 10%" larger, under P.R.C. 30610(g). Further proof of the storms is Attachments # B,C,D,E,F,G,H,I, confirming my account of the storms. My observation is the location of the toe is not significantly changed, as illustrated and proven by Attachment "W" submitted in about July 1998. The observation that some large bolders at the wall base (toe) are intact [on Att "W"] is due to the fact (which I observed), that during the El Nino storms there were high storm tides, and storm surges, and at high tide the lower bolders were UNDER

EXHIBIT NO.	20
APPLICATION NO.	1-98-58
Declaration of Thomas Steele	

1 WATER and therefore somewhat protected from surface waves,
2 and wind-driven waves and "storm surge". Storm waves hit
3 the upper part of the wall, which was more exposed and more
4 severely destroyed the upper 7/8's of the wall. I observed
5 those same large surface waves to destroy a fleet of boats
6 within the harbor, and drive them aground, wrecking the boats.
7 These observations attest that the same waves wrecking the
8 wall, also wrecked boats. Attachments B,C,D,E,F,G,H,I also
9 confirm storm damage.

10 This marine phenomenon (that submerged objects are relat-
11 ively immune to waves) is well known to sub-mariners (submarine
12 mariners), since submarines may be severely damaged at the
13 surface during a typhoon, but they are immune to typhoons and
14 immune to wave damage if they submerge a few feet below the
15 typhoon. This phenomenon explains why there was the maximal damage
16 of the seawall in the upper 7/8's of the wall, & less below.
17 Also, based on physics, largest lowest bolders also have higher
18 inertia, lower potential energy, and thus are less prone to be
19 damaged under these circumstances. Attachment W does properly
20 show the location of the wall toe has not changed. Mr. Leibster's
21 bogus conclusions about non-damage are totally unsound, and
22 reflect Mr. Leibster likely has no training in engineering, and
23 is totally unqualified as a witness. Hearsay objection is raised.

24 I am familiar with the seawall for the last 6 years. There
25 has never been a path at or near the wall, and any suggestion
26 by Mr. Leibster that one exists is false or a false statement.

27 For years, signs with P.C. 602,603 and CC 1008 have been posted,
28 on the site, since I have seen the signs and installed them over
a period of years. Attachment N & Attachment O illustrate the signs
Signs also were posted prior to, after repair, and presently.

March 12, 1999
Att #31

Thomas Steele

DECLARATION OF ROBERT JOHNSON

1 I, Robert Johnson, know the following of my own
2 personal knowledge, information and belief:

3 In February 1998, I was present at the subject
4 property at 380 Princeton, adjacent to Pillar Point
5 Harbor, and I can attest to the fact that very violent
6 & large Pacific storms occurred in February and March, and
7 I saw and can attest that the seawall at that location was
8 significantly damaged and nearly entirely destroyed
9 by those storms.

10 I personally saw the rip-rap wall damaged by storm
11 action of the sea as follows: Damage was caused by storm surge,
12 and wind-driven swells from the ocean, high storm tides, waves,
13 wind driven rain, extreme rainfall, & cumulative storm damage
14 from repeated insults of El Nino storms one-after-the other.
15 This damage was storm-damage all out of the control of the owner.
16 After the repair, a calculation of "bulk" was performed, and
17 I agree the present 1999 bulk (volume) is less than 3.5% larger
18 than previously, which is good compliance with the 10% rule,
19 namely bulk is "less than 10%" larger, under P.R.C. 30610(g).
20 Further proof of the storms is Attachments # B,C,D,E,F,G,H,I,
21 confirming my account of the storms. My observation is the
22 location of the toe is not significantly changed, as illustrated
23 and proven by Attachment "W" submitted in about July 1998. The
24 observation that some large bolders at the wall base (toe) are
25 intact [on Att "W"] is due to the fact (which I observed), that
26 during the El Nino storms there were high storm tides, and
27 storm surges, and at high tide the lower bolders were UNDER
28

ATTACHMENT 32

EXHIBIT NO.	21
APPLICATION NO.	1-98-58
Declaration of Robert Johnson	

1 WATER and therefore somewhat protected from surface waves,
2 and wind-driven waves and "storm surge". Storm waves hit
3 the upper part of the wall, which was more exposed and more
4 severely destroyed the upper 7/8's of the wall. I observed
5 those same large surface waves to wreck a fleet of boats
6 within the harbor, and drive them aground, wrecking the boats.
7 These observations attest that the same waves wrecking the
8 wall, also wrecked boats. Attachments B,C,D,E,F,G,H,I also
9 confirm storm damage.

10 This marine phenomenon (that submerged objects are relat-
11 ively immune to waves) is well known to sub-mariners (submarine
12 mariners), since submarines may be severely damaged at the
13 surface during a typhoon, but they are immune to typhoons and
14 immune to wave damage if they submerge a few feet below the
15 typhoon. This phenomenon explains why there was the maximal damage
16 of the seawall in the upper 7/8's of the wall, & less below.
17 Also, based on physics, largest lowest boulders also have higher
18 inertia, lower potential energy, and thus are less prone to be
19 damaged under these circumstances. Attachment W does properly
20 show the location of the wall toe has not changed. Mr. Leibster's
21 bogus conclusions about non-damage are totally unsound, and
22 reflect Mr. Leibster likely has no training in engineering, and
23 is totally unqualified as a witness. Hearsay objection is raised.

24 I am familiar with the seawall for the last 5 years. There
25 has never been a path at or near the wall, and any suggestion
26 by Mr. Leibster that one exists is false or a false statement.

27 For years, signs with P.C. 602,603 and CC 1008 have been posted,
28 on the site, since I have seen the signs & seen them placed over
a period of years. Attachment N & Attachment O illustrate the signs
Signs also were posted prior to, after repair, and presently.
I also saw them in March 1999.

March 12, 1999
Att #32

pg 2

Robert Johnson

ATTACHMENT 35:

DECLARATION OF DAVID CHEN

1
2 1. I, David Chen, do CARTOGRAPHY and digital engineering
3 calculations for digital cartography (map making).

4 2. I am familiar with the provision of P.R.C. 30610
5 which states repairs may be made without permit, provided
6 the repaired bulk does not exceed the original by 10%.

7 I have reviewed & have no disagreement with Attachments
8 33, 35, 36, 31, 32, W, A, B, C, D, E, F, G, H, I, N, O.

9
10 3. I agree with the statements in Attachment #32, that
11 the wall was damaged by El Nino storms, and the following:

12 4. Attachment #32, a witness declaration states
13 the wall was damaged and nearly destroyed: PG 1 LINE #4:

14 "In February 1998, I was present at the subject
15 property at 380 Princeton, adjacent to Pillar Point
16 Harbor, and I can attest to the fact that very violent
17 & large Pacific storms occurred in February and March, and
18 I saw and can attest that the seawall at that location was
19 significantly damaged and nearly entirely destroyed
20 by those storms."

21 Further proof of destruction is given in Attachment #32, line #11:

22 [LINE #11] "I personally saw the rip-rap wall damaged by storm
23 action of the sea as follows: Damage was caused by storm surge,
24 and wind-driven swells from the ocean, high storm tides, waves,
25 wind driven rain, extreme rainfall, & cumulative storm damage
26 from repeated insults of El Nino storms one-after-the other.
27 This damage was storm-damage all out of the control of the owner"

28 Also, Attachment "W" is a valuable comparison photograph
proving the toe is unchanged in position between 1995 and 1998.

5. While some replaced or new rip-rap occurs on the Western end,
out of view on "W", this does not represent a significant change
in bulk, since it is far less than 10%.

Summary Field Work:
-1-

ATTACHMENT 35

EXHIBIT NO.	22
APPLICATION NO.	1-98-58
Declaration of David Chen	

6. FIELD WORK

1 To calculate the present bulk, I made field measurements using
2 laser instruments and optical surveying instruments. These
3 measurements were referenced to known "MONUMENTS" such as shown
4 on ATTACHMENT #40, #36, "M" and "N". I found Pillar Point 3,
5 which is an important Triangulation Station set by the State,
6 intact for FORTY (40) YEARS. It is pictured in ATT "M" and "N".
7 I also located the "crest" and "toe" of the repaired wall.
8 The information was digitized and present bulk was calculated.

9
10 Similarly, pre-storm data collected & data from ATTACHEMENT #40
11 was made numerical, & numerical calculations & volume calculations
12 by computer show bulk-change was much less than 10% when compared
13 to the present. It was a change of less than 4%. This is
14 good compliance with the 10% rule, cited above, which permits
15 rebuilding to 110% (or less) of the original bulk.

16
17
18 7. "LOCATION" I agree with the following (Attachment #32):

19 ATT #32, pg 1, LINE 21:

20 "Further proof of the storms is Attachments # B,C,D,E,F,G,H,I,
21 confirming my account of the storms. My observation is the
22 LOCATION OF THE TOE is not significantly changed, as illustrated
23 and proven by Attachment "W" submitted in about July 1998. The
24 observation that some large bolders at the wall base (toe) are
25 intact [on Att "W"] is due to the fact (which I observed), that
26 during the El Nino storms there were high storm tides, and
27 storm surges, and at high tide the lower bolders were UNDER
28 WATER and therefore somewhat protected from surface waves,
and wind-driven waves and "storm surge". Storm waves hit
the upper part of the wall, which was more exposed and more
severely destroyed the upper 7/8's of the wall. I observed
those same large surface waves to wreck a fleet of boats
within the harbor, and drive them aground, wrecking the boats."

Attachment 32, pg 2 LINE #7:

"These observations attest that the same waves wrecking the
Wall, also wrecked boats. Attachments B,C,D,E,F,G,H,I also
confirm storm damage."

"This marine pheonomenon (that submerged objects are relat-
ively immune to waves) is well known to sub-mariners (submarine
mariners), since submarines may be severely damaged at the
surface during a typhoon, but they are immune to typhoons and
immune to wave damage if they submerge a few feet below the
typhoon. This phonomenon explains why there was the maximal damage
of the seawall in the upper 7/8's of the wall, & less below.
Also, based on physics, largest lowest bolders also have higher
inertia, lower potential energy, and thus are less prone to be
damaged under these circumstances. Attachment W does properly
show the location of the wall toe has not changed. Mr. Leibster's
bogus conclusions about non-damage are totally unsound, and
reflect Mr. Leibster likely has no training in engineering, and
is totally unqualified as a witness. Hearsay objection is raised."

ATTACHMENT 35:

DECLARATION OF DAVID CHEN (continued)

1
2 8. My conclusion, is that the repair to the wall changed
3 the bulk by considerably less than 10%, and there-
4 fore conforms to P.R.C. 30610 which states that disaster
5 repairs may be made without permit, provided the repaired
6 bulk does not exceed the original by 10%.

7 I have reviewed & have no disagreement with Attachments
8 33, 35, 36, 31, 32, W, A, B, C, D, E, F, G, H, I, N, O.
9 38, 39, 40.

10 9. I also evaluated, theoretically, whether a further
11 repair could be accomplished near the toe, to add a key
12 and those repairs shown on Attachment #38 and #39.

13 This computation was done by computer, and showed "YES",
14 either repair (Att #38 or #39) could be done, and still
15 stay within the overall 10% bulk limit under PRC 30610. ATT
16 38 and 39 leave the existing wall in place and would repair it.

17 10. I largely discount several rather inaccurate or false state-
18 ments of Mr. Leibster, & also a so-called xerox-picture which is
19 flawed and of no evidentiary value. The fact that a wall
20 repair was done is no secret. Mr. Leibster has no physical
21 control monuments, whereas my computations are referenced to
22 PILLAR PT #3 and U.S. Geodetic references, illustr. ATT#40. I never
23 saw any 'path' on the site or near the wall. I did see "C.C. 1008"
24 signs posted for a number of years. I have seen a Response from the
25 Commission stating that "no documents" exist as to any "path" or
26 to any person crossing the property, or as to any Commissioner ever
27 crossing the property. No charts or map show any path.

28 March 16, 1999

David Chen

12 inches. A frictional coefficient of 0.35 may be used between firm soil and the bottom of concrete foundations.

SLAB-ON-GRADE FLOORS

As a minimum, all concrete slab-on-grade floors, pavements, or sidewalks should be supported on a subgrade prepared as recommended for native soil areas under SITE GRADING above. Floor slabs placed within the old fill area in conjunction with a drilled pier foundation could be expected to experience large uneven settlements, resulting in considerable cracking. Therefore, such slabs should be structurally independent of all foundation members with a positive separation between them, should be highly reinforced to limit cracking, and should contain frequent saw cuts to control cracking to specific locations. It is possible, if not likely, that the serviceability of such a slab could become unacceptable after several years, requiring maintenance and/or replacement; however, it would not be expected to affect the structure itself.

Conventional slab-on-grade floors used in conjunction with the conventional foundation alternative (completely reworked fill) would be provided much improved support as compared to the old fill in its existing condition. It is expected that frequent saw cuts to control cracking would be adequate to maintain the serviceability of the slab.

Good quality concrete is itself relatively impervious to transmission of soil moisture. If it is desired to further minimize dampness of interior floors, they should be underlain by a vapor barrier consisting of an at least 6-mil-thick polyethylene sheet, which is in turn underlain by at least four inches of No. 4 by 3/4-inch gravel base. A 2-inch-thick moist sand cushion may be placed over the impervious membrane to protect the membrane during construction, and to aid in curing the concrete. If the warehouse floor will be subjected to highly concentrated loads, or heavy forklift wheel loads, six inches of Class II Aggregate Base should be substituted for the 4-inch gravel base.

SLOPE PROTECTION

Rip-Rap

The Plan Formulation Document for the construction and design of the Pillar Point Marina breakwater by the U.S. Army Corps of Engineers outlines in some detail the storm conditions expected to prevail within the interior of the harbor. The conditions at this site are not significantly

EXHIBIT NO.	23
APPLICATION NO.	1-98-58
Excerpt, Bay Area Geotechnical Group	
Feb. 21, 1991	

different from those at the breakwater. That report has therefore been used as a guideline for our recommendations for protection of the harbor-side slope at this site.

As indicated earlier, sink-holes have developed behind the existing rip-rap slope protection. The slope protection should therefore be upgraded to provide more permanent protection. First, the existing rip-rap should be removed from the existing slope, and stockpiled to one side. Any massive chunks of concrete contained within the rip-rap should be broken into pieces that are 30 inches in maximum dimension, and combined with the stockpiled rip-rap. Pieces smaller than 12 inches should be stockpiled separately for use as a filter material beneath the rip-rap on the improved slope. Similarly, any remnants of concrete slabs contained within the rip-rap should be broken into pieces smaller than 12 inches in any dimension and combined with the stockpiled filter material, or they should be hauled off-site.

Next, the exposed slope should be cut back to a gradient of 2:1 and the resulting surface should be rolled with heavy construction equipment. Any identified areas of soft or excessively loose soils should be excavated to firm material and replaced with compacted fill. The slope should then be covered with a suitable erosion protection fabric, such as Mirafi 700X, or similar. The fabric should be properly anchored at the top and bottom of the slope in accordance with the manufacturer's recommendations. A 12-inch-thick layer of filter material as described below should be placed on the fabric, followed by a 2½-foot-thick layer of rock rip-rap. These layer thicknesses should be measured normal to the slope.

The base of the erosion fabric, filter material, and rip-rap should be at the existing slope toe, between Elevations 0 and -1. The slope protection should also extend up the slope to Elevation 12 or greater. In addition, the filter material and rip-rap should completely cover and protect the erosion fabric on the slope, both at the base and top of the slope protection area.

If either filter material or rip-rap must be imported to the site, they should meet the gradation requirements presented in the tables on the next page. It should be noted, that with the wide range of particle sizes in the filter material, great care should be taken to ensure that segregation does not occur during placement on the slope.

FILTER MATERIAL

<u>Stone Size</u>	<u>Percent Finer</u>
12"	100
3"	100-80
3/4"	80-60
No.4	60-30
No.40	20-0

RIP-RAP

<u>Minimum Size</u>	<u>50 Percent Size</u>	<u>Maximum Size</u>
90 pounds or 11 inches	400 pounds or 18 inches	1500 pounds or 30 inches

Retaining Wall

Alternatively, the upper portion of the slope could be protected by a retaining wall designed to resist lateral earth pressures. Retaining walls which are not rigidly restrained from movement at the top should be designed to withstand active earth pressures taken as an equivalent fluid pressure of 35 pounds per cubic foot (pcf). If the wall is to be restrained at the top, it should be designed to resist at-rest earth pressures of 50 pcf. In addition lateral pressures exerted by surcharge loads, such as slab loads, should be added to the above wall loads at a rate of 25 percent of the vertical surcharge load.

Retaining walls should be supported on drilled pier foundations designed as recommended above under FOUNDATIONS and LATERAL DESIGN, except that lateral resistance within the existing old fill material, above Elevation 0, should be ignored in design.

The retaining wall must also be provided with drainage behind the wall. A one-foot-thick layer of drain rock protected by a suitable filter fabric, or Class 2 Permeable Material should be used with a perforated pipe at the base of the wall. Collected water should be carried to a suitable outfall location and appropriately discharged. Weep holes should not be used, unless positive measures are

used to assure that wave action does not suck the drainage material from behind the wall through the holes.

General backfill behind the wall may consist of the on-site soils compacted in accordance with SITE GRADING. The drainage material behind the wall should be protected from surface water by at least 18 inches of compacted backfill soils.

SITE DRAINAGE

Drainage measures to control and collect surface runoff are an integral consideration in the proposed development. The ground surface should be sloped away from the building, and any area where water becomes concentrated should be provided with a catch basin. The structure should have roof gutters and downspouts, and all water from the downspouts should be carried away from all improvements in a manner that will not cause ponding or erosion.

The ground surface above the harbor-side slope should slope away from the top of the slope to prevent surface water from flowing over the slope. Any portion of the slope not covered by rip-rap (above Elevation 12) should be protected by planting erosion resistant vegetation immediately after construction.

CLOSURE

The recommendations presented in this report are based upon our understanding of the proposed development as described herein, and upon soil conditions encountered in a limited number of borings and probes on the site. It is not uncommon for unanticipated soil conditions to be encountered during construction, and it is not possible for all such variations to be found by a field exploration program appropriate for this type of project. The recommendations presented in this report are therefore contingent upon our review of all final grading, drainage and foundation plans, and upon geotechnical observation and testing by Bay Area Geotechnical Group of all pertinent aspects of construction, including site grading, foundation construction, and slope protection measures.

Approximate Project Site
4/19/93
Dept. of Boating and Waterways

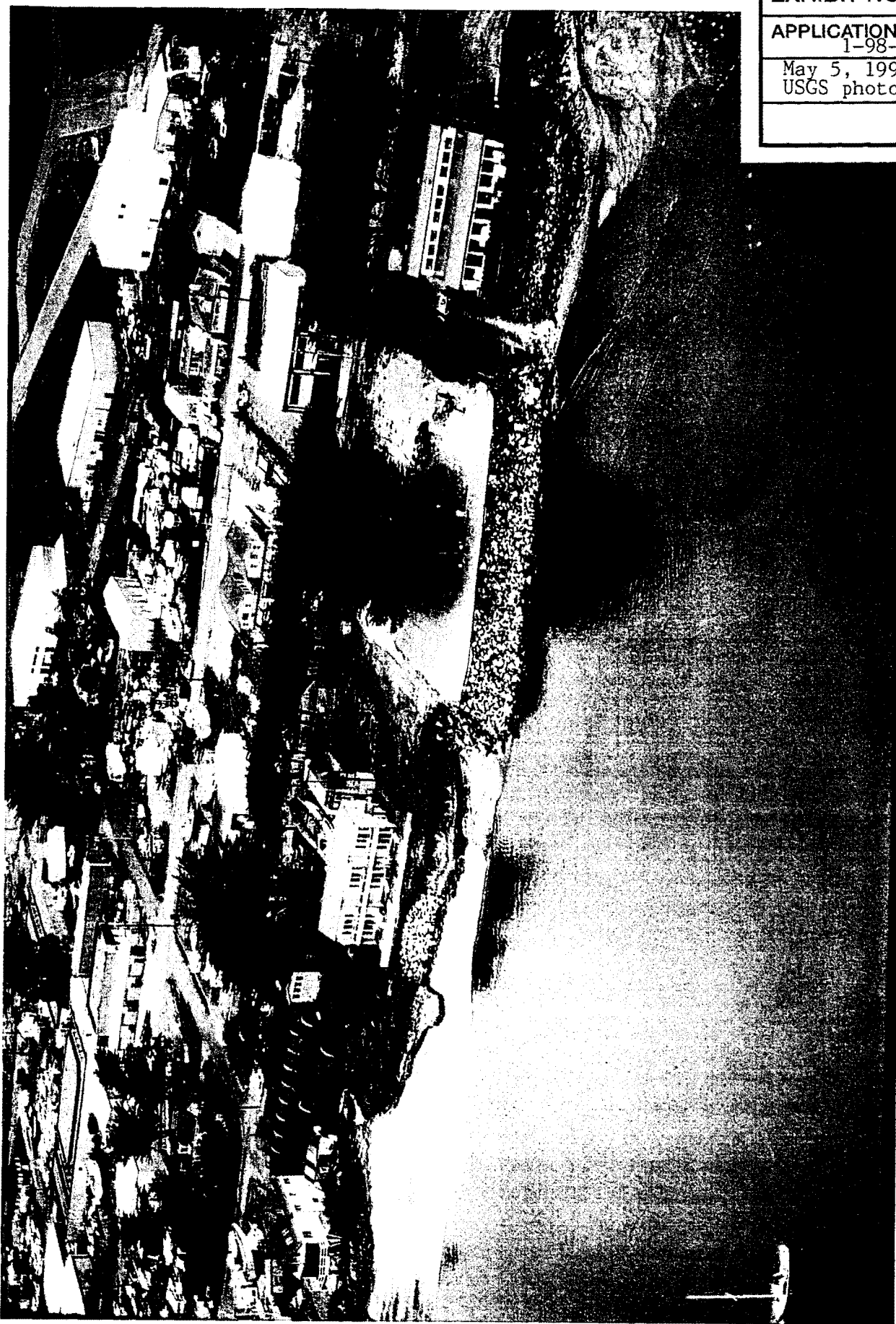
EXHIBIT NO.	24
APPLICATION NO.	1-98-58
April 19, 1993	
aerial photo	



EXHIBIT NO. 25

APPLICATION NO.
1-98-58

May 5, 1998
USGS photo



PRINCETON, SAN MATEO COUNTY

USGS PHOTOGRAPH: KENNETH R. LAJOIE
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EXHIBIT NO. 26

APPLICATION NO.
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Site before and
after recent
development

