

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

W3b



**ADMINISTRATIVE PERMIT NUMBER 3-98-069**

**Applicant**..... Elkhorn Yacht Club

**Agent**..... Jim Heisinger (Heisinger, Buck, Morris & Rose, Attorneys)

**Project location**..... Located along east shore of north Moss Landing Harbor area, Moss Landing, Monterey County.

**Project description** .. Construction of a 272-foot long PVC sheet pile bulkhead to span gap between existing rip rap revetments adjacent to property; replacement of existing dinghy hoist; offer to dedicate lateral access easement. for lateral north-south access landward of existing yacht club facilities.

**Local Approvals** ..... Monterey County: Local Discretionary Approval by Monterey County (needs no local coastal permit); Moss Landing Harbor District: Categorical Exemption 15301 for Existing Facilities, Class I (d)

**Executive Director's Determination:** The findings for this determination, and for any special conditions, appear on subsequent pages.

**Note:** Public Resources Code Section 30624 provides that this 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:

**November 2-5, 1999**  
**Four Points Hotel, 530 Pico Blvd., Santa Monica, CA 90405**  
**(310) 399-9344**

**IMPORTANT: Before you may proceed with development, the following must occur:** Pursuant to Title 14 of the California Code of Regulations, Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office. 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 obtain any local permits and 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: LEE OTTER**  
District Chief Planner

## 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. **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 or 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 project during its development, 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.

## SPECIAL CONDITIONS

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1. **Final Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit final plans for construction and installation of the PVC sheet pile bulkhead and dinghy hoist, for review and approval by the Executive Director. Site plans shall show all yacht club facilities and their uses, and shall show the relationship to public access available in the vicinity of the project. All public and private pedestrian walkways shall be shown on the site plans.
2. **Regional Water Quality Control Board.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review evidence of Regional Water Quality Control Board (RWQCB) approval of the project, or an indication that such approval is not required. All materials and construction shall be in accordance with RWQCB recommendations for the protection of water quality and according to the method that results in the least disturbance of bottom sediments.
3. **Foreign Material Containment Requirements.** Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering State waters. To ensure protection of marine resources, construction activities will be conducted only during periods of low tide. Unless the Executive Director approves an alternative containment plan, protective sheeting shall be placed around all active portions of any near-water construction

where PVC scraps or other construction debris could enter the water. The protective sheeting shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieval or clean up of foreign materials not properly contained.

4. **Public Access.** The proposed project shall not restrict use of public trust lands seaward of the PVC sheetpile bulkhead. Provision of lateral access along the shoreline of the Elkhorn Yacht Club property as a segment of the proposed Coastal Access Trail is strongly encouraged. No separate coastal development permit shall be required for the installation of a walkway atop or parallel to the permitted bulkhead, if shown on final plans approved in accordance with Special Condition 1, above.
5. **Lateral Access Offer to Dedicate.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, as proposed by the applicant, the Elkhorn Yacht Club, as landowner, shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate an easement to the Moss Landing Harbor District for lateral public access between north and south parcels of the North Harbor area. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. The area of dedication shall be located between existing yacht club buildings and the permitted bulkhead, or alternatively, east of existing yacht club facilities. The offered area shall be of sufficient width and aligned so as to provide an unimpaired connection with Coastal Trail segments to be developed to the north and south of the Yacht Club property. The recorded document shall include legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
6. **United States Army Corps of Engineers.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for confirmation, evidence of United States Army Corps of Engineers approval of the project or evidence that no Corps approval is necessary.
7. **Monterey County.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director evidence that Monterey County has approved the revised project, or that no Monterey County approval is necessary.

#### **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, is located seaward of the first through public road and is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act, will not prejudice the ability of the local government to implement its certified Local Coastal Program in conformity with the provisions of Chapter 3, and will not

have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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

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**Project Description.** The project site is located along the east shore of the North Harbor area of Moss Landing Harbor (Exhibits A and B). Moss Landing Harbor is one of six developed harbors located along the Central Coast. Moss Landing Harbor lies at the mouth of Elkhorn Slough, between Monterey Bay National Marine Sanctuary and Elkhorn Slough National Estuarine Research Reserve. The North Harbor area, which occupies a portion of the Old Salinas River near its confluence with Bennett Slough, contains 103 boat berths, used primarily by recreational boaters. Facilities supporting and enhancing recreational boating are considered coastal-dependant developments and as such are considered high priority uses by the Coastal Act. The Elkhorn Yacht Club (EYC) is located landward of the North Harbor berthing area, on a 2.7-acre parcel (APN 413-022-08) that sits between the North Harbor and Highway 1 (Exhibit B). Yacht club facilities support and enhance recreational boating by providing Elkhorn and reciprocal yacht club members with meeting space, restrooms, dry boat storage, and small boat launching via an existing dinghy hoist. Membership in Elkhorn Yacht Club is open to the public.

The seaward edge of the EYC property is a steep, almost vertical bank that extends approximately 8 to 9 feet above mean lower low water (MLLW). Bank materials are comprised of variable layers of dense clayey silts, silty sands and loose unconsolidated sands, overlain by about 2 feet of medium dense sand fill materials at the surface. Bank materials frequently slough off, increasing sedimentation in the Harbor and limiting access to use of the existing small boat hoist located in front of the EYC.

The EYC is proposing to construct a 272-foot long PVC sheet pile bulkhead along the western end of the property (Exhibit C), spanning a gap between existing rip rap revetments adjacent to the yacht club property, and to replace (i.e., reconstruct) the existing dinghy hoist landward of the bulkhead. Materials for the sheet pile bulkhead will be interlocking corrugated panels, which can be installed and capped without the need for a tie-back system landward of the wall. A small amount of additional riprap will be added at the southern end of the bulkhead to merge into the existing riprap present. All work will be conducted from shore.

**Shoreline Stabilization for Enhanced Recreational Boating Facilities.** The Moss Landing Harbor District dredges the area in front of the Elkhorn Yacht Club to provide adequate depths for maneuvering and launching small boats from the dock. While this activity is intended to maintain depths for small boats, sloughing of the banks, as described above, often occurs due to wave erosion. The proposed vertical bulkhead would allow increased depths to be maintained in the vicinity of the small boat hoist and would prevent additional shoreline erosion and subsequent increased deposition into the Harbor seaward of the Yacht Club. The bulkhead would therefore stabilize the shoreline, and allow kayaks and small boats to more freely transit the area close to shore. In addition, the reconstructed dinghy hoist will allow kayaks and other small boats to be hoisted in and out of the water, thereby improving visitor serving public recreational opportunities for small boat users. As such, the PVC sheetpile bulkhead and dinghy hoist replacement project is consistent with the Coastal Act sections accommodating coastal-dependant developments (30255), giving priority to developments providing public recreational opportunities (30213), increasing public launching facilities and recreational boating use of coastal waters (30224), and protecting and upgrading recreational boating facilities (30234).

**Marine Resources.** Sections 30230 and 30231 of the Coastal Act specifically protect the water quality and biological productivity of the marine environment. Furthermore, Section 30232 provides for protection against spillage of hazardous substances. The vertical sheet pile design of the proposed bulkhead will minimize the amount of land cover required, in contrast with a sloped riprap revetment along the entire extent of shoreline, as was proposed at the initial stages of project development. Additionally, the PVC sheet pile design allows construction to be done from shore, minimizing potential impacts to nearshore aquatic environments.

The sheetpile bulkhead will be installed by driving 12" wide by ½" thick interlocking Shoreguard™ PVC panels into the earth with a vibrating hammer suspended from a crane located landward of the wall. As engineered, the 21-foot long PVC panels will be driven to a depth of -12 feet MLLW into stiff to very stiff clayey silts, thereby providing adequate frictional support for the cantilevered (above ground) portion of the bulkhead. A small amount of riprap will be added at the south end of the bulkhead to tie into similar materials currently present. The top of the PVC sheet pile will be at 7.5 feet MLLW, and will be capped using wooden wail boards. The interlocking sheet pile panels will be placed landward of the existing top of bank (except for an approximate 30-foot section that will be placed at the existing shoreline). However, to ensure protection of the marine environment, construction will be conducted only during low tide and will use protective sheeting spread seaward of the wall to catch any possible spoils, fuel spills or construction debris during installation.

Since the EYC bulkhead will be placed at or landward of the MHTL, and landward of existing high intertidal mudflat, it should cause no significant ecological impacts to marine resources or environmentally sensitive habitats in the Moss Landing Harbor or Elkhorn Slough system. A biological assessment of the area by Moss Landing Marine Labs (April 1997) determined that the narrow fringe of high intertidal mudflat adjacent to the bank is one of the most highly modified mud flat habitats in the harbor. It exists mostly in the highest intertidal zone and because of the harsh physical conditions and extreme tidal exposure is inhabited by only a limited group of marine organisms. In contrast, the natural mud flats of the harbor and slough are broad and slope gradually to shallow subtidal habitats, harbor dense communities of benthic invertebrates, and are important feeding and roosting habitats for shorebirds and seabirds. The benthic community in front of the EYC has no special ecological significance, unlike the animal communities that live on the more natural mud flats of the harbor and the slough, and provides no significant use for fish, birds or mammals. The proposed project does not impact the natural mud flats or other habitats beyond the boundaries of the yacht club property.

As designed to minimize impacts to the marine environment and conditioned to require protection of possible spills or debris from entering the waters of Moss Landing Harbor, the project is consistent with Coastal Act Sections 30230, 30231, and 30232.

**Public Access.** The EYC is one of the oldest yacht clubs in California; membership is open to the public and access is provided to reciprocal yacht club members. The EYC site is presently developed with two buildings, an outdoor lawn area, a public boat storage yard, and associated parking facilities. The EYC also provides facilities for a number of government sponsored, non-profit and commercial activities open to the general public. These uses include the California State University Monterey Bay Youth Extreme Sailing Program (boat storage and on-site instructional programs for youth from the surrounding community), the United States Coast Guard Auxiliary (offices and on-site instructional programs for boaters), a Sea Scout Base, and a commercial kayak rental company (Kayak Connection). Other club facilities are available to the public on a fee basis.

The new dinghy hoist will be located immediately landward of the new bulkhead at approximately the same location as the old hoist. The new dinghy hoist will provide for enhanced recreational boating opportunities by allowing CSUMB dinghies to be launched on-site and will enable the EYC to host small

boat regattas. Since many non-member kayakers and other small boat users may continue to make use of the tidelands in front of the yacht club, this permit is conditioned to ensure that the EYC shall not restrict public access to public trust lands seaward of the bulkhead.

A public Coastal Access trail has been proposed for the Moss Landing Harbor area. Because the EYC property extends between MHTL and Highway One, some access linkage across the EYC parcel would be required to connect the Coastal Access Trail segments to the north and to the south. Currently there is no existing lateral access across the waterfront of the EYC property because existing structures on the southwest end of the property extend nearly to the edge of the bank. While waterside lateral access would be highly preferable, and should be clearly encouraged, the EYC has not expressed an intention to remove these structures.

However the Elkhorn Yacht Club has been working with the Moss Landing Harbor District on redevelopment plans for the North Harbor area. Such plans will likely include the need to develop a single entrance point to the North Harbor area from Highway 1 and a frontage road west of Highway 1 to improve traffic safety in the area, and a route for the Coastal Access Trail. Because the yacht club property extends from the MHTL to Highway 1, separating the north and south parcels of the North Harbor area, the EYC has recognized the need for a lateral access connection, and has offered to dedicate an easement for lateral access east of existing yacht club facilities for these uses. To memorialize this project component, Special Condition 5 requires submittal of the offered easement for Executive Director review prior to permit issuance. The permit has also been conditioned to encourage and facilitate the provision of a waterside accessway if it is offered by the EYC.

As conditioned to prevent restriction to public access on public trust lands and to require a lateral access easement, the project will serve to implement Coastal Act Sections 30001.5 (enhance and restore overall quality of coastal zone environment), 30210 (provide maximum access and recreational opportunities) and 30214.b (consider the equities and rights of the individual property owner with the public's right of access to public trust lands).

### **Conclusion**

The proposed PVC sheetpile bulkhead and dinghy hoist replacement will provide for enhanced recreational boating opportunities and services in the North Harbor area consistent with the priorities and land uses established by the California Coastal Act. The project will also conform to the certified Monterey County LCP's North County Land Use Plan, which for purposes of this permit is advisory only. As conditioned, any potential adverse impacts on marine resources and public access are addressed and the project will not have a significant effect on the environment within the meaning of the California Environmental Quality Act (CEQA). As the lead agency for the CEQA review, the Moss Landing Harbor District determined that the project qualified for a categorical exemption 15301 to protect existing facilities and adjacent property and to rehabilitate damaged structures. As conditioned, the proposed development will be consistent with Chapter 3 of the California Coastal Act of 1976.

### **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.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date of signing

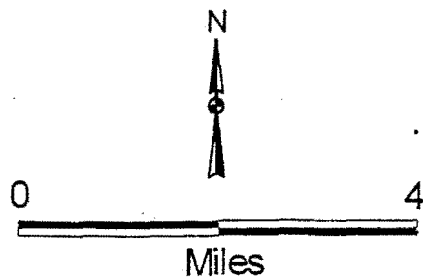
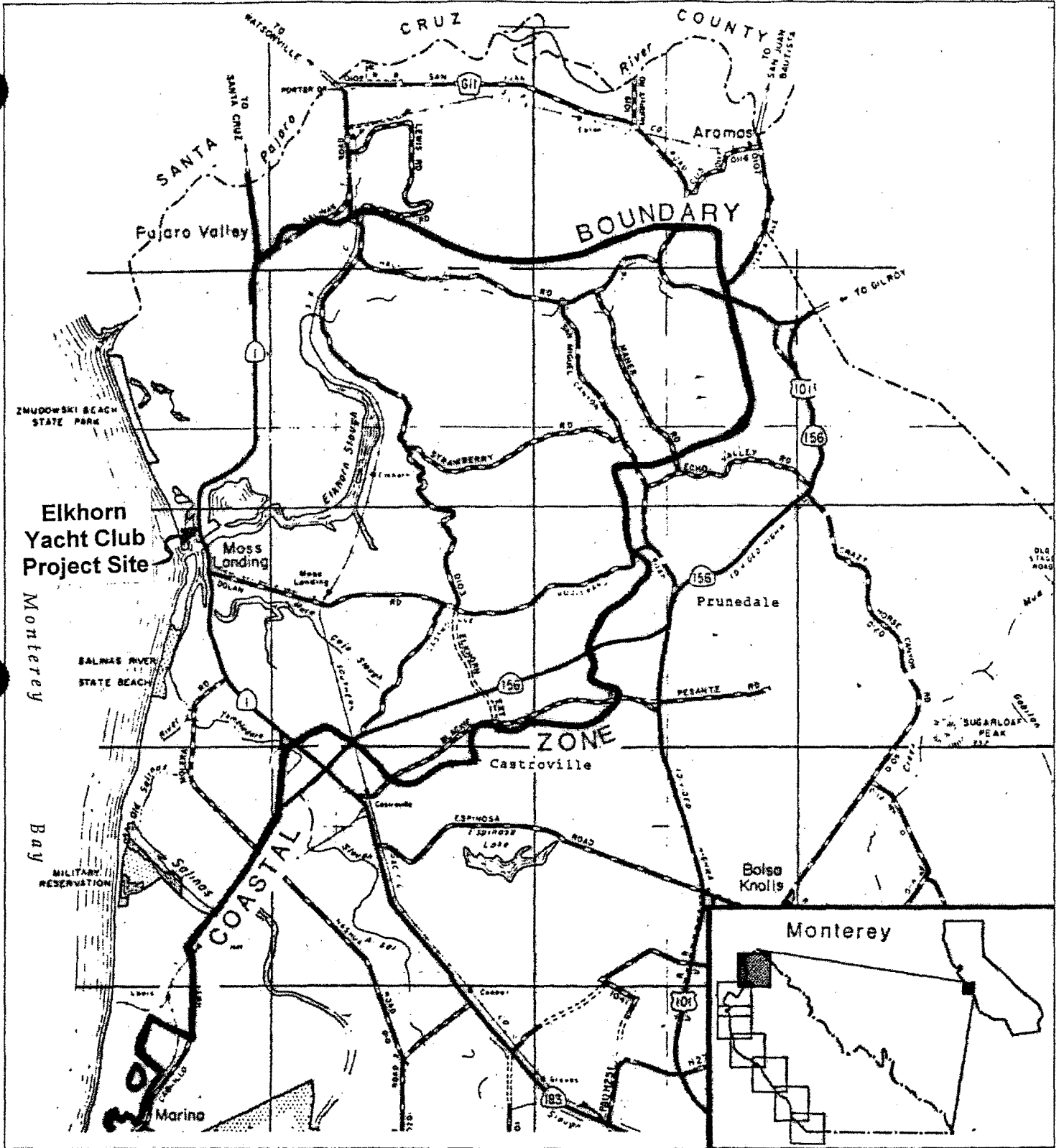
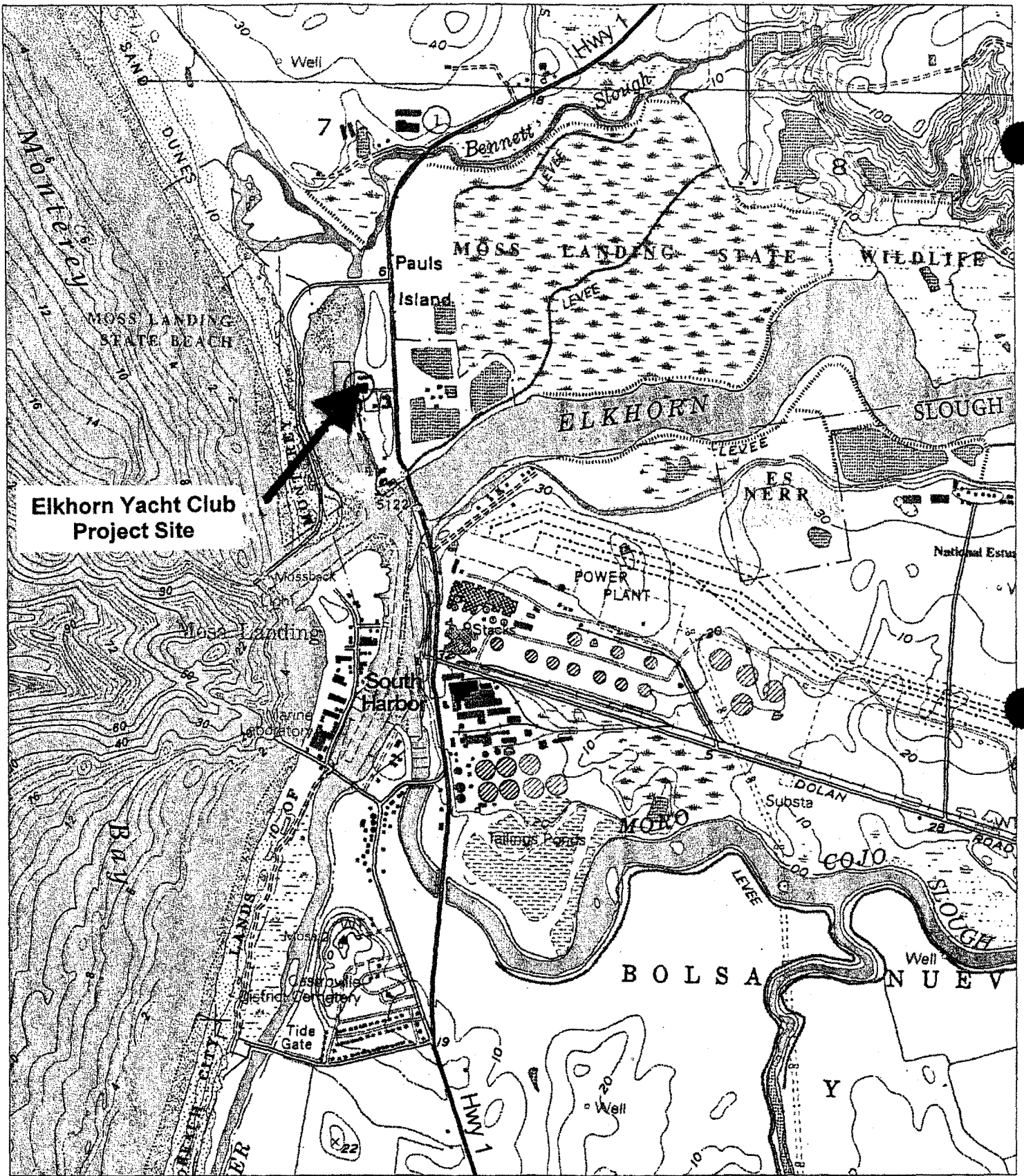


Exhibit A  
Regional Location Map  
Elkhorn Yacht Club,  
Moss Landing, California  
CDP # 3-98-069



**Elkhorn Yacht Club  
Project Site**



California Coastal Commission

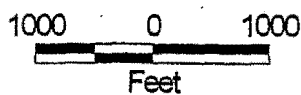


Exhibit B  
Project Vicinity Map  
Elkhorn Yacht Club,  
Moss Landing, California  
CDP # 3-98-069

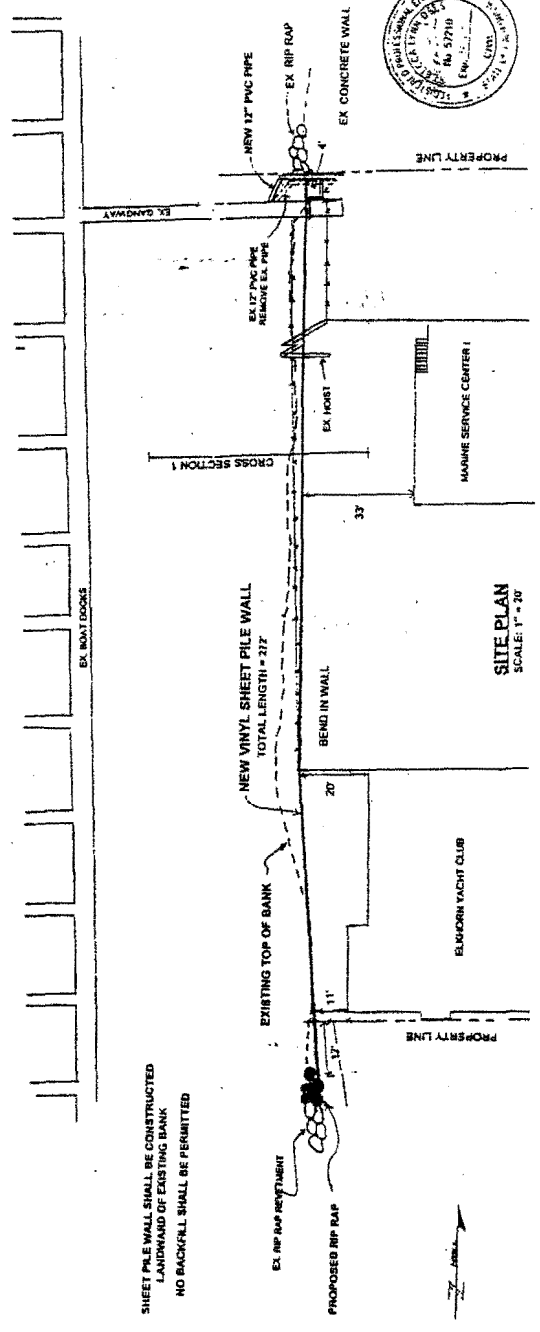
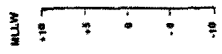
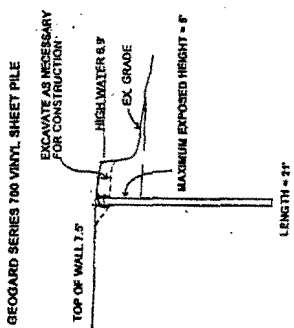
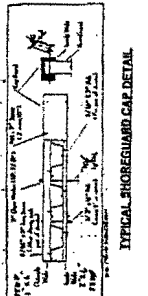
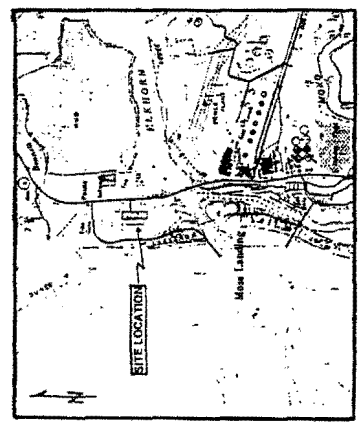


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 GEOTECHNICAL & COASTAL ENGINEERING  
 116 EAST LAKE AVENUE, WATSONVILLE, CALIFORNIA 95076  
 (408) 722-4176

PREPARED FOR  
 ELKHORN YACHT CLUB  
 MOSS LANDING, CALIFORNIA

PROJECT NO - M5539  
 DATE - JUNE 1998  
 REVISIONS - APRIL 1999  
 PLATE 1

THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF HARO, KASUNICH & ASSOCIATES AND ARE INTENDED FOR USE AT THE PROJECT LOCATION STIPULATED ON THESE PLANS ONLY AND MAY NOT BE REPRODUCED IN ANY MANNER OR USED FOR OTHER LOCATIONS WITHOUT THE WRITTEN APPROVAL OF HARO, KASUNICH & ASSOCIATES.



SHEET PILE WALL SHALL BE CONSTRUCTED LANDWARD OF EXISTING BANK  
 NO BACKFILL SHALL BE PERMITTED

PROPOSED RIP RAP

EX RIP RAP MOVEMENT

EXISTING TOP OF BANK

NEW VINYL SHEET PILE WALL  
 TOTAL LENGTH = 217'

BEND IN WALL  
 20'

33'

EX HOIST

MANAGE SERVICE CENTER I

ELKHORN YACHT CLUB

PROPERTY LINE

PROPERTY LINE



Exhibit C  
 Site Plan and Cross-section:  
 Elkhorn Yacht Club  
 Moss Landing, California  
 CDP # 3-98-069