

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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**RECORD PACKET COPY****Th9a**

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Staff Report: 11/19/01
Hearing Date: 12/13/01
Item Number: Th9a
Commission Action:

PERMIT AMENDMENT

Application number.....3-99-090-A1

Applicant.....Ocean Harbor House Homeowners Association

Project Location.....The temporary rock seawall is located along the seaward side of Unit 4 of the Ocean Harbor House condominiums, including on lands owned by the City of Monterey (APNs 011-441-028, 011-441-046). The sand berming activities are proposed for the entire beach frontage of the Ocean Harbor House condominiums, above the mean high tide line. Ocean Harbor House is located in the Del Monte Beach area of the City of Monterey, Monterey County.

Project Description.....Retain temporary rip-rap bluff stabilization structure originally installed under Emergency Permit 3-98-116-G and extended under Administrative Permit 3-99-090, until November 1, 2002 and implement sand moving/berming activities during this time.

File documents:..... 3-98-116-G; 3-99-090; Report on Repair/Mitigation Alternatives to Address the Bluff Retreat Erosion Problems with the Monterey Ocean Harbor House Development (Prepared by Steven E. O'Connor, P.E. and Reinhard E. Flick, Ph.D.)

Staff Recommendation.....Approval with Conditions

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I. EXECUTIVE SUMMARY

The applicant is requesting an amendment to Coastal Development Permit 3-99-090, which allowed for retention of a rip-rap seawall in front of a portion of the Ocean Harbor House condominium complex and continued sand berming activities in front of the entire condominium complex until November 1, 2001 (see Exhibit 2). This amendment would extend that timeline by one year until November 1, 2002. In addition, the applicant would be responsible for submitting a complete Coastal Development Permit application for a proposed permanent solution to the bluff erosion problems no later than April 1, 2002. Although the Ocean Harbor House Homeowners Association (OHHHA) has been working toward a long-term solution to the bluff erosion problem, the process of designing a permanent erosion protection measure has taken more time than originally anticipated by the OHHHA. The OHHHA has made progress recently (although it has been nearly three years since the original emergency rip-rap approval) and has requested that the original deadline for addressing the erosion problem at the Ocean Harbor House be extended. To the extent that the OHHHA may be at risk from wave run-up this winter, retention of the rip-rap and continuation of sand berming activities will protect the condominium development against this winter's storms and associated beach erosion. Staff recommends **approval** of the coastal development permit amendment to allow the OHHHA one more year to complete the required coastal development permit process.

II. STAFF RECOMMENDATION ON AMENDMENT

The staff recommends that the Commission, after public hearing, **approve** the proposed amendment subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-99-090-A1 subject to the conditions below and that the Commission adopt the following resolution:*

***Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.*



Resolution to Approve a Coastal Development Permit Amendment. *The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.*

III. CONDITIONS OF APPROVAL

A. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **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.

B. Special Conditions

1. **Scope of Permit.** The development authorized by this permit is limited to the following:
 - a. **Temporary Retention of Rip-Rap Structure.** The rock seawall installed pursuant to emergency permit 3-98-116-G may be retained during the period that the applicant diligently pursues a permanent solution to shoreline hazards, but in no case beyond November 1, 2002 unless authorized by the Commission through the regular permit process. Failure to remove the temporary rip-rap structure by November 1, 2002, unless otherwise approved by the Commission, shall be considered a violation of the Coastal Act and subject to enforcement action and potential civil penalties pursuant to Chapter 9, Article 2 of the Coastal Act. Any addition, alteration, or maintenance of the existing temporary structure shall be subject to separate review and approval by the Coastal Commission or its Executive Director.
 - b. **Sand Moving and Berming Activities.** Ocean Harbor House may conduct the sand moving and berming activities, according to the plans submitted by Ocean Harbor House and Haro, Kasunich and Associated Inc. dated September 3, 1999, during the period between the effective date of this permit and November 1, 2002. Sand



moving/berming activities shall be subject to the construction standards specified in Special Condition 3, below, as well as the reporting requirements identified in Special Condition 4.

2. **Permit Timelines.** The permittee shall observe and comply with all of the following timelines. Failure to submit the required materials by the specified dates, unless extended by the Executive Director for good cause, shall be grounds for the Executive Director to require immediate removal of the temporary rip-rap structure.

- a. **Permanent Project Description and Environmental Review.** By February 1, 2002, the permittee shall submit, to the Executive Director and the City of Monterey, a detailed report that provides:
- the plans and description of the permanent resolution proposed by the Ocean Harbor House;
 - a comparative analysis of the full range of alternatives considered in the selection of the proposed resolution, including a thorough evaluation of all alternatives that the staffs of the Coastal Commission and the City of Monterey have requested to be considered in various meetings and correspondence (e.g., use of concrete pilings, relocation of threatened units, etc.); and
 - a complete assessment of the environmental impacts posed by the project, including but not limited to, the impacts of the selected alternative on sand supply, dune habitats, public access and recreation, visual resources, and the stability of adjacent properties.

In the event that the Executive Director or the City of Monterey is not satisfied with the contents of the required report, the permittee shall respond to a request for additional information within **30 days** of receiving such a request.

- b. **Coastal Development Permit Application for Permanent Solution.** The permittee shall be responsible for submitting a complete Coastal Development Permit application for the proposed permanent solution no later than April 1, 2002. In addition to providing the full range of information required by Exhibit 1 pp. 15-20 of this report, the application shall include a detailed construction operations plan for the removal of the temporary rip rap structure which minimizes impacts to dune habitats, water quality, and public access and recreation to the greatest degree feasible.
- c. **Removal of Temporary Rip-Rap Structure.** Unless retention of the temporary rip-rap structure is authorized by the Coastal Commission prior to October 15, 2002, the permittee shall be responsible for the complete removal of this temporary structure, in accordance with the construction operations plan required above (which may be modified by the Coastal Commission or Executive Director), by November 1, 2002.

3. **Construction Standards for Sand Moving and Berming.** The sand moving and berming program authorized for the period between the effective date of this permit and November 1, 2002 shall be subject to the following requirements:



- a. The area of sand moving and berming shall be limited to the beach area between the existing Ocean Harbor House buildings and landward of the mean high tide line. No sand shall be removed from, or deposited on, State Park land, vegetated dune habitats, or areas within the jurisdiction of the Monterey Bay National Marine Sanctuary.
 - b. Construction vehicles and equipment shall not come in contact with ocean waters, and shall be cleaned and maintained at an offsite location prior to construction to prevent the discharge of any harmful or foreign materials on the beach or in the ocean.
 - c. Sand moving and berming shall take place only when the low tide is at or below an elevation of 1.0 feet above mean sea level, and where there is adequate space for lateral public access between the ocean and the mean high tide line. Sand moving and berming shall not take place on weekends or holidays.
 - d. The permittee and construction operators shall ensure safe lateral access during construction activities. Methods to achieve safe lateral access shall include:
 - the provision of adequate construction personnel to direct or escort beach users across the construction area; and/or
 - temporarily staking the construction area with orange safety netting during the construction period.
4. **Reporting Requirements for Sand Moving and Berming.** At least 10 working days prior to conducting any sand moving or berming activities, the permittee shall inform and request authorization of the proposed action and its timeline from the Executive Director of the Coastal Commission, and the Public Works Director of the City of Monterey. Significant conflicts with public access, coastal recreation, or sensitive habitats shall be grounds for not authorizing proposed sand moving and berming.

IV. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Location and Background

Ocean Harbor House condominiums are located in the Del Monte dunes of the City of Monterey, on the upcoast side of Surf Way and fronting on the beach and the Pacific Ocean (see Exhibit 1, pp. 8). This area of the City of Monterey falls within the coastal zone, but the City does not have a fully certified LCP. Furthermore, this permit addresses development on the beach, which falls within the Commission's original jurisdiction. Therefore the standard of review for the project is the Coastal Act.

The construction of the condominiums, which occurred in 1972, appears to have been undertaken pursuant to a vested right, although staff has been unable to track down the paperwork officially establishing such a right. In 1992, the Commission reviewed and approved a Coastal Development Permit (CDP 3-92-28) for the conversion of Ocean Harbor House from apartments to condominiums,



which included measures intended to protect the units from shoreline hazards by installing concrete pilings.

In December 1998, Ocean Harbor House applied for and obtained an Emergency Permit (3-98-116-G) to protect a portion of the development (Building No. 4), and an associated sewer line, from shoreline erosion by installing a temporary rip rap seawall (Exhibit 1, pg. 9). The terms of this permit required that the emergency work be removed in its entirety by May 23, 1999. This removal did not occur. In July 1999, Commission staff received a request from Ocean Harbor House Homeowners Association (OHHHA) for authorization of construction of a berm of beach sand against the existing dune erosion scarp in front of the entire Ocean Harbor House development for a distance of approximately 480 feet. The purpose of this berm was to provide a temporary protection measure for the upcoming fall/winter season. At that time, Commission staff notified OHHHA that emergency permit 3-98-116-G required that the temporary rip-rap structure be removed in its entirety by May 23, 1999, unless prior to that date the permittee applied for and obtained a regular Coastal Development Permit for the structure to remain beyond that date. Commission staff met with the City, OHHHA, and other interested parties on the site to discuss longer-term solutions to the erosion hazard. At that time OHHHA, in coordination with various consultants, was working on a submittal for a regular permit application to include, among other things, an analysis of a full range of alternatives for a long-term solution. To provide protection for the 1999/2000 winter rainy season, however, OHHHA applied for a new coastal development permit to include retention of the rip-rap structure past the May 23, 1999 date, along with the proposal for construction of a sand berm. Administrative Coastal Development Permit 3-99-090 was granted on August 10, 2000, which included conditions that the permittee submit a complete CDP application for the proposed permanent solution no later than April 1, 2001 and that the sand berming activities would cease and the rip-rap structure would be completely removed by November 1, 2001 (see Exhibit 1 for complete staff report for CDP 3-99-090). These conditions have not been met.

B. Request for Time Extension

OHHHA is requesting, through this permit amendment, that the Commission grant a one-year extension of all permit timelines included as Special Conditions in CDP 3-99-090 (see Exhibit 1, pp. 5-6). Specifically, this would allow retention of the rip-rap seawall in front of Building No. 4 and continued sand berming activities in front of the entire condominium complex until November 1, 2002 (see Exhibit 1, pg. 3 for a description of sand berming activities). By November 1, 2002, the permittee would be responsible for complete removal of the temporary rip-rap structure. In addition, the applicant would be responsible for submitting a complete Coastal Development Permit application for the proposed permanent solution no later than April 1, 2002.

C. Reason for Delay

Since approval of CDP 3-99-090 in August 2000, OHHHA has been working toward a long-term solution to the bluff erosion problem. However, it has taken much longer than anticipated to resolve the differences between what OHHHA proposed as a permanent solution and what the City would accept as a permanent solution. During this time, OHHHA representatives and consultants had many



meetings with City of Monterey staff. In January 2001 a document entitled "Report on Repair/Mitigation Alternatives to Address the Bluff Retreat Erosion Problems with the Monterey Ocean Harbor House Development," by Steve O'Connor, P.E. and Ron Flick, Ph.D., was completed. This report analyzed numerous possible solutions to the erosion problem. The OHHHA preferred alternative, however, included a permanent encroachment onto City of Monterey property. The City did not want the structure to encroach upon City property. Thus, the City asked for additional information and analysis, which took several more months to complete. The Board of Directors of OHHHA realized that its proposal was not moving forward within the timeline required by CDP 3-99-090. OHHHA then hired two permit-coordinating consultants to address the numerous and complex issues related to the project. Since August 2001, the consultants have researched relevant information and coordinated with the City, Coastal Commission staff, and others to move forward on meeting the Coastal Act and CDP 3-99-090 requirements to submit a Coastal Development Permit application for a permanent solution and remove the rip-rap that was originally installed in December 1998.

As the Commission is well aware, the issues involved in shoreline erosion situations are quite complex. On October 24, 2001 Commission staff met with members of OHHHA, City staff, and the OHHHA permit-coordinating consultants to discuss various alternative responses to the shoreline erosion problem at Ocean Harbor House. The OHHHA is working on an alternative that eliminates all encroachments onto City property, except for an overhead "wave recur" that will protrude over City property at limited locations and by no more than the existing encroachments of the decks. City staff has indicated that this refined alternative addresses their main concern, which is encroachment of the structure onto City property (see pg. 2 of Exhibit 3). OHHHA needs time to finalize the details of this refined alternative, present the plan to the City for its approval and ultimately to the Coastal Commission for review, develop bid documents and construct the improvements. If all necessary approvals are forthcoming, OHHHA believes it will be able to begin construction by Labor Day of 2002. In the meantime, OHHHA is requesting permission to extend the life of their temporary encroachment permit to allow the rip-rap protection to remain in place at the easterly end of the development and allow the construction of a sand berm along the entire development until November 1, 2002. On November 6, 2001, the City of Monterey granted an extension of the City's existing temporary encroachment permit until November 2002.

Construction of a permanent seawall on the site, if any, will be subject to rigorous future review to minimize any impact on coastal resources. In light of the productive and cooperative nature of the October 24, 2001 meeting, it is apparent that OHHHA is making appropriate progress in determining a permanent solution to the bluff erosion problem. The above-mentioned alternative may address Commission concerns about encroachment onto public property, sand supply issues, and visual impact issues. Therefore, the temporary retention of the rip-rap structure and the periodic replenishment of the sand berm is an appropriate course of action and staff recommends that these activities be allowed until November 1, 2002. This extension would also give the applicant time to determine if the construction of the condominium complex was undertaken pursuant to a vested right, as discussed above.



This permit amendment could be denied. This could, however, adversely affect the Ocean Harbor House homeowners' ability to protect the development against this winter's storms and associated beach erosion. Such action could also result in the loss of the private sewer line that runs underneath the oceanfront buildings, thereby unintentionally discharging raw sewage into the ocean as well as rendering the front units uninhabitable. Furthermore, if this amendment for a time extension were not approved, OHHHA would be in violation of CDP 3-99-090. Pursuing a violation, including possibly assessing fines and penalties, would not be the most productive course of action given the recent progress that OHHHA has made in determining a permanent solution. Given this and the fact that OHHHA is making demonstrable progress toward a permanent solution, it is reasonable that this permit amendment be approved.

D. Coastal Act Issues

The Coastal Act sets forth policies for shoreline development that allows for the construction of shoreline protection structures in very limited circumstances, and where adverse environmental impacts are avoided and mitigated to the fullest extent possible (Section 30253). In addition, such development must protect public access and recreation opportunities (Sections 30211 and 30221). The temporary seawall installed under the emergency situation does not comply with these standards because, among other reasons, it consumes a large amount of public beach area that would otherwise be available for recreational use. The large stack of rocks also represents a visual eyesore in a scenic coastal area that is generally free of such unnatural shoreline structures. In addition, the periodic use of the beach and beach sand for the creation of a sand berm interferes with the public's use and enjoyment of this highly used shoreline area. It is clear that the proposed construction of a permanent solution to bluff erosion on this property will be subject to rigorous review to eliminate and minimize its impact on coastal resources.

Notwithstanding these outstanding issues, the retention of the temporary structure and the periodic replenishment of the sand berm, for a limited period of time, are appropriate courses of action to protect the condominium development and the sewer line that runs underneath the oceanfront buildings against this winter's storms. The additional time will allow OHHHA the additional information needed to resolve these issues to be assembled and analyzed without putting the existing structures and the safety of the residents and beach-goers in jeopardy. **By allowing this to occur, the Commission makes no commitment as to whether a permanent seawall is allowable under the Coastal Act, or what its design and implementation should entail.**

To ensure that the resolution of the permanent solution proceeds in a timely manner, and the adverse impacts associated with the existing temporary structure and sand moving activities are kept to a minimum, Special Conditions have been attached to this permit. These conditions establish a timeline to ensure that the temporary structure is removed no later than November 1, 2002. In addition, the conditions institute specific construction operation procedures and reporting requirements to ensure that sand-moving activities are conducted in a manner that will not have a significant adverse impact on public access and recreation. With these conditions, the permit is consistent with the Chapter 3 policies of the Coastal Act.



V. 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 that the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives that would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned is in conformance with CEQA requirements.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

DING IMPAIRED: (415) 904-5200

Th 3c



ADMINISTRATIVE PERMIT NUMBER 3-99-090

Applicant.....Ocean Harbor House Homeowner's Association

Project location.....The temporary rock seawall is located along the seaward side of Unit 4 of the Ocean Harbor House, including on lands owned by the City of Monterey (APNs 011-441-028, 011-441-046). The sand berming activities are proposed for the entire beach frontage of the Ocean Harbor House, above the mean high tide line. Ocean Harbor House is located in the Del Monte Beach area of the City of Monterey, Monterey County.

Project description.....Retain temporary rip-rap bluff stabilization structure installed under Emergency Permit 3-98-116-G until November 1, 2001, and implement sand moving/berming program during this time.

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:

August 10, 2000
9:00 A. M.

Waterfront Hilton Beach Resort
21100 Pacific Coast Highway
Huntington Beach CA 92648
(714) 960-7873

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 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: Charles Lester
Central Coast District Manager



California Coastal Commission
August 10, 2000 Meeting in Huntington Beach
Staff: S. Monowitz, Approved by:
CATEMP3-99-090 Ocean Harbor House Time Extension 7.20.(X).doc

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STANDARD CONDITIONS

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

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to standard and special conditions as attached, the development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the City of Monterey to implement a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

The proposed project is primarily procedural in nature, as it seeks to extend the timeframe for retaining a temporary seawall installed pursuant to an emergency permit, and to formalize a sand berming program authorized by the Commission on two previous occasions via *de minimus* waiver. These developments are being pursued as *interim* measures to protect the Ocean Harbor Development from erosion and wave runup while a permanent solution is being identified and pursued by the Homeowner's Association.

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Ocean Harbor House is located in the Del Monte dunes of the City of Monterey, on the upcoast side of Surf Way and fronting on the beach and Pacific Ocean (Exhibit 1). The construction of this development, which occurred around 1972 - 1974, appears to have undertaken pursuant to a vested right, although staff has been unable to track down the paper work officially establishing such a right. In 1992, the Commission reviewed and approved a coastal development permit for the conversion of Ocean Harbor House from apartments to condominiums (CDP 3-92-28), which included measures intended to protect the units from shoreline hazards by installing concrete pilings.

In December 1998, the Ocean Harbor House applied for and obtained an Emergency Permit (3-98-116-G) to protect a portion of the development (Building No. 4), and an associated sewer line, from shoreline erosion by installing a temporary rip rap seawall (Exhibit 2). The terms of this permit required that the emergency work be removed in its entirety by May 23, 1999. This has not occurred.

The applicant has, however, been diligently pursuing a permanent resolution of the shoreline hazards problem at Ocean Harbor House. As the Commission is well aware, the issues involved in such situations are quite complex, and the applicant has been attempting to address these issues to the satisfaction of Commission and City staff. Numerous meetings have been conducted, and various reports submitted. Yet, as has been discussed at these meetings, critical issues remain to be resolved.

The applicant has recently hired new consultants, for among other reasons, to try to better respond to the City and Commission staffs' questions and concerns. The consultants are in the process of updating the previous reports, which, in the opinion of Commission staff, did not adequately address alternatives and environmental impacts. The applicant has estimated that 6 months will be needed for the consultants to complete the technical analyses, address the relevant planning issues, and come to an agreement with the City of Monterey regarding what, if any, encroachment onto City lands will be allowed by the City.

While the Homeowners Association attempts to develop a long-term resolution of the shoreline hazard problem, the shorefront portions of the Ocean Harbor House development not protected by the temporary rip rap seawall remains exposed to beach erosion and wave hazards. The applicant and their engineers submit that periodic changes in beach profile may undermine the structures' foundations and leave the development and sewer line subject to damage from ocean waves. To minimize these risks while avoiding the installation of additional rock as a potential emergency response, the applicant has built a sand berm in front of the unprotected units as an interim measure. This sand berm needs to be replenished on a periodic basis in order to account for the movement of the sand associated with wave action, wind, and beach use.

Construction vehicles (e.g., a bulldozer) would be used to rebuild the sand berm by moving sand from the lower beach area to the upper beach and base of the structures. This activity would be limited to the area of the beach directly in front of the existing structures and above the mean high tide line (Exhibit 3). As authorized by this permit, Ocean Harbor House could continue to replenish the sand berm during the period in which permanent resolution of the Ocean Harbor House problem is being developed, subject to conditions that regulate the timing and implementation of the sand moving activities detailed below.

Exhibit 1

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The Coastal Act sets forth policies for shoreline development that allows for the construction of shoreline protection structures in very limited circumstances, and where adverse environmental impacts are avoided and mitigated to the fullest extent possible (Section 30253). In addition, such development must protect public access and recreation opportunities (Sections 30211 and 30221). The temporary seawall installed under the emergency situation does not comply with these standards because, among other reasons, it consumes a large amount of public beach area that would otherwise be available for recreational use. The large stack of rocks also represents a visual eyesore in a scenic coastal area that is generally free of such unnatural shoreline structures. In addition, the periodic use of the beach and beach sand for the creation of a sand berm interferes with the public's use and enjoyment of this highly used shoreline area. Finally, there are outstanding questions regarding whether a seawall is allowed at the site based on previous permit actions and additional data needed to resolve actual risks and available alternatives. It is clear that the proposed construction of a permanent seawall on the site, if any, will be subject to rigorous review to eliminate and minimize its impact on coastal resources.

Notwithstanding these outstanding issues, the retention of the temporary structure and the periodic replenishment of the sand berm, for a limited period of time is an appropriate course of action. This will allow the additional information needed to resolve these issues to be assembled and analyzed without putting the existing structures and the safety of the residents and beach-goers in jeopardy. **By allowing this to occur, the Commission makes no commitment as to whether a permanent seawall is allowable under the Coastal Act, or what its design and implementation should entail.**


To ensure that the resolution of the permanent solution proceeds in a timely manner, and the adverse impacts associated with the existing temporary structure and sand moving activities are kept to a minimum, Special Conditions have been attached to this permit. These conditions establish a timeline to ensure that the temporary structure is removed no later than November 1, 2001, unless the retention of this structure is approved by the Commission through the regular permit process. In addition, the conditions institute specific construction operation procedures and reporting requirements to ensure that sand moving activities are conducted in a manner that will not have a significant adverse impact on public access and recreation. With these conditions, the permit is consistent with the Chapter 3 policies of the Coastal Act.

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SPECIAL CONDITIONS

1. Scope of Permit. The development authorized by this permit is limited to the following:
 - a. Temporary Retention of Rip-Rap Structure. The rock seawall installed pursuant to emergency permit 3-98-116-G may be retained during the period that the applicant diligently pursues a permanent solution to shoreline hazards, but in no case beyond **November 1, 2001** unless authorized by the Commission through the regular permit process. Failure to remove the temporary rip-rap structure by November 1, 2001, unless otherwise approved by the Commission, shall be considered a violation of the Coastal Act and subject to enforcement action and potential civil penalties pursuant to Chapter 9, Article 2 of the Coastal Act. Any addition, alteration, or maintenance of the existing temporary structure shall be subject to separate review and approval by the Coastal Commission or its Executive Director.
 - b. Sand Moving and Berming Activities. Ocean Harbor House may conduct the sand moving and berming activities, according to the plans submitted by Ocean Harbor House and Haro, Kasunich and Associated Inc. dated September 3, 1999, during the period between the effective date of this permit and November 1, 2001. Sand moving/berming activities shall be subject to the construction standards specified in Special Condition 3, below, as well as the reporting requirements identified in Special Condition 4.
2. Permit Timelines. The permittee shall observe and comply with all of the following timelines. Failure to submit the required materials by the specified dates, unless extended by the Executive Director for good cause, shall be grounds for the Executive Director to require immediate removal of the temporary rip-rap structure.
 - a. Permanent Project Description, Alternatives Analysis, and Environmental Review. By **February 1, 2001**, the permittee shall submit, to the Executive Director and the City of Monterey, a detailed report that provides:
 - the plans and description of the permanent resolution proposed by the Ocean Harbor House;
 - a comparative analysis of the full range of alternatives considered in the selection of the proposed resolution, including a thorough evaluation of all alternatives that the staffs of the Coastal Commission and City of Monterey have requested to be considered in various meetings and correspondence (e.g., use of concrete pilings, relocation of threatened units, etc.); and,
 - a complete assessment of the environmental impacts posed by the project, including but not limited to, the impacts of the selected alternative on sand supply, dune habitats, public access and recreation, visual resources, and the stability of adjacent properties.

In the event that the Executive Director or the City of Monterey is not satisfied with the contents of the required report, the permittee shall respond to a request for additional information within **30 days** of receiving such a request.

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- b. Coastal Development Permit Application for Permanent Solution. The permittee shall be responsible for submitting a complete Coastal Development Permit application for the proposed permanent solution no later than **April 1, 2001**. In addition to providing the full range of information required by Exhibit 4 of this report, the application shall include a detailed construction operations plan for the removal of the temporary rip rap structure which minimizes impacts to dune habitats, water quality, and public access and recreation to the greatest degree feasible.
 - c. Removal of Temporary Rip-Rap Structure. Unless retention of the temporary rip-rap structure is authorized by the Coastal Commission prior to October 15, 2001, the permittee shall be responsible for the **complete removal** of this temporary structure, in accordance with the construction operations plan required above (which may be modified by the Coastal Commission or Executive Director), by **November 1, 2001**.
3. Construction Standards for Sand Moving and Berming. The sand moving and berming program authorized for the period between the effective date of this permit and November 1, 2001 shall be subject to the following requirements:
 - a. The area of sand moving and berming shall be limited to the beach area between the existing Ocean Harbor House buildings and landward of the mean high tide line. No sand shall be removed from, or deposited on, State Park land, vegetated dune habitats, or areas within the jurisdiction of the Monterey Bay National Marine Sanctuary.
 - b. Construction vehicles and equipment shall not come in contact with ocean waters, and shall be cleaned and maintained at an offsite location prior to construction to prevent the discharge of any harmful or foreign materials on the beach or in the ocean.
 - c. Sand moving and berming shall take place only when the low tide is at or below an elevation of 1.0 feet above mean sea level, and where there is adequate space for lateral public access between the ocean and the mean high tide line. Sand moving and berming **shall not** take place on weekends or holidays.
 - d. The permittee and construction operators shall ensure safe lateral access during construction activities. Methods to achieve safe lateral access shall include:
 - the provision of adequate construction personnel to direct or escort beach users across the construction area; and/or
 - temporarily staking the construction area with orange safety netting during the construction period.
4. Reporting Requirements for Sand Moving and Berming. At least 10 working days prior to conducting any sand moving or berming activities, the permittee shall inform and request authorization of the proposed action and its timeline from the Executive Director of the Coastal Commission, and the Public Works Director of the City of Monterey. Significant conflicts with public access, coastal recreation, or sensitive habitats shall be grounds for not authorizing proposed sand moving and berming.

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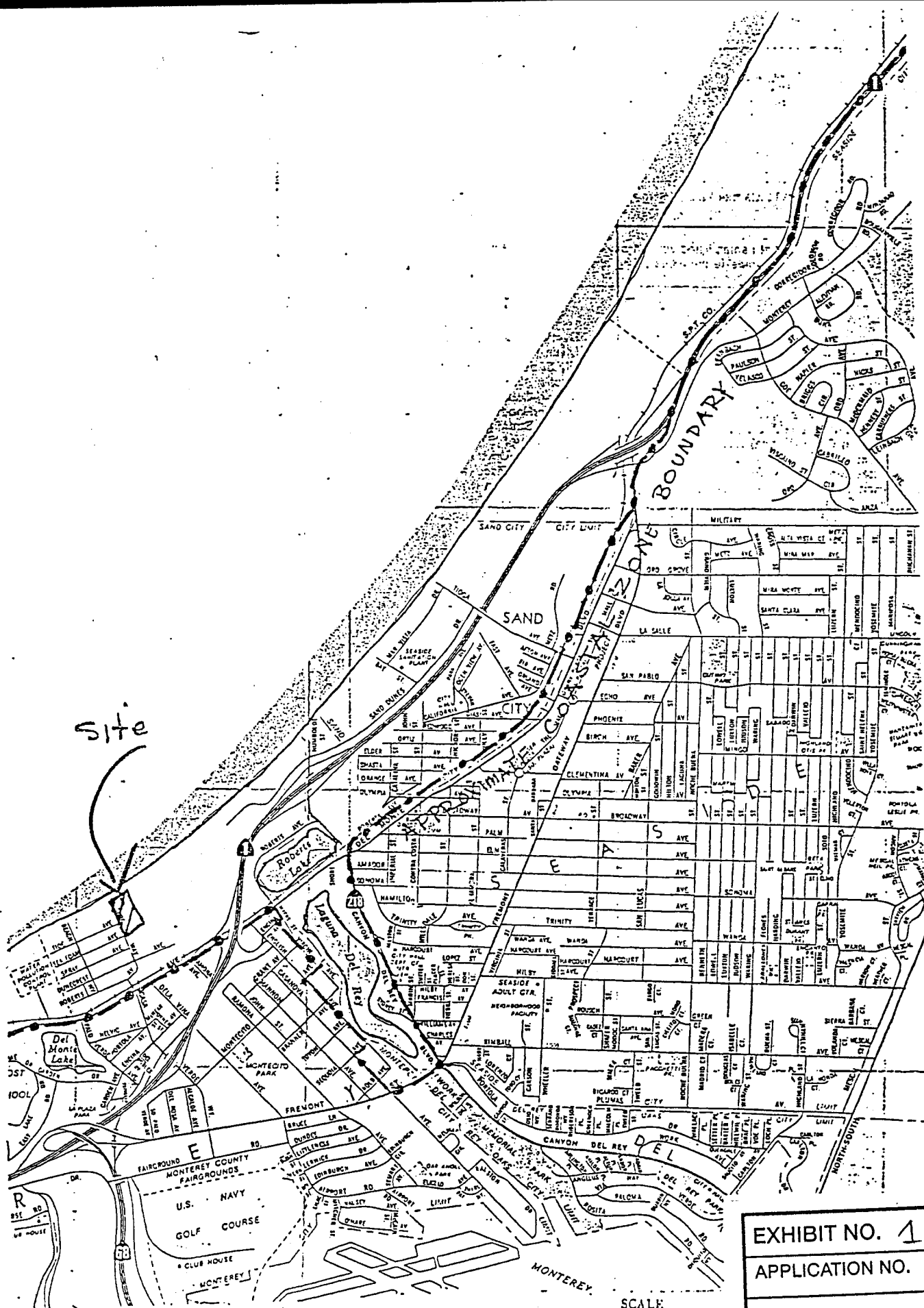
ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

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

Mary W. Sevensen
Applicant's Signature
President HOA

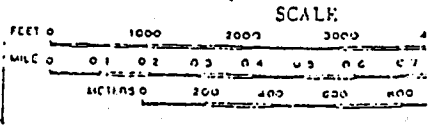
7/30/00
Date of Signing

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site

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SEASIDE - SAND CITY - MONTEREY

1 MILE





Temporary rip rap structure installed under Emergency Permit 3-98-116-G

EXHIBIT NO. 1

APPLICATION NO.

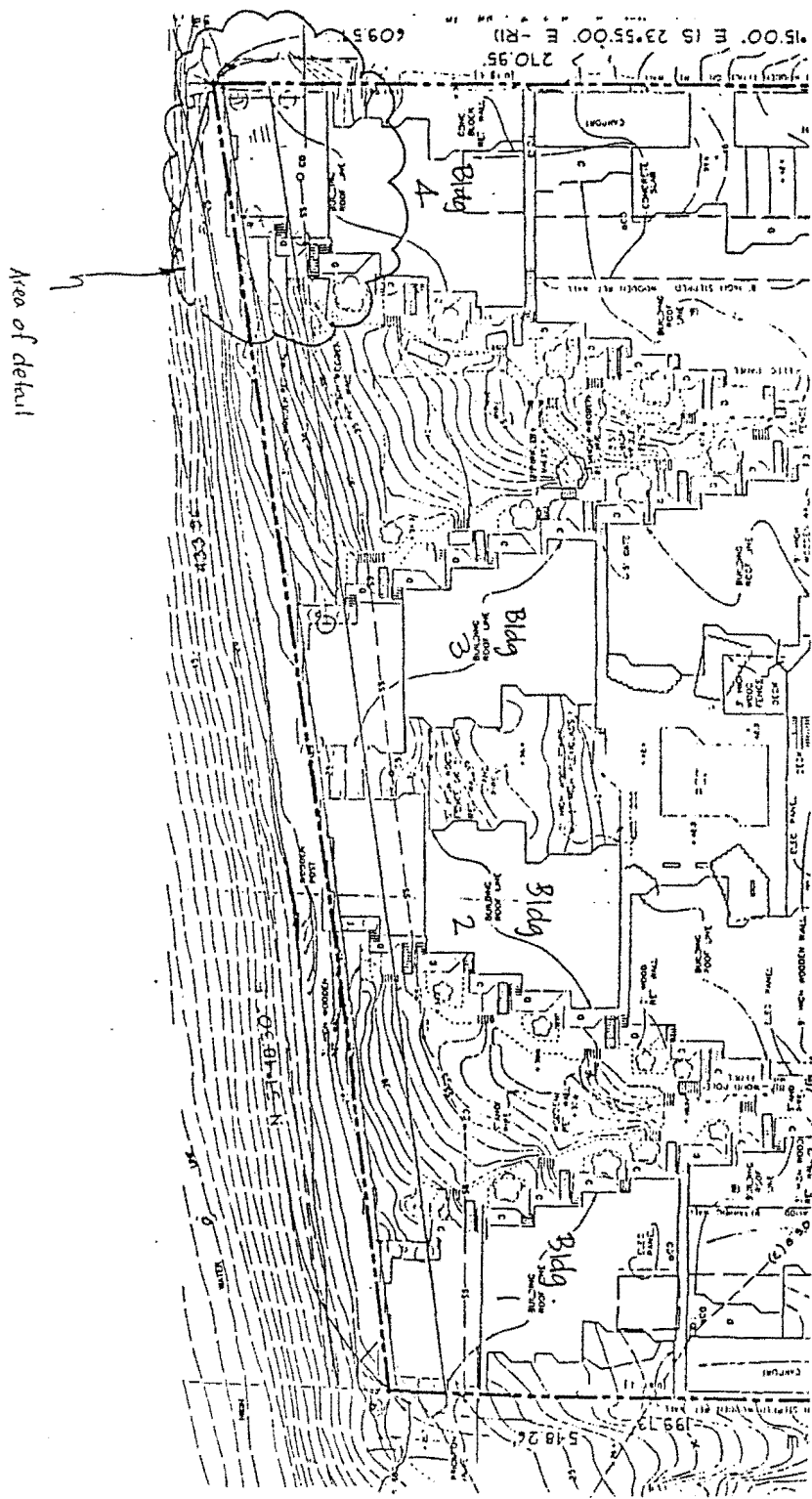
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California Coastal Commission

3-99-090

Ocean Harbor House

This photograph, taken on May 31, 1999, shows the location of the Ocean Harbor House in relation to Del Monte Beach and the Pacific Ocean, and the temporary seawall installed in 1998/1999 as an emergency measure. Upcoast (to the left of the residential development as shown in this photo) is State Park land. Seaward of the residential development is land owned by the City of Monterey. The sand moving activities will take place between the upcoast and downcoast limits of the existing residential development, above the mean high tide line.



PROJECT NO:	M2519	SITE PLAN showing AREA OF DETAIL OCEAN HARBOR HOUSE MONTEREY, CALIFORNIA
DATE:	24 DEC 93	
SCALE:	1" = 40'	
DRAWN BY:	JT	
HARO, KASUNICH & ASSOCIATES		
Figure No.		

EXHIBIT NO. 1
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3-94-090-A1
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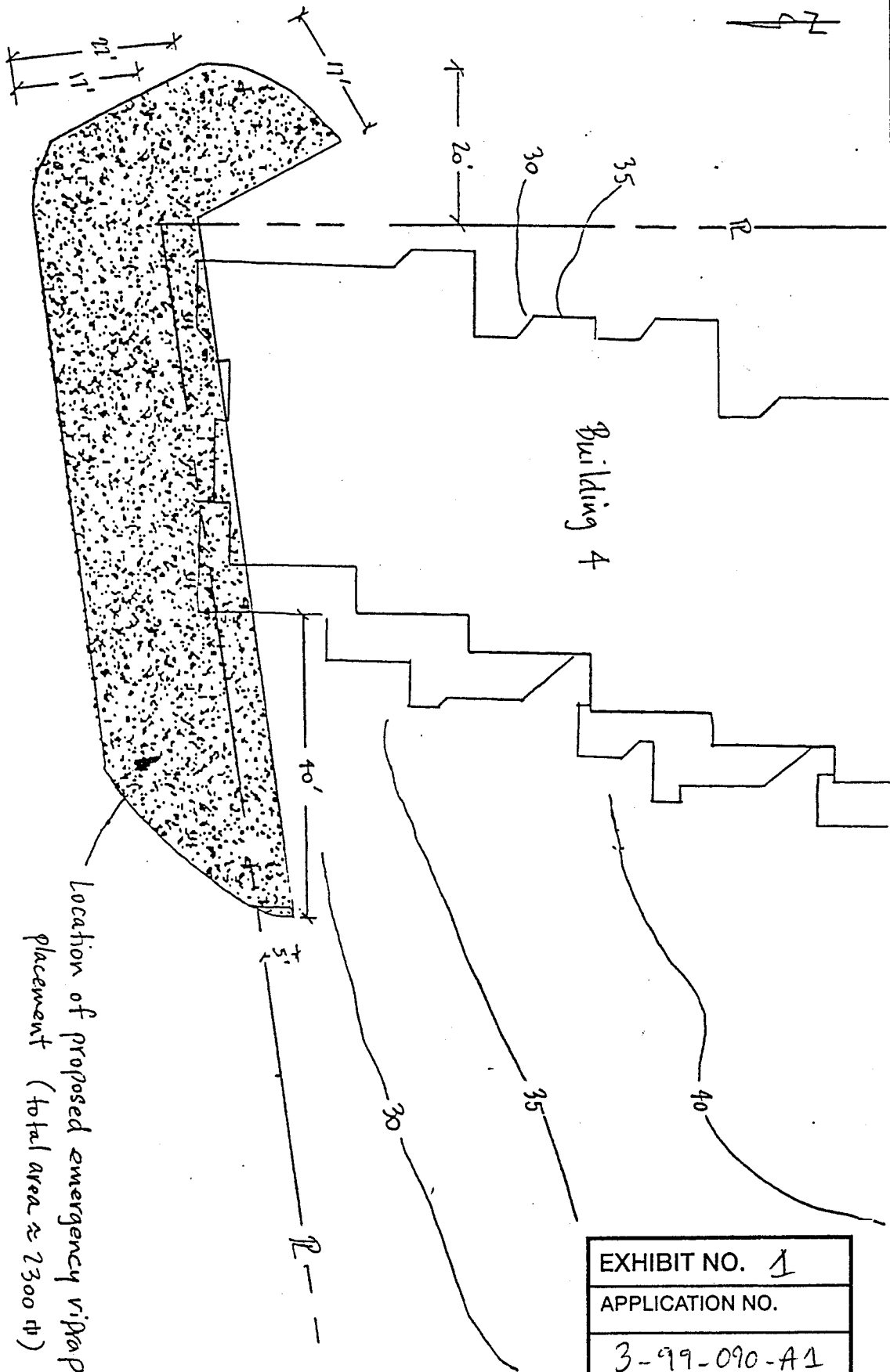


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APPLICATION NO.

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Volume of riprap

500 cubic yards
 \approx 825 tons

PROJECT NO:
DATE:
SCALE:
DRAWN BY:

M2519

24 DEC 98

1" = 20'

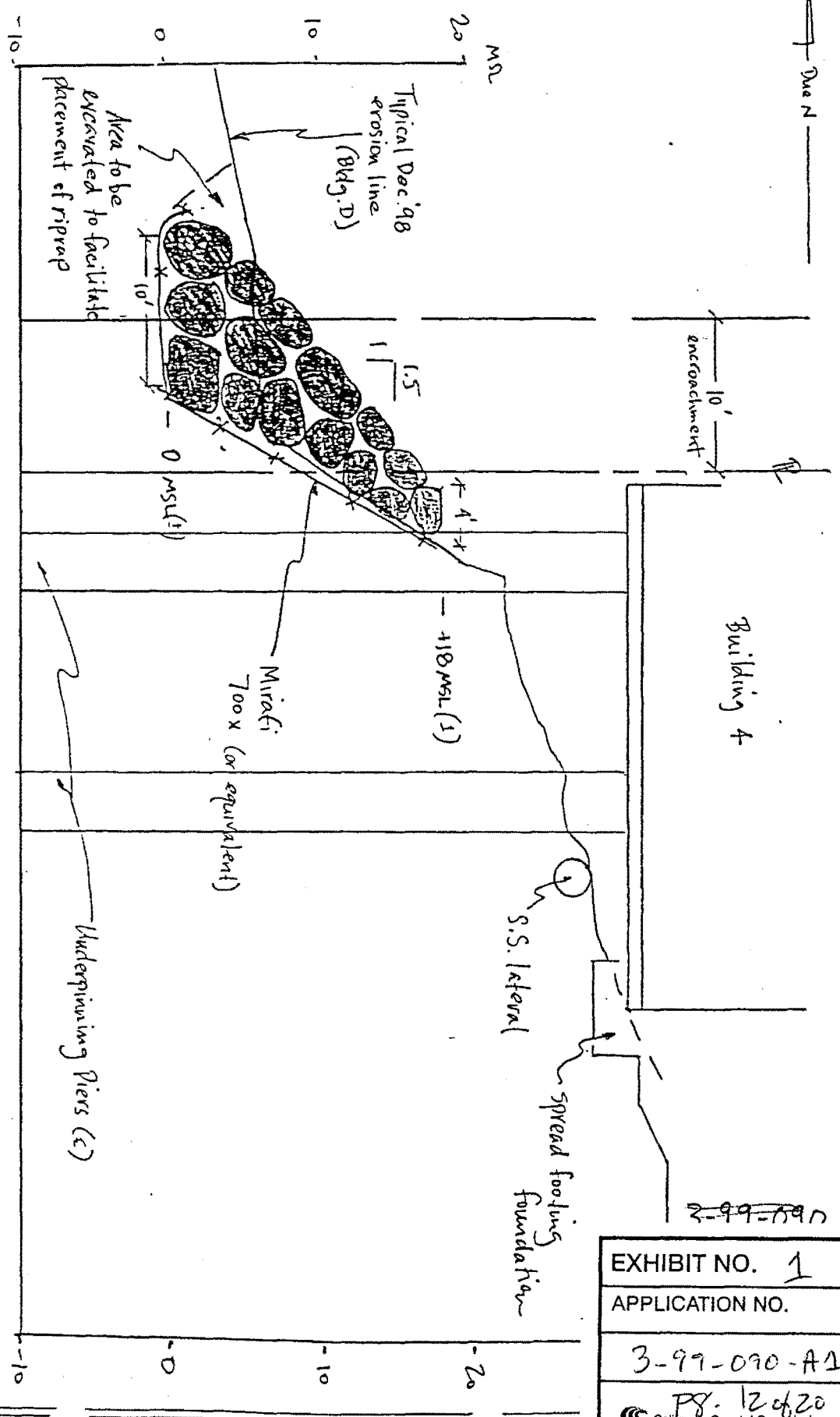
JT

HARR KASIMIRICH & ASSOCIATES

PROPOSED EMERGENCY RIPRAP
BLUFF PROTECTION
OCEAN HARBOR HOUSE
MONTEREY, CALIFORNIA

Figure No.

Due N



Note:

The armor rock:

max wt = 6 tons
min wt = 4 tons

Other armor rock:

max wt = 4 tons
min wt = 2 tons
15% rejected min. wt.

PROJECT NO:	M2519
DATE:	24 DEC 98
SCALE:	1" = 10', H = V
DRAWN BY:	JT

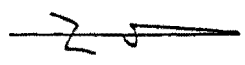
TYPICAL EMERGENCY RIPRAP
PLACEMENT SECTION
OCEAN HARBOR HOUSE
MONTEREY, CALIFORNIA

HARO, KASUNICH & ASSOCIATES

Figure No.

EXHIBIT NO.	1
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Monterey Bay



Beach

ACCESS RD.

BEACH WAY

Dune staging area

Parking lot staging area

Del Monte Beach Park

Boardwalk

TIDE AVENUE

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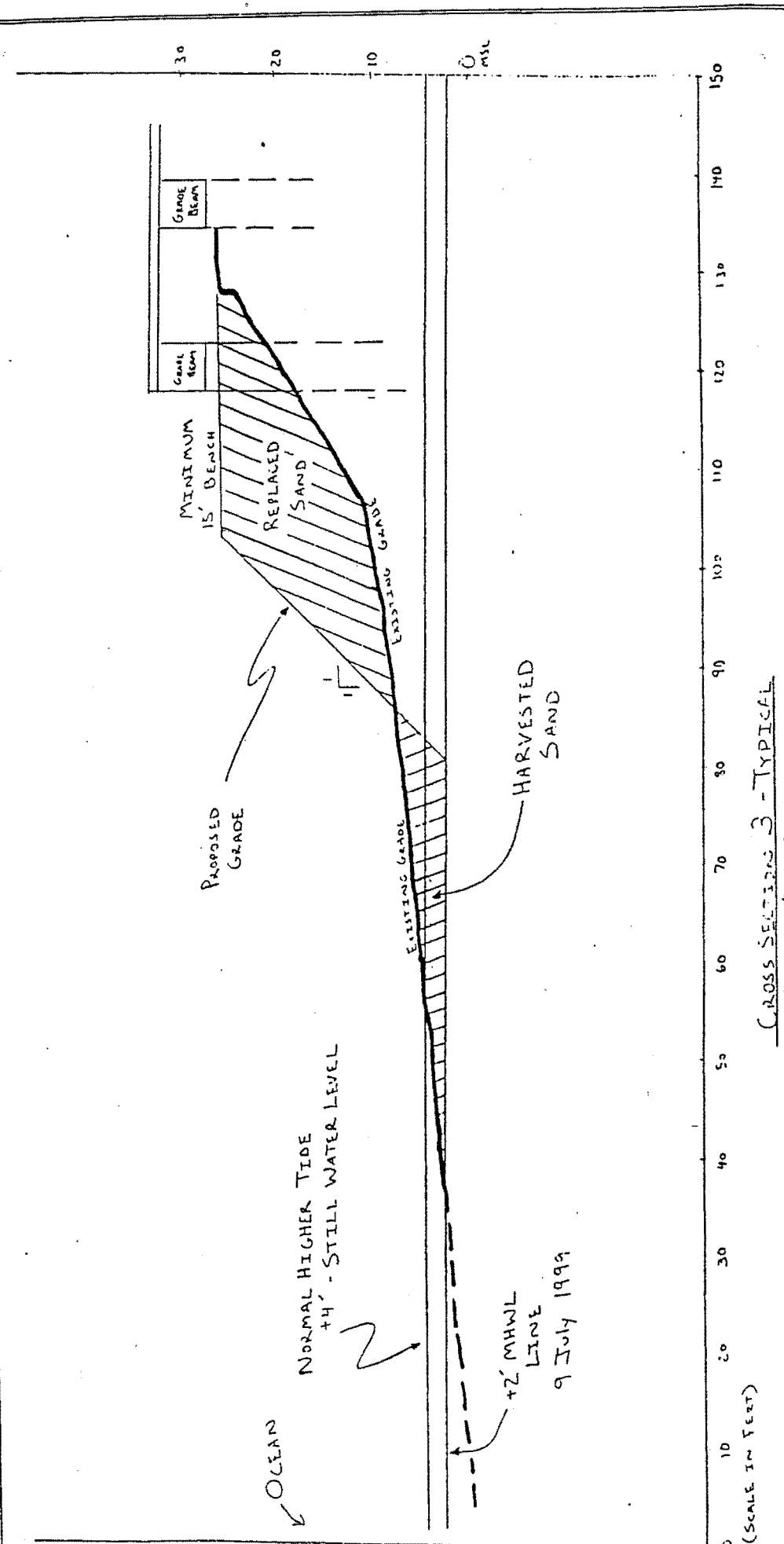
work area

OCEAN
HARBOR
HOUSE
DEVELOPMENT

ACCESS + STAGING AREA MAP
OCEAN HARBOR HOUSE
MONTEREY, CALIFORNIA

PROJECT NO:	M2519
DATE:	3 SEPT 99
SCALE:	N.T.S.
DRAWN BY:	JT

HARO, KASUNICH & ASSOCIATES



PROJECT NO: M2519		TYPICAL CROSS SECTION	
DATE: 19 July 1999		PROPOSED EMERGENCY MEASURES	
SCALE: 1" = 10'		OCEAN HARBOR HOUSE	
DRAWN BY: J. Cook		MONTEREY CITY, CA	
HARO, KASUNICH & ASSOCIATES		FIGURE NO.	

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Exhibit 4. Technical Information Requirements for Ocean Harbor House Shoreline Protection Proposal¹

1. Project description

The application shall include a comprehensive project description providing details about the proposed temporary and permanent development, including:

- the kind of device that is proposed and where it will be located
- the final dimensions of the proposed project — height, referenced to a vertical datum; length; and, distance from an identifiable back beach feature (such as the bluff, line of vegetation, development, etc.)
- the major components of the proposed protective device (e.g. backfill, filter fabric, toe key, armor layer, etc.)
- the kind and quantities of materials to be used
- the size, shape and source of any rock and backfill to be used
- whether any shoreline protection has been built in the general vicinity of the proposed project and the general condition of this existing protection (this may require a supporting statement from a licensed engineer)
- how the proposed project will fit with the existing protection, if any exists
- how the proposed project will be built — type of construction equipment, access for construction equipment, and staging areas for materials
- how the proposed project will be maintained.

The applicant shall also provide a comprehensive description of the proposed construction process for all proposed temporary and permanent development. This description should include an identification of any associated development including, but not limited to: access roads, staging areas, dewatering efforts, and proposed construction techniques. Since the construction of shoreline protection projects can often disrupt beach use or habitat for sensitive species, the construction description should include schedule information telling when the work will be performed. Finally, if there are any special construction constraints (for example, work can only be done during extreme low tides or equipment must be less than two tons to use the available access) these constraints should be discussed.

2. Maps, Plans and Cross-Sections

Site Plan: The applicant shall provide site plans of the proposed project showing:

- the project footprint in relation to the applicant's property boundaries and any recorded easements
- locations of provided cross sections
- topographic contours, at 1 to 5 foot intervals, of the entire project site (beach, bluff, and upland area to the landward property boundary) from a recent (normally within the past two years) topographic survey of the property
- the location of any structure that needs protection, relative to the proposed protective device
- the setback of all existing development from either the top of bluff or seaward extent of dune vegetation
- the locations of any public land boundaries in the immediate project vicinity to which State Lands Commission has agreed
- a permanent surveyed benchmark, referenced to NGVD (National Geodetic Vertical Datum) which can be used for future project maintenance and monitoring.

Cross Sections: The applicant shall provide cross-sections², drawn to scale, showing:

¹ Additional information may be requested at the time of application if determined to be necessary by the Executive Director.

² All cross-sections should be referenced to the National Geodetic Vertical Datum.

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use)

- the proposed project in relation to the beach, back bluff or dunes, vegetation and existing features
- the proposed project, the existing structure(s) that would be protected by the protective device, and the landward property line
- beach profiles for the range of landward and seaward beach movement that have been observed for this site or the general area, over time.

If the shoreline protective device changes along the shoreline, detailed cross-sections should be provided for each section.

Engineered Plans: The applicant shall provide engineered plans of the proposed project (both as blueprints and legible 8 1/2 x 11 exhibits). These plans must have been prepared or certified by a registered engineer with expertise in shoreline processes. Normally this means a civil engineer or engineering geologist. On occasion this can be a structural engineer or soils engineer with experience in coastal engineering. Whenever local discretionary approval is required for the project (pursuant to Section 13053 of Title 14 of the California Code of Regulations) there should be evidence that the local government has approved the engineered plans. Also, there should be evidence that the plans that are submitted for the CDP application are the same as the plans that the local government approved.

The plans shall show:

- the dimensions of the proposed project, with the vertical dimension referenced to NGVD or another established datum
- plan view of the proposed project, showing its relation to the beach, existing topography and adjacent structures
- detailed drawing of all transition points and edges, such as end walls, keyways, toes, connections to adjacent structures, etc.
- detailed drawings of all joints, tie backs, and drainage
- cross-section of proposed structure in relation to beach and existing topography
- plans and cross-sections of any necessary cut or fill
- other construction details
- construction notes.

The special design constraints of the site shall be noted on the plans and discussed in the engineering notes or in a separate report or letter.

The engineered plans or an attached report shall provide detailed information on the engineering design considerations, including, but not limited to:

- design constraints, including constraints posed by up and down coast properties
- design still water level, included anticipated level over the life of the structure, due to sea level rise and global warming, and methodology used to establish this water level
- design wave height and methodology used to establish this height
- design scour depth
- storm event used in design scenario³
- consequences of overtopping and event (or frequency) which could cause overtopping
- erosion rates with the proposed project, at the back beach and from subaerial processes, if these differ
- design life of proposed project
- maintenance requirements to achieve design life (types of activities and either frequency of maintenance or storm events which could trigger maintenance)
- changes to sand supply and littoral processes from proposed project
- possible end effects and efforts to minimize such effects
- total height of bluff or back beach, and height of protection

³ Normally, permanent shoreline protection is designed to withstand a 100-year storm, or a storm equivalent to the storms that occurred in 1982/83. If a lesser standard is used, the engineer should e standard is proposed and note the design changes that would be necessary to withstand event. Information on the design conditions is needed to evaluate structural stability, as re Act Section 30253.

3-99-090-100
Exhibit 4, pag

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- length (or shoreline length) of protection
- seaward encroachment of protection.

Regional Location Map: The applicant shall provide a regional map that shows the site. Copies of a Thomas Brothers map or USGS Quad sheet can often provide this. In addition, the applicant should provide a map or plan of the general area near the proposed project that shows any existing shoreline protection projects that are near or at the proposed project site and any development stringline. The regional map should also show the proposed project site, in relation to any identified areas of regional significance, public park lands, public beach access, special geologic features, etc.

Construction Area: The applicant shall provide a map or site plan which shows all the areas, on and off-site, to be affected temporarily or permanently by construction activity, including but not limited to: staging areas, access roads, equipment and materials storage areas, coffer dams, dewatering devices, equipment washout areas, etc.

All of the above mentioned plans, maps and cross-sections should be prepared and provided at scales sufficient to allow staff and the Commission to identify details of the proposal both in map or blueprint format, for use in project review, and in 8-1/2" x 11" format for use in creating exhibits for the staff report. In limited cases, the 8-1/2 x 11" scale may be sufficient to illustrate specific aspects of the proposed project.

3. *Project need, risks posed by the no action alternative and alternatives analysis*

The applicant shall provide a thorough discussion of the need for the project, prepared by a licensed engineer, engineering geologist, geologist or other professional who is familiar with the applicant's site and who can discuss knowledgeably the need for the proposed project. The discussion on project need should include, but not be limited to, such information as:

- whether the shoreline protection is to protect or enhance a public beach in danger erosion
- what evidence exists of active erosion at the site or need for shoreline protection
- what is the approximate rate of erosion and/or bluff retreat occurring at the site
- what particular structures, facilities or recreational activities are threatened by the shoreline erosion occurring at the site
- whether the shoreline protection project can be expected to reduce or eliminate the immediate threat.

The coastal development permit application also shall provide a written analysis of the environmental impacts of the proposed project and alternatives to the proposed project. The analysis should have sufficient information on the impacts from various feasible options to demonstrate that the proposed project is the least environmentally damaging feasible alternative.

Potential adverse impacts to coastal resources, public access and recreation shall be identified. Measures to mitigate these adverse impacts should be proposed.

4. *Engineering Geologic Information and Coastal Process Information*

The applicant shall provide an Engineering Geologic Report on the project site. The Report shall be prepared by a registered professional geologist or engineering geologist and shall meet the professional standards outlined in the Guidelines for Engineering Geologic Reports⁴ or other comparable standard.

⁴ Prepared by the State Board of Registration for Geologists and Geophy available from the State of California Department of Consumer Affairs 300A, Sacramento CA 95833, or www.dca.ca.gov/geology.

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3-99-090-A1
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The Engineering Geologic Report shall provide technical information relating to project need, feasible alternatives, the possible physical risks and impacts posed by the proposed project and other alternatives, and any site specific conditions which should be addressed in the engineering project design.

The applicant shall provide coastal process information for the proposed project site and areas close to the project site. The following information shall be provided, along with any additional information that helps to describe the site and the existing coastal situation:

- normal and maximum tidal ranges
- storm surge and anticipated long-term changes in sea level
- maximum expected wave height
- "summer" and "winter" beach profiles (discussed in more detail below)
- erosion rates for the existing site, both at the back beach and upper bluff, if available
- type and frequency of storms which have caused shoreline retreat historically
- conditions leading to subaerial erosion historically
- identification of offshore features affecting the site (island sheltering, canyons, etc.)
- identification of the littoral cell, key sand sources and sinks which dominate the cell, and historic contribution of project site to littoral sand supply
- volume of sand required to establish a square foot of beach in the vicinity of the project
- potential for scour and probable scour depth
- end effects from any shoreline protection which exists near the project site
- discussion of how wave energy, the littoral currents, and other coastal forces may be modified by the proposed protection project
- the extent to which the adjoining shoreline areas have been modified by shoreline protection or shoreline protective devices.
- plot showing all historic shoreline surveys, with dates of surveys and references
- site drainage and proposed drainage modifications.

Seasonal Profiles: The applicant shall provide a least two seasonal profiles of the proposed project site, showing beach conditions during both a mild wave period and during a high wave energy period (often referred to as summer and winter profiles). Profiles should be superimposed on the cross section for the proposed project (see Item #2.). The profiles should be prepared in

The survey information used to develop the profiles should be noted on the profile, along with any assumptions that were made while developing the profiles. If there is no information on a true "winter" profile, this profile may be extrapolated from available site information, provided the methodology is identified and all assumptions are provided in writing.

Plans and profiles must be prepared or certified by a registered professional engineer with expertise in coastal processes. Normally this means a civil engineer or engineering geologist. On occasion, this can be a structural engineer or soils engineer with experience in coastal engineering.

5. *Written determination from State Lands Commission*

The State Lands Commission (SLC) has responsibility for all state tidelands, trust lands, and sovereign lands. The applicant shall provide evidence that the SLC has reviewed its jurisdiction over the proposed project.

If the SLC determines that a lease, permit and other form of approval is required, the applicant shall obtain this approval and submit it as part of the coastal development permit application.

6. *Other Agency Approvals*

The applicant shall provide, for each of the following agencies: (1) a copy of any application for approval submitted to the agency, (2) information about the application, (3) written comments resulting from any review which project, and (4) a copy of any permit already obtained:

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use)

- US Army Corps of Engineers
- US Fish and Wildlife Service
- National Marine Fisheries Service
- California Department of Fish and Game
- California Department of Parks and Recreation
- State Lands Commission (repeated as Item #5)
- State or Regional Water Quality Control Board.

7. *Effects on Public Access and Recreation*

The applicant shall provide the following information:

- location of nearest vertical access points, up and down coast
- location of any lateral access between nearest up and down coast access points
- graphic depiction of proposed shoreline protection project on a current beach profile(s)
- discussion or evaluation of the effects of the proposed shoreline protection project upon the public's ability to walk the shoreline, as well as impact of the project upon recreational use of the beach and near shore during the entire year.

8. *Monitoring Plan*

The applicant shall provide a preliminary monitoring plan that includes:

- objectives listing the specific aspects or effects of the proposed project to be monitored
- success standards to evaluate the performance of the proposed project
- monitoring techniques and schedule
- reporting techniques and schedule
- expertise and professional qualifications for persons performing the monitoring.

9. *Other Required Information*

9.A. *Effects on Sensitive Marine and Shoreline Habitat*

The applicant shall provide a Biological Impact Analysis prepared by a qualified professional, containing the following information:

- a biological survey of the habitats found at the project site and in nearby areas prepared by a biologist that includes a map of habitat areas, a narrative description of the habitat types, a list of species present, and a quantification of the amount and density of habitat and species types
- a discussion or evaluation of the impacts of the construction and maintenance of the proposed shoreline protection project on the habitat areas identified in the biological survey
- a mitigation plan
- professional qualifications of the biological experts who prepared the plan and who will implement the proposed mitigation.

9.B. *Visual Impacts Information*

The applicant shall provide a visual analysis of the area that includes the following:

- a map showing sight lines to the project site from any nearby public recreation areas and/or vista points/overlooks of high scenic and public interest, which will illustrate the project's visibility from those locations
- a description of the temporary visual impacts of the project during construction indicating the location and extent of all areas to be cleared or graded for the proposed protective work, construction access roads, staging areas, and coffer dams, and other related improvements, the appearance and relative visibility of any stockpiles, staging areas, etc.
- the construction schedule and anticipated length of impacts from construction will occur

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- samples that show the color and texture of the permanent shoreline structures and any drainage devices that will be visible
- a narrative analysis of the permanent visual impact of the proposed project in light of Coastal Act concerns for protecting public views, minimizing landform alteration, and keeping new development visually compatible with the character of the surrounding area.

9.C. Effects of Shoreline Protection Project on Dunes


The applicant shall provide an analysis of the possible impacts to dunes, including:

- a map of the proposed project in relation to the dune complex around the site
- an analysis of how wave energy, currents, wind and other forces that shape the existing dune complex would be altered and what the resulting effects on the dunes would be
- description of any proposed landscaping and analysis of the interaction of the landscaping plants with native dune vegetation.

9.D. Construction Description, with maps

The applicant shall provide information on the construction activities, covering all aspects of the proposed project. The discussion should identify:

- types of mechanized equipment which will be on the beach
- anticipated noise levels during different phases of construction
- plans for placing material on the beach or in the near shore, including stockpiling plans
- access plans
- staging areas
- maps or plans showing all areas to be used for construction activities (in blueprint format if available (for project review) and in reduced 8-1/2" x 11" format (for use as exhibits for the staff report))
- maps of any areas which will have temporary or permanent access restrictions
- schedule of all construction activities, including anticipated starting dates, duration and indications if there is any flexibility in each activity
- timing for all activities (e.g. 8 AM to 5 PM work day; 12 hours a day; 24 hours a day; Monday through Friday; just weekends; every day; etc. and indications if there is any flexibility in each activity).

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CALIFORNIA LAND PLANNING

Anthony J. "Bud" Carney, AICP
347 Arthur Ave.
Aptos, CA 95003
831-688-3168

RECEIVED

OCT 31 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

October 29, 2001

Susan Craig, Coastal Analyst
California Coastal Commission
Central Coast District Office
725 Front Street Suite 300
Santa Cruz, CA 95060

**RE: OCEAN HARBOR HOUSE CONDOMINIUMS – APPLICATION TO
AMEND CDP 3-99-090**

Dear Ms. Craig:

Please find enclosed an application to amend CDP 3-99-090, which is the Coastal Commission's permit for a temporary rock seawall located in front of building 4 at the Ocean Harbor House. The requested amendment is asking for an extension of the permit timeline, which is due to expire on November 1, 2001. This amendment, if approved, will provide time for the City of Monterey and the Coastal Commission to review a permit application for the long-term solution. As discussed at our meeting on October 24th we will, in the next sixty days, be submitting an application for the long term seawall solution to the City of Monterey, and the Coastal Commission.

The newly proposed project design no longer requires the construction of the seawall on property belonging to the City of Monterey, it is all located on property owned by the Ocean Harbor House. The new design, to be located on Ocean Harbor House property, not only protects the Condominium complex but it will also provide long-term protection to the City's sanitary sewer line, also located on Ocean Harbor House property, plus it is not visually intrusive as most of it will not be seen. It is anticipated that work on the long-term solution could begin in the fall of 2002 if the respective permit applications are approved. The amendment application is asking that the removal of the temporary rock seawall be incorporated into the long-term construction project anticipated to begin next fall.

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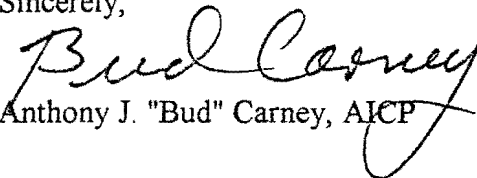
Susan Craig

P. 2


The October 24th meeting with you, Nancy Cave and Sharif Traylor was very informative, and greatly appreciated by the Ocean Harbor House Board of Directors and those of us who are assisting them with their seawall protection project. Thanks for taking time out of your schedule to meet with us.

If you need additional information on the amendment application, or have any questions please call me at (831) 818-8914.

Sincerely,


Anthony J. "Bud" Carney, AICP

Cc Ocean Harbor House Homeowner's Association
Ron Wiele
Nancy Cave
Sharif Traylor
Les Strnad
Randy Paul
Steve O'Connor
Bill Fell
William Reichmuth

EXHIBIT NO. 2
APPLICATION NO.
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CITY OF MONTEREY

RECEIVED

TO: City Manager

NOV 05 2001

FROM: Public Works Director

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

DATE: October 25, 2001

SUBJECT: Extension of Temporary Encroachment Permit for Ocean Revetment at
Ocean Harbor House

RECOMMENDATION:

That the City Council grant an extension of the existing temporary encroachment permit, previously issued to the Ocean Harbor House Homeowner's Association for emergency slope protection, to November of 2002.

POLICY IMPACT:

This action is consistent with the original approval of this temporary permit and with the first and second extensions.

FISCAL IMPACT:

None. All work under this permit will be financed by the homeowner's association.

ENVIRONMENTAL DETERMINATION:

By prior action, this project is exempt under CEQA.

ALTERNATIVES CONSIDERED:

This permit could be denied. However, this would deny the Ocean Harbor House homeowners the opportunity to protect their development against this winter's storms and associated beach erosion. Such action could also result in the loss of the private sewer lateral which runs underneath the ocean front buildings thereby unintentionally discharging raw sewage into the ocean as well as rendering the front units uninhabitable.

DISCUSSION:

In December of 1998, the Ocean Harbor House Homeowners Association (OHHA) requested and was granted a temporary encroachment permit for the emergency placement of rock riprap to prevent further erosion in front of the most easterly of the oceanfront buildings. At that time, the Ocean Harbor House believed that they would be able to design permanent repairs and obtain permits and construct those repairs before the following winter.

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However, the process of designing the permanent sea protection measures and reaching a consensus amongst the homeowners association members, the California Coastal Commission and the City has proved to take more time than originally anticipated. In August of 1999, the first extension was granted to stay the expiration date off to May of 2000. The action also allowed the moving of sand from below the mean high tide line to immediately in front of the most northerly tier of buildings. Then in May of 2000, a second extension was granted which delayed the expiration date to November 1 of 2001. This latter date also corresponds with the expiration of the Coastal permit for this project. During this time, the OHHA has been working on various different studies and concept plans. In January of this year, a report entitled, "Report on Repair/Mitigation Alternatives to Address the Bluff Retreat Erosion Problems with the Monterey Ocean Harbor House Development" by Steven O'Conner, P.E., and Reinhard Flick, Ph.D. (O'Connor/Flick report) was produced. This report examines the dynamics of the bluff retreat and erosion as well as alternatives and costs associated with mitigating the dangers to the buildings. On October 24, staff met with members of the OHHA, Coastal Commission staff and consultants including the former Santa Cruz District Coastal Commission Director, Les Strnad, to go over a refined alternative which eliminates all encroachments into the City property except for an overhead "wave recur" which will protrude over City property at limited locations and by no more than the existing encroachment of the decks (see attached exhibit). Staff believes that this refined alternative may address the concerns of the City and offers the best hope to finally resolve this matter. X

The OHHA needs time to finalize this refined alternative details, present the plan to the Coastal Commission and the City, develop bid documents and construct the improvements. The OHHA believes that they will be able to start construction by Labor Day of next year. In the meantime, the OHHA is requesting permission to extend the life of their temporary encroachment permit which will allow the rock armor protection to remain in place at the easterly end of the development and allow the stock piling of additional sand, should that be necessary.

Bill Reichmuth

attachment

TR/tjd

C: City Attorney
Community Development Director
Operations and Maintenance Engineer
Building Official
Coastal Commission (Dr. Lester)
OHH (Mr. Wiele)
California State Parks (Mr. Gray)

EXHIBIT NO. 3
APPLICATION NO.
3-79-090-A1
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