

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT ST., STE. 2000  
SAN FRANCISCO, CA 94105  
(415) 904-5260

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**CONSOLIDATED ADMINISTRATIVE PERMIT NUMBER 2-07-040**

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**Applicant.....Chris Mickelsen****Project location.....**350 & 380 Princeton Ave., Princeton-by-the-Sea, San Mateo County (APNs 047-024-150, 047-024-160, 047-024-170 and 047-024-090)**Project description ...**Removal of unpermitted fill including rip-rap and construction debris along the bluff and beach (Ocean Blvd), removal of concrete pad, and request to stockpile the removed “natural” rip rap on the subject property (APN 047-024-150).

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**NOTE:** Public Resources Code Section 30624 provides that this administrative coastal development permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

**May 9, 2008, 8:00 a.m.**  
**Marina Del Rey Hotel**  
**13534 Bali Way**  
**Marina Del Rey, CA 90292**

**IMPORTANT: Before you may proceed with development, the following must occur:** You must sign the enclosed duplicate copy acknowledging the permit’s receipt and accepting its contents, including all conditions, and return it to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission’s meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

**PETER DOUGLAS**  
Executive Director

**By: RUBY PAP**  
North Central Coast District Supervisor

**EXECUTIVE DIRECTOR’S DETERMINATION:** THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR BELOW.

**ADMINISTRATIVE PERMIT CONTENTS**

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**I. STANDARD CONDITIONS**

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1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**II. SPECIAL CONDITIONS**

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1. **Approved Project.** Subject to these standard and special conditions, the approved project is to remove all unpermitted fill including rip rap and construction debris along the bluff and beach (Ocean Boulevard), to remove a concrete pad, and stockpile the removed “natural” rip rap (no construction debris) on the subject property (APN 047-024-150) for up to one year as shown on Plan C-1 (Sigma Prime Geosciences) dated 2-7-08 (exhibit 2). The project also includes the incorporation of water quality best management practices as shown on Plan C-2 (Sigma Prime Geosciences) dated

2-7-08. No new shoreline protection is authorized by this permit. **This approved project shall be completed within 90-days of approval.**

2. **Removal Method.** As proposed by the applicant, all rip-rap shall be excavated from the blufftop above using a CAT excavator. Rip-rap located within the tidal zone shall be removed during periods of low tide only. Any rip-rap from the subject property or adjacent neighboring properties that falls onto the beach during or after removal shall be cleaned up immediately and stockpiled or disposed of properly.
3. **Inspection by Commission staff engineer.** Upon completion of removal activities stipulated in Special Condition numbers 1 and 2, the Permittee shall contact the Commission staff engineer for an on-site inspection to ensure that all unpermitted fill is removed to native soil. The Permittee shall comply with any additional removal required by the Commission staff engineer, consistent with Special Condition No. 1.
4. **Submittal of "as-removed plans".** Upon completion of removal activities and after the Commission staff engineer inspection stipulated in Special Condition no. 3, the Permittee shall submit to the Executive Director "as-removed plans" for review and approval. The "as removed plans" shall be prepared by a licensed surveyor and shall include before removal and after removal photographs. The "as removed plans" shall be submitted within 30 days after completion of removal activities and after the Commission staff engineer inspection stipulated in Special Condition No. 3.
5. **Erosion control/water quality measures.** As proposed, the Permittee shall incorporate the best management practices stipulated on Sheet C-2 (Sigma Prime Geosciences) dated 2-7-08 to ensure no chemicals, materials, and debris enter the waters of Princeton Harbor.
6. **Stockpiling.** Rip rap may be stockpiled on the property for a period up to October 15, 2008, after which time it shall be removed from the property and disposed of in an authorized facility. Rip rap shall be stockpiled at least 20-feet from the new bluff edge as indicated on Sheet C-1, 10-feet beyond the drip line of all trees on the property. If the bluff erodes to within 10-feet of the rip rap, then the rip rap shall be moved back to maintain the 20-foot setback.
7. **Dispose of other debris in a timely manner in an authorized location.** As proposed, all concrete, bricks, other man-made materials, and soils placed behind the rip rap wall shall be transported off-site for recycling or disposal in an authorized location. These materials may be temporarily stockpiled on an impermeable barrier on the subject property for a period not exceed 30-days as shown on Sheet C-1 (Sigma Prime Sigma Prime Geosciences) dated 2-7-08 (exhibit 2).

### **III. EXECUTIVE DIRECTOR'S DETERMINATION**

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The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

## **IV. FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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### **1. Project Location**

The applicant's property is located at 350 & 380 Princeton Avenue along Princeton Harbor in Princeton-by-the-Sea, just north of Half Moon Bay, in San Mateo County. The proposed project is located both on the applicant's blufftop property and on the bluff and beach in front of the property, which is also called Ocean Boulevard, a street that exists on paper map only, runs underwater and over a beach, and is subject to tidal action. The site has bisected coastal permitting jurisdiction between the Commission and San Mateo County. This is a consolidated coastal development permit for the entire site and project, consistent with Section 30601.3 of the Coastal Act.

### **3. Project Description**

The proposed project consists of the removal of unpermitted fill including rip-rap and construction debris along the bluff and beach (Ocean Blvd), removal of concrete pad, and a request to stockpile the removed "natural" rip rap on the subject undeveloped property (APN 047-024-150). All existing rip rap is proposed to be removed. Most of this rip rap is currently hidden under a concrete slab that will also be removed. According to staff calculations, there is approximately 4,630 cubic yards of unpermitted fill on the site. The exact volume of unpermitted fill is unknown. The applicant proposes to remove all unpermitted fill, regardless of the estimated volume. The applicant estimates that roughly 60% of the unpermitted fill is man-made (e.g. concrete and construction debris). This would be trucked off-site and disposed of in an authorized facility. The remaining natural boulders and rocks would be stockpiled on the undeveloped property.

### **4. Coastal Act Consistency**

The main issues raised by this application are visual resources, water quality, public access, and coastal hazards. The project involves removal of rip rap, construction debris, and a concrete pad that was placed without benefit of a coastal development permit between 1975 and 2000 by Stan Furmanski and others. Currently, the existence of this rip rap and concrete pad along the shoreline alters natural landforms, is visually incompatible with the character of the surrounding area, and impedes lateral public access across the beach in front of the property. Once removed, the bluff area will be restored to virgin soil, thereby restoring the site's visual character and uncovering beach area for public access, consistent with 30251, 30210, and 30211 of the Coastal Act. To ensure that the rip rap is removed in a timely manner, Special Condition No. 1 requires that the project be completed within 90 days of approval. Further Special Conditions 3 and 4 require inspection by the Commission's staff engineer and submittal of "as removed" plans and photographs to the Executive Director. To ensure that removal activities do not damage the beach or water quality, Special Condition no. 2 requires, as proposed by the applicant, requires that all removal activities be conducted from the blufftop property above and that best management practices (BMPs) be implemented to protect water quality.

The proposed project also involves a request to stockpile the removed "natural" rip rap on the subject property (APN 047-024-150). The applicant states the reason for the on-site stockpiling is to have the rock available in case a Princeton "area-wide" solution to erosion on its shores that includes a rip rap wall is approved, some of the needed rip rap would be readily available. Allowing a large pile of boulders to persist on the undeveloped property for an unspecified period of time is a visual impact, and

could potentially pose a hazard to life and property, because its stability and structural integrity would not be assured, inconsistent with Sections 30251 and 30253 of the Coastal Act. If the bluff were to erode beneath the pile, the boulders could slide onto the beach and tidal area, impacting public access, visual resources, and marine resources. Therefore, Special Condition 6 authorizes the stockpiling for a period of time up to October 15, 2008 only, and requires that the stockpile be placed at least 20 feet from the bluff edge and 10-feet from the dripline of any tree.

As conditioned and proposed by the applicant, the proposed project would result in no impacts to public access, visual resources, water quality, or the stability or structural integrity of the site, consistent with Coastal Act sections 30251, 30210, 30211, and 30253.

## **5. Alleged Violation**

Development consisting of: 1) the placement of approximately 4,630 cubic yards of fill (consisting of dirt and construction debris) and rip-rap materials along the western edge of the subject property, extending below the mean high tide line; and 2) the construction of a concrete pad on top of the fill and rip-rap has taken place without benefit of a coastal development permit. This application has been submitted as a result of litigation settlement (*California Coastal Commission v. Furmanski et al.*, (Superior Court of San Mateo County, Case Number 412238). The current owner is not the original violator and has agreed to remove all the unpermitted development, consistent with the settlement. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the LCP and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of this 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.

## **6. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding administrative coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

**V. ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

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I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

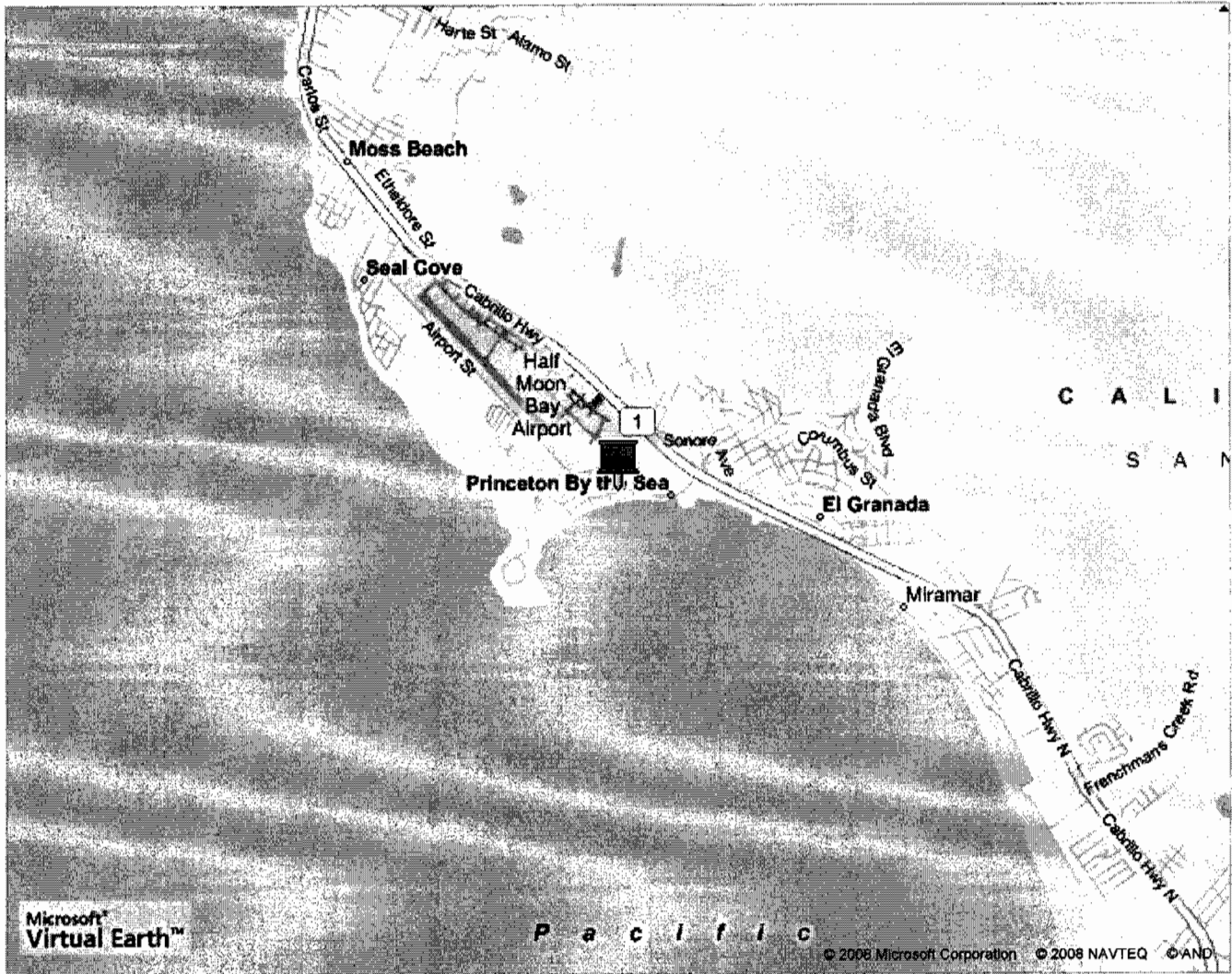
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Signature of Applicant (Chris Mickelsen)

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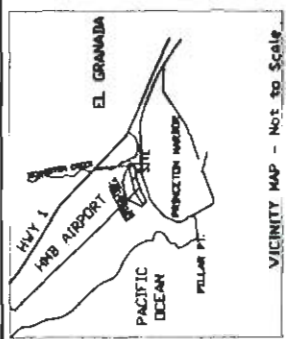
Date of signing

 Live Search Maps



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b> 2-07-040 (Mickelsen)
<b>Project Location</b>

MICKELSEN PROPERTY  
SEA BLUFF RESTORATION  
AND  
GRADING PLAN  
PRINCETON-BY-THE-SEA  
COUNTY OF SAN MATEO



LEGEND

- PROPERTY BOUNDARY
- WATER LINE
- EXISTING SEWER LINE

SECTION AND DETAIL CONVENTION

- SECTION OF SEWER SUBSTITUTION
- PROPOSED SEWER MAIN
- PROPOSED SEWER MAIN WITH 18" DIA. OF SEWER AT 10' DEPTH



GENERAL NOTES

1. PLANS PREPARED AT THE REQUEST OF MRS. CHRISTINE MICKELSEN, 1445 BAYVIEW BLVD., SAN MATEO, CA 94401
2. SITE WAS SURVEYED BY BRUCE TAYLOR, L.S., JULY-AUGUST, 2002.
3. EXISTING SEWER MAIN IS 18" DIA. AT 10' DEPTH.
4. EXISTING SEWER MAIN TYPICAL BASED ON TYPICAL SPECIFICATIONS.

EARTHWORK NOTES/VOLUMES

1. ALL EXISTING AND NEW TO BE EXISTING. EXISTING AND NEW TO BE EXISTING.
2. EXISTING CONCRETE SLAB TO BE REMOVED. EXISTING AND NEW TO BE EXISTING.
3. EXISTING CONCRETE SLAB TO BE REMOVED. EXISTING AND NEW TO BE EXISTING.
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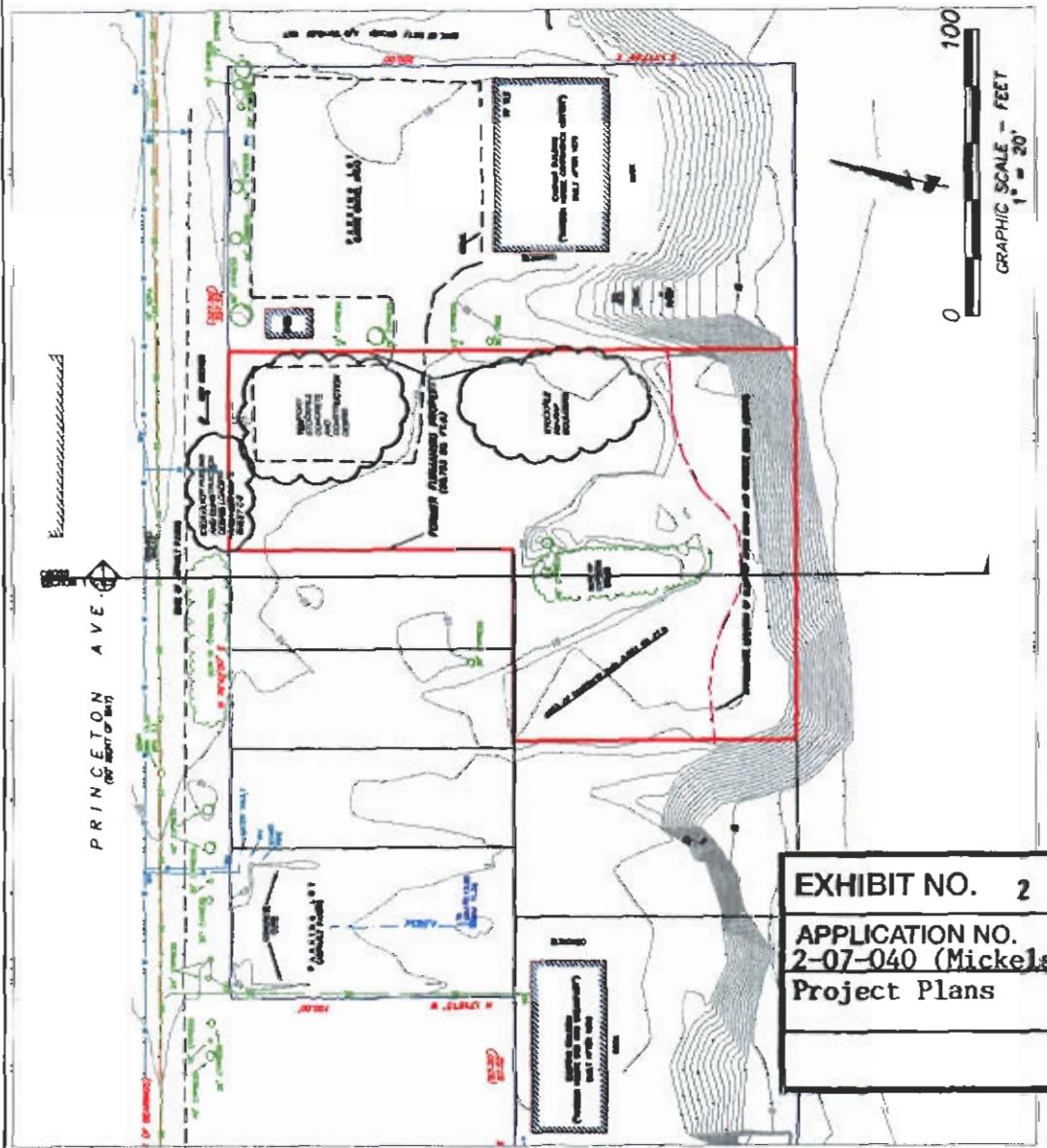
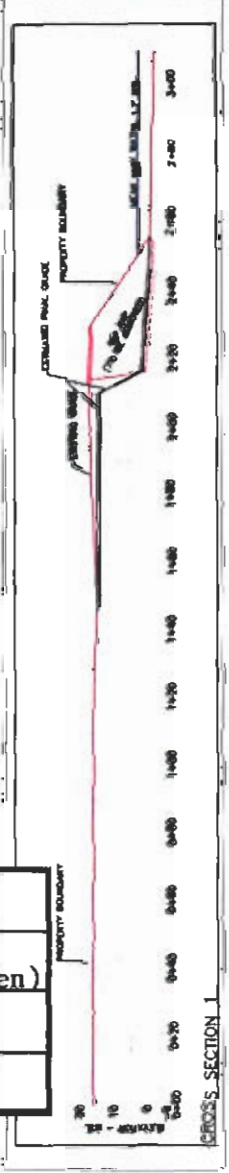


EXHIBIT NO. 2  
APPLICATION NO.  
2-07-040 (Mickelsen)  
Project Plans



SITE PLAN

SHEET  
C-1