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RECORD PACKET COPY

February 13, 2003

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Rick Hyman, Deputy Chief Planner
Susan Craig, Coastal Planner

SUBJECT: **CITY OF MONTEREY: HARBOR SEGMENT LAND USE PLAN RESUBMITTAL.** For public hearing and Commission action at its meeting of March 6, 2003 to be held in San Luis Obispo at the Embassy Suites Hotel, 333 Madonna Rd., San Luis Obispo, CA 93405.

SYNOPSIS

Local Coastal Program (LCP) Background Information: The Harbor segment is one of five Land Use Plan (LUP) segments within the City of Monterey. Each segment's LUP portion of the LCP was initially prepared by consultants working for the City; all five have been submitted to the Commission previously for review. The Cannery Row LUP was effectively certified in 1981; the Skyline LUP segment was effectively certified in 1992. The Del Monte Beach segment resubmittal will be heard concurrent with the resubmittal of the Harbor segment at the March 2003 Commission hearing.

Note: This LUP resubmittal was heard at the December 2002 hearing, but no action was taken at that time. At the December 2002 hearing, City staff expressed concern regarding several of the water quality policies, especially the policy requiring that post construction best management practices be designed to treat the amount of stormwater runoff produced by storms up to the 85th percentile. The City also expressed concern regarding policies that prohibit the development of private water sources within the urbanized area of the City of Monterey. Since December 2002, Commission staff has worked with the City's public works staff to revise the modified water quality policies to address the City's concerns while still protecting water quality in the coastal zone. However, staff is still recommending policies that prohibit development of private water supplies within the urbanized coastal zone of the City, for consistency with Coastal Act Section 30250(a), which requires that new development be located in areas able to accommodate it or in areas with adequate public services.

Harbor LUP Content: The Harbor LUP breaks down each issue chapter into four sections: relevant Coastal Act policies, Existing Conditions, LUP policies, and Proposed LCP Implementation Measures. Staff is recommending denial of the LUP as submitted for the

following reasons: The City has not updated the background (Existing Conditions) sections of the Land Use Plan since they were written in the 1980's. Many major actions or developments have taken place in the intervening years. Hence, the submitted Existing Conditions sections of the Land Use Plan are in many cases no longer accurate. In addition, because the submitted policies are based on the submitted Existing Conditions, many of the policies are obsolete. Also, in the intervening years, water availability in the City of Monterey has become extremely limited. Additionally, in recent years, the Commission has been requiring more explicit standards in LCPs regarding water quality and shoreline protection. The submitted policies regarding these two issues are not adequate to ensure adequate protection of water and shoreline resources.

Since filing of the submittal, Commission staff has worked closely with the City, State Parks, and the Monterey Peninsula Water Management District, to revise the Land Use Plan to reflect current conditions. These updates are described in the Modifications Section of this staff report. In addition, the submitted policies, which were also written in the early 1980s, have been updated and new policies have been written to reflect current requirements regarding water quality, shoreline protection, habitat protection, water resources, etc. Of all the updated policies, those relevant to water resources (which are severely limited in the City of Monterey) are of most concern to the City and will likely be the focus of discussion at the Commission hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission hold a public hearing and take the following action for the Harbor segment of the City of Monterey Land Use Plan:

1. **Denial of the Land Use Plan as submitted.** The recommendation for denial of the LUP is based on the need for additional or updated Coastal Act policies (which are cited in each section of the document), the need for an update of many of the Existing Conditions in the LUP, and the need for deletion of certain LUP policies which are no longer relevant (usually because they have been implemented) and the need for new policies that reflect the updated Existing Conditions and the most current interpretation of the Coastal Act.

2. **Certification of the Land Use Plan with Suggested Modifications.** Modifications are grouped by LUP chapters (e.g., Public Access) and then broken into subgroups: Cited Coastal Act Sections, Existing Conditions, LUP Policies, and Proposed LCP Implementation Measures. The majority of modifications are in the Existing Conditions and LUP Policies subgroups of the LUP chapters.

SUBMITTED LAND USE PLAN

The Land Use Plan as originally submitted by the City has been sent under separate cover to the Commissioners and is available for public review at the Commission office in Santa Cruz.

FURTHER INFORMATION

For further information on the Land Use Plan or the staff report, contact Susan Craig at (831) 427-4863. Correspondence should be sent to the Santa Cruz district office at 725 Front St., Ste. 300, Santa Cruz, CA 95060.

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I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to certify the Harbor area segment Land Use Plan as submitted)

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

> ***Motion #1:*** *I move that the Commission certify the Harbor area segment Land Use Plan for the City of Monterey Local Coastal Program as submitted.*
>
> ***Resolution to Deny Certification:*** *The Commission hereby denies certification of the Harbor area segment Land Use Plan of the City of Monterey Local Coastal Program for the reasons discussed below and because the Harbor area Land Use Plan fails to meet the requirements of and does not conform to the policies of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; is not consistent with applicable decisions of the Commission which shall guide the local government in its future actions under Section 30625(c) of the Coastal Act; and does not meet the requirements of Sections 21080.5(d)(2)(i) of the California Environmental Quality Act, because there are feasible alternatives or mitigation measures available that would substantially lessen any significant adverse impact that the Land Use Plan may have on the environment.*

Resolution II. (Resolution to certify the Harbor area segment Land Use Plan if modified)

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Land Use Plan with the suggested modifications and adoption of the following resolution and findings. The motion to certify with the suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

> ***Motion #2:*** *I move that the Commission certify the Harbor Segment of the Land Use Plan as submitted by the City, if modified as suggested by modifications #1-41 in this staff report.*
>
> ***Resolution to Certify the Land Use Plan if Modified:*** *The Commission hereby <u>certifies</u> the Harbor segment Land Use Plan of the City of Monterey Local Coastal Program subject to the following modifications, and adopts the findings set forth below on the grounds that, if modified as suggested below, the Land Use Plan will meet the requirements of conformance with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the Land Use Plan will contain a specific access component as required by Section 30500(a) of the Coastal Act; the Land Use Plan will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the Land Use Plan will meet the requirements of Section 210805(d)(2)(i) of the California Environmental Quality Act, as there would be no further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse impacts on the*

environment. The suggested modifications to the submittal are necessary to achieve the basic state goals set forth in Section 30001.5 of the Coastal Act.

The Commission finds that if the City of Monterey adopts and transmits its revisions to the Land Use Plan in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

II. SUGGESTED MODIFICATIONS

The Commission suggests the following changes to the submitted Harbor area segment Land Use Plan are necessary to make the requisite findings. If the local government accepts the suggested modifications within six months of Commission action, by formal resolution of the City Council, the Land Use Plan will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

Note: The Commission-suggested textual modifications are shown by deleting submitted text with ~~strikethrough~~ and adding text with <u>underline.</u> Required modifications to Figures are described.

A. Table of Contents, List of Figures, Introduction, and Figure #1

Modification #1:

Revise Table of Contents as Follows:

- Apply consecutive, computer generated page numbers to the Table of Contents and to the entire LUP document.

- APPENDICES
  ~~A. California Division of mines and Geology Criteria for Geotechnical Reports A-1~~
  <u>A</u>~~B~~. Wharf Master Plan Public Access/Open Space Policies ~~B-1~~
  <u>B</u>~~C~~. Lar<u>n</u>d Uses Permitted by the Redevelopment Plan for the Custom House Redevelopment Project ~~C-1~~
  <u>C</u>~~D~~. Wharf Master Plan Permitted Use Policies ~~D-1~~
  ~~DE. Resolution of Adoption E-1~~

Add an Additional Figure to the List of Figures as follows:

15. Archaeology and Paleontology

Revise the Introduction as follows:

A. Harbor LCP Area

The Monterey Harbor segment of the City of Monterey Local Coastal Program (LCP) is located between Cannery Row to the west and Del Monte Beach to the east. The Harbor LCP area includes approximately 115 acres of land fronting on the southern portion of Monterey Bay. Figure 1 shows the Harbor LCP planning area.

Major properties within the Harbor LCP area include Fisherman's Wharf and Wharf #2, the recreation trail that occupies the former ~~abandoned~~ railroad right-of-way along Del Monte Avenue and Lighthouse Curve to the Seaside city limit line, the Monterey State Historic Park area including the Old Monterey Custom House, the Heritage Harbor complex near Fisherman's Wharf, the east and west parcels of the Catellus site (which have been purchased by the City of Monterey), the Monterey Beach area and Monterey Bay Park (also known as Window on the Bay), and public parking.

The railroad right-of-way between Cannery Row and Fisherman's Wharf ~~has been~~ was purchased by the City of Monterey and the Monterey Peninsula Regional Park District and has been developed ~~for use~~ as a recreational trail. The City of Monterey has purchased the portion of the railroad right-of-way from the Southern Pacific property to the Seaside city limit line. This section of the right-of-way is planned for use as a transportation corridor and a portion of the property has been developed as a ~~including a~~ continuation of the recreational trail to the Seaside city limit. Numerous local streets terminate at Del Monte Avenue and thus serve the Harbor area. Commercial development exists between the former railroad right-of-way and Del Monte Avenue, across from El Estero Lake and Park just south of the LCP boundary.

~~Current zoning for the Harbor LCP area is primarily commercial with limited residential zoning existing both in the western portion of the area along Van Buren Street and in the eastern portion of the area where a 60 unit condominium complex fronts on Monterey Beach.~~

~~Vacant land in the Harbor LCP planning area is limited and consists of 1) two vacant Urban Renewal Project parcels covering approximately 1½ acres, 2) sand beaches, 3) a limited sand dune area, and 4) federal land belonging to the U. S. Army at the bottom area of the Presidio of Monterey.~~

Revise Figure #1 (Harbor Coastal Zone Planning Area) as follows:
Identify Shoreline Park, Catellus sites, recreation trail, Monterey Bay Park, and Monterey Beach (City and State).

B. Natural Marine Resources and Habitat Areas

Modification #2 - Cited Coastal Act Natural Marine Resources and Habitat Areas Policies (see page I-A-1 of submittal)

Revise Section 30240 as follows:

30240 (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on ~~such~~ those resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade ~~such~~ those areas, and shall be compatible with the continuance of ~~such~~ those habitat areas.

Add Section 30107.5 to the Natural Marine Resources and Habitat Areas section of the Land Use Plan, as follows

30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Delete Reference to the State Local Coastal Program Manual as follows:

~~As described in the State Local Coastal Program Manual, environmentally sensitive habitat areas are defined as follows: ". . . any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife and education and research reserves; near shore reefs; tidepools; sea caves; islet and offshore rocks; kelp beds; indigenous dune plant habitats; and wilderness and primitive areas."~~

Modification #3 - Update Natural Marine Resources and Habitat Areas Existing ConditionsText (see pp. I-A-2 to I-A-5 of submittal):

Delete Introductory Existing Conditions Paragraph as follows:

~~The existing conditions summarized below are discussed in detail in Chapter II of Working Paper 1.~~

Update Marine Resources Existing Condition a. as follows:

a. In the Harbor LCP area, marine resources are confined primarily to the littoral or intertidal zone and, to a lesser degree, the sub-tidal zone. The highest concentrations of marine life are located in the harbor itself. The rocky shoreline along the western shore, as well as the pilings and breakwater of the wharf, have proved to be ideal settling grounds for many algae and invertebrate organisms. T~~his intense use results in occasional evidence of fuel spills or other petrochemical pollution in the marina area, which, while degrading water quality, has not been shown to degrade marine resources.~~ An abundance of sea life exists in the harbor despite intense use by private and commercial fishing and boating operations.

Update Marine Resources Existing Condition d. as follows:

d. There are many vertebrate species also associated with the marine habitats of the Monterey Harbor LCP area. Though not as abundant in actual numbers, these animals are much more visible than their invertebrate counterparts. Sea birds such as the Brandt's Cormorant, Western Gull, California Gull, Common Murre, and the endangered Brown Pelican are all common sights throughout this area. Harbor seals, California sea lions, and Steller sea lions can often be observed from the wharves and breakwaters competing for the abundant supply of fish throughout the harbor. The California sea otter, an endangered species, also frequents the Monterey harbor, feeding primarily on shellfish.

Update Marine Resources Existing Condition e. as follows:
e. A large variety of algae species grow on the rocks and pilings of the harbor. Green algae is the most common in the upper intertidal zone, while the red and brown algae occupy the middle and lower zones. Kelp beds, which are prevalent throughout the Monterey area, are found within the Harbor and also east of Wharf #2. ~~have been reduced to very small colonies offshore of the beach zone east of the harbor and are virtually nonexistent in the harbor itself. This reduction of the kelp~~ These kelp beds provide habitat ~~has affected the populations of~~ for rock fish, bass, and cod, which utilize these kelp forests for shelter and food. Fishing is allowed in ~~, to the point that~~ the area east of the harbor. ~~has become restricted to fishing except on certain designated days.~~

Update Natural Habitats Existing Condition f. as follows:
f. The dune habitat, as located on Figure 2-~~1~~, is the major habitat of the coastal strand. This area, though highly sensitive to disturbance, exists as one of the few remaining natural habitats in the Monterey Harbor LCP Area. ~~The City of Monterey Environmental Resource Policies and Standards make special note that "Sand dunes should be preserved wherever possible."~~

Update Natural Habitats Existing Condition g. as follows:
g. The dunes in the Harbor area are characterized by low-growing groundcover vegetation consisting primarily of several species of ice plant. These species of ice plant have replaced many less competitive native plants from the seaward side of the dunes back to the access road that borders the railroad tracks. Also associated with the ice plant, but not as abundant, are a wide variety of shore wildflowers and some herbaceous annuals and perennials.

~~While the ice plant serves as a good stabilizing influence for the dunes, it is not as valuable as the native plants. An important point is the fact that no Wild Buckwheat was found in or around these dunes. This is important in that the endangered species of the Smith's Blue butterfly requires this plant for feeding in the larval stage.~~ There is ~~are, however,~~ native vegetation ~~approximately 30 to 50 percent native plants~~ in these dunes which ~~do~~ provides habitat in the form of cover and forage for many other organisms in this ecosystem, such as mice, gophers, brush rabbits, raccoons, and garter snakes. Quail, gulls, sparrows, pigeons, sandpipers, and other shore birds also rely on this habitat for food and protection. Of the animals utilizing the dune habitat, man is the most destructive. Footpaths, roads, and parking areas mar this habitat. Frequent use by tourists and residents who stroll through these dunes has eliminated most plant growth in several areas.

While no current plant surveys have been done of the Harbor dunes, a number of special status plant species are found on the adjacent Navy property and Del Monte Beach area. Therefore, these species have the potential to occur in the Harbor dunes. These special status species include, but are not limited to, Monterey spineflower (*Chorizanthe pungens var. pungens*), sand gilia (*Gilia tenuiflora ssp. Arenaria*), coast wallflower (*Erysimum ammophilum*), Monterey paintbrush (*Castilleja latifolia*), dune manzanita (*Arctostaphylos pumilia*), Eastwood's ericameria (*Ericameria fasciculate*), and seaside bird's beak (*Cordylanthus rigidus*).

Several special status wildlife species have the potential to occur in the dunes area, including but not limited to, Smith's blue butterfly (*Euphilotes enoptes smithi*), the Black legless lizard (*Anniella pulchra nigra*), and the Western snowy plover (*Charadrius alexandrinum nivosus*). Smith's Blue Butterfly is federally listed as endangered and is known only from Monterey County. This butterfly spends its entire life cycle in association with two buckwheat plants (*Eriogonum latifolium* and *E. parvifolium*). The Black legless lizard is a California species of special concern. This lizard inhabits coastal dunes in Monterey County between the Salinas and Carmel Rivers. The Western snowy plover is federally listed as threatened and is a California species of special concern. Snowy plovers typically nest on beaches in debris located above the tide line. Nesting by snowy plovers has been documented in recent years in Monterey along beaches east of the Harbor LUP area.

Update Natural Habitats Existing Condition h. as follows:

h. ~~Two specific, yet different, areas within the Monterey Harbor LCP Zone could be considered grassland habitat. Neither of these areas are natural, yet they do support a small community of non-indigenous, domestic and native grasses.~~

~~The railroad right-of-way behind the businesses fronting on Del Monte Avenue supports a~~ A small, disturbed grassland community is found in ~~, as does~~ the Presidio of Monterey. This grassland supports a small community of nonnative and native grasses. Particularly affecting ~~the~~ this Presidio grassland is a ~~the~~ weed control and fire protection program whereby the grasses are mown before the seeds have matured. This, in turn, reduces the forage for birds and rodents associated with this area.

~~The grassland area associated with the railroad tracks tends to have many shrubs and wildflowers, as well as the grasses, due in part to its close proximity to the dune habitat. A large variety of birds and rodents live in this grassland habitat.~~

Update Natural Habitats Existing Condition i. as follows:

i. A semi-windrow of mixed eucalyptus and cypress trees exists behind the dune habitat, as shown on Figure 2-1. There are, additionally, a few cypress trees located along the recreation trail, ~~Southern Pacific Railroad tracks,~~ in a small grove on Lighthouse Curve at the west end of the study area, and in front of and around the condominiums at the east end. These trees have some value in that they provide nesting and roosting sites for many bird species as well as cover and shade for animals and plants.

Update Natural Habitats Existing Condition j. as follows:

j. A scattering of Coastal Live Oak occurs within the Monterey Presidio. While the grassland understory has been disturbed by the landscaping and gardening associated with the Presidio, the oak trees have remained intact. In the course of Presidio development, trees were removed; thus, thinning the population from its natural state. However, populations have now stabilized and provide a valuable source of wildlife habitat. ~~The Monterey Environmental Resource Policies~~

~~and Standards give high priority to the preservation of the Coastal Live oak.~~ Unfortunately, naturally occurring species of plants and shrubs associated with the Live Oak habitat have been replaced by ornamentals and introduced grasses, which lessen the value of this habitat relative to natural habitats.

Delete Natural Habitats Existing Condition l. as follows:
~~l. The California Department of Fish and Game has compiled a list of threatened and endangered species of California. While many of these species exist in the Monterey area, only the Brown Pelican and California sea otter are commonly found in the Monterey Harbor LCP Area. None of the endangered species of plants, as designated by the California Native Plant Society, are known to exist in the Harbor ECP study area, though several species have been found to the east in the Del Monte Beach LCP area.~~

Modification #4 - Natural Marine Resources and Habitat Areas Figure 2
Revise Figure 2 (see page I-A-4 of submittal) to:

- Remove grassland designation from recreation trail adjacent to Monterey Bay Park;
- Show kelp beds in harbor area.

Modification #5 - Natural Marine Resources and Habitat Areas Policies (see pp. I-A-5 to I-A-7 of submittal)
Revise Natural Marine Resources and Habitat Areas Policy b. as follows:
b. The State Department of Fish and Game efforts to monitor and manage the sea otter population along the bay shoreline ~~should~~ shall continue to be supported.

Delete Natural Marine Resources and Habitat Areas Policy c. and Replace with New Policy c. as follows:
~~c. Small remaining dune habitat of this area should be preserved and enhanced. The use of vehicles in this area shall be prohibited. Landscaping and maintenance with native coastal plants and elimination of non-native plants (e.g., Ice Plant) shall be required.~~
c. The City shall control public access in sand dune habitats to prevent damage from human use (trampling of vegetation, collection of plant species, etc.), without prohibiting public access to the waterfront. Where pedestrian access through dunes is permitted, well-defined footpaths (e.g., boardwalks) or other means of directing use and minimizing adverse impacts shall be used. Habitat interpretation signing and litter control shall be included as elements of a dune management plan. The use of vehicles, dogs off leash, and fire rings shall be prohibited in the dune area. The small remaining dune habitat of this area shall be preserved, enhanced, and restored under the direction of a qualified dune biologist. Landscaping and maintenance with native coastal plants and elimination of nonnative plant species shall be required. To create a larger, contiguous restored dune habitat, the City shall coordinate with State Parks regarding any restoration efforts undertaken at the adjacent State Beach.

Delete Natural Marine Resources and Habitat Areas Policy e. and Replace with New Policy e. as follows:

~~e. A dune management plan that controls public access in sand dune habitats to prevent damage from human use (trampling of vegetation, collection of plant species, etc.), without prohibiting public access to the waterfront, shall be required as a condition of approval for any new development (e.g., boardwalks). Habitat interpretation signing and litter control shall be included as elements of a dune management program.~~

e. For any proposed development in the environmentally sensitive habitat areas of the Harbor LUP area, as shown in, but not limited to, Figure 2, a resource survey shall be conducted, according to established protocols, for all sensitive species, including dune plants, snowy plover, black legless lizard, and marine mammals known to occur in the vicinity.

Revise Natural Marine Resources and Habitat Areas Policy f. as follows:

f. What remains of the existing live oak community in the Presidio shall ~~should~~ be preserved. ~~The small and disturbed creek along the eastern edge of the Presidio should be restored by replacing the existing ornamental plants with plants that are more natural to the reparian habitat. The City of Monterey should coordinate with the U.S. Army to insure no further loss of this resource occurs.~~ The City of Monterey shall coordinate with the U.S. Army regarding any plans for restoration of the small and disturbed creek along the eastern edge of the Presidio. The creek shall be restored by replacing the existing ornamental plants with native riparian plants. New development, except for public access improvements including pedestrian paths/bridges and associated signage, shall not occur within 100 feet from the top of the creek bank or edge of riparian vegetation, whichever is greater.

Delete Natural Marine Resources and Habitat Areas Policy g. and Replace with New Policy g. as follows:

~~g. To help eliminate fuel spills and petrochemical pollution and to improve water quality in the marina, the City shall develop a program to improve the existing boat pump-out facility for the discharge of vessel sewage holding tanks and to install a pump, and tank for the discharge of contaminated bilge water (fuel and petrochemicals). These facilities shall be located and signed so that use is more efficient and convenient and, thus, encouraged. The City shall also continue to enforce its existing ordinance controlling the sanding, painting, and washing of hulls with cleaning agents in the marina.~~

g. If snowy plovers are found nesting or foraging in the Harbor LUP area, these areas shall be protected from disturbance while balancing the need to maintain public access. Existing public access may need to be limited in the most environmentally sensitive habitat areas where protection of nesting and foraging areas is not possible without curtailing access. The most current effective measures shall be used for protection of nesting and foraging habitat.

Revise Natural Marine Resources and Habitat Areas Policy h. as follows:

h. ~~To help restore the long-term health of the marine environment and to ensure quality public access, t~~The City shall continue to monitor harbor sediments for lead contamination. If lead is found within the Harbor, the City shall implement the clean-up plan for Harbor lead contamination, which was developed in conjunction ~~work~~ with the Regional Water Quality Control Board, Department of Fish and Game, and other responsible agencies. ~~to develop and~~

~~implement a clean up plan for the Harbor lead contamination.~~ Areas of contamination shall be posted to alert the public.

Revise Natural Marine Resources and Habitat Areas Policy i. as follows:
i. To help control the buildup of plastic debris in the marine environment, the City shall require all new or improved development along the shoreline to install refuse and recycling containers at points conveniently accessible to commercial and recreational boaters, and the general public. ~~dumpsters, or garbage cans.~~

Revise Natural Marine Resources and Habitat Areas Policy j. as follows:
j. Protect in~~n~~ter–tidal and tidepool habitats through informational/educational signing as a condition of shoreline development, both public and private.

Add New Natural Marine Resources and Habitat Areas Policy k. as follows:
k. New development shall be sited to preserve native oak, pine, and cypress trees. In reviewing requests for tree removal, preservation of scenic resources shall be a primary objective. Removal of any significant living tree (diameter greater than 12 inches) will ordinarily be allowed only in cases where life, property, or existing access is immediately threatened, or where a diseased tree is determined by a qualified professional arborist to represent a severe and serious infection hazard to other surrounding trees.

Add New Natural Marine Resources and Habitat Areas Policy l. as follows:
l. Native dune plant landscaping shall be required with any further development or redevelopment of portions of the recreation trail adjacent to dune habitat.

Add New Natural Marine Resources and Habitat Areas Policy m. as follows:
m. The City shall implement best management practices for harbors and marinas, including but not limited to:

- Providing and maintaining appropriate collection, storage, transfer, containment, and disposal facilities for hazardous wastes, including: used crankcase oil, used oil filters, solvents, antifreeze, paints, and lead acid batteries, and encouraging recycling of these materials where possible;
- Reducing the amount of fuel and oil from boat bilges by providing a service to prevent discharge of contaminated bilge water; either (1) a bilge pump-out connected to an oil/water separation system, or (2) the distribution of oil absorbent materials for the bilge and collection of used absorbents for proper disposal;
- Designing and operating fuel docks such that fuel spills from fuel spills from fuel tank air vents and fuel filler nozzles are minimized and fuel is prevented from entering marine and surface waters;
- Supporting public education programs that inform boaters of water-quality friendly boating practices;

- Maintaining sewage pump-out facilities in good operational condition and encouraging their use;
- Limiting boat cleaning and maintenance operations on or near the water to small touch-up and cleaning that does not cause a release of dusts, cleaning and maintenance products, and other debris known to damage aquatic resources;
- Minimizing the use of potentially harmful hull cleaners and bottom paints, and prohibiting discharges of these substances to State waters;
- Providing recycling opportunities for solid wastes that can become harmful marine debris, including fishing line, plastic, glass, metal and paper.

Add New Natural Marine Resources and Habitat Areas Policy n. as follows:
n. The City of Monterey shall implement an urban runoff program using the Model Urban Runoff Program (developed in 1998 by the City of Monterey, other local jurisdictions, and the California Coastal Commission) as guidance, to protect and restore water quality and eliminate beach closures.

Add New Natural Marine Resources and Habitat Areas Policy o. as follows:
o. New development shall not result in the degradation of coastal waters caused by the introduction of pollutants or by changes to the landscape that adversely impact the quality, quantity, and flow dynamics of coastal waters. Runoff shall not be discharged in a manner that adversely impacts coastal waters.

Add New Natural Marine Resources and Habitat Areas Policy p. as follows:
p. Public streets and parking lots shall be swept frequently to remove debris and contaminant residue.

Add New Natural Marine Resources and Habitat Areas Policy q. as follows:
q. The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to ensure that it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired annually prior to the start of the rainy season. Owners of these devices shall be responsible for ensuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

Add New Natural Marine Resources and Habitat Areas Policy r. as follows:
r. Existing outfall lines shall be maintained. Repairs to existing outfall lines shall include water quality, public access, and aesthetic/visual upgrades. There shall be no net increase in beach outfalls. No new wastewater outfalls shall be allowed.

Add New Natural Marine Resources and Habitat Areas Policy s. as follows:
s. BMPs shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

Site design and source control BMPs shall be included in all new developments. Where the development poses a threat to water quality due to it size, type of land use or proximity to coastal waters (or proximity to a creek, channel or stormdrain system that leads to coastal waters) and the combination of site design and source control BMPs is not sufficient to protect water quality as required by Policy o., treatment control BMPs shall be implemented.

Add New Natural Marine Resources and Habitat Areas Policy t. as follows:
t. The City shall include a procedure in the Implementation Plan for reviewing all development for impacts to water quality. This procedure shall include:

- A checklist or equivalent tool to help in the review of Coastal Development Permits for potential impacts to water quality. Such a checklist shall, at a minimum, include questions about the management practices proposed to reduce the impact of polluted runoff, area of impervious surface to be created, uses of the development that might generate polluted runoff and proximity of the development to coastal waters, drainage ways that lead to coastal waters or sensitive coastal resources.
- Criteria for determining whether a treatment control BMP will be required (criteria shall include, but are not limited to type of land use, size and type of development, proximity to coastal waters, drainage ways that lead to coastal waters, sensitive coastal resources, etc.).

This review procedure shall identify the potential water quality impacts from the development, and prescribe appropriate site design, source control or treatment control BMPs necessary to address those impacts.

Add New Natural Marine Resources and Habitat Areas Policy u. as follows:
u. The Implementation Plan shall include a manual of BMPs to guide project design and engineering for development within the Coastal Zone. The City shall either develop the manual or identify an existing BMP manual (e.g., the latest version of the California Stormwater BMP Handbook). BMPs shall be selected to mitigate both construction and post-construction water quality impacts. The manual shall describe specific BMPs, including type, location, size, implementation and maintenance schedules. The manual shall describe the appropriate use of

those BMPs to remove specific classes of pollutants. The manual will also provide guidance on how to size treatment control BMPs to meet the Numeric Design Standard (see Policy v. below).

Add New Natural Marine Resources and Habitat Areas Policy v. as follows:
v. Where post-construction treatment controls are required, the BMPs (or suites of BMPs) shall be designed to infiltrate and/or treat the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The term treatment includes physical, biological and chemical processes such as filtration, the use of bioswales, detention and retention ponds and adsorption media. The actual type of treatment should be suited to the pollutants generated by the development as indicated in the BMP Manual (see Policy u).

Add New Natural Marine Resources and Habitat Areas Policy w. as follows:
w. Under limited circumstances, where the implementation of a treatment control BMP would typically be required to reduce the impacts of a development on water quality, the City may determine that requiring this structural BMP to be sized to the Numeric Design Standard (Policy v.) is not feasible. In these cases, the applicant may propose an alternative suite of revised site design (e.g., increased impervious surface), additional source controls (e.g., prohibition on pesticide use) and feasible treatment control BMPs that provide, at a minimum, equivalent protection to that provided by a standard suite of site design, source control and treatment control BMP meeting the Numeric Design Standard.

The Implementation Plan shall include a procedure to determine when it would not be feasible to apply the required treatment control BMP(s) designed to meet the Numeric Design Standard and for evaluating whether alternative measures provide equivalent water quality protection. Coastal Development Permit applications that use this alternative shall provide complete explanation of how the proposed project will provide equivalent protection for water quality.

Add New Natural Marine Resources and Habitat Areas Policy x. as follows:
x. The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to ensure that it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired annually prior to the start of the rainy season. Owners of these devices shall be responsible for ensuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

Modification #6 - Proposed LCP Implementation Measures (Natural Marine Resources and Habitat Areas) (see page I-A-7 of submittal)
Revise Natural Marine Resources and Habitat Areas LCP Implementation Measure b. as follows:
b. Develop guidelines for controlling foot traffic ~~and off-road vehicles~~ on the beach and dunes.

C. Water Resources

Modification #7 - Cited Coastal Act Water Resources Policies (see pg. I-B-1 of submittal)

Add Section 30250(a) (in part) to the Water Resources Section of the Land Use Plan as follows: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources…

Modification #8 - Update Water Resources Existing Conditions Text (see pp. I-B-1 to I-B-2 of submittal):

Update Water Resources Existing Condition a. text as follows:

a. Water Supply: ~~The Harbor LCP area is served by the California American Water Company (Cal-Am). From July 1, 1984, to June 30, 1985, the entire water district used 16,000 acre feet of water. The maximum amount avail-able is estimated to be 20,000 acre feet per year. This existing supply, available from the Carmel River, the Carmel Valley Aquifer, and the Seaside Aquifer, is projected to meet increasing water demands until the year 2000. It is possible that the construction of a new dam on the Carmel River could increase the available water supply after the Year 2000. Water availability could also be increased by the reclamation of wastewater and run off, by importation, by conservation, or by other measures.~~ The Harbor LUP area is served by the California-American Water Company (Cal-Am). As of 2002, water availability in the City of Monterey is extremely limited. Water use within the Cal-Am system remains under careful state scrutiny since State Water Resources Control Board Order No. 95-10 was imposed in 1995. State Board Order No. 95-10 requires Cal-Am to reduce the water it pumps from the Carmel River by 20 percent now, and up to 75 percent in the future. Also, any new water that is developed must first completely offset Cal-Am's unlawful diversions from the Carmel River, an estimated 10,730 acre-feet (AF) per year, before any water produced by Cal-Am can be used for new construction or expansions in use.

Delete Water Resources Existing Condition b. text as follows:

~~b. Water Demand: The annual evaluation of water allotment compliance for the City of Monterey conducted by the Monterey Peninsula Water Management District Board, indicated that the City used 4,806 acre feet of water during 1984/85. This is 84.4 percent of the City's annual allocation. Development presently under construction in the City, approved development, and the expansion of the Presidio of Monterey is projected to raise annual water usage to 92% of the City's annual allocation. Existing water consumption in the Harbor LCP area is estimated to be 267 acre feet per year. This usage figure would represent one half of one percent of the City's use in the 1984/85 year. Full development of the Harbor area is estimated to increase water use by approximately fifty acre feet per year. This estimate assumes a 25% increase for State and City water uses and a 25% increase for fish processing.~~

Update Water Resources Existing Condition c. text as follows, and Rename as Existing Condition b:

~~c.~~ b. Water Allocation Procedures: The Monterey Peninsula Water Management District (MPWMD) has adopted a water allocation system for its service area, including the City of Monterey.~~, providing for City water supply allocations on an annual basis and projection of such allocations from existing supplies until the year 2000 (Ordinance No. 1, January 14, 1980). That ordinance also defines the process by which new water connections are approved or denied.~~ No new connections or expanded uses are allowed in a municipal or county jurisdiction ~~which~~ that has exceeded its water use allocation. Annual resolutions by the District confirm allotments for each water year. ~~The City of Monterey presently has no internal water allocation system to allocate the MPWMD's water allocation to specific uses. The City's water allocation is now made available to new users on a first-come, first-serve basis.~~

In mid 1993, the Paralta Well project received a use permit for operation, thereby making new water from the well available for the District to allocate to its eight member jurisdictions for new construction, remodeling projects and intensified water use. Of the 1,000 AF believed to be available from the Paralta Well, the District allocated a maximum of 358 AF of additional Cal-Am metered sales, including 308 AF to the eight jurisdictions and a 50 AF District Reserve. Beginning with the release of the Paralta water for use, District staff established procedures for closely tracking the amount of water put into new and expanded water uses. Each jurisdiction in the District was given a set amount of water to use for permitting. Each applicant for water must receive the jurisdiction's authorization for a predetermined amount of water before applying for the water permit with the District. The District evaluates the project's water demand and issues a permit for the project description as depicted on the final construction documents. At the time the water permit is issued, the jurisdiction's water allocation is debited. The Water District provides allocations based on a unit system. Upon project initiation, the property owner must determine from the District how many unit credits (if any) are attached to the land. Once that number is determined, applicants may earn residential water credits by installing ultra low-flow dishwashers, washing machines, toilets, and Instant-Access Hot systems. The fixtures can earn between 0.5 and 1.0 fixture unit credits. If a project meets all development standards (e.g., setbacks, height, lot coverage), the applicant may submit plans to the City's Building Department. At that stage, the applicant may be put on a waiting list for available water (as of October 2002, there was a waiting list for new water hookups). Allocations for water are valid for one year; if the allocation is not used within one year, the water reverts back into a "pool" for distribution to the next recipient on the waiting list. There are currently no new water sources anticipated to alleviate current water shortages.

Delete Water Resources Existing Condition Text d. as follows:

~~d. Water Observation: The City requires conformance with the following water conservation measures contained in Section 9-5.1 of the Monterey City Building Code before Building Permits will be issued: 1. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all toilets must use 3½ gallons of water per flush or less. All shower heads installed in such buildings must limit flow of water to three gallons or less per~~

~~minute at a pressure of forty pounds or less per square inch. 2. In all newly constructed or substantially reconstructed commercial industrial, or public buildings, all faucets must be of the metering type as that term is commonly used in the industry. 3. All newly constructed ornamental fountains, permanent swimming or wading pools, or other structures of similar purpose and making similar use of water, shall employ re circulating systems. 4. All newly installed water-cooled air conditioning equipment shall be equipped with water conserving systems. 5. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all water pipes shall have valves which reduce the water pressure to fifty pounds of pressure per square inch or less. 6. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all hot water pipes shall be insulated.~~

Modification #9 - Water Resources Policies (see pp. I-B-2 to I-B-3 of submittal):
Delete Water Resources Policy a. and Replace with New Policy a. as follows:
~~a. Proposed developments shall be evaluated before approval to determine the quantity of water the development will demand the effect this new demand will have on the water supply surplus allocated to Monterey for future growth. The City of Monterey has agreed to abide by the allocation procedures of the MPWMD.~~
a. In the Harbor area, where existing or planned public services (i.e., water, sewer, roads) can accommodate only a limited amount of new development, priority uses, including coastal dependent uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses, shall not be precluded by other development.

Modify Water Resources Policy b. as follows:
b. Water conservation shall be promoted by requiring ~~that new development~~ conformance ~~to~~ with the Monterey Peninsula Water Management District's ~~City~~ water conservation ~~ordinances~~ regulations. The City shall require state-of-the-art low-flow water fixtures and drip or other water-conserving irrigation.

Modify Water Resources Policy c. as follows:
c. Native plants shall be used in landscape plans for future development, ~~when feasible,~~ to minimize the demand for irrigation water.

Add New Water Resources Policy d. as follows:
d. Applications for new development shall demonstrate an adequate public (i.e., publicly-managed) water supply (e.g., the Cal-Am/MPWMD system) to support the proposed development. Private water supplies are prohibited to serve existing and new development.

No coastal development permit shall be issued without a City determination that (1) no new water is required to serve the new development; or (2) there is unallocated water available in the City's allocation from the Monterey Peninsula Water Management District to support the new development. This determination shall include an evaluation of the proposed development's water demand, based on MPWMD's water unit value system. All water transfers and

corresponding retirements, if any, shall be described and agreed to prior to any City determination.

Prior to the commencement of construction of new development, evidence of water service, in the form of a water use permit from the Monterey Peninsula Water Management District, shall be provided to the City Planning Department.

Add New Water Resources Policy e. as follows:
e. Public desalination facilities may be permitted provided any adverse environmental impacts are fully mitigated.

D. Diking, Dredging, Filling, and Shoreline Structures

Modification #10 - Cited Coastal Act Diking, Dredging, Filling, and Shoreline Structures Policies (see pg. I-C-1 of submittal)
Revise Citation of Coastal Act Section 30233 as follows:
30233 (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects~~.~~, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland. (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (7) Restoration purposes. (8) Nature study, aquaculture, or similar resource dependent activities. (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable along shore current systems. (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19

coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study...if otherwise in accordance with this division... (d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Modification #11 - Diking, Dredging, Filling and Shoreline Structures Existing Conditions Text (see pp. I-C-1 to I-C-2 of submittal)

Update Existing Condition b. text as follows):

b. Significant existing structures along the Harbor LCP area shoreline and near-shore within the LCP study area include (from east to west):

1) Wharf No. 2 and the east seawall protecting the marina;
2) A restaurant/commercial/office structure, harbor office, and boat launching ramp;
3) Fisherman's Wharf;
4) Marina boat slips;
5) ~~An abandoned railroad right-of-way.~~ A recreation trail along the former Southern Pacific railroad right-of-way.
6) East moorings – 40 moorings east of Wharf No. 2.

Update Diking, Dredging, Filling and Shoreline Structures Existing Condition c. text as follows:

c. Harbor dredging is limited to the marina area and an area near the fuel pier and landfill launch ramp at Breakwater Cove. ~~The dredged material~~ Dredge material that meets Regional Water Quality Control Board and U.S E.P.A. Clean Water Act beach disposal standards is deposited on the beach east of Wharf No. 2. Dredge material that does not meet these standards is removed to a landfill.

Update Diking, Dredging, Filling and Shoreline Structures Existing Condition e. text as follows:

e. ~~Planned near-shore and s~~Shoreline structures include~~, at this time, only~~ a marina repair berthing facility at the west end of the Harbor LCP area. This facility ~~would~~ includes sixty berths, and ~~is~~ was designed to be complementary to an approved marine repair facility adjacent to the U.S. Coast Guard pier. Planned near-shore activities and shoreline structures include a 5-year harbor maintenance program, reconfiguration of the marina launch ramp, and American Disabilities Act (ADA) improvements.

Delete Diking, Dredging, Filling and Shoreline Structures Existing Condition f. text as follows:

~~f. A number of facilities or facility modifications, which have been discussed in the past (breakwater extensions, additional slip protection seawalls, etc.) have not been undertaken because of the lack of funds for capital projects of this magnitude and/or unfavorable cost/benefit ratios. However, recently, the City of Monterey has been investigating possible funding sources for improvements to enhance the commercial fishing operations at the end of Wharf No. 2. A number of options have been discussed, including a 1,000 foot extension of the Coast Guard breakwater. This extension is proposed to protect Wharf No. 2 from the existing heavy surges and allow safer unloadings and more boating activity east of Wharf No. 2.~~

Modification #12 - Diking, Dredging, Filling and Shoreline Structures Policies (see pp. I-C-2 to I-C-3 of submittal)

Revise Diking, Dredging, Filling and Shoreline Structures Policy a. as follows:

a. Structures built for the protection of existing legal buildings, public beaches, or existing public works in danger from erosion shall be designed by a licensed engineer with experience in coastal processes. These structures shall be designed in a manner ~~which~~ that will not adversely affect natural shoreline processes or public access to the beach, and shall include a beach maintenance program to prevent or to mitigate for loss of beach near the structure. Alternatives to new shoreline structures, including but not limited to relocating the threatened structure or sand replenishment, are preferred. Construction of ~~seawalls~~ protective structures for the above purposes ~~to protect existing development~~ shall be allowed only if a geotechnical/engineering analysis determines that such protective structures are necessary and are the least environmentally damaging alternative ~~structure~~. In addition to the above criteria, any protective structure development at the Catellus east site shall provide public access and shall be designed to be complement the aesthetic features of the beach and the proposed public plaza. To minimize visual impacts, the visible height of any Catellus protective structure shall not exceed four feet.

Revise Diking, Dredging, Filling and Shoreline Structures Policy c. as follows:

c. New development and facilities shall be located with a shoreline setback sufficient to prevent the need for protective structures during the expected life of the development, but not less than a setback to the 100-year coastal erosion line, as determined by qualified professionals using the most current methods and information. Coastal dependent uses may be protected by shoreline structures.

Revise Diking, Dredging, Filling and Shoreline Structures Policy d. as follows:

d. Spoil material from any required harbor dredging shall be utilized for beach replenishment ~~replacement~~, when feasible, subject to analysis to determine ~~compatibility~~ consistency with Regional Water Quality Control Board and U.S E.P.A. Clean Water Act beach disposal standards. ~~maintenance of soil and water quality.~~

Revise Diking, Dredging, Filling and Shoreline Structures Policy e. as follows:

e. Marine installations ~~and shoreline structures for coastal dependent uses and existing legal development~~ (i.e., ~~revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls,~~ piers, wharves, slips) shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. ~~Dyking filling, or dredging may be undertaken only when there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects. Analysis of the impact of proposed development by a qualified professional in the appropriate field using the most current information and method shall be required prior to approval of the project.~~

Revise Diking, Dredging, Filling and Shoreline Structures Policy f. as follows:
f. The City shall cooperate and participate ~~to the degree feasible~~ in the regional effort to develop baseline studies and ongoing assessments of shoreline erosion and sand supply.

Add Diking, Dredging, Filling and Shoreline Structures New Policy g. as follows:
g. Protect public access and the aesthetic character of the coast by ensuring that existing protective structures are maintained in good condition. When any existing protective structure needs to be replaced or substantially reconstructed, review design alternatives, as well as alternative protective management strategies, and determine the best balance among objectives for access, aesthetics and protection of coastal resources (biological, geological and recreational).

Add Diking, Dredging, Filling and Shoreline Structures New Policy h. as follows:
h. Diking, filling, or dredging shall be limited to the allowable uses pursuant to Coastal Act Section 30233 and may be undertaken only when there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects. Analysis of the impact of proposed development by a qualified professional in the appropriate field using the most current information and methods shall be required prior to approval of the project.

E. Natural Hazards

Modification #13 - Cited Coastal Act Natural Hazard Policy (see pg. I-D-1 of submittal)
Revise Citation of Coastal Act Section 30253 as follows: 30253 (in part) ... (remainder of citation as submitted).

Modification #14 - Update Natural Hazards Existing Conditions Text (see pp. I-D-1 to I-D-3 of submittal)
Update Existing Condition a. text as follows:
a. Seismic Events: The Monterey Harbor LCP area is one of active faulting and earthquake activity. It is identified in the Uniform Building Code as being within Seismic Zone ~~III~~ IV, and in the Monterey Seismic Safety Element as within Geotechnical Hazard Zone VI. This Hazard Zone includes areas having major to moderate engineering hazards and major seismic hazards. Areas within these zones are required to be investigated and evaluated for potential seismic hazards, including liquefaction and lateral spreading in the cohensionless sand dunes and beach

areas. ~~A series of short, subparallel faults are mapped in Monterey Bay and have been designated as "pre-Quaternary," meaning that they have not displaced materially within the last two million years (Jennings, 1975).~~ A number of active and potentially active faults have been mapped in the Harbor LUP vicinity. The San Andreas fault zone is located approximately 25 miles northeast of the Harbor area. A series of short faults are located on the floor of Monterey Bay. Some of these faults appear to be active, while others in the same fault zone are shown to be only potentially active. Other active or potentially active faults in the vicinity include the Rinconada system, located approximately eight miles northeast, and the San Gregorio-Palo Colorado system, located about nine miles southwest. The precise locations and activity status of these faults is not know. Figure 3 shows the presumed locations of these faults within the Harbor LCP area.

Update Natural Hazards Existing Condition b. text as follows:

b. Tsunamis: None of the fault movement expected from the faults in the local area is of a type likely to cause tsunamis. The danger to the LCP area from such sea waves would be principally from earthquakes originating in the Aleutian area of Alaska. Because California is seismically active, the Harbor LUP area is subject to flood hazard from tsunamis, or seismic sea waves, which are generated by submarine earthquakes, volcanic eruptions, and landslides. The City of Monterey Disaster Plan would be implemented in the event of a tsunami. The exposure risk to the City of Monterey from tsunamis is estimated to be moderate (City of Monterey, 1997). The U.S. Army Corps of Engineers has published tsunami run-ups within Monterey for flood insurance purposes. The Corps of Engineers calculated the 100-year tsunami run-up at the Monterey Bay Aquarium site as 6.1 feet National Geodetic Vertical Datum (NGVD) and the 500-year run-up as 12.0 feet NGVD.

A 1980 study for a harbor berthing facility combined tsunami and tide probabilities to calculate a 100-year tsunami superelevation of 9.0 feet NGVD. Tsunami hazards on the Central Coast are the subject of ongoing study by the National Oceanic Atmospheric Association (NOAA), in cooperating with the California Office of Emergency Services (OES), since it has been recognized that potentially active submarine faults offshore are potential sources of tsunamis. NOAA, in cooperation with OES, is currently conducting a tsunami mapping project for the Monterey Bay area, and maps of extreme runup should be completed by the end of 2002. OES is also in the process of developing tsunami hazard mitigation guidelines for local jurisdictions.

Update Natural Hazards Existing Condition c. text as follows:

c. Storm Waves: Storm wave hazards for the LCP area differ for the portions of the area east of Wharf No. 2 and for the harbor area protected by the breakwater. Winds associated with coastal storms create a surge. During large storms, onshore winds push water toward shore where the water "mounds," raising the sea level. The highest documented local water level at the Catellus site since 1964 was measured at 5.1 feet NGVD on January 27, 1983. The severity of the 1983 storms was affected by the El Niño climactic anomaly, which caused a slowing of the California Current and a general rise in sea level of approximately 5.1 feet NGVD at the Wharf No. 2 area. Storm wave hazards for the LCP area differ for the portions of the area east of Wharf No. 2 and for the harbor area protected by the breakwater. Although data ~~is~~ are not available for the LCP beach area east of Wharf No. 2, studies conducted in 1981 for the Del Monte Beach area showed

a maximum 100-year storm wave inundation level of 28.0 feet above NGVD.

The 1980 study for a harbor berthing facility also included storm wave projections for the harbor. The maximum wave heights derived from local winds were calculated to be 2.8 feet with the wave approaching from the northeast. The maximum design wave derived from open ocean storms was calculated to be 3.1 feet.

The combined probability of high local winds plus a major offshore storm was considered. The wave conditions would be the sum of the locally derived waves plus the open ocean waves. The combined design wave is 3.3 feet based on a sea due to thirty-knot winds from the northeast plus a twenty-foot swell from a twelve-second period from the open ocean at 315, giving a 1-in-25 year situation.

Modification #15 - Natural Hazards Policies (see pp. I-D-3 to I-D-4 of submittal)
Revise Natural Hazards Policy a. as follows:
a. Site-specific geotechnical studies shall be required prior to project ~~approval~~ filing to determine the extent and nature of geologic hazards at the site. These studies shall specifically include an analysis of ~~to which~~ seismic hazards, ~~due to~~ such as ground shaking, liquefaction, ground rupture, and lateral spreading ~~exist~~. Site specific geotechnical studies shall ~~include, but are not limited to, the California Division of Mines and Geology criteria for geotechnical reports listed in Appendix A.~~ comply with the report guidelines of the State Board for Geologists and Geophysicists. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE), working within areas of his/her professional responsibilities, and should contain recommendations for mitigation measures for any hazards that are identified. Said reports are subject to review and approval by the City engineer.

Revise Natural Hazards Policy b. as follows:
b. New residential, commercial, and industrial structures and facilities shall be constructed in a manner that will minimize ~~seismic hazards to future residents and visitors.~~ risks to life and property from geologic, flood, and fire hazard; such development shall be sited and designed to not require a shoreline protection structure during the life of the development. Applicants for new development are required to accept a deed restriction to waive all rights to protective devices associated with development on coastal dunes.

Revise Natural Hazards Policy c. as follows:
c. For bayfront properties, ~~S~~site specific geotechnical studies, ~~prior to project approval~~ submitted as part of the application, shall be conducted to determine storm wave reach and tsunami run-up ~~on bayfront properties~~, based upon an engineering analysis for each project. ~~relative to protection from waves of the 100-year storm tsunami runup.~~ Wave runup shall be analyzed for an eroded shoreline, combined with a 100-year storm event. Tsunami runup may be analyzed on an average beach profile, with consideration for, at a minimum, the 100-year event.

Revise Natural Hazards Policy d. as follows:
d. New ~~R~~residential, commercial, or industrial development shall not be allowed in tsunami (seismic sea wave) runup or storm wave inundation areas. ~~An~~ ~~e~~Exceptions would ~~be~~ include

coastal dependent marine installations requiring locations near the water, which are constructed to withstand tsunami and/or wave runup inundations, and public access improvements. No additions or demolitions/rebuilds are allowed for existing structures within tsunami run-up or storm wave inundation areas, except for a restroom addition to the Sea Scout building or the Monterey Bay Kayaks building.

Delete Natural Hazards Policy e. as follows:
~~e. For areas on the Monterey Harbor shoreline subject to flooding from tsunami and storm waves, new development shall adhere to standards which do not require the construction of protective devices.~~

Rename Natural Hazards Policy f. as Natural Hazards Policy e. (no other modifications to this policy).

Rename Natural Hazards Policy g. as Natural Hazards Policy f. and Revise as follows:
~~g.~~f. In tsunami and storm wave run-up areas, where public access is provided, install warning signs as a condition of shoreline development. Tsunami warning signs should be coordinated with the California Office of Emergency Services.

Add New Natural Hazards Policy g. as follows:
g. Existing, lawfully established structures, which do not conform to the provisions of the LCP, may be maintained and/or repaired provided that such repair and maintenance do not increase the extent of nonconformity of the structure. Additions and improvements to such structures may be permitted provided that such additions or improvements comply with the current standards and policies of the LCP and do not increase the extent of nonconformity of the structure. Substantial additions, demolition and reconstruction, that result in demolition and/or replacement of more than 50% of the exterior walls (as individual or cumulative additions) shall not be permitted unless such structures are brought into conformance with the policies and standards of the LCP.

Add New Natural Hazards Policy h. as follows:
h. Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure. No new lots shall be created within areas of high water hazard.

F. Public Access

Modification #16 - Cited Coastal Act Public Access Policies (see Page II-A-1 of submittal)
Revise Section 30210 as follows: In carrying out the requirement of Section ~~2~~4 of Article X~~V~~ of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Revise Section 30212 as follows: 30212(a)...(remainder of policy as submitted).

Add Section 30214 to the Land Use Plan as follows: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Revise Section 30604(c) as follows: Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that ~~such~~ the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Modification #17 - Update Public Access Existing Conditions Text (see pp. II-A-2 to II-A-5 of submittal)

Update Public Access Existing Condition a. text as follows:

a. Shoreline Park: The Shoreline Park area is a seven-acre, 2,250-foot-long narrow strip of land located between the U.S. Coast Guard breakwater/landfill parking lot and Fisherman's Wharf. Generally not more than 100 to 200 feet wide, the area contains the old railroad right-of-way, which is now ~~abandoned~~ a paved recreation trail. ~~An unimproved dirt trail now exists along the right-of-way~~. This ~~dirt~~ recreation trail, lying approximately ten feet below Lighthouse Avenue and fifteen feet above the water, is used heavily by pedestrians and bicyclists traveling ~~walking~~ between Fisherman's Wharf and Cannery Row. This portion of the recreation trail extends from Fisherman's Wharf, through Shoreline Park, and through Cannery Row, where it continues to Lovers' Point in the City of Pacific Grove. ~~The City is presently preparing working drawings for an improved pedestrian and bike trail that is to extend from Fisherman's Wharf, through Shoreline Park, and through Cannery Row over the old railroad right-of-way. Construction is~~

~~scheduled to begin in early 1986 and, when complete the trail will link up to the existing recreational trail in Pacific Grove that runs along the shoreline from the Monterey Bay Aquarium to Lover's Point.~~ Access to the Shoreline Park area is primarily ~~form~~ from the ends at either the Coast Guard breakwater/landfill or Fisherman's Wharf. ~~Several lateral access points exist from Lighthouse Avenue, but their usefulness is minimized by the speed and volume of traffic on Lighthouse Avenue and the lack of adjacent parking facilities.~~

The shoreline along Shoreline Park is mostly rocky with several small sand beaches nestled between outcrops of rock. There are three unimproved access points to the water. There is no access signing and the steepness of the three points over the rocky shoreline presents a physical barrier.

Update Public Access Existing Condition b. text as follows:
b. Fisherman's Wharf is a major public access point in the Harbor area. Up to 20,000 persons visit Fisherman's Wharf on a peak day. Vehicular access to Fisherman's Wharf, except for service vehicles, is restricted. Along the shoreline between Fisherman's Wharf and Wharf No. 2 is a concrete esplanade for pedestrians. Pedestrian access exists on Wharf No. 2, including a 700-foot-long, ten-foot-wide boardwalk extending seaward along the east side of the Wharf for fishing and sightseeing. Pedestrian access to marina slips is partly from the concrete esplanade and partly from Wharf No. 2 and is controlled. The City installed a boat hoist on Wharf No. 2 in 1999. It is classified as a three-ton hoist, which can lift small boats. It is customer operated with a 15-minute required training session. In addition, some of the fishing boat owners are using the hoist to deliver larger items to the fishing boats. The Harbor Master Office has noted that the boat hoist is well used. Extending from Wharf No. 2 is a frontal seawall, which protects the slips in the marina. There is no pedestrian use of the frontal seawall that extends from Wharf No. 2 towards Fisherman's Wharf. In the past, the City budgeted funds for a pedestrian way along the frontal seawall to provide additional opportunities for fishing and sightseeing. However, funds are no longer budgeted for this pedestrian way because there are few fish in the area and ADA compliance would be extremely difficult. ~~While no access presently exists along the frontal seawall, a 700-foot-long pedestrian walkway on top of the seawall is budgeted in the City's five-year Capital Improvement Program.~~ Vehicular access to the area is from Del Monte Avenue at Washington and at Figueroa. Controlled access is provided at the Scott Street entrance to the parking lots abutting the Harbor. ~~, Washington Street, and Figueroa Street.~~ Trucks serving Wharf No. 2 use the Figueroa Street entrance and must back the entire length of the wharf to be loaded. Boat access to the Harbor is provided by a ramp adjacent to the marina (supplementing another ramp at the Coast Guard pier parking lot just west of the study area) and the boat hoist on Wharf No. 2.

Update Public Access Existing Condition c. text as follows:
c. Monterey Beach Area (Wharf No. 2 to Naval Postgraduate School): The primary access points to Monterey Beach are shown in Figure 4 and are as follows: 1) At the entrance to Wharf No. 2 at Figueroa Street. This access point is clearly signed and parking, although limited during peak use periods on weekends, is available in the City lot immediately west of the Wharf No. 2 entrance. 2) At Camino El Estero ~~over the first phase of~~ adjacent to Monterey Bay Park. ~~The~~

~~only~~ A parking lot ~~to~~ serves this access point on the north side of ~~is across~~ Del Monte Avenue at Camino El Estero ~~Lake~~. 3) At Park Avenue. This access point is not signed and parking is limited to six on-street spaces and five to ten spaces in a hard sand area at the end of Park Avenue adjacent to the Beach. 4) Monterey Bay Park (also known as Window on the Bay) is located adjacent to Monterey Beach on land purchased by the City from a variety of property owners along Del Monte Avenue between the Catellus site and the State Beach. The City has removed a number of structures to open up views to the ocean and has developed the park area for public use. The recreation trail passes through the park. The 3.9 acre park includes turf and landscaped areas, sand volleyball courts, picnic and BBQ facilities, and parking. The City's recreational trail passes through the park.

~~Informal access to the~~ The Monterey Bay Recreation Trail extends the length of the City along the former Southern Pacific Railroad right-of-way. The ~~B~~beach can be accessed at various points along the recreation trail ~~had past the warehousing areas~~ between Figueroa Street and Camino El Estero. ~~However, this informal access is ill-defined and no public parking is available.~~ The balance of the Beach area between Park Avenue and Sloat Avenue is blocked to pedestrian access by commercial structures on the north side of Del Monte Avenue and by the townhouse development between Park Avenue and Sloat Avenue. At Sloat Avenue, there exists a sixty-foot-wide strip owned by the State of California on the bay side of the railroad right-of-way between the townhouses and the Naval Postgraduate School property. This strip connects to the beach, but the land between the railroad right-of-way and Del Monte Avenue is privately owned.

There is no direct vehicular access to the Beach area. Periodic usage of the Figueroa Street access point and the parking lot adjacent to Monterey Bay Park at Camino El Estero is made for small sailing craft (for Hobie Cat regattas and individual launching).

~~East of the Southern Pacific property, the railroad right-of-way has been purchased by the City for future use as a transportation corridor, including a recreational trail. These publicly owned lands extend through the City of Seaside to Sand City. Although no improvements have been made to the corridor to date, the right-of-way is used by pedestrians. It should be noted that the portion of the right-of-way through the Southern Pacific property (from Washington Street to Monterey Bay Park) is not publicly owned, and the previously existing railroad tracks in this area have been removed.~~

The City of Monterey has purchased the West Catellus property, which is located immediately west of Figueroa Street, and the east Catellus property, which is located between Figueroa Street and Monterey Bay Park (also known as Window-on-the Bay). The City has multiple goals for these properties, including increased public access, parking, coastal dependent uses, and public serving uses.

Access to Monterey Beach for multi-hull boats, kayaks, and other water sport craft that must be trailered across the beach to the water's edge presently occurs at Figueroa Street and is controlled by the City of Monterey. A chain blocks access for vehicles and trailers. ~~Access is only allowed for special group sailing events which must obtain a permit from the City. All applications for~~

~~group use for a one year period must be received in February. These permit applications are reviewed by the Parks and Recreation Commission and then approved or disapproved by the City Council.~~ Special group permits are reviewed by the City, with action by the Recreation and Community Services Director. Large events, including large regattas, are reviewed by the City, with action by the Parks and Recreation Commission. Only extraordinary events are referred to the City Council. ~~Major events were held on five weekends in 1985.~~ While there are provisions for this group use, there is presently no program for individual or small group use on an informal basis. Use characteristics of the multi-hull and water sport craft ~~is~~ are presented in the Public Recreation section.

Add Public Access new Existing Condition d. text as follows:
d. Presidio: The City of Monterey has leased from the Army the El Castillo site at the base of the Presidio of Monterey. The Army museum on the site has been restored and is being operated by the City as a public museum.

Rename submitted Public Access Existing Condition d. as Existing Condition e. and update text as follows :
~~d.~~ e. Transit Access: Monterey Salinas Transit ~~access to~~ serves the Harbor area with stops along Del Monte Avenue and Pacific Street. ~~is provided by Monterey/Salinas Transit District buses with stops at Park Avenue, Figueroa Street, and Fisherman's Wharf.~~ A free visitor shuttle bus also runs between the downtown parking garages, Fisherman's Wharf, and Cannery Row during peak summer periods.

Rename Public Access Existing Condition e. as Existing Condition f. (no other modification to this Existing Condition).

Modification #18 - Public Access Figures 4 and 5
Revise Figure 4 (see page II-A-4 of submittal) to:

- Identify Monterey Bay Park;
- Remove black area along Monterey Bay Park (except for the two parcels that retain buildings) and add a black arrow to show access through this area;
- Remove "Unimproved Access" (D) as appropriate;
- Identify & label recreation trail.

Revise Figure 5 (see page II-A-6 of submittal) to:

- Show City-operated Army museum on Presidio property;
- Change white arrows to black as appropriate (regarding proposed and existing vertical access);
- Remove legend and symbol regarding frontal seawall pedestrianway;
- Update arrows and designation for Monterey Bay Park as appropriate;

Modification #19 - Public Access Policies (see pp. II-A-5 to II-A-8 of submittal)

Revise Public Access Policy a. as follows:

a. ~~The City of Monterey shall encourage the State Department of Parks and Recreation and the Army to work together to improve access to the El Castillo site at the base of the Presidio of Monterey~~. The City shall encourage the Army to allow continued access to City-operated public facilities on the Presidio property, e.g. the Army Museum.

Revise Public Access Policy b. as follows:

b. Existing vertical access points, as described in Figure 5, shall be protected, ~~and~~ improved, or replaced with equal or better access as new development is proposed. New vertical access points, as described in Figure 5, shall be improved with a clearly signed accessway that is a minimum of ten (10) feet in width. A lesser width to a minimum of five (5) feet may be allowed if justified by site characteristics along the rocky shoreline of Lighthouse Curve. Access to Monterey Beach from Figueroa Street/Del Monte Avenue ~~Wharf No. 2~~ shall be a minimum width of twenty-five (25) feet to allow multi-hull boats access. ~~from Figueroa Street to Monterey Beach.~~

Revise Public Access Policy d. as follows:

d. Planned improvements consistent with the Monterey State Historic Parks General Plan (1983) to the Sloat Landing site by the State Department of Parks and Recreation, including access to the shoreline, shall be supported.

Delete Public Access Policy e. as follows:

~~e. The planned ten-foot-wide pedestrian walkway along the frontal seawall extending from Wharf No. 2 shall be implemented.~~

Rename Submitted Public Access Policy f. as e. and revise as follows:

~~f.~~e. ~~Page 2 in June 2, 1987, Addendum. Middle of the page. Page II-A-7: Add additional language to Policy f. Revise. The planned Recreational Trail to the east (existing Monterey Bay Park) shall be extended to the west to Figueroa Street. The right-of-way for this extension of the Recreational Trail shall be a minimum of twenty feet. The lateral access easement shall be located on the seaward side of the developable area of the site, generally along the historic Southern Pacific railroad right-of-way.~~ No intervening development shall block potential visual access or physical access to the beach. ~~In addition to the Recreational Trail easement, a public access and use easement shall be secured that includes, at a minimum, all that area of the site that has been historically used by the public.~~

Add New Public Access Policy f. as follows:

f. Redevelopment of the east Catellus site shall provide increased opportunities for access to Monterey Beach and Wharf No. 2.

Revise Public Access Policy g. as follows:

g. ~~Page II-A-7: Add additional language to Policy g.~~ As part of any development on the

west ~~Southern Pacific~~ Catellus property, lateral access, a minimum width of twenty feet, linking the recreational trail to the west (at Washington Street)~~,~~ and ~~the~~ Figueroa Street to the east, shall be provided. The recreation trail link shall be located as close to the water as parking, circulation, and boat launch safety permit. At a minimum, the recreation trail link shall not be located south of the ~~The lateral access easement shall be located on the seaward side of the site, generally along the~~ historic Southern Pacific Railroad right-of-way.

Revise Public Access Policy h. as follows:

h. The City, through its opportunity-buying program, shall, where feasible, continue the implementation of the "Monterey Bay Park" program. See Coastal Visual Resources section in Chapter 3. This program proposes the use of the area from Park Avenue to Sloat Avenue between the ~~railroad right-of-way~~ recreation trail and Del Monte Avenue for support parking spaces for Monterey Bay Park.

Revise Public Access Policy i. as follows:

i. As part of any development on the ~~privately~~ publicly owned parcel at Sloat Avenue adjoining the Navy School property between Del Monte Avenue and the ~~railroad right-of-way~~ recreation trail, a public accessway, a minimum of ten feet wide~~,~~ and linking Del Monte Avenue to the ~~railroad right-of-way~~ recreation trail, shall be required. ~~a condition of development.~~

Revise Public Access Policy j. as follows:

j. ~~Signage clearly indicating the location of coastal access points shall be provided at the points shown in Figure 5.~~ The City will continue to provide and maintain signage as necessary at all coastal access points as shown on Figure 5. Signage shall be required upon development of new access.

Revise Public Access Policy l. as follows:

l. ~~Signing shall be installed to warn the public of the possible risk associated with the lead contamination on marine sediments and organisms.~~ Upon designation of the California Coastal Trail (CCT) in the Harbor area, the City shall implement a signing program for the CCT, in conjunction with the State. Figure 5 (Public Access) in the Harbor LUP shall be updated to identify the CCT. (See Public Recreation Section for more policies regarding CCT).

Add New Public Access Policy o. as follows:

o. Temporary events shall minimize impacts to public access, recreation, and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) Held between Memorial Day and Labor Day; 2) occupy any portion of a public, sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse effects to public access

and/or coastal resources.

Add New Public Access Policy n. as follows:

p. Temporary events shall be scheduled in a staggered manner throughout the summer months so as to not unduly limit unimpeded beach public access. Temporary events shall not block through lateral and vertical access, shall provide low fencing (as appropriate) to demarcate the temporary event area from the public area, shall include signage informing the public of the temporary event and any fees associated with the event and available public access around the event. The operator of the temporary event shall restore (e.g., remove temporary fencing/signs/trash, undertake beach grooming, etc.) the area to pre-event conditions within 48 hours of conclusion of the temporary event.

G. Public Recreation

Modification #20 - Cited Coastal Act Public Recreation Policies (see page II-B-1 of submittal):

Add Section 30222 to the Public Recreation section of the Land Use Plan as follows: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Revise Cited Coastal Act Section 30213 as follows: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Revise Cited Coastal Act Section 30224 as follows: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Revise Cited Coastal Act Section 30234 as follows: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Modification #21 - Update Public Recreation Existing Conditions Text (see pp. II-B-1 to II-B-6 of submittal):

Update Public Recreation Existing Condition a. text as follows:

a. Shoreline Park. South of the Coast Guard breakwater/landfill area, Shoreline Park has been ~~partially~~ improved with a lawn area, benches, and a paved bike and pedestrian path. This area of Shoreline Park was a gift from the United States Army. The railroad right-of-way that passes through Shoreline Park has been purchased by the City of Monterey and the Monterey Peninsula Regional Park District. This right-of-way has been ~~is to be~~ developed as a recreational trail that ~~will~~ extends through Cannery Row and ~~will link~~ connects to ~~up with~~ the existing recreational trail in Pacific Grove. The recreation trail also extends east through the Del Monte Beach segment of the City of Monterey, and continues into the City of Seaside.

Update Public Recreation Existing Condition c. text as follows:

c. Monterey State Historic Park. Monterey Historic Park is comprised of the following historic buildings, plazas, and gardens:

1) Custom House; 2) Custom House Plaza; 3) Plaza del Muelle; 4) Pacific House; 5) Casa del Oro; 6) California's First Theater; 7) Soberanes Adobe; 8) Whaling Station; 9) First Brick House; 10) Vizcaino - Sierra Landing Site; 11) Sloat Landing Site.

These historic facilities in the Harbor LCP area comprise an integral part of the Path of History that has been developed to assist visitors view the many historic buildings that have so fortunately been preserved in the downtown and harbor area.

In recent years, ~~The Monterey State Historic Park General Plan proposes~~ the following improvements have been made to State Park properties in the Harbor LCP area:

1) Development of a major orientation and interpretive center.
2) Restoration of the Vizcaino - Serra and Sloat landing sites.
3) Further landscaping of the Plaza del Muelle.
4) Design improvements for the Custom House Plaza.
5) Improvement and restoration projects for the Whaling Station, First Brick House, and First Theater.

Update Public Recreation Existing Condition d. text as follows:

d. Visitor Commercial Development. An office/restaurant complex, owned by the Monterey Bay Aquarium, ~~presently~~ exists near the entrance to Fisherman's Wharf. Across Pacific Street is a 220-car parking garage, which serves the complex. This complex was originally designed to be a visitor commercial/restaurant complex but, because of economic problems and a resulting high vacancy rate, much of the commercial space has been converted to office space with some restaurant space remaining. Across Pacific Street, next to the parking structure serving the office/ restaurant complex, is a vacant parcel (also owned by the Monterey Bay Aquarium), which was originally to have been used for Phase 2 of the commercial/restaurant complex. This vacant land is no longer proposed for commercial/restaurant uses. A hotel project was conceptually discussed with City staff. There are no known plans for this vacant parcel at the

present time.

Update Public Recreation Existing Condition e. text as follows:
e. Hotel Development. Just south of the Custom House Plaza is a 375-room full service hotel, which is connected to the City's Conference Center. A 420-space parking garage serves the hotel. ~~The hotel's tennis courts are on land that fronts on Custom House Plaza and the land is leased from the City.~~ A Maritime Museum complex has been developed on the former site of the hotel's tennis courts, which were located on land leased from the City. ~~proposed for the tennis court site.~~ Just south, across Del Monte Avenue from the City' s Conference Center and the 375-room hotel and outside the harbor LCP area, is a 350-room full service hotel. A 104-room hotel is located ~~T~~to the west, across Pacific Street from the 375-room hotel and between two historic structures (Soberanes Adobe and California's First Theater). ~~, a 104-room hotel is under construction.~~ To the north of the Harbor LUP area, in the Cannery Row LUP area, there are presently ~~191~~ 384 ~~existing~~ hotel rooms.~~,~~ A hotel with 208 rooms has been approved by the City and the Coastal Commission, but has not yet been developed. Many more hotel rooms exist in the Cannery Row area, outside of the coastal zone. ~~578 hotel rooms under construction, and proposed sites that could accommodate approximately 500 additional hotel rooms.~~

Update Public Recreation Existing Condition f. text as follows:
f. Marina. The 41~~5~~3-slip marina between Fisherman's Wharf and Wharf No. 2 is run by the City of Monterey. There is a long waiting list for slip rentals. Approximately ~~half~~ two-thirds of the slips are occupied by recreational boats with the other ~~half~~ third being occupied by commercial fishing boats.

In the outer harbor area, the City controls registered moorings for ~~129~~ 150 boats. A 60-slip marina is located ~~I~~in the outer harbor near the landfill.~~, a 60-slip marina is proposed by the developer of the proposed marine repair facility on the landfill.~~

Facilities for transient boaters are limited on a space available basis in the marina. Members of other yacht clubs can tie up to the Monterey Peninsula Yacht Club's float. When boats are away from their slips for extended periods of time, their slips are made available to transient boaters. The capacity of the marina to accommodate transient boats ranges from a low of 25 boats ~~four to six boats~~ to as many as ~~twenty-five~~ 60 boats. The Harbor office is staffed twenty-four hours a day and transient boaters can make contact by radio or from dock phones regarding berthing availability and instructions. There is informational and directional signing and nearly all boaters have access to transient boating information by cell phone. ~~Signing explaining the berthing instructions and the location of the Harbormaster's office does not presently exist. Also, there is presently no directional signing advising transient boaters of the availability and location of land based facilities.~~

The importance of the Monterey Harbor to transient boaters is explained by the fact that the next harbor down the coast to the south is Morro Bay, a distance of approximately 120 nautical miles, which is about a twenty-four-hour sail under normal conditions. The next harbor to the north is Moss Landing, a distance of approximately fourteen nautical miles, which is about a three-hour

sail under normal conditions. As Moss Landing is in the middle of the arc of Monterey Bay, boaters coming from San Francisco usually find it more convenient to navigate a straight line to Monterey after rounding Santa Cruz point. Also, unlike Morro Bay, Moss Landing, or Santa Cruz harbors, Monterey harbor, given its protected location on the north side of the Monterey Peninsula, can be entered in any weather condition. This accessibility can be of critical importance to the transient boater.

Update Public Recreation Existing Condition g. text as follows:
g. Wharf No. 2. Presently existing on Wharf No. 2 are a variety of commercial and recreational uses, including a private yacht club, a boat hoist, a restaurant, a warehouse complex for the unloading of commercial fishing boats, a fuel dock, and a boardwalk along the east side of Wharf No. 2 for fishing and sightseeing. Also, there is a controlled entrance to the marina from Wharf No. 2.

There is ~~presently~~ no pedestrian use of the frontal seawall that extends from Wharf No. 2 towards Fisherman's Wharf. In the past, the City budgeted funds ~~However, the City has funds budgeted~~ for a pedestrian way along the frontal seawall to ~~that will~~ provide additional opportunities for fishing and sightseeing. However, funds are no longer budgeted for this pedestrian way because there are few fish in the area and ADA compliance would be extremely difficult.

At the entrance to Wharf No. 2 is a restaurant/commercial complex. The restaurant is on the second floor~~.~~; a boat sales/rental office is on the first floor. ~~On the first floor are~~ Public restrooms and shower facilities for persons with slips in the marina (not open to the public) are located in the ground floor of the Harbormaster building in the marina parking lot. ~~and a boat sales/rental office.~~

Update Public Recreation Existing Condition h. text as follows:
h. Monterey Beach. Monterey Beach is a broad stretch of sandy shoreline beginning at Figueroa Street east of Wharf No. 2. A portion of this beach is owned by the City; the remainder is State Parks property (see Figure 5 in Public Access Section). East of the Harbor LCP area (Navy Postgraduate School property and beyond), this stretch of beach is most often referred to as Del Monte Beach. The City has purchased, for public use, the east Catellus parcel that fronts the beach. Plans for development of the parcel under the "Catellus Properties Phased Improvement Plan (2002)" include a public plaza adjacent to the beach and demolition of several buildings to open up public views to the beach and the ocean. Public restrooms are located ~~O~~on the City portion of the beach at the access point ~~at~~ to Wharf No. 2.~~, are public restrooms.~~ These restrooms are slated for removal under the Catellus Plan. New restrooms will be provided in one of the existing buildings along the City beach. ~~and a small, two-story structure currently rented from the City on a monthly basis by a marine surveyor. It should be noted that a significant portion of the beach in front of the Southern Pacific property, which appears to be public, is really owned by Southern Pacific. However, the entire beach is signed for public use and Southern Pacific has historically placed no restrictions on the use of its portion of the beach by the public.~~ Uses of the beach include swimming (very limited due to the water temperature), wading, strolling, jogging, fishing, windsurfing, multi-hull sailing and some skin diving. Four to five times a year, the

beach is used as a staging area for multi-hull regattas. ~~which attract from 100 to 200 boats.~~ Launching is undertaken from Figueroa Street and across the beach to the water. Parking in the area of the Figueroa Street entrance to the beach is limited to the available public parking in the area (marina lots and Wharf No. 2) and on the former Southern Pacific property on an informal basis.

i. Update Public Recreation Existing Condition i. text as follows:
i. Del Monte Avenue. Fronting on the bay side of Del Monte Avenue, between Washington Street and Sloat Avenue at the east end of the Harbor LCP area, are a mixture of commercial and warehouse-type uses.

~~Research and visitor services uses are limited to two areas. First, on the Southern Pacific property on the west side of Figueroa Street, there is a modular structure housing the Greyhound Bus station and a boat storage yard serving the Monterey Peninsula Yacht Club on Wharf No. 2. There is also a marine supply store on the Southern Pacific property on the east side of Figueroa Street.~~ On the east Catellus property, east of Figueroa Street, there are commercial businesses and a boat storage yard. Monterey Bay Park (also known as "Window on the Bay") is located east of the Catellus site. The City previously purchased this stretch of land and removed a number of commercial buildings to open up views to the Bay and to develop the park. This park consists of 3.9 acres of turf and landscaped areas adjacent to the beach, volleyball courts, picnic and BBQ facilities. The recreation trail passes through the park.

~~The second area along Del Monte Avenue devoted to recreation and visitor serving uses is the area that has been purchased and cleared for the be-ginning of the development of "Monterey Bay Park". The Monterey Bay Park acquisition and development program is outlined in detail in the coastal Visual Resources section in Chapter III.~~

Throughout the development of the Harbor LUP, citizens have continually stated the need for additional area for recreational and visitor serving uses serving both the marina area and Monterey Beach. Uses discussed have been marine related sales, dry boat storage, a transportation center, a youth hostel, and additional parking to serve the area. ~~No specific locations for any of these uses have been determined.~~ Dry boat storage is found on the east Catellus site and will be retained and improved under the Catellus Plan. A youth hostel has been located on Hawthorne St., several blocks outside the Cannery Row LUP coastal zone.

Add New Public Recreation Existing Condition j. as follows:
j. Recreation Trail. The Harbor portion of the recreation trail extends the length of the Harbor LUP planning area, following the same route as the old Southern Pacific Railway right-of-way. The paved trail is used by pedestrians, bicyclists, quadricycles, and skaters. Landscaping, lighting, picnic tables, benches, and signing are located along the recreation trail. The City has purchased the west Catellus parcel and plans to reroute the recreation trail through this parcel so that it is located as close to the water as safely possible.

Modification #22 - Public Recreation Figures 6 and 7

Revise Figure 6 (see page II-B-2 of submittal) to:

- Show City-operated military museum on Presidio property;
- Add recreation trail to map and key;
- Update #6 on key to show all cleared land;
- Add Monterey Bay Park to the map and key.

Revise Figure 7 (see page II-B-7 of submittal) to:

- Re-title Figure 7 as "Recreation and Visitor Land Uses;"
- Show expanded Public Use area for Monterey Bay Park (Area A);
- Remove "pedestrianway" from Key (i.e., "Frontal Wall Pedestrianway);
- Delete "Waterfront Redevelopment" from key and add "Catellus Redevelopment" to key.

Modification #23 - Public Recreation Policies (see pp. II-B-6 to II-B-8 of submittal)

Revise Public Recreation Policy a. as follows:

a. ~~The railroad right-of-way in the Harbor LCP area shall be developed as a pedestrian/bikeway as part of~~ The City shall maintain, and improve where feasible, the regional recreational trail in the Harbor LCP area. The tracks east of Camino El Estero shall be retained for potential future option as a people moving system.

Revise Public Recreation Policy b. as follows:

b. Working with the State Department of Parks and Recreation, the City shall continue to support the implementation of, and will permit improvements to State Park properties consistent with the June, 1983 Monterey State Historic Park General Plan policies. ~~Development of a major orientation and interpretive center in the land use designation Public Use Area at the City-owned tennis court site shall be a permitted use. The City shall provide development standards consistent with features associated with the Monterey State Historic Park, and identify intensity of use and provisions for parking.~~ The City will coordinate with State Parks regarding development of a public garden in the corporation yard at the corner of Pacific and Scott Streets.

Delete Public Recreation Policy c. as follows:

~~c. The City shall continue its plans for a pedestrian way providing fishing and sightseeing opportunities along the frontal seawall extending from Wharf No. 2 towards Fisherman's Wharf.~~

Add New Public Recreation Policy c. as follows:

c. Future designation of the California Coastal Trail (CCT) shall incorporate the existing Harbor segment of the regional recreational trail. The City shall participate in future statewide efforts regarding the development and use of signage for the CCT.

Revise Public Recreation Policy d. as follows:

d. On the bay side of Del Monte Avenue, from Wharf No. 2 to Sloat Avenue, the City shall, through its opportunity buying program, continue to work towards the purchase of ~~these~~ the remaining privately-owned properties for the purposes of adding these properties to Monterey

Bay Park, which is described in detail in the Coastal and Visual Resources section in Chapter III.

Revise Public Recreation Policy e. as follows:
e. To enhance the popular water use activities (e.g., windsurfing, multi-hull boating, swimming, picnicking, walking/jogging, and skin diving) that occur on Monterey Beach, the improvements to the beach and surrounding land area north of Del Monte Avenue on the Catellus east and west parcels shall ~~should~~ include parking, improved vehicular access along Figueroa Street, beach launching facilities, restrooms, picnic areas, showers, ~~and~~ a beach boat storage area for water sport craft (surface storage only - no structures), and a public plaza.

Delete Public Recreation Policy f. as follows:
~~f. The design of a recreational corridor in front of the Custom House shall integrate the shoreline, pedestrian access, vehicular access, and the Custom House into a predominately historic and pedestrian scene that maximizes pedestrian access, pedestrian safety, and the shoreline and Custom House as a historic resource. The City shall also improve existing directional signing to deter through traffic using the causeway.~~

Add New Public Recreation Policy f. as follows:
f. Allowable uses on Monterey Beach include general recreational uses such as walking, picnicking, sunbathing, etc. Allowable types of development include installation of restrooms, lifeguard towers, fire rings, and trash receptacles, as well as public access improvements. The size of new structures on the beach (e.g., lifeguard towers) shall be minimized. The footprint of existing structures on the beach may not be increased, except to allow for a restroom addition. Allowable beach management activities include the use of mechanized equipment on the beach for regular maintenance operations, including beach cleaning (e.g., sifting and litter removal), seasonal debris removal operations as necessary depending on weather conditions, and safety activities including use of lifeguard vehicles or other emergency machines. Maintenance activities shall be scheduled to prevent conflict with access and recreational use of the beach by the public. Management and development of the State Beach shall proceed in accordance with the provisions of the 1990 Monterey State Beach General Plan. Temporary events on the beach that meet the criteria described in the "Public Access" section shall require coastal development permits.

Add New Public Recreation Policy g. as follows:
g. Wharf No. 2 shall continue to provide uses serving commercial fisherman and recreational boaters. Primary permitted uses on Fisherman's Wharf include a variety of marine-related uses as well as retail uses oriented toward waterfront activities, as described in Appendix C.

H. Commercial Fishing and Recreational Boating

Modification #24 - Cited Coastal Act Commercial Fishing and Recreational Boating Policies (see pp. II-C-1 to II-C-2 of submittal):
Revise Section 30233 as follows: (a)The diking, filling, or dredging of open coastal waters,

wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects and shall be limited to the following: 1. New facilities or expanded port, energy, and coastal-dependent industrial facilities, including commercial facilities. 2. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. 3. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland. 4. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. 5. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. 6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. 7. Restoration purposes. 8. Nature study, aquaculture, or similar resource dependent activities.

Add Section 30703 to the Commercial Fishing and Recreational Boating section of the Land Use Plan as follows: The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Modification #25 - Update Commercial Fishing and Recreational Boating Existing Conditions Text (see pp. II-C-2 to II-C-5 of submittal):

Update Commercial Fishing and Recreational Boating Existing Condition a. text as follows:

a. Monterey Harbor is one of three protected boating facilities in Monterey Bay. It serves as the major berthing facility in the south Bay for approximately 600 recreational and commercial fishing vessels. Approximately ~~half~~ one-third of these vessels hold commercial fishing licenses; of that number, an estimated sixty are full-time commercial vessels with thirty-five of these in the squid fishing fleet.

Update Commercial Fishing and Recreational Boating Existing Condition b. text as follows:

b. There are presently 41~~3~~5 slips in the inner harbor marina. Approximately ~~500~~ 430 boats are docked in the marina. The marina is served by water, electrical, and phone facilities. A sewage

waste pump-out facility is located on the marina utility dock. The ~~twenty-two-year-old~~ 40-year-old marina, which was rebuilt in 1996 and is maintained by the City, has ~~sixteen~~ eight slips formally reserved for transient berthing, plus those slips ~~which~~ that are available while regular boats are out of their slips for repair or are on extended trips, for a total of ~~about 5% of the total~~ 20 to 50 slips. In the past, there have been a few inoperable boats, which have been only kept in a slip for the purpose of maintaining the owner's right to a slip. The City has recently established by ordinance a program to eliminate in-operable boats from the marina and free up their slips for operable boats.

Update Commercial Fishing and Recreational Boating Existing Condition c. text as follows:
c. There are ~~129~~ 150 registered, ~~free~~ low-cost moorings in the outer harbor area. These moorings are protected by the Coast Guard breakwater. These ~~The majority of the~~ moorings are located so as to not block the channel used by boats entering and exiting the marina. ~~However, there are some free moorings that are located such that, during certain current conditions, the boats tied to these moorings partially block the channel to the marina.~~ There are ~~no~~ formal land support facilities for these moorings. Moored boats are reached by small dinghies. ~~,which are either brought to launch ramps, tied up on pullies under Wharf No. 1, or are tied up to the float along the frontal wall in the marina.~~ There is 130 feet of dedicated dinghy space along Fisherman's Wharf. An additional sixty slips were developed in the outer harbor area as part of the marine repair facility proposed for the City landfill area. ~~In addition to the registered moorings, there are approximately twenty moorings that have been created by boaters which are not registered with the City. These "bootlegged" moorings have resulted in a situation of overcrowding in some areas. This overcrowding presents a hazard to the boats that are tied up to registered moorings. The City has found it very difficult to control these unregistered moorings and does not, presently, have a continuous enforcement program. Illegal moorings are handled on a case by case basis as they are reported.~~ An additional sixty slips ~~are proposed~~ were developed in the outer harbor area as part of the marine repair facility proposed for the City landfill area. In fair weather, vessels are occasionally moored east of Wharf No. 2. This area is not protected by the Coast Guard breakwater and boats moored in this area are especially susceptible to wave surge action.

Update Commercial Fishing and Recreational Boating Existing Condition d. text as follows:
d. In the 1960's, a plan for a major expansion of the marina was discussed. Preliminary plans showed an expansion of up to 1,200 slips with the majority of the additional slips being located east of Wharf No. 2. A key element of this expansion was a lengthy extension of the existing Coast Guard breakwater. A shift in Federal funding priorities and escalating costs forced the City to cease consideration of this major expansion. ~~Since the 1960's, there have been frequent discussions about the possibility of a less lengthy extension of the breakwater which would provide more protection for the existing free moorings in the outer harbor and possibly allow some additional moorings to the east of Wharf No. 2. To date, cost considerations have always caused any proposed extensions of the breakwater to be found to be financially infeasible. However, in recent months, as part of possible improvements to the warehouse structure serving~~

~~the commercial fishing industry at the end of Wharf No. 2, a 1,000-foot extension of the Coast Guard breakwater has been proposed. Funding sources for the warehouse improvements could also possibly cover the extension of the breakwater. An extension of the breakwater would reduce surge conditions around Wharf No. 2 and allow safer unloadings around Wharf No. 2, and more boating activity east of Wharf No. 2. As part of this proposed breakwater extension, there have been no studies done to date assessing the impacts this proposed extension would have on the beach erosion and sand supply process along Monterey Bay.~~

Update Commercial Fishing and Recreational Boating Existing Condition e. text as follows:
e. The City-owned Fisherman's Wharf presently provides loading and docking facilities for four fishing trip concessionaires. These concessionaires presently operate a total of eighteen boats. In addition to sport fishing trips, these concessionaires also operate their boats for whale watching and sightseeing trips. There is presently one ~~small~~ float on the west side of the Wharf at which boats can tie up while picking up and unloading passengers or visiting the Wharf. ~~However, use of this float is often very difficult and dangerous due to the number of dinghies that are frequently tied up to and left at the float.~~ This float was extended to 156 feet in length, under a coastal permit, and provides space for needed loading and unloading.

Update Commercial Fishing and Recreational Boating Existing Condition f. text as follows:
f. Wharf No. 2 is also owned by the City of Monterey and houses uses serving commercial fisherman and recreational boaters. On the west side of Wharf No. 2 is the only boat hoist for the launching of boats in the Monterey Harbor area. The boat hoist is ~~run in conjunction with a coffee shop and is a condition of the coffee shop's lease with the City of Monterey~~ City operated. It receives moderate use and can handle vessels up to two tons (approximately twenty feet in length). The only fueling facilities in the Monterey Harbor area are located on fuel docks ~~along Wharf No. 2~~ at the breakwater cove marina. Boats can fuel from either the west or east of Wharf No. 2. These fuel docks are outside the marina and are located in the outer harbor area.

Update Commercial Fishing and Recreational Boating Existing Condition g. text as follows:
g. Located alongside of Wharf No. 2 in the marina is the clubhouse for the Monterey Peninsula Yacht Club. There is presently a small tie-up area in front of the Yacht Club. The Yacht Club leases land for dry boat storage on the ~~Southern Pacific property on the west side of Figueroa Street~~ east Catellus site. Boats in dry storage are launched primarily by the boat hoist on Wharf No. 2.

Update Commercial Fishing and Recreational Boating Existing Condition h. text as follows:
h. A two-lane, free~~,~~ launch ramp is provided in the marina adjacent to the Harbormaster's office. While once the primary launch ramp in the Harbor area, this launch ramp now supplements the newer two-lane launch ramp adjacent to the Coast Guard breakwater. The area around the marina launch ramp is ~~often quite congested~~ no longer congested due to reconfiguration of the parking lot ~~and the p~~. Parking for this ramp ~~is limited to two~~ consists of eighteen pull-through

trailer spaces. There are no plans for the removal of the marina launch ramp.

Update Commercial Fishing and Recreational Boating Existing Condition j. text as follows:
j. The mainstay of the fishing industry operation in Monterey Harbor is squid. The season is almost year round with the majority being caught from February to November, principally during the summer months. Salmon are also unloaded at Wharf No. 2. The salmon season runs from ~~April~~ May through September. A recent development in the commercial fishing industry is the apparent return of blue mackerel to Monterey Bay with significant tonnages being harvested in 1981. Black cod is also unloaded at Wharf No. 2. Monterey harbor also serves as a permanent base for a number of fishermen who journey to Alaska each year for the salmon runs, bringing millions of dollars back to the local economy from that harvest. A number of local fishing boats also fish for herring in San Francisco Bay. Also, albacore season, which is primarily in August and September, attracts as many as ~~three~~ one hundred additional boats to the Monterey Bay area. Facilities to service visiting fishing boats include a boatworks area ~~are limited. However, this situation should improve with the completion of the boatworks project~~ on the Coast Guard breakwater.

Update Commercial Fishing and Recreational Boating Existing Condition k. text as follows:
k. The City-owned warehouse at the end of Wharf No. 2 has, over the years, been converted to serve the commercial fishing industry. The building ~~is in need of~~ has undergone numerous structural improvements in recent years. ~~and the present layout of the structure does not lend itself to the modern and efficient operations that exist in other harbor areas along the California coast.~~ The location of the existing structures at the end of Wharf No. 2 presents difficult constraints for the large semi-trailer trucks that transport fish off Wharf No. 2 once the fish is unloaded and/or cut. When not actually being loaded, trucks must wait off Wharf No. 2. Due to the configuration of the structures at the end of Wharf No. 2, these large trucks can not turn around and must back approximately 1,500 feet from the foot of the Wharf. This situation, when mixed with the many other uses on Wharf No. 2 creates considerable traffic congestion, especially during the fishing season's peak periods. The commercial fishermen are also often inconvenienced by the lack of a formal net-mending area in the Harbor area. The informal areas primarily used for net-mending ~~are the Custom House Plaza area and~~ is the open area around the old train depot on the former Southern Pacific property on the west side of Figueroa Street (west Catellus parcel). To facilitate net repair, several rows of parking in the marina lot are blocked off for net mending activities during non-peak visitor times.

Delete Commercial Fishing and Recreational Boating Existing Condition l. text as follows:
~~l. The City is presently preparing a specific operational plan for Wharf No. 2. A key element of the plan is an improvement program for the City's warehouse building. A consultant has been retained to study how the structure can best be improved to compliment the area's commercial fishing industry.~~

Modify Commercial Fishing and Recreational Boating Existing Condition m. text as follows, and rename as Existing Condition l. as follows:
~~m. There is presently no formal location in the harbor/marina area for the loading and unloading of boat passengers, including skindivers. This situation often creates considerable congestion around the launch ramp at the Coast Guard breakwater where skindiver groups use the launch ramp not only for the short term launching of boats, but also for the loading and unloading of divers and gear. This situation can tie up use of the launch ramp for extended periods of time.~~ l. There are several formal loading and unloading areas in the harbor/marina area for boat passengers and skin divers; skin divers load and unload at K dock in the marina; boat passengers load and unload at the 156-foot-long floating dock on the west side of Fisherman's Wharf.

Add Commercial Fishing and Recreational Boating New Existing Condition m. text as follows:
m. Several cruise line companies are planning daytime port calls to the City of Monterey. The ships would set anchor in the Bay and ferry (by small boats) the passengers to formal loading and unloading areas in the harbor. Passengers will visit Monterey and other Bay and Central Coast cities.

Modification #26 - Commercial Fishing and Recreational Boating Policies (see pp. II-C-5 to II-C-6 of submittal)
Revise Commercial Fishing and Recreational Boating Policy a. as follows:
a. Consideration shall be given to proposals which safely and cost effectively increase the dockage and slip capacity in the entire harbor area. Any such proposals shall not significantly impact coastal resources, including ~~be studied in a way that does not significantly affect the~~ beach erosion and sand supply process along the shoreline, public views, environmentally sensitive habitat, public access, and circulation and parking.

Revise Commercial Fishing and Recreational Boating Policy j. as follows:
j. ~~The City shall develop a program, including a boat passenger loading and unloading area, to control use of the launch ramp areas so that the loading and unloading of passengers and gear does not preclude use of the launch ramp areas for boat launching.~~ The City shall continue to implement a program to control use of the launch ramp areas so that the loading and unloading of passengers and gear does not preclude use of the launch ramp areas for boat launching.

Revise Commercial Fishing and Recreational Boating Policy k. as follows:
k. As part of ~~any~~ the proposed development on the ~~Southern Pacific property east of Figueroa~~ east Catellus property , a twenty-five-foot-wide accessway from Figueroa Street and a water sport craft beach launching area shall be provided. The launching area shall be designed and designated so as not to endanger swimmers and other beach users. All new development or improvements in this area shall provide access from Figueroa Street or Del Monte Avenue to the beach across the east Catellus parcel. Additional support facilities on the east Catellus parcel shall include restrooms, showers, and surface dry boat storage. ~~Should the City, through its opportunity buying program, purchase some portion or all of the Southern Pacific property east~~

~~of Figueroa Street, additional support facilities, including automobile parking spaces, pull-through boat trailer spaces, restrooms, showers, and surface dry boat storage shall be provided~~.

Revise Commercial Fishing and Recreational Boating Policy l. as follows:
l. As part of the development/improvement plans for the east Catellus property, the City shall develop a program for the convenient everyday individual and controlled group use of any water sport craft launching area. ~~that is part of any proposed development on the Southern Pacific property east of Figueroa.~~

Revise Commercial Fishing and Recreational Boating Policy m. as follows:
m. ~~To protect the commercial fishing industry, the City shall develop and implement a program to maintain a ratio not less than the existing commercial fishing/recreational boating berthing ratio (1:1) in the harbor. The program shall be periodically reviewed and the ratio modified, as needed, to assure protection of the commercial fishing industry.~~ The City shall continue to monitor the status of the local commercial fishing industry and provide facilities for commercial fishing as necessary, depending on demand. The City shall ensure that recreational fishing boating facilities are designed and located so as to not impede or interfere with the commercial fishing industry.

Add New Commercial Fishing and Recreational Boating Policy n. as follows:
n. The City shall continue working with fisherman to provide informal areas for net mending in the waterfront area.

Add New Commercial Fishing and Recreational Boating Policy o. as follows:
o. For cruise ship operations that occur within the City limits of the City of Monterey, the City shall communicate with cruise ship companies to ensure that they abide by the statutes and regulations of all relevant international, federal, state and local agencies, including but not limited to the International Maritime Organization, U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the Monterey Bay National Marine Sanctuary, California Department of Fish and Game (including CDFG's Office of Oil Spill Prevention Response), the State Lands Commission, California State Parks, the Air Pollution Control District, the Regional Water Quality Control Board and Monterey County Environmental Health. Specifically, the City shall ensure that cruise ship companies comply with regulations and statutes regarding safety and protection of natural resources, including but not limited to, minimization of light and noise impacts, oil spill prevention and response, avoidance of adverse impacts to marine wildlife and kelp, safe anchoring, safe operation of shore boats in offshore city waters and the harbor, and safe handling of fuel, garbage, noxious liquids, "gray water," "black water," bilge water, ballast water, and toxic chemicals.

Add New Commercial Fishing and Recreational Boating Policy p. as follows:
p. The City shall employ measures to avoid adverse impacts (e.g., overcrowding of the passenger loading/unloading dock, conflicts between pedestrians and vehicles in the Fisherman's Wharf

area) of onshore cruise ship operations on harbor public access amenities. Such measures include, but are not limited to, management of the passenger loading/unloading area, scheduling of cruise ship passengers' visits at off-peak times, and designating a bus parking and loading area that does not impede general public access and parking availability in the Fisherman's Wharf area.

Add New Commercial Fishing and Recreational Boating Policy q. as follows:
q. The City shall continue to provide low-cost moorings in the outer harbor area.

Modification #27 - Proposed LCP Implementation Measures (Commercial Fishing and Recreational Boating) (see page II-C-6 of submittal)

Delete Commercial Fishing and Recreational Boating LCP Implementation Measure a:
~~a. Develop regulations which, when followed, will prevent boats tied to moorings in the outer harbor from blocking the channel to the marina.~~

Delete Commercial Fishing and Recreational Boating LCP Implementation Measure c:
~~c. The City should establish a formal Harbor Committee to implement the harbor related policies in the Harbor LUP.~~

Rename Commercial Fishing and Recreational Boating LCP Implementation Measure b. as Measure a:
~~b.~~ a. The City shall develop and monitor a list of potential funding sources for improvements to, and possible expansion of, the harbor area.

I. Public Works, Parking, and Circulation

Modification #28 - Cited Coastal Act Policies (Public Works, Parking, and Circulation) (see page II-D-1 of submittal):
Revise Citation of Coastal Act Section 30212 as follows: 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of~~r~~ overcrowding or overuse by the public of~~r~~ any single area.

Add Coastal Act Section 30250(a) to the Land Use Plan as follows: (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Modification #29 - Update Public Works, Parking, and Circulation Existing Conditions Text (see pp. II-D-1 to II-D-4 of submittal):

Update Public Works, Parking, and Circulation Existing Condition a. text as follows:

a. Regional Access. State Route 1, a four-lane freeway, provides the principal north-south regional access to the Monterey Bay area. State Route 68, a two-lane highway, provides east-west regional access from Salinas to Monterey.

Update Public Works, Parking, and Circulation Existing Condition b. text as follows:

b. Harbor Area Street System. The major east/west arterial in the Harbor LCP area is Del Monte Avenue. In the Harbor LCP area, Del Monte Avenue is a five-lane divided street from the east City limit to Palo Verde Avenue. Del Monte Avenue is a four-lane undivided street from ~~Sloat~~ Palo Verde to Camino El Estero. This segment of roadway is often very congested during the peak morning and evening commute periods on weekdays and weekend afternoons. Del Monte Avenue is a six-lane divided street ~~has recently been widened~~ between Camino El Estero and Washington Street. At Washington Street, Del Monte Avenue connects with the Lighthouse Tunnel to provide access to New Monterey, Lighthouse Avenue, Cannery Row, and Pacific Grove. The northside of the tunnel connects to Lighthouse Curve, which leads to Lighthouse Avenue and the Cannery Row area via Foam Street. Lighthouse Curve is presently divided with two travel lanes southbound and three travel lanes northbound. ~~in each direction.~~ With average daily traffic of over 53,000 vehicles per day on peak days, Lighthouse Curve is the City's most heavily traveled street and experiences a service level of D (severe congestion with some long-term backups on critical approaches). The primary north-south downtown streets serving the Harbor are Washington Street, Figueroa Street, and Pacific Street. ~~Both~~ Washington Street and Figueroa Street ~~and Pacific Street (via Scott Street)~~ serve as ~~a~~ primary access points to the major ground-level parking lots serving the Fisherman's Wharf and marina area. A third controlled access point to the marina area parking lots has been provided at Pacifica Street via Scott Street at Fisherman's Wharf. ~~Washington Street with the widening of Del Monte Avenue.~~

Update Public Works, Parking, and Circulation Existing Condition c. text as follows:

c. Transit Service. Monterey/Salinas Transit provides bus service to the Harbor area. The City of Monterey and the Monterey Bay Aquarium have contracted with Monterey/Salinas Transit to operate a shuttle system linking Downtown, Cannery Row, and the Aquarium. This shuttle system was instituted because of traffic congestion through the downtown area and traffic congestion and parking shortages in the Cannery Row area created by visitors to the Monterey Bay Aquarium. The shuttle system encourages motorists to park in the downtown parking garages and then shuttle to Cannery Row. The shuttle operates daily during the peak summer months between Memorial Day and Labor Day. ~~and on weekends during the rest of the year.~~ While the shuttle is free, there is a moderate charge for parking in the downtown garages, which is less than parking fees in the Cannery Row area. The shuttle has received heavy use and has served to significantly reduce traffic congestion in both the downtown and Cannery Row areas. The City has purchased the Southern Pacific right-of-way and developed a recreation trail through part of this former right-of-way. The railroad tracks have been retained for future

passenger rail service to Monterey. ~~Another smaller-scale shuttle service is provided between Fisherman's Wharf and the downtown. This shuttle is operated by the Wharf Property Owners using two 6-8 passenger rubber-tired trollies. The shuttle operates daily during the peak summer months and is free.~~

Update Public Works, Parking, and Circulation Existing Condition d. text as follows:
d. Parking Facilities. The existing parking facilities serving the harbor area are shown on Figure 8, including an unimproved parking area on the east Catellus site. During the peak summer months and on weekends during the rest of the year, all facilities are heavily utilized. Parking directly around the marina area is often fully utilized. Demand for the parking facilities around the marina area is primarily generated by visitors to Fisherman's Wharf. ~~On weekends around the marina, persons having business on their boats often have difficulty finding a place to park, especially those with tools or supplies who have need to park close to the entrance gate.~~ Permit parking is provided for boat owners in the marina parking lot. Users of Monterey Beach also often experience a shortage of parking around the entrance to Wharf No. 2 on peak weekends. Many users of the beach park in the Monterey Bay Park lot on the north side of Del Monte Avenue adjacent to Camino El Estero, and in the Lake El Estero parking lots on the south side of Del Monte Avenue. ~~presently park on the Southern Pacific Property on the east side of Figueroa Street. The Southern Pacific property is not marked or designated for public parking, and all parking is on an informal basis as space permits. The area around the entrance to Wharf No. 2 is especially congested when there are special events on Monterey Beach such as the multi-hull sailing races.~~

Update Public Works, Parking, and Circulation Existing Condition e. text as follows:
e. Proposed Improvements. To improve circulation and parking in the harbor area, the following improvements have been discussed or proposed by the City:
1. Del Monte Avenue, between Camino El Estero and Sloat Avenue, is proposed for widening as funds are available. This project is under design, but t~~T~~here is presently no specific time line for this proposed widening. The specific improvements that are proposed with this widening include adding a third eastbound lane, left turn lanes at intersections, as well as improved signal operations. ~~are described under the Existing Conditions Section of the Locating and Planning New Development chapter.~~
2. A roundabout is proposed at Figueroa Steret and the entrance to Wharf No. 2. The purpose of the roundabout is to make traffic move more efficiently by eliminating the current left turn conflict. ~~Lighthouse Curve is also proposed for widening. A number of alternatives have been proposed. One alternative proposes additional lanes around Lighthouse Curve. Another alternative proposes the linking of Hawthorne Avenue on the New Monterey side to Foam Street in the downtown area by a new roadway across the base of the Presidio. Both a surface road and a tunnel have been discussed. Significant archaeological sites have been identified in the area. LCP Policy in the Coastal Visual Resources of the plan states that, to preserve views, no surface road connecting New Monterey and old Monterey should be allowed across the lower area of the Presidio. A time line for the widening of Lighthouse Curve does not presently exit.~~
3. The City is investigating options to increase the parking supply to accommodate the public.

One option being explored is a parking structure west of Washington Street. ~~The parking lots near Fisherman's Wharf are presently separated by the causeway and the railroad right-of-way. The City has discussed plans to increase the existing number of spaces by consolidating the two lots and routing the causeway around the back of the Scott Street lot (the southwest side).~~

Update Public Works, Parking, and Circulation Existing Condition f. text as follows:
f. Wastewater Treatment Capacity and Facilities. The local sewage collection system is under the jurisdiction of the City of Monterey's Public Works Department. The regional transmission, treatment, and disposal of wastewater is the responsibility of the Monterey ~~Peninsula~~ Regional Water Pollution Control Agency, which operates a pump station ~~its~~ at the abandoned Monterey Wastewater Treatment Plant on the eastern end of the U.S. Navy property. There are no treatment capacity problems directly associated with present or proposed facilities in the Harbor LCP area. ~~, although it is self-evident that increased loadings on existing or new treatment facilities will result from more intensive development of the Harbor LCP area.~~

Modification #30 - Public Works, Parking, and Circulation Figures 8 & 9
Revise Figure 8 (see page II-D-3 of submittal) to:

- Update existing parking numbers;
- Show existing parking along Monterey Bay Park;
- Update portion of Legend that states "Unimproved Recreation Trail";
- Add Catellus parking, as planned.

Revise Figure 9 (see page II-D-5 of submittal) to:

- Re-label "Wharf 2 Turnaround area" as "Roundabout;"
- Show new and proposed parking areas, such as along Monterey Bay Park;
- Update road-widening phases (in legend);
- Show proposed Catellus parking improvements.

Modification #31 - Public Works, Parking, and Circulation Policies (see pp. II-D-6 to II-D-7 of submittal)
Revise Public Works, Parking, and Circulation Policy a. as follows:
a. Planning for the widening of Del Monte Avenue ~~and Lighthouse Curve~~ shall be continued and implemented as financially feasible.

Revise Public Works, Parking, and Circulation Policy c. as follows:
c. ~~The railroad right-of-way shall be developed as a pedestrian/bikeway as part of the regional recreational trail.~~ The recreational trail shall be widened up to 22 feet where bicycles and pedestrians share the trail and where there are no geologic or resource constraints; the recreational trail shall be widened up to 14 feet in areas where bicycles and pedestrians are separated and where there are no geologic or resource constraints. The City shall continue to maintain the recreation trail.

Revise Public Works, Parking, and Circulation Policy d. as follows:

d. ~~Redesign of the marina area surface parking lots~~ A parking structure in the west Catellus parcel may be constructed in the future ~~shall be undertaken~~ to increase parking capacity and to provide more convenient parking for marina users~~.~~, provided the structure would not block existing public vista points or view corridors as shown on Figure 10. The architecture of the parking structure shall be reflective of and compatible with the historical architectural themes of the City of Monterey.

Revise Public Works, Parking, and Circulation Policy e. as follows:
e. In the area on the north side of Del Monte Avenue between Park Avenue and Sloat Avenue, following the purchase of any lands through the City's opportunity buying program, the majority of any purchased lands shall be used for public parking and circulation improvements. ~~Standard parking spaces and pull-through trailer spaces shall be provided on any portion, or all, of the Southern Pacific property east of Figueroa Street that is purchased through the City's opportunity buying program.~~

Revise Public Works, Parking, and Circulation Policy f. as follows:
f. Continue to require that all new development, or intensified existing~~,~~ development in or adjacent to the Harbor LCP area, ~~to~~ provides adequate parking. Intensified uses include, but are not limited to, ~~among other things, include~~ an increase in number of seats in restaurants, and an increase in passenger capacity for boats.

Delete Public Works, Parking, and Circulation Policy g. as follows:
~~g. Support timely and essential programs for increasing wastewater treatment to prevent the impairment of desired Harbor LCP area development by a lack of such capacity.~~

Rename Public Works, Parking, and Circulation Policy h. as Policy g. (no other modification of policy):
~~h.~~ g. New development on and around Wharf No. 2 shall be undertaken in a way that allows trucks to efficiently serve the commercial fishing operations at the end of Wharf No. 2.

Revise Public Works, Parking, and Circulation Policy i. as follows and Rename as Policy h:
~~i.~~ h. The City shall develop a parking program that identifies parking needs and resources for the harbor area and correlates new development with available parking. To the degree that parking can be provided within the context of the subject program, the parking policies presented in this section are intended to provide for flexibility and offsite parking potential that would still adequately serve the harbor area and visitor demand. ~~be flexible to allow for the possibility of changes in location that would still adequately serve the harbor area.~~

Revise Public Works, Parking, and Circulation Policy j. as follows and Rename as Policy i:
~~j.~~ i. For new or intensified development where on-site parking is not feasible, off-site parking in the vicinity of the development may be provided. The initial review of all development projects shall include an analysis of parking needs, provision for parking, and evidence that parking can be provided without displacing other users.

Delete Public Works, Parking, and Circulation Policy k. as follows:
~~k. For purposes of calculating parking requirements, the following parking generation factors shall be used for new or expanded development: marine commercial uses – one space per 500 sq. ft.; tour and fishing boat concessions – one space per 2.5 users; restaurants/bars on wharf – one space/3.33 seats; public recreational use based upon type of use, active or passive.~~

Add New Public Works, Parking, and Circulation Policy j. as follows:
j. New development shall not preclude or interfere with planned public transportation improvements or facilities, e.g. restored rail service and associated shuttle service.

Add New Public Works, Parking, and Circulation Policy k. as follows:
k. Reconfiguration of existing public parking lots on the Catellus east and west sites shall be undertaken to improve circulation.

Add New Public Works, Parking, and Circulation Policy l. as follows:
l. The City shall retain existing pull-through boat trailer parking on the west side of Wharf No.2.

Add New Policy Public Works, Parking, and Circulation Policy m. as follows:
m. The City shall landscape and provide paved (no gravel or dirt) parking surfaces in any parking lot that is purchased by the City. Development of new parking lots shall comply with water quality policies m through q in the "Natural Marine Resources and Habitat Areas" section of the Harbor LUP.

Modification #32 - Proposed Public Works, Parking, and Circulation LCP Implementation Measures (see page II-D-7 of submittal)
Delete this Section as follows:
~~4. Proposed LCP Implementation Measures~~
~~a. Develop a parking program to provide convenient parking for marina boat owners and coastal dependent users on Wharf No. 2.~~

J. Coastal Visual Resources

Modification #33 - Cited Coastal Act Visual Resource Policies (see page III-A-1 of submittal):
Revise Coastal Act Section 30251 as follows:
The scenic and visual qualities of coastal areas ~~will~~ shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.

Modification #34 - Update Coastal Visual Resources Existing Conditions Text (see pp. III-A-1 to III-A-3 of submittal)

Update Coastal Visual Resources Existing Condition Introductory Paragraph text as follows:

The existing coastal visual resources of Monterey Harbor are extensive and varied because of the many colorful activities conducted in front of a spectacular backdrop of bay and shoreline, sky and mountains. Figure 10 indicates the locations of these important views and scenic elements. ~~The existing conditions summarized below are discussed in detail in Chapter II of Working Paper #3.~~

Update Coastal Visual Resources Existing Condition b. text as follows:

b. The existing viewscape from the Monterey Harbor area is one of the significant features of the Monterey experience for both the resident and the visitor. From west to east, the Harbor LCP area provides vistas of the Bay, shoreline, boats, and commercial fishing activities. The view from Shoreline Park is relatively unobstructed, looking toward the eastern shoreline across Monterey Bay. A panoramic view of the entire Bay can be enjoyed from the Presidio grounds.

Update Coastal Visual Resources Existing Condition d. text as follows:

d. The views from and along Del Monte Beach are magnificent but previously were ~~but are~~ primarily limited to viewing points on the beach because of structures and sand dunes along Del Monte Avenue. Figure 11 shows the City's "Monterey Bay Park" ~~concept~~ (also known as "Window on the Bay"), which was ~~is~~ designed to enhance views to, from, and along Del Monte Beach. The City already has purchased and ~~cleared~~ demolished a number of structures ~~seventy-four feet of frontage on~~ in "Area A" along the bay side of Del Monte Avenue, as shown in Figure 11. ~~Ideally, under the "Monterey Bay Park" concept, the City would like to see all structures between Wharf No. 2 (Figueroa Street) and Sloat Avenue removed. Given apparent funding limitations, the following priorities have been discussed for the implementation of the "Monterey Bay Park" concept. 1) First priority should be the 1,600 feet of frontage shown as Area A on Figure 11. Starting at the Southern Pacific property line, 445 feet of frontage has already been purchased and cleared, and the next 295 feet of frontage have been purchased, but the structures are not scheduled for removal until existing lease agreements expire (approximately five years). 2) A second priority for public purchase has not been set. However, the possibility of public purchase of Area B shown in Figure 11 has been discussed.~~ Area B extends 1,100 feet from Park Avenue to Sloat Avenue and includes lands between Del Monte Avenue and the abandoned railroad right-of-way. The existing townhouses on the bay side of the railroad right-of-way are not proposed for public purchase and, thus, the acquisition of Area B would not serve to open up views and would be used primarily for support parking for ~~the~~ "Monterey Bay Park." ~~concept. 3) The idea of public purchase of the approximately 650 feet of front footage owned by Southern Pacific, which extends from Wharf No. 2 to the City's property and the beginning of Area A, has been mentioned during the Harbor LCP planning process. To date, the City has not considered the public purchase of the Southern Pacific property. More discussion of the land uses proposed for the Southern Pacific property follows in the Land Use and Development sections of this Plan.~~

Update Coastal Visual Resources Existing Condition e. text as follows:
e. With the public purchase and removal of the final two structures in Area A, as shown in Figure 11, a view corridor to the bay down Camino El Estero ~~has been~~ will be opened up. This view corridor is similar to the significant view corridor that exists down Figueroa Street to Wharf No. 2 and Monterey Beach. A potential ~~for~~ view corridor down Camino Aguajito is presently blocked by structures at the easterly end of Area A, as shown in Figure 11.

Update Coastal Visual Resources Existing Condition f. text as follows:
~~f. Another visual corridor exists in the form of the Southern Pacific right-of-way, which has been purchased by the City and is to be used for a transportation corridor.~~ The recreation trail ~~corridor will~~ provides opportunities for bicyclists and pedestrians to traverse the Harbor and Monterey Beach segments of Monterey Bay at the slightly raised level of the historic railroad bed, which affords an ideal viewpoint from the shoreline.

Update Coastal Visual Resources Existing Condition g. text as follows:
g. The many historic buildings in the Harbor area also present ~~an~~ unique and significant visual resource. This visual resource has been ~~recently~~ enhanced by the selective removal of vegetation and the removal of walls around Custom House Plaza that previously blocked views to the degree that many visitors to Fisherman's Wharf never realized the existence of the State Historic Park. Furthermore, ~~The General Plan for the State Historic Park recommends~~ additional landscaping and lighting improvements for the Custom House Plaza area have enhanced the visual resources of this area.

Add Coastal Visual Resources New Existing Condition h. text as follows:
h. The City has purchased the east and west Catellus parcels, which are comprised of approximately seven acres of land located on the north side of Del Monte Avenue, immediately west and east of Figueroa Street. The primary objective of the City's purchase of the east Catellus site is to create an area for public use, which will include removal of several buildings and the opening up of public views.

Modification #35 - Coastal Visual Resources Figures 10 and 11
Revise Figure 10 (see page III-A-2 of submittal) to:

- Remove black area from Area A (Monterey Bay Park) except for the two privately held parcels;
- Change cross-hatched arrow (Potential Future View Corridor) on Camino Aguajito to a white arrow (Existing View Corridor);
- Identify & label recreation trail.

Revise Figure 11 (see page III-A-4 of submittal) to:

- Remove "SP Property" from Catellus site;
- Remove shading from Catellus site.
- Update properties in Area A that have been purchased and cleared;
- Identify & label recreation trail.

Modification #36 - Coastal Visual Resources Policies (see pp. III-A-5 to III-A-6 of submittal)

Revise Coastal Visual Resources Policy b. as follows:

b. Coastal views from the recreation trail shall be maintained and enhanced. On the west Catellus site the recreation trail shall be aligned as close as possible to coastal waters, consistent with public safety. ~~With development of the recreational trail around Lighthouse curve between Fisherman's Wharf and Cannery Row, design of the trail shall incorporate the bay shore and harbor views shown in Figure 10.~~

Revise Coastal Visual Resources Policy c. as follows:

c. Structural or other blockage of the existing vista points and shoreline views in the Fisherman's Wharf, marina, ~~and~~ Wharf No. 2, and Monterey Bay Park areas shall be prohibited, except as specifically provided in this plan.

Revise Coastal Visual Resources Policy d. as follows:

d. ~~Enhance the view corridors down Figueroa, Camino El Estero, and Camino Aguajito by establishing guidelines for the setbacks conceptually shown in Figure 10.~~ Any new development or extensive remodeling of existing development shall protect views to and from the ocean, shall be in scale with and visually compatible with the character of the surrounding harbor area, and shall incorporate colors and exterior materials that are compatible with the surrounding harbor area. The use of highly reflective materials shall be prohibited.

Revise Coastal Visual Resources Policy e. as follows:

e. To protect lateral views along Monterey Beach, including city, state park, and privately-owned properties, no development shall be allowed on the sandy beach, except as specifically provided in this plan. Specifically, for the ~~Southern Pacific parcel~~ east Catellus parcel, new development shall improve the visual appearance of this area as an important gateway to the beach. ~~of Figueroa, the sandy beach bayward of the existing spur railroad track shall be left open~~. Utilities shall be undergrounded, except for high voltage transmission lines. ~~The following exceptions may be allowed: public access and safety signing, benches, boardwalks, beach storage of boats, and other low-impact non-permanent public access improvements.~~

Revise Coastal Visual Resources Policy f. as follows:

f. To continue implementation of the "Monterey Bay Park" concept and to develop an improved visual and physical link between El Estero Park and Monterey Beach, as shown in Figure 10, the City shall continue to pursue the acquisition of properties on the bay side of Del Monte Avenue. 1) The ~~F~~first priority for the acquisition of properties on the bayside of Del Monte Avenue ~~shall be~~ has been between Camino El Estero and Park Avenue. These properties are shown as Area A in Figure 11. The City shall continue negotiating with the owners of the two remaining privately-held parcels in Area A. Upon acquisition of these properties by the City, any structures on the purchased properties shall be removed to open up public views through Monterey Bay Park to the ocean. 2) Acquisition of properties between Park Avenue and Sloat Avenue shall continue to be considered by the City. These properties are shown as Area B in Figure 11. Structures on

purchased properties shall then be removed open up views and to allow for additional Monterey Bay Park parking.

Delete Coastal Visual Resources Policy h. as follows:
~~h. In order to enhance the "Monterey Bay Park" along Del Monte Avenue between Camino El Estero and Park Avenue, the Del Monte Avenue roadbed shall be raised so as to create more dramatic views of the Harbor and bay for persons entering Monterey, and to allow the connection of the beach area with El Estero Park.~~

Add New Coastal Visual Resources Policy h. as follows:
h. All architectural control policies in the Fisherman's Wharf Master Plan (see Appendix A) shall be adhered to.

Revise Coastal Visual Resources Policy i. as follows:
i. The City of Monterey and the State Department of Parks and Recreation shall continue to preserve historic cypress trees on State Parks historic properties within the City. ~~work on the implementation of the following Monterey State Historic Park General Plan policies: 1) In the upper area of the Custom House Plaza, plant lawn in selected locations to create pleasant picnic areas. 2) In the lower area of the Custom House Plaza, remove a portion of the wall in front of the Pacific House to open up the view of the Pacific House. 3) Care should be taken to preserve historic cypress trees.~~

Add New Coastal Visual Resources Policy j. as follows:
j. Fences, walls, and landscaping shall not block harbor view corridors, as shown on Figure 10.

K. Locating and Planning New Development

Modification #37 - Cited Coastal Act Policies (Locating and Planning New Development) (see pp. III-B-1 to III-B-2 of submittal):

Revise Citation of Coastal Act Section 30213 as follows:
Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Revise Citation of Coastal Act Section 30221 as follows:
Oceanfront la~~r~~nd suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Revise Citation of Coastal Act Section 30244 as follows:
302~~2~~44 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation officer, reasonable mitigation measures should be required.

Revise Citation of Coastal Act Section 30255 as follows:
Coastal dependent development shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal dependent development shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Modification #38 - Update Locating and Planning New Development Existing Conditions Text (see pp. III-B-2 to III-B-8 of submittal)):
Revise Locating and Planning New Development Existing Condition a. as follows:
a. U.S. Coast Guard Breakwater and City of Monterey Landfill

The U.S. Coast Guard breakwater and the City of Monterey landfill are located in the northwest portion of Monterey Harbor in Monterey Bay. Both the breakwater and landfill areas are just outside the Harbor LU~~C~~P area and were addressed in the Cannery Row ~~LCP~~ Land Use Plan. The Cannery Row Land Use Plan designates the breakwater and landfill areas for coastal dependent uses.

Presently located on the landfill is a public launch ramp with supporting restrooms and parking. The launch ramp parking occupies approximately one-half of the 2.4 acre landfill site. ~~The California Coastal Commission has approved a permit for a~~ A marine repair facility, dry boat storage, and supporting, marine-oriented shops are located on the other half of the landfill. ~~, which is presently vacant. The Coastal Commission has also approved a~~ A sixty-berth marina is located adjacent to ~~adjoining~~ the landfill.

Revise Locating and Planning New Development Existing Condition b. as follows:
b. The U.S. Army Defense Language Institute (the Presidio), located on Federal land, is a significant historical and visual landmark in the Monterey area. The lower elevations of the Presidio are in the Harbor LCP planning area. The City of Monterey has leased from the Army the El Castillo site at the base of the Presidio of Monterey. The Army museum on the site has been restored and is being operated by the City as a public museum.

Significant archaeological sites have been identified on the property. From the Spanish period, located just above Lighthouse Curve, is the site of "El Castillo," which was the old Spanish Presidio of Monterey. Given the significant visual and archaeological resources in this area, the State Historic Park General Plan, prepared in 198~~1~~3 by the State Department of Parks and Recreation, recommends that the lower area of the Presidio, if ever surplused by the Army, should be acquired by the State for inclusion into the Monterey State Historic Park.

Revise Locating and Planning New Development Existing Condition c. as follows:
c. Shoreline Park

Shoreline Park is a narrow strip of land located between the U.S. Coast Guard maintenance facility and Fisherman's Wharf. Amenities in this 5-acre coastline park include a turf area and seating areas with Bay views. A portion of the recreation trail passes through the park. ~~Shoreline Park covers approximately seven acres. Two acres of the Park near the landfill and Coast Guard Station have been landscaped and improved with benches and a bike path. The remaining five acres exist in a 100 to 200 foot wide strip extending south to Fisherman's Wharf. This~~ The stretch of shoreline along Shoreline Park is mostly rocky with small sand beaches nestled between outcrops of rock. There is no improved access to the water. There are no signs or barriers prohibiting access either to or along the shoreline.

~~Passing through the Shoreline Park area is the former railroad right-of-way which has been purchased by the Monterey Peninsula Regional Park District. This portion of the right-of-way is to be developed as part of a recreational trail that is presently being designed and is to be constructed between the Fisherman's Wharf area and the existing recreational trail in Pacific Grove. Plans for the trail show uses for both pedestrian and bicycle uses.~~

Revise Locating and Planning New Development Existing Condition d. as follows:
d. Van Buren/Jackson Street Residential Area

Existing development in this area consists mainly of single-family homes and garden apartments. Two historic structures (Casa Soberanes and California's First Theatre) are located in the area. These historic structures are owned by the State and are open to the public as part of the Monterey State Historic Park. A 104-unit hotel is located on ~~Along~~ Pacific Street, between the two historic structures. ~~, a 104 unit hotel is under construction and is scheduled to open in the Spring of 1986.~~

Revise Locating and Planning New Development Existing Condition e. as follows:
e. Heritage Harbor

Located north of Scott Street on both sides of Pacific Street and adjoining the Fisherman's Wharf and Custom House Plaza areas, the Heritage Harbor complex was originally developed as a visitor-commercial shopping complex as part of the City's Custom House Redevelopment Project. The existing structures in the complex represent the first phase of the project. While several restaurant complexes still remain in the first phase, the majority of the first phase has been converted to office uses. The Monterey Bay Aquarium now owns Lower Heritage Harbor.

On the land side of Pacific Street is a 266-space parking garage. A second phase, calling for the construction of additional buildings around the parking garage, has not been undertaken. At present, there are no known specific plans for the development of the now vacant upper site surrounding the parking structure.

Revise Locating and Planning New Development Existing Condition f. as follows:
f. Conference Center/Doubletree Inn

The City of Monterey's Conference Center and the ~~375~~ 380-room Doubletree Inn occupy a site lying between the State Historic Park and Alvarado Street. A 420-space parking structure serves the Doubletree Inn.

The Stanton Maritime Museum is located on City-owned land that previously was occupied by ~~T~~the Doubletree Inn tennis courts. ~~use, fronting on the Custom House Plaza, is only temporary, as the use is on City-owned land. The City's Urban Renewal Plan shows structural development eventually occurring on the site. The City is studying appropriate uses for the site. Uses discussed include a maritime museum, and visitor information center.~~

Revise Locating and Planning New Development Existing Condition g. as follows:
g. Monterey State Historic Park

A portion of Monterey State Historic Park is located within the Harbor LCP boundary, including the following historic buildings and sites:

1. Sloat Landing Site
2. Plaza del Muelle
3. Custom House
4. Pacific House
5. Casa del Oro
6. Whaling Station
7. First Brick House
8. Serra Landing Site
9. California First Theatre
10. Soberanes Adobe
11. Custom House Plaza
12. Pacific House Orientation Center

The State Historic Park forms a physical and visual link between Downtown Monterey and Monterey Harbor. A General Plan for the State Historic Park was prepared in 198~~1~~3 by the State Department of Parks and Recreation working with the City of Monterey. The General Plan contains specific recommendations for the enhancement of the listed historic buildings and sites, including improved landscaping, directional signing, and improved visitor orientation programs. A majority of the proposed improvements in the 1983 State Historic Parks General Plan have been accomplished.

Revise Locating and Planning New Development Existing Condition i. as follows:
i. Monterey Harbor Marina

Current slips and moorings cover all the available space within the existing marina.

Approximately ~~500~~ 430 boats are docked in the 41~~5~~3 slips within the marina. The Harbormaster's office includes public restrooms ~~. On the first floor of the two story Rogue restaurant complex are restroom~~ and shower facilities for marina slip holders and offices for two boat sales operations.

Revise Locating and Planning New Development Existing Condition k. as follows:
k. Wharf No. 2

Wharf No. 2 was built in 1926. Major structural repairs have recently been completed on Wharf No. 2. Still in need of major structural repair is the City-owned Concessionaire Building at the end of Wharf No. 2. The Concessionaire Building is leased by commercial fishing enterprises and is used primarily for the unloading of commercial fishing boats. Two restaurants exist along the west side of Wharf No. 2, as does a boat hoist and the Monterey Peninsula Yacht Club. Along the east side of Wharf No. 2 exists a boardwalk, which is a popular fishing spot.

Maintenance of Wharf No. 2, as well as Fisherman's Wharf and the Marina, is the responsibility of the City. There is a central harbor maintenance facility located at the corner of Figueroa Street and Franklin Avenue, one block south of Del Monte Avenue, just outside the Coastal Zone. ~~Presently, there is no central harbor maintenance facility. A portion of the maintenance function operates out of a cramped space in the concessionaire building at the end of Wharf No. 2. A small portion of the first floor of the Harbormaster's office is also devoted to the maintenance function. This combined space continues to be most inadequate for its purposes of servicing Monterey's unique harbor area. Expensive equipment must be stored outside, and needed lumber and pilings must be stored outside in an unsecured space adjoining the Sea Scout House. Most work projects must be undertaken outside, even in inclement weather.~~

The City-owned hoist on Wharf No. 2 provides ~~There are, presently, no~~ a public fish off-loading facility. ~~ies on Wharf No. 2. Presently, concessionaires on Wharf No. 2 will perform the off-loading service for non-concessionaires for a fee.~~

In order to establish a more efficient harbor maintenance facility that meets the minimum needs of the harbor area, City staff sees a need for a consolidated maintenance facility north of Del Monte Avenue near Wharf No. 2 with a 4,000-square-foot shop and storage building and 9,000 square feet of fenced outside storage, for a total of 13,000 square feet of land area.

Revise Locating and Planning New Development Existing Condition l. as follows:
l. ~~Southern Pacific Property~~ Catellus Parcels

The City has purchased the former Southern Pacific ~~owns~~ property on each side of Figueroa Street fronting on Del Monte Avenue between Washington Street and Camino El Estero. This property is now referred to as the east and west Catellus parcels. The City acquired these parcels between 2000 and 2002. A number of structures are currently located on the east Catellus site, including the Sea Scout building (which houses Adventures by the Sea), Monterey Bay Kayaks, a warehouse, and a café. The west parcel includes the Southern Pacific Railroad Passenger Depot

building and parking.

The Catellus Plan proposes redevelopment of the east and west Catellus parcels to: 1) improve public access to Monterey Bay Beach and Wharf No. 2; 2) improve the aesthetics and views of the project area from Del Monte Avenue; and 3) improve circulation and parking in the area.

~~All uses on the Southern Pacific property are on a month to month lease. An application for a hotel complex on the property has been filed. The property on the west side of Figueroa is presently zoned "C-2", Community Commercial, and the property on the east side of Figueroa is zoned "C-3", Thoroughfare Commercial. (This zoning could allow for a hotel of up to 471 rooms on the property. With a density bonus of up to 25% for underground parking, a hotel of up to 589 rooms could be allowed. The height limit for both zones is thirty-five feet, and, in both zones, a Use Permit is required for a hotel use. Before any application regarding the Southern Pacific property is considered, development guidelines for reviewing the application are to be established in this Harbor LUP.)~~

~~There presently exists on the~~ A number of land uses presently exist on the ~~Southern Pacific property~~ Catellus parcels, ~~a number of land uses~~ which provide needed services to the harbor area. Specifically, these land uses are as follows:

1. Dry Boat Storage – The Monterey Peninsula Yacht Club currently leases an area on the east side of Figueroa Street ~~14,500 square feet of land on the west side of Figueroa~~ for dry boat storage. ~~from Southern Pacific.~~ The Yacht Club has expressed a need for the doubling of its storage area to 30,000 square feet. Yacht Club representatives have pointed out that, due to sailboat mast heights, their dry boat storage needs to be located in such a way that no overhead wires interfere with movement of the boats from the storage area to the launch ramp or hoist on Wharf No. 2. The Catellus Plan proposes to locate an expanded dry boat storage area on the east Catellus site. ~~While new dry boat storage is included in the boat yard proposed for the landfill, Yacht Club members indicate that they see little use of that area, due to the distance between the two facilities. Also, according to the Yacht Club, the type of storage structures proposed on the landfill is not conducive to sailboats.~~

2. Marine Support Facilities - ~~Presently on the Southern Pacific property, there exists two ships chandleries and bulk fuel tanks which provide goods and services to the boating population in the Harbor/marina area.~~ A ship chandlery is located on the first floor of the restaurant building in the marina parking lot near Wharf No. 2. This chandlery provides marine support to the commercial fishing vessels and pleasure boaters that use Wharf No. 2. ~~As defined by the Coastal Act, these marine support facilities are not considered coastal dependent uses for the reason that they do not absolutely have to be on the coast to function. However, there has been a generally accepted feeling throughout the coastal planning process that, in the interest of the convenient operation of both the commercial fishing vessels and the pleasure boaters, it is highly desirable for the existing marine support facilities to remain in operation near the Marina.~~

3. Fish Truck Turn-Around Area - A small portion of the City-owned west Catellus parcel

~~Southern Pacific property~~, generally along the area of ~~recently~~ removed railroad tracks on the east side of Figueroa, is used as a truck turn-around area for trucks loading fish at the end of Wharf No. 2. Given the width of Wharf No. 2, the large tractor-trailers picking up fish at the end of Wharf No. 2 must back the 1,700-foot length of Wharf No. 2. As many as ten trucks a day make this movement during the height of the fishing season. The City is examining solutions to this problem as part of its Catellus Properties Phased Improvement Plan (2002).

4. Multi-Hull Beach Launching - ~~While the beach area in front of the Southern Pacific parcel east of Figueroa appears to be public beach, the majority of this beach area is owned by Southern Pacific.~~ The beach located on the east portion of the Catellus site is owned by the City. With access from Figueroa, this beach area is a popular launching point for sailing competitions, including the Monterey Multi-hull Classic ~~attracting over 200 boats~~, staged each year from this beach area. However, use of the beach for the launching of boats is limited to temporary events, which must obtain a coastal permit from the City of Monterey or the Coastal Commission.

~~Several years ago the Monterey Peninsula YMCA reached agreement with the sub-leaseholder of the Sea Scout House on the Southern Pacific property to use approximately 6,000 square feet of the Sea Scout House for a youth hostel. However, agreement could not be reached, and Southern Pacific, in turn, offered to donate the old depot on the west side of Figueroa to the YMCA, but only if the YMCA moved the depot. Lack of a site has precluded this option. Funding for development of the hostel was to come from a grant from the California Coastal Conservancy. The grant is still active and the YMCA is still looking for an appropriate site.~~

Revise Locating and Planning New Development Existing Condition m. as follows:
m. Monterey Beach/Del Monte Avenue

Monterey Beach is a broad stretch of public sandy shoreline beginning at Figueroa Street east of Wharf No. 2. ~~As stated in the above description of the Southern Pacific property, a significant portion of the sandy beach from Wharf No. 2 to Camino El Estero is owned by Southern Pacific. The portion of the beach between the Southern Pacific property and the water belongs to the City of Monterey.~~ At Wharf No. 2~~, on the City portion of the beach,~~ there exists a restroom facility, which is proposed for demolition under the "Catellus Properties Phased Improvement Plan (2002)." A new restroom would be located in either the Sea Scout or Monterey Bay Kayaks buildings. ~~and a small building rented on a monthly basis by a marine surveyor. City staff has recommended removal of both of these structures in order to open up views to the beach and bay near the entrance to Wharf No. 2.~~ The beach, from approximately Camino El to the Naval Postgraduate School property, is under the jurisdiction of the State of California Parks and Recreation Department. Specific land ownerships, as of 2002, are shown in Figure 13.

Between Monterey Beach and Del Monte Avenue, from Wharf No. 2 to Camino El Estero, are warehouse structures ~~which~~ that occupy the land along the railroad right-of-way. From Camino El Estero to Park Avenue, all but two of the commercial buildings have been removed as part of the Monterey Bay Park (Window on the Bay) development. From Park Avenue to Sloat Avenue, commercial buildings and fences occupy the existing frontage lots along Del Monte Avenue.

East of Park Avenue, the Del Monte Beach Townhouse complex is located on the beach between the ~~railroad~~ recreation trail and the shoreline. There is a sixty-foot strip of State land from the ~~railroad right-of-way~~ recreation trail to the Bay between the Townhouses and the Naval Postgraduate School property. These existing land uses, and how these land uses relate to the City's "Monterey Bay Park" concept, are discussed in the preceding Coastal Visual Resources chapter.

East of Camino El Estero, the City of Monterey has purchased the Southern Pacific right-of-way for development of a transportation corridor. The recreation trail also passes through this area.

Revise Locating and Planning New Development Existing Condition n. as follows:
n. Future Del Monte Avenue Widening

Del Monte Avenue has been widened from Washington Street to Camino El Estero and from Palo Verde to the Seaside City limit. As funds are available, the City ~~plans~~ proposes to ~~eventually~~ widen Del Monte Avenue between Camino El Estero and Palo Verde ~~to the Seaside city limit line~~. Between Camino El Estero and Camino Aguajito, the widening will ~~can~~ be accomplished by using lands along the north side of Del Monte Avenue. ~~edge of El Estero Park, but this idea should be studied further, given the Monterey Bay Park concept. In addition, it will be necessary to acquire the sidewalk area on the north side (bay side). This sidewalk is not presently in the public right-of-way.~~

Between Camino Aguajito and Sloat Avenue, the lands needed for widening are in private ownership. From Camino Aguajito to Park Avenue, the lands needed for widening are shown in a plan line of several feet in width on the land side of Del Monte Avenue and a plan line of approximately fifteen feet in width on the bay side of Del Monte Avenue. From Park Avenue to Sloat Avenue, a plan line of ten feet in width for the widening of Del Monte Avenue exists on both sides of the street. Should these plan line areas be acquired, several structures on both sides of Del Monte Avenue would have to be removed. The possibility of combining the two plan lines into one twenty-foot-wide plan on one side of Del Monte Avenue has been discussed. If this twenty-foot widening was undertaken on the bay side, several structures would have to be removed. After the widening, the depth of the parcels on the bay side would be reduced to approximately seventy feet. A need to restudy this plan line has been identified by City staff.

Modification #39 - Locating and Planning New Development Figures 12, 13, and 14 and New Figure 15

Revise Figure 12 (see page III-B-3 of submittal) to:

- Remove "Railroad Right-of-Way" from key and replace with "Recreation Trail;"
- Apply land uses to both wharves;
- Update Monterey Bay Park area to show more Public Park and less Commercial land use.

Revise Figure 13 (see page III-B-9 of submittal) to:

- Remove "Southern Pacific" from east Catellus site and re-label as appropriate;

Revise Figure 14 (see page III-B-11 of submittal) to:

- Show recreation trail as public use through Catellus sites;
- Change key regarding "Urban Renewal Plan Uses" to "Custom House Visitor-Serving Commercial;"
- Remove "Marine Commercial" designation from key and from Catellus sites and re-designate as "Catellus Multi-Use;"
- Update map to show current location of Harbor Facilities (e.g., launch ramp, berthing area, mooring area, docking area).

Add New Figure 15 as follows: Archaeological Resources Map for the Harbor LUP Area

Modification #40 - Locating and Planning New Development Policies (see pp. III-B-10 to III-B-13 of submittal):

Revise Locating and Planning New Development Policy a. as follows:

a. The publicly owned sandy beaches, parks, recreational trails, transportation trails, plazas, and historic buildings ~~which are publicly owned~~ shall be designated as public use areas. Allowable uses in these areas include low to medium intensity recreational use. Allowable development in these areas is limited to minimal structures designed to enhance public access and recreation, i.e., signage, bicycle racks, benches, trash containers, picnic tables, paths, etc. See policy f in "Public Recreation" Section for allowable development and uses on public beaches.

Revise Locating and Planning New Development Policy b. as follows:

b. The lower area of the Presidio, which lies within the Harbor LCP planning area, shall be designated to allow continued ~~for~~ military uses. If acquired by the State (as suggested in the 1983 State Historic Park General Plan), this area would then become part of ~~with future reservation for acquisition by the State for inclusion into~~ the Monterey State Historic Park. ~~as suggested in the State Historic Park General Plan. Subject to agreement with the Army, the widening of Lighthouse Curve using Presidio lands adjacent to the existing roadway shall be considered permissible as part of the land use designation for the area.~~ The primary objective shall be the preservation of the historic and prehistoric resources of the site, which shall not be disturbed, subject to federal and state laws pertaining to such resources. A minimum ~~of new~~ level of new facilities necessary for low impact recreational and educational use, and consistent with archaeological and scenic resource protection, shall be permitted. The City shall continue to operate the public military museum on the El Castillo portion of the lower Presidio property.

Revise Locating and Planning New Development Policy c. as follows:

c. The existing residential use in ~~With the exception of two City Urban Renewal parcels,~~ the Van Buren/Jackson Street area shall continue to be designated for multiple family, residential development in line with existing City Zoning Ordinance standards. Specifically, maximum allowable density is 30 units per acre and no buildings shall exceed ~~thirty~~ two stories and twenty-five feet in height.

Revise Locating and Planning New Development Policy d. as follows:
d. The historic structures in the Custom House Redevelopment Area (see Figure 1) shall be designated for public use. Existing hotel and other commercial development in this area, including Heritage Harbor, shall be designated Custom House visitor serving commercial. Allowable Custom House visitor serving commercial uses are defined ~~two City Urban Renewal parcels at Jackson and Pacific Streets, the Doubletree Inn, and the City of Monterey Conference Center shall be designated for commercial uses as defined by the uses permitted~~ in the Redevelopment Plan for the Custom House Redevelopment Project as ~~. Uses permitted by the Redevelopment Plan are~~ outlined in Appendix ~~C~~B. In addition to these uses, allowable uses include marine resource interpretation (e.g., a Monterey Bay National Marine Sanctuary visitor center), sailboat rentals, and marine excursion rides.

Revise Locating and Planning New Development Policy f. as follows:
f. Uses development standards~~,~~ and procedures permitted on Fisherman's Wharf ~~should~~ shall be those permitted in the Fisherman's Wharf Master Plan (see Appendix C) adopted by the City in July, 1986, and as consistent with ~~the~~ LUP policies.

Revise Locating and Planning New Development Policy h. as follows:
h. The west Catellus ~~Southern Pacific~~ property ~~on the west side of Figueroa Street~~ shall be designated ~~for~~ Catellus multi-use. ~~coastal dependent or marine commercial uses.~~ Allowable uses include parking, coastal dependent, coastal related, and public serving uses. Specific uses allowed on the west Catellus ~~Southern Pacific~~ property shall be limited to those uses supporting and serving the marina, Wharf No. 2, and ~~Del Monte~~ Monterey Beach. The existing railroad passenger depot shall be preserved. The recreation trail shall pass through this area. Parking for the west Catellus site shall be provided on site or in the marina area. ~~A visitor accommodation facility shall not be allowed on this site.~~

~~Possible marine commercial uses include: boat sales and chandleries; bait and tackle/sundry shop; marine recreational equipment and supplies, sales and rentals; fishmarkets; marine related business offices; boat storage and rental; snack bar/small restaurant.~~

Specific development standards for the west side parcel shall be as follows: 1) Twenty-five-foot height limit; 2) development shall be set back from Figueroa Street to protect the view corridor to Wharf 2; 3) all required parking shall be provided on site.~~; 4) an easement, a minimum of twenty feet wide, over the parcel connecting the Recreational Trail to the west to the trail to the east shall be a condition of development.~~

Revise Locating and Planning New Development Policy i. as follows:
i. The ~~Southern Pacific~~ east Catellus property shall be designated Catellus multi-use. ~~for coastal dependent or marine commercial uses.~~ Allowable ~~Possible~~ uses include ~~are as follows:~~ open space, recreation trail, public restroom, equipment rentals and sales, small snack bar/small restaurant, beach entertainment, ~~B~~boat sales and chandleries; ~~snack bar/small restaurant;~~ bait and tackle/sundry shops; ~~marine recreational equipment and supplies, sales and rentals, fishmarket; offices for marine related businesses;~~ boat storage and rental.

New development shall be limited to parking lot improvements, landscaping, dry boat storage with screening, public plazas, and development of a wave runup barrier to protect the plaza and public beach access and prevent flooding of Del Monte Avenue, only if such development does not adversely impact sand supply. ~~Development standards for the east property shall be as follows: All development and parking to serve the development shall be set back so as not to require any protective structures; all required parking must be provided on site; twenty-five foot height limit; provision of access points shown in the LUP; provision of setbacks to preserve view corridors down Figueroa Street and Camino El Estero; provision of an easement across the property connecting the Recreational Trail as defined in the Public Access section; provision of public access and use easement over the sandy beach area, as provided in the Public Recreation Section.~~

Revise Locating and Planning New Development Policy j. as follows:
j. The City of Monterey shall ~~actively~~ continue ~~efforts to reestablish~~ to develop a continual, visual park-like setting between El Estero Park and the Monterey Beach waterfront through acquisition of commercial land and buildings along Del Monte Avenue. Following any public purchase, allowable uses on the land north of Del Monte Avenue shall consist of ~~be designated as a~~ public uses ~~area~~, which generally includes trails; beaches; parks and their support facilities, such as restrooms; parking for beach and boating public; and low-impact recreation improvements. Development of these properties shall not interfere with potential restoration of rail service to Monterey. A portion of this land shall be used to widen the north side of Del Monte Avenue.

Any properties fronting on Del Monte Avenue on the bay side between Camino el Estero (at the eastern boundary of the east Catellus parcel) and Sloat Avenue, that have not been purchased by the City of Monterey for inclusion into Monterey Bay Park, shall be designated commercial with the principal permitted use of commercial visitor serving and a conditional use of general commercial uses, with development being limited to the scale and intensity of existing uses.

1) No new buildings shall be allowed between Camino El Estero and Park Avenue along the north side of Del Monte Avenue, in order to enhance the bay view. Development shall be limited to low-intensity public recreational and open space uses that preserve views.

2) In the area on the north side of Del Monte Avenue between Park Avenue and Sloat Avenue, following the public purchase of any lands, the majority of these lands shall be used for public parking and circulation improvements. Additional development may include restrooms and low-intensity recreation improvements.

~~3) On the Southern Pacific east site, following any purchase as part of the City's opportunity buying program, development shall be limited to low-intensity public recreational and open space uses that preserve views and improve public access to, and use of, the beach and Monterey Bay.~~

Delete Locating and Planning New Development Policy k. and Replace with New Policy k. as follows:

~~k. The properties fronting on Del Monte Avenue on the bay side between Camino El Estero (at the eastern boundary of the Southern Pacific property) and Sloat Avenue, with the exception of those properties that have been purchased by the City of Monterey for inclusion into Monterey Bay Park, shall be designated for a principal permitted use of commercial visitor serving and a conditional use of general commercial uses with development being limited to the scale and intensity of existing uses.~~

k. The City shall encourage and work with State Parks to undertake a plan update of the 1983 Monterey State Historic General Plan. Proposed improvements in the 1983 plan that have not been accomplished shall be reevaluated.

Delete Locating and Planning New Development Policy l. as follows:

~~l. The Heritage Harbor complex shall be designated a primary use of visitor oriented uses, such as visitor serving public or private commercial or recreational use. A secondary use designation of non visitor oriented commercial/retail uses may be applied subject to a showing of infeasibility of the primary use. The secondary use shall be interim in nature, and any change in use shall require a review by the City to determine the feasibi lity of returning to visitor oriented uses.~~

Delete Locating and Planning New Development Policy m. as follows:

~~m. The city owned tennis court site shall be designated as a public use site for development of the maritime museum and visitor information center complex. A theatre of up to one hundred seats for visitor information programs may be permitted, provided it does not conflict with the primary museum/information use, and adequate parking is provided.~~

Delete Locating and Planning New Development Policy n. as follows:

~~n. In areas of archaeologic sensitivity, as determined by the State Historic Preservation Office, the City shall require an archaeological reconnaissance during initial environmental review of all proposed development. Reasonable mitigations are to be required as a condition of development where it would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office.~~

Add New Locating and Planning New Development Policy l. as follows:

l. As part of the initial environmental assessment for all proposed development in the Harbor LUP area, the City shall require an archaeological/paleontological survey by a qualified professional, in consultation with the State Historic Preservation Officer. This survey shall be completed early in the land use planning and/or development process so that archaeological and paleontological resources can be given consideration during the conceptual design phase of private or public projects.

Add New Locating and Planning New Development Policy m. as follows:

m. New development shall protect and preserve archaeological, historical, and paleontological

resources from destruction, and shall, to the maximum extent feasible, avoid and minimize impacts to such resources. Where development would adversely impact archaeological or paleontological resources, reasonable mitigation measures shall be required.

Add New Locating and Planning New Development Policy n. as follows:
n. New development on sites identified as archaeologically sensitive shall include on-site monitoring by a qualified archaeologist and, when appropriate, a Native American consultant, of all grading, excavation, and site preparation that involves disturbance of the site. In the event that unknown archaeological resources are uncovered during construction or excavation, such work shall cease until appropriate mitigation measures are developed.

Delete Locating and Planning New Development Policy p. as follows:
~~p. A youth hostel shall be provided in the Harbor Land Use Plan, if not inconsistent with City ordinances and policies in the LUP. A federal consistency review shall be required if located on federal property.~~

L. Appendices

Modification #41 - Appendices – see pages A-1 through D-2 of submittal:
Delete Appendix A as follows:

~~APPENDIX A~~

~~CALIFORNIA DIVISION OF MINES AND GEOLOGY CRITERIA FOR GEOTECHNICAL REPORTS~~

~~1. Description of site topography.~~
~~2. Test soil borings and evaluation of suitability of the land for the proposed use.~~
~~3. Evaluation of historic, current, and foreseeable cliff and beach erosion.~~
~~4. Discussion of impacts of construction activity on stability of site and adjacent area.~~
~~5. Analysis of ground and surface water conditions, including any hydrologic changes caused by the development.~~
~~6. Indication of potential erodibility of site and recommended mitigation measures.~~
~~7. Potential effects of seismic impacts resulting from a maximum credible earthquake and recommended building design and mitigation measures.~~
~~8. Evaluation of off-site impacts.~~
~~9. Alternatives (including non-structural) to the project.~~

Rename Appendix B as Appendix A and Revise as follows:

APPENDIX ~~B~~A

WHARF MASTER PLAN PUBLIC ACCESS/OPEN SPACE/ARCHITECTURAL CONTROL POLICIES
AS ADOPTED IN THE WHARF MASTER PLAN
FOR FISHERMAN'S WHARF
BY THE MONTEREY CITY COUNCIL

1. The present open space and view areas, shown in Figure 5, shall be maintained.
2. To provide additional public access and view area, Concession 34 should be allowed to replace its structure over the water under the condition that access be placed across the back of the structure. This access should be provided in a way that will not preclude the linking of this access with the existing public access on adjoining Concessions 35 and 33, as shown in Figure 5. The required public access for Concession 34 shall not be required to be linked to Concessions 35 and 33 without the consent of Concession 35 and 33. The existing public access on Concessions 35 and 33 should be considered separate and should be required to be linked to public access improvements on Concession 35 as a condition of development when improvements are proposed for either Concession 35 or 33.
3. The provision of a panoramic viewpoint accessible to the general public should be a condition of any lease area expansion, as provided for in Architectural Control Policy 1.* This panoramic viewpoint should be linked to other viewpoints so as to provide lateral access at the backs of structures, where feasible, and subject to the approval of all adjacent concessionaires.
4. Should any concession cease operation and not desire to renew its lease, the City should study the structure to see if the structure should be removed and the area should become permanent open space.

* Architectural Control Policies ~~Policy 1.~~ in the Wharf Master Plan reads as follows:

1. The existing lease areas, with the exception of lease areas for retail and wholesale fishmarkets, as addressed in Permitted Use Policy 3, shall only be extended for building purposes; and the present building outlines shall be essentially maintained and only added to where such extensions and additions accomplish all of the following:
   - The extensions and additions enhance public access and view opportunities, as defined by Public Access/Open Space Policy 3, without infringing upon the views and operations of neighbors.
   - The extensions and additions maintain the overall design character of the Wharf.
2. New two-story structures shall not be permitted on the Wharf except where:
   - Such structures encourage marine-related uses in line with Permitted Use Policy 3.
   - Such structures do not significantly affect the overall design character of the Wharf;
   - Such structures do not infringe upon the views and operations of neighbors.
3. No further building or structure shall be permitted below the level of the deck on Wharf No. 1, except boat landings. Boat landings may be permitted within the piling supporting a building or deck, but should not project outward of the existing lines of piling.
4. The exteriors of any building or structure to be altered, remodeled, or replaced, and any decorations, ornamentation, or signs proposed to be installed, shall be approved by the Architectural Review Committee.
5. The painting of any building, structure, decoration, ornamentation, or sign to the same or to a different shade or color shall require approval of the Architectural Review Committee.

Rename Appendix C (Land Uses Permitted by the Redevelopment Plan for the custom House Redevelopment Project) as Appendix B. (No substantive modification of this appendix.)

Rename Appendix D (Wharf Master Plan Permitted Use Policies) as Appendix C. (No substantive modification of this appendix.)

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Background

Area Description: The Harbor segment is comprised of shoreline property along Monterey Bay and is located west of the U.S. Naval Postgraduate School Property and southeast of Cannery Row. This segment is a hub of the tourist and fishing industry and includes the recreational Fisherman's Wharf (Wharf No. 1), the commercial fishing facilities on Wharf No. 2, and two marinas. A portion of Monterey State Beach, contiguous to the City-owned beach, lies within the segment. The City's Shoreline Park parallels the beach in the western half of the segment and the former Southern Pacific Railroad right-of-way provides a recreational trail through the Harbor area and connects adjacent segments. Monterey Bay Park is located on Del Monte Avenue adjacent to Monterey State Beach. East of Monterey Bay Park, Del Monte Avenue is lined with commercial development. The Del Monte Beach Townhouses are the only residential use seaward of Del Monte Avenue. The Doubletree Inn, the Heritage Harbor commercial complex, and the Monterey City Conference Center, which is adjacent to the City's Custom House Plaza, are the remaining major developments. The area contains many of the historic sites of the Monterey State Historic Park. Major parking areas are located adjacent to the marina and in parking garages just outside of the Coastal Zone. The parking areas are fully occupied on weekends and during the summer.

The Harbor Segment Resubmittal: A draft LUP was circulated in November of 1985, with a formal submittal in early 1987. The LUP was denied and then certified with one suggested modification on May 12, 1987. The City rejected this modification and resubmitted the LUP in January 1988. Due to a time limit waiver, the Commission hearing was postponed indefinitely, at the City's request. The second re-submittal was made in April, 1992, and was continued in August, 1992. In August 2001, the City again re-submitted the Harbor segment of their LUP for review by Commission staff and certification by the Commission.

Public Participation: The City Council approved the City's re-submittal on May 15, 2001. The City Council meeting was properly noticed to allow public participation.

B. Natural Marine Resources and Habitat Areas

The following sections of the Coastal Act pertain to preservation and enhancement of coastal waters and other environmentally sensitive areas:

Section 30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

LUP References: Chapter I-A, Natural Marine Resources and Habitat Areas

Background: In general, the Harbor LUP planning area is highly developed with visitor-serving and public access improvements, two wharves, restaurants and other commercial development, and a small amount of residential development. Some dune habitat, however, is located between Del Monte Avenue and the ocean. This area, although highly sensitive to disturbance, is one of the few remaining natural habitats in Harbor LUP area. Mixed groves of eucalyptus and cypress trees are located behind this dune habitat. Additional cypress trees are interspersed throughout the Harbor LUP area. Also, a small stream and a scattering of coast live oak occur within the Monterey Presidio property.

Marine resources in the Harbor area include the intertidal and subtidal ocean zones. A rocky

shoreline with associated populations of invertebrates is located in the western portion of the Harbor LUP area. In addition, a large variety of algal species and invertebrates live on the pilings of Fisherman's Wharf and Wharf No. 2. The Harbor area is also home to a large number of seabirds and sea mammals.

Natural Marine Resources and Habitat Areas – Cited Coastal Act Policies: This section includes a number of Coastal Act policies that provide for protection of marine resources and other environmentally sensitive habitat areas. The submittal includes a reference to the out-of-date State Local Coastal Program Manual, which included a definition of "environmentally sensitive habitat areas." Also, in the more than 20 years since the Harbor LUP was originally submitted, some minor amendments have been made to cited Coastal Act Section 30240. Modification #2 updates Coastal Act Section 30240, deletes the reference to the State Local Coastal Program Manual, and adds Coastal Act Section 30107.5 (which defines "environmentally sensitive area") to the Harbor LUP.

Natural Marine Resources and Habitat Areas – Existing Conditions Text
The Existing Conditions section of the LUP was written in the early 1980's. The City has made few updates to the Existing Conditions text during the intervening years. For example, several species of dune plants that could occur in the Harbor LUP planning area, including the Monterey spineflower and the sand gilia, have attained special status in recent years (e.g., threatened or endangered). In addition, when the LUP was first written, kelp beds were virtually non-existent in the Harbor itself. Kelp beds are now abundant within the Harbor. Commission staff has revised the text of the Natural Marine Resources and Habitat Areas Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #3 for these updates.

Natural Marine Resources and Habitat Areas – Figure 2
Figure 2 is out of date. For example, the recreation trail now occupies the area shown as grassland along the former railroad right-of-way. In addition, kelp beds are now found within the Harbor itself, although this is not shown on Figure 2. To ensure that the LUP is up to date regarding Natural Marine Resources and Habitat Areas, Modification #4 requires specific updates to Figure 2.

Natural Marine Resources and Habitat Areas – Policies – Modification #5
Policy b. This policy states that the City "should" continue to support the California Department of Fish and Game's efforts to monitor and manage the sea otter population along the Harbor LUP shoreline. To provide more certainty that the policy will be carried out, "should" is replaced with "shall."

Natural Marine Resources and Habitat Areas Policies c., e., and New policies g. and l. Proposed policies c. and e. require preservation of the remaining small dune habitat of the Harbor LUP area and development of a dune management plan as a condition of approval for new development in the dune area. New policy c., which incorporates the restrictions in proposed policy e., also requires the preservation and restoration of the small remaining dune habitat, but specifies in more detail the types of development allowed in the dune area (e.g. boardwalks and

signing), restricted activities in the dune area (e.g., vehicles, dogs off leash), and requires landscaping with native plants, as well as coordination with State Parks regarding any restoration efforts undertaken at the adjacent State Beach. Given that no resource survey has been done in the Harbor LUP area for years, new policy e. requires that a resource survey be conducted prior to any proposed development in any of the environmentally sensitive areas of the Harbor. Also, new policy l. requires native dune plant landscaping with any further development of the recreation trail, which is adjacent to the Harbor dune area. Finally, although the endangered snowy plover has not been documented in the Harbor area, it has been found in the Del Monte Beach area just east of the Harbor. New policy g. requires specific protections for the snowy plover if any of these birds are found in the Harbor area. The above modifications provide consistency with Coastal Act Section 30240 regarding the protection of environmentally sensitive habitat areas.

Natural Marine Resources and Habitat Areas Policy f. and New Policy k. Proposed policy f. requires preservation of the existing live oak community in the Presidio, as well as restoration of a small, disturbed creek along the eastern edge of the Presidio. This policy is modified to require a 100-foot development setback from the creek bank or edge of riparian vegetation, except for public access improvements. New policy k. adds standards to the LUP regarding preservation of native trees in the Harbor area. With the above modifications, these policies are consistent with Section 30240 of the Coastal Act.

Natural Marine Resources and Habitat Areas Deleted Policy g., Policies h., i. and j., and New Policies m. through x.
To help control the buildup of plastic debris in the marine environment, proposed policy i. requires that dumpsters or garbage cans be installed as a condition of new development or redevelopment along the shoreline. Modified policy i. also requires the installation of recycling containers. Proposed policy h. required the City to develop and implement a clean-up plan for Harbor lead contamination. This has been accomplished and policy h. is modified to require the City to continue to monitor Harbor sediments for lead contamination and to implement a clean-up plan if lead is found again in the Harbor. To protect intertidal habitats, proposed policy j. requires signing as a condition of shoreline development. This policy is modified to specify information/educational signing.

New policies m. through x. require that the City implement the relevant portions of the 1998 Model Urban Runoff program, which included many programs to protect and restore water quality, including implementation of best management practices for marinas, filtration and treatment of stormwater, maintenance of drainage devices, repair of existing outfall lines but disallowing new outfalls, and sweeping of public streets and parking lots. Proposed policy g., which required the City to develop a program to improve water quality in the Harbor, is deleted because its provisions are updated in new policies m. and n.

A suite of new policies has been developed to ensure that adequate BMPs are included for all new development. Specifically, new policy o. provides that new development shall not result in

adverse impacts to coastal waters, consistent with Coastal Act Sections 30230 and 30231. New policy s. requires that best management practices (BMPs) be incorporated into a project in a tiered fashion, depending on the scope of the development. For example, the development of one single-family residence probably would not necessitate the installation of a large treatment device; instead site controls (such as reducing impervious surfaces) and source controls (such as conditioning the project to prohibit pesticide use) might be sufficient to mitigate the water quality impacts of a small residential development. New policy s., however, would require developments that pose a greater threat to water quality to implement treatment controls, as well as site design and source controls. To determine which developments require which type(s) of BMPs, new policies t. and u. are required. New policy t. requires development of a procedure in the implementation plan for reviewing all developments for their individual impacts to water quality. New policy u. requires development of a manual of BMPs to guide project design and engineering for development in the Coastal Zone. In cases where post-construction treatment controls are required, new policy v. will ensure that treatment controls treat the amount of stormwater up to and including the 85th percentile storm event. This numeric standard is based on a point of diminishing returns, beyond which the water quality benefit of capturing larger volumes of stormwater begins to decrease. The Commission has previously found that this design standard is based on sound science and notes that the same design standard has been used by numerous stormwater management agencies throughout the state. Finally, new policy w. would allow the City to develop a procedure that explains how it will determine that the numeric design standard is not feasible, under limited circumstances. In these cases, the applicant would propose an alternative suite of site design, source control, and treatment control BMPs to provide equivalent protection to that provided by a standard suite of BMPs. Taken together, the new water quality policies discussed above will provide for improved water quality in the Harbor area. Together, these modifications provide consistency with Coastal Act Sections 30230, 30231, and 30232.

Natural Marine Resources and Habitat Areas – LCP Implementation Measures

New policy c. prohibits vehicles in the dune area. Thus, LUP implementation measure b. is modified to remove language that calls for development of guidelines for off-road vehicles in the beach and dune areas. See Modification #6.

Conclusion

Therefore, as modified, the Natural Marine Resources and Habitat Areas component of the Harbor Segment Land Use Plan is consistent with the resource protection policies of the Coastal Act.

C. Water Resources

The following sections of the Coastal Act pertain to the management of available water supplies:

> **Section 30231.** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine*

organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.*

LUP Reference: Chapter I-B, Water Resources

Background:
Following the severe drought conditions in the late 1970's, voters approved the formation of the Monterey Peninsula Water Management District (MPWMD) to regulate water resources on the Monterey Peninsula. The MPWMD regulates the collection, storage, distribution and delivery of water within the 170-square mile area of the district. All of the water used within the MPWMD comes from the Carmel River, from wells in the Carmel Valley, and the Seaside Basin. The MPWMD allocates water from these sources to the various water companies and smaller local jurisdictions.

The largest water distribution system in the Monterey Peninsula is operated by the California-American Water Company, which provides water to nearly 95 percent of the 112,000 residents in the MPWMD. Cal-Am provides water to its users through groundwater extractions and diversions from the Carmel River via the Los Padres Dam. Both of these sources are currently

being used at near or above their sustainable yield. Two threatened species, the California red-legged frog (*Rana aurora draytonii)* and the Steelhead (*Oncorhynchus mykiss),* are found in the Carmel River.

In 1995, State Water Resources Control Board Order 95-10 reduced the amount of water Cal-Am could take from the Carmel River aquifer by 20 percent in the near-term and up to 75 percent in the long-term. The MPWMD requested relief through the courts, but the Monterey County Superior Court upheld the 20 percent reduction in water use specified by the order. Since that time, the jurisdictions along the Monterey Peninsula, including the City of Monterey, have been under strict conservation measures, and have focused their efforts on improving water conservation programs while working on other water supply augmentation proposals that will garner community support and help Cal-Am attain the goals established by the Order.

State Order 95-10 also mandates that Cal-Am maintain production below 11,285-acre feet/year of diversion from the Carmel River. A maximum of 4,000 acre-feet/year from the Seaside basin is allowed by MPWMD. Thus, Cal-Am production is limited to 15,285 acre-feet/year. All of this water is already allocated to current users or proposed construction that has already been approved, and no additional water source is presently available to serve Cal-Am customers within the district.

For new development, the City of Monterey subtracts water from its allocation at the time of Architectural Review Committee approval, which generally coincides with receipt of an application for a building permit. The MPWMD, however, subtracts water from the City's allocation later in the process, just prior to commencement of construction. Given this difference in timing, the City keeps a small unallocated reserve of water in case there is a discrepancy between MPWMD's and the City's allocation numbers. In the past, the City has tried to keep an unreserved allocation of approximately two acre-feet of water. At this time, the City has an unallocated reserve of 0.796 acre-feet of water. No water is available to be allocated by City planning staff at this time. The City currently has a waiting list for new water hookups and residential remodels. Twelve individual projects are on the waiting list; these projects require a total of 2.779 acre-feet of water.

A 1998 report on the estimated future water needed for buildable legal lots of record on vacant parcels within the Cal-Am service area states that approximately 923 acre-feet of water would be needed for new buildings as of January 1997 and remodels through the year 2006 (MPWMD 1999 Annual Report). The MPWMD has since been working on completing an update of this report, and while the 2001 update is not yet published, the agency has determined that approximately 1,250 acre-feet of water would be needed for the existing vacant legal lots of record on unimproved parcels within the MPWMD boundaries. Additional water needed for unincorporated County areas with existing vacant legal lots of record that have some improvements on them (such as small sheds or other such structures) have not yet been calculated. However, it is expected that the total water requirement would be somewhat greater than 1,250 acre-feet.

At this time, no new supply of water is on the horizon. Cal-Am and the MPWMD, however, are currently searching for additional water supplies. Possible alternative strategies include implementation of groundwater injection (e.g., storage of excess water from the Carmel River in the Seaside Coastal Basin during winter months), desalinization of seawater, wastewater recycling (i.e., using reclaimed wastewater for irrigation purposes), and additional water conservation efforts that include retrofitting or replacing water-using appliances and fixtures and drought resistant landscaping.

Given that water is an important coastal resource, especially within the Monterey Peninsula area where water supplies are extremely limited, it is vitally important that the LUP contains policies that adequately regulate development to protect water resources. These policies must be consistent with Coastal Act policies requiring that new urban development be located in urban areas with adequate public services, and that give priority to certain types of development when public services are limited. See below for a discussion of the proposed and modified water resource policies.

Water Resources – Cited Coastal Act Policies
The submittal does not cite Coastal Act Development Policy 30250(a), which requires that new development be located in areas with adequate public services, which include public water supplies. Modification #7 adds Coastal Act Section 30250(a) to the Harbor LUP.

Water Resources – Existing Conditions Text
As stated above, the Existing Conditions section of the LUP was written in the early 1980's. The City has made few updates to the Existing Conditions section during the intervening years. During those years the water situation on the Monterey Peninsula has worsened considerably. For example, in 1995 State Water Resources Control Board Order No. 95-10 was imposed, which required Cal-Am to reduce the water it pumps from the Carmel River by 20 percent at that time and up to 75 percent in the future. In addition, in 1993 The Monterey Peninsula Water Management District adopted a new water allocation system for its service area, including the City of Monterey. Commission staff has revised the text of the Water Resources Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #8 for these updates.

Water Resources – Policies – Modification #9
Deleted Policy a. and New Policy a., New Policy e., and New Policy d.
Proposed Policy a. states that new development shall be evaluated prior to project approval to determine the quantity of water needed and the effect this demand will have on the City's water supply. This policy also requires the City to abide by the allocation procedures of the Monterey Peninsula Water Management District (MPWMD). New Policy d. addresses these issues and also requires that the City determine water demand prior to filing of any new application for development, and that the determination be based on MPWMD's water unit value system and that evidence of water service, in the form of a water use permit from the MPWMD, shall be required prior to commencement of construction (more discussion regarding policy d. below). Thus proposed policy a. is deleted.

New Policy a. requires that available water shall remain allocated to existing priority uses. In the Harbor LUP area, a majority of existing uses are priority uses (e.g., public recreation and visitor-serving uses). This new policy ensures that new development that requires water will be consistent with the priority uses as defined in Coastal Act Section 30254.

New Policy d. requires that new development shall be served by an adequate public water supply, and prohibits private water supplies to serve existing and new development. New policy e. allows for development of public desalination facilities, provided any adverse environmental impacts are mitigated. These policies derive from one of the most fundamental principles of the Coastal Act, as well as modern urban and environmental planning: *the establishment and maintenance of stable urban/rural boundaries for the protection of sensitive resources and to provide for the rational planning of public services to support new urban development.*

In particular, the benefits of urban/rural boundaries include the prevention of urban sprawl, protection of agricultural land, efficient use of land, and the rational planning and construction of urban infrastructure (e.g., roads, utilities, and sanitation systems) to support urban intensities of land use. Urban-level intensity land uses are then directed to locate within urban areas, preserving rural lands for low intensity rural land uses. Certainly the services that are required to support urban uses (e.g., water supply and storage/conveyance/treatment systems, sewer connections, wastewater treatment plants, etc.) are greater and different than those needed for rural land uses (e.g., small wells and individual septic systems). Coastal Act policy 30250(a) states this premise as follows:

> ***Section 30250(a)*** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas* ***able to accommodate it*** *or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually* ***or cumulatively****, on coastal resources...* [Emphasis added].

This policy provides that if an urban area lacks critical infrastructure - e.g., water, sewer, or road capacity – to support further urban development, then new development must be delayed until the capacity of the limited service can be increased, through a comprehensive urban planning process, in order to support it. It does not mean that urban uses should proceed incrementally, using what are essentially rural-level services (e.g., private wells and septic systems). The proliferation of rural services within an urban area causes practical problems (e.g., wells run dry, lot sizes are too small to accommodate septic systems) and planning problems. Ultimately, incremental development without comprehensive planning may lead to serious environmental resource impacts such as groundwater overdraft, polluted groundwater, degraded riparian habitat, and so on.

The City of Monterey is highly urbanized, especially in the Harbor LUP planning area. As stated above, Coastal Act Section 30250(a) requires that new development be located in areas with

adequate public services. Cal-Am is the water company authorized to provide water in the urban service area of the City of Monterey and is regulating the orderly connection of water service for new development. Since water supplies are limited, the City administers a water waiting list for additional connections beyond those which can presently be served. Authorization of private wells or private desalination facilities within this public service area, whether for potable water or supplemental non-potable water for irrigation purposes, could lead to potential cumulative impacts which could undermine Cal-Am's ability to provide adequate water supplies to existing service connections within the Monterey Peninsula Water Management District.

Local Coastal Plans are required to include policies that address Coastal Act issues. New policy d. and new policy e. provides consistency with Coastal Act Section 30250(a) by limiting non-public water services within the urbanized area of the Harbor LUP planning area.

Water Resources Policies b. and c. Proposed policy b. requires that new development conform to the City's water conservation ordinances. Currently, MPWMD staff has procedures for closely tracking the amount of water put into new and expanded water uses. In addition, MPWMD has a conservation program to address the increasing degrees of water supply restrictions. Modified policy b. requires conformance to the MPWMD's water conservation regulations. The modified policy also states that the City shall require water-conserving fixtures and irrigation, consistent with Coastal Act Section 30250(a). Proposed policy c. requires that native plants be used in landscaping, when feasible. Native plants generally tolerate summer drought conditions and require less water than many nonnative plants. Modified policy c. deletes the "when feasible" language to ensure that native plants are used in new development landscaping.

Conclusion

Therefore, as modified, the Water Resources component of the Harbor Segment Land Use Plan is consistent with the development policies of the Coastal Act.

D. Diking, Dredging, Filling, and Shoreline Structures

The following sections of the Coastal Act pertain to shoreline structures that alter natural coastline processes and to facilities serving the commercial fishing and recreational boating industries.

> **Section 30233:** *a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat*

launching ramps. (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland. (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (7) Restoration purposes. (8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems. (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, ...if otherwise in accordance with this division... (d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff*

retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Background: This section addresses potential shoreline and near-shore structures that could alter natural coastal processes. Currently the shoreline in the Harbor LUP area consists of a sandy beach east of Wharf No. 2, a concrete seawall between Wharf No. 2 and Fisherman's Wharf, and a rocky low bluff west of Fisherman's Wharf, with small areas of sandy beach at low tides.

The submitted Harbor LUP diking, filling, dredging, and shoreline structures policies restrict development in shoreline areas, require mitigation with development of marine installations and shoreline structures, and provide for beach replenishment with dredge material when feasible. However, a number of these policies, and the Existing Conditions Text, require updating. In addition, new policies are necessary to address maintenance of existing shoreline protective structures and to ensure that diking, filling, or dredging are done only when there is no feasibly less environmentally damaging alternative and when feasible mitigation measures have been provided.

Diking, Filling, Dredging, and Shoreline Structures – Cited Coastal Act Policies
Only subsections (a) and (b) of Coastal Act Section 30233 are cited in the submittal. Modification #10 adds the remainder of this policy to the Harbor LUP.

Diking, Filling, Dredging, and Shoreline Structures – Existing Conditions Text
The Existing Conditions section of the LUP was written in the early 1980's. The City has made few updates to the Existing Conditions section during the intervening years. For example, Existing Condition b. references the "abandoned railroad right-of-way," which has been developed into the recreation trail. Also, Existing Condition c. states that dredge material is deposited on the beach east of Wharf No. 2. However, dredge material may be deposited on the beach only after meeting Regional Water Control Board and U.S. E.P.A. beach disposal standards. Commission staff has revised the text of the Diking, Filling, Dredging, and Shoreline Structures Existing Conditions text to reflect current conditions in the Harbor area. Please see Modification #11 for these updates.

Diking, Filling, Dredging, and Shoreline Structures – Policies (see Modification #12)
Policies a., e., f., and New Policy g.
Proposed policy a. requires that structures built for existing buildings, beaches, or public works be designed so as to not adversely affect natural shoreline processes or public access. This policy also requires that a protective structure be allowed only when necessary and when a geotechnical/engineering analysis demonstrates that the structure is the least damaging alternative. This policy is modified to allow structural protection of existing *legal* buildings and

to require that shoreline structures be designed by a licensed engineer with experience in coastal processes, consistent with Coastal Act Section 30235. Policy a. is further modified to allow for development of a protective structure on the Catellus east site to protect proposed public access improvements on that site. New policy g. requires that existing protective structures are maintained and provides development standards when an existing structure needs to be replaced or substantially reconstructed.

Proposed policy e. allows for development of marine installations (e.g., piers, wharves, slips) and development of shoreline structures for other legal development, only if such development is designed to eliminate or mitigate adverse impacts on shoreline sand supply. The reference to development of shoreline structures is deleted because this is covered in modified policy a. The remainder of proposed policy e. addresses diking, dredging, and filling. This language is more appropriate as a separate policy and is now found in new policy h (see below).

Proposed policy f. requires the City to cooperate and participate, to the degree feasible, in regional sand supply studies and assessments, consistent with Coastal Act Section 30235. To strengthen the language of this policy, the words *"to the degree feasible"* are deleted.

Diking, Filling, Dredging, and Shoreline Structures Policy c. The modification for this policy is a minor word change for clarity only – no substantive change.

Diking, Filling, Dredging, and Shoreline Structures Policy d. and New Policy h.
Policy d. requires spoil material from harbor dredging to be placed on the beach for sand replenishment, when feasible. Modified policy d. specifies that, prior to beach disposal, dredge material must be analyzed for consistency with Regional Water Quality Control Board and U.S. E.P.A. beach disposal standards, consistent with Coastal Act Section 30233. New policy h. contains limitations on diking, filling, and dredging activities, consistent with Coastal Act Section 30233.

Conclusion
Therefore, as modified, the Diking, Filling, Dredging, and Shoreline Structures component of the Harbor Segment Land Use Plan is consistent with the Marine Environment policies of the Coastal Act.

E. Natural Hazards
Section 30253 of the Coastal Act requires minimization of risks to new development from natural hazards and states:

> *New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

LUP Reference: Chapter I-D, Natural Hazards.

Background: The Harbor LUP planning area is potentially subject to adverse impacts from a variety of natural hazards, including seismic events, wave run-up, coastal erosion, and tsunamis. The submitted Harbor LUP's natural hazards policies require completion of specific geotechnical studies for new development and restrict development in tsunami and wave run-up areas. However, many of these policies, as well as the Existing Conditions text, require updating. In addition, new policies are necessary to address sea level rise in conjunction with new development, as well as allowable improvements for existing structures in tsunami and wave run-up areas.

Natural Hazards – Cited Coastal Act Policy: The Natural Hazards section cites subsections 1 and 2, which pertain to safety and natural hazards, of Coastal Act Section 30253. Modification #13 amends the submittal to acknowledge that Coastal Act Section 30253 is cited only in part.

Natural Hazards – Existing Conditions Text: The Existing Conditions section of the LUP was written in the early 1980's. The City has made few updates to the Existing Conditions section during the intervening years and many of the research citations found in this section are from the 1970s or early 1980s. This section of the LUP has been updated where new information regarding natural hazards was readily available (e.g., from recent EIRs). Commission staff has revised the text of the Natural Hazards Existing Conditions section to reflect more recent data regarding current conditions in the Harbor area. Please see Modification #14 for these updates.

Natural Hazards – Policies – Modification #15
Many of the submitted Natural Hazards policies need to be updated to reflect current guidelines for geotechnical studies and to provide more specificity regarding restrictions for development in high hazard areas, as well as to address issues that were not dealt with in the submittal, such as sea level rise.

Natural Hazards Policies a., c., Renamed Policy f, and New Policy h. Proposed policies a. and c. require that site-specific geotechnical studies be completed prior to project approval. To ensure that geotechnical studies are given adequate review, the modified policies require that these studies be completed and submitted as part of the application prior to filing. In addition, to ensure that geotechnical studies are performed using the most up-to-date methodology, policy a. has been modified to require compliance with the guidelines of the State Board for Geologists and Geophysicists (similarly, proposed Appendix A, which provides criteria for geotechnical reports, is outdated and has been deleted – see Modification #41). Also, modified policy c. adds specific information regarding wave run-up analysis for bayfront properties. Furthermore, new policy h. requires that anticipated future sea level rise be considered when siting and designing new shoreline development, consistent with Coastal Act Section 30253(1)(2). Proposed renamed Policy f. (Policy g. in submittal) requires installation of warning signs in tsunami and wave run-up areas, as a condition of development in areas where public access is provided. Modified renamed Policy f. requires coordination with the California Office of Emergency Services regarding installation of these warning signs.

Natural Hazards Policies b., d., and New Policy g. Proposed policy b. requires that new structures be constructed to minimize risks from seismic hazards, but does not mention risks from geologic, flood, and fire hazards. The policy is modified to include these risks, consistent with Coastal Act Section 30253(1). This policy is further modified to require that new development be sited and designed to not require future shoreline armoring, consistent with Coastal Act Section 30253(2). Proposed policy d. prohibits development in tsunami or storm wave inundation areas, except for coastal-dependent marine installations. The policy is modified to require that any marine installation developed in a high hazard area be constructed to withstand tsunami and/or wave run-up inundations to the maximum extent feasible. In addition, the policy is modified to allow for public access improvements in these areas, consistent with Coastal Act Section 30212, and to restrict additions or demolitions/rebuilds of existing structures in high hazard areas, consistent with Coastal Act Section 30253(1)(2). New policy g. further describes allowable repair and maintenance activities, as well as allowable construction improvements, to existing structures within high hazard areas.

Natural Hazards Deleted Policy e. Proposed policy e. would allow new development in tsunami and storm wave run-up areas that did not require construction of a protective device. This policy is in conflict with policy d., which disallows such development in high hazard areas, with two exceptions. Thus, proposed policy e. is deleted to ensure LUP internal consistency.

Conclusion

Therefore, as modified, the Natural Hazards component of the Harbor Segment Land Use Plan is consistent with Coastal Act Section 30253(1)(2).

F. Public Access

The following sections of the Coastal Act provide for the preservation and enhancement of public access along the shoreline.

> **Section 30210.** *In carrying out the requirement of Section 24 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> **Section 30211.** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*
>
> **Section 30212(a).** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a*

public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30214(a). *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

LUP References: Chapter II-A, Public Access.

Background: The Harbor area of the City of Monterey is more than 90% publicly owned and largely developed with access, recreation, and visitor serving uses. Access currently exists along the entire shoreline (except where prohibited by topographic constraints) including Shoreline Park, both the public and the commercial wharves, and the City and State beaches. In recent years a number of the commercial properties along Del Monte Avenue have been purchased and demolished in order to develop Monterey Bay Park. Access to the marina itself is managed. Although there are locked gates leading into the marina, the Harbormaster's office provides access to a wide variety of people, including Harbor boat owner's, transient boat owners, and boat crews. Day passes to the marina are also available.

The Harbor LUP access policies provide for the development of new access as private development takes place or upon public purchase of property and for improvements to some informal accessways. The policies also provide for enhanced boating access, improvements to the Regional Recreational Trail, and an indeterminate amount of parking. However, many of these proposed policies, as well as the Existing Conditions, were written in the early 1980s and have not been updated in many years. Furthermore, new policies are needed regarding issues not addressed in the submittal, including temporary events on the beach and development of the California Coastal Trail. Also, certain cited Coastal Act Sections at the beginning of the Public

Access section have been amended since the original submittal. Finally, Public Access Figures 4 and 5 do not accurately describe shoreline access and barriers to access as they exist now. Please see the sections below for the necessary modifications to bring the Public Access section up to date.

Public Access – Cited Coastal Act Policies: The Public Access Section cites a number of Coastal Act Public Access policies, with which the LUP policies must be consistent. In the more than 20 years since the Harbor LUP was originally submitted, some minor amendments have been made to certain policies (e.g., 30210 and 30604(c)). The current submittal has not been updated and thus does not reflect these amendments. In addition, the submittal does not cite Coastal Act Section 30214, which describes the manner in which public access policies shall be implemented. Modification #16 updates the above-mentioned amended policies and adds Coastal Act Section 30214 to the Harbor LUP.

Public Access - Existing Conditions Text: As stated above, the Existing Conditions section of the LUP was written in the early 1980s. The City has made few updates to the Existing Conditions section during the intervening years. For example, Public Access Existing Condition a. states "*The City is presently preparing working drawings for an improved pedestrian and bike trail...*" These improvements to the recreation trail were constructed years ago. Also, the submitted LUP does not describe recent improvements in the Harbor area, such as the 1999 installation of a boat hoist on Wharf No. 2. Commission staff has revised the text of the Public Access Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #17 for these updates (similar updates regarding the recreation trail, as well as the Catellus sites, have been made to the Introduction of the LUP – see Modification #1).

Public Access – Figures 4 & 5
Figures 4 and 5 in the Public Access section are out of date. For example, in Figure 4, the area identified as "B" along Del Monte Avenue shows a wall of commercial buildings blocking public access to the beach. Today, all but two of these buildings have been removed and this area is part of Monterey Bay Park. In Figure 5, this same area contains "white arrows" that signify areas where new public access shall be provided. However, as stated above, this area is now part of Monterey Bay Park, which provides public access to the beach. To ensure that the LUP contains up-to-date Figures regarding Public Access, Modification #18 requires specific updates to Figures 4 and 5.

Public Access – Policies – Modification #19
The majority of the submitted Public Access policies need to be modified to reflect changes that have taken place in the Harbor area since the early 1980s or to address issues that were not dealt with in the submittal, such as the California Coastal Trail:

Public Access Policy a. The submitted policy encourages cooperation between the City, State Parks, and the Army to improve public access to the El Castillo site of the Presidio. The City now operates an Army museum on this property. No entry fee is charged to visitors. Consistent with Coastal Act policy 30213, which encourages and protects lower cost visitor and recreational

facilities, modified policy a. states that the City shall encourage the Army to allow continued access to any City-operated public facility on this site.

Public Access Policy b. The submitted policy requires that existing vertical access points shall be protected and improved. Coastal Act Section 30212 requires new development to provide public access from the nearest public roadway to the shoreline. Thus, modified policy b. also ensures that for any new development in the Harbor LUP area that impacts public access, equal or better public access shall be required. In addition, the modified policy clarifies the access points to Monterey Beach.

Public Access Policy d. This policy references the Monterey State Historic Parks General Plan. To ensure clarity regarding the specific plan being referenced, this modification adds the date of the plan to the policy.

Public Access Policy e. Submitted policy e. would allow for development of a ten-foot-wide pedestrian walkway along the frontal seawall that extends from Wharf No. 2 (see Public Access Figure 5, page II-A-6). This seawall provides protection for the slips in the marina. Although the City submitted this policy for certification, the City would like to delete this policy. Specifically, City staff states that it would be extremely difficult and expensive to modify the seawall for public access that complies with the American with Disabilities Act. Currently, there are numerous other opportunities for public access in the Harbor LUP area, including the recreation trail, a concrete pedestrian esplanade along the shoreline between Fisherman's Wharf and Wharf. No. 2, as well as access to the wharves themselves. Additional public access will be developed as part of the "Catellus Properties Phased Improvements Plan (see discussion below)." The access provisions of the LUP are thus consistent with Coastal Act sections 30210, 30211, 30212, and 30213. Therefore, given the great amount of existing and future access in the area, as well as the water quality concerns that would arise with redevelopment of this 700-foot frontal seawall into a pedestrian walkway, the Commission concurs with deletion of this policy.

Public Access Policy f. (renamed as policy e.), Policies h and i. These policies address the recreation trail. Most of proposed policy f. (renamed policy e. in the modification section) is outdated because the City has purchased the former Southern Pacific right-of-way (thus easements are no longer required) and the recreation trail has been developed and does extend west of Figueroa Street. Similarly, policies h. and i. have been updated to acknowledge the developed recreation trail and the now publicly owned parcel at Sloat Avenue.

Public Access Policy g. and new Policy f. The City has purchased the West Catellus property, which is located immediately west of Figueroa Street, and the east Catellus property, which is located between Figueroa Street and Monterey Bay Park. The City has multiple goals for these properties, including increased public access, parking, coastal dependent uses, and public serving uses. These goals are detailed in the "Catellus Properties Phased Improvement Plan," which is currently under review at the City level. Given the public ownership of these parcels and the goals of the City as stated above, new Policy f. requires that redevelopment of the east Catellus

site will provide increased opportunities for access to Monterey Beach and Wharf No. 2. This modification provides consistency with Coastal Act Section 30212, which requires that new development shall provide public access between the first public road and the shoreline. On the west Catellus site, the City has stated their intent to relocate the recreation trail on this site as close to the water as parking, circulation, and boat launch safety will allow. Consistent with Coastal Act Section 30212, modified policy g. acknowledges this intent but, in any event, would not allow relocation of the recreation trail to a point south of its existing position, i.e. along the historic railroad right-of-way.

Public Access Policy j. Proposed policy j. requires the City to provide signage at the coastal access points shown in Figure 5. In the years since this policy was written, signage has been provided in these areas. Modified policy j. updates this policy to require the City to continue to provide and maintain signage at these access points, and also requires signage upon development of new access.

Public Access Deleted Policy l. Proposed policy l. required signing to warn the public of the possible risk associated with lead contamination of marine sediments and organisms. When the policy was originally written, there was known lead contamination on the shoulders of the coastal bluff approximately midway between the Coast Guard jetty and Fisherman's wharf. The exact origin of the contaminated material was unknown but appeared to have been derived from foundry operations and import of the material to the site for use as stabilization fill at the time of the construction of the railroad during the early 20th century. Approximately 267 cubic yards of lead contaminated material was removed from the site under Regional Water Quality Control Board Clean-Up and Abatement Order No. 91-95 (the Commission authorized this work under CDP 3-91-086). Subsequent testing of the area determined that lead contaminants had been reduced to well below the mandated action level. Thus, submitted policy l. is no longer necessary and should be deleted.

Public Access New Policy l. The recreation trail extends the length of the Harbor LUP area, extends through the Cannery Row LUP area and connects to the existing recreational trail in Pacific Grove. The recreation trail also extends east through the Del Monte Beach segment of the City of Monterey, and continues into the City of Seaside. The planned California Coastal Trail will be located on the existing recreation trail in the Harbor area. To provide consistency with Coastal Act Section 30210, which requires that access shall be conspicuously posted, new policy l. requires implementation of a signing program (in conjunction with the State) upon future designation of the California Coastal Trail in the Harbor area, as well as update of Figure 5 (Public Access) at that time. (Additional California Coastal Trail policies are found in the "Public Recreation" section of this staff report).

Public Access New Policies o and p. Temporary events on the beach have been found to adversely impact public access by restricting access to portions of the beach, inconsistent with Coastal Act Sections 30210 and 30211. The submitted LUP does not contain policies to address the issue of temporary events. Thus, policies o. and p. are necessary to provide consistency with

the Coastal Act. Policy o. requires that temporary events minimize impacts to public access, recreation, and coastal resources. In addition, this policy provides the definition of what constitutes a temporary event, according to the Commission's guidelines. Policy p. further delineates the manner in which temporary events may take place (e.g., staggered scheduling during summer months, no blockage of through lateral and vertical access, etc.) and the requirements for restoration of the site after the temporary event.

Conclusion

Therefore, as modified, the Public Access component of the Harbor Segment Land Use Plan is consistent with the public access policies of the Coastal Act.

G. Public Recreation

The following sections of the California Coastal Act pertain to the protection, enhancement, and provision of recreational opportunities:

> **Section 30220.** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*
>
> **Section 30221.** *Oceanfront land suitable for recreational uses shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.*
>
> **Section 30222.** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*
>
> **Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*
>
> **Section 30212.5** *Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts - social and otherwise - of overcrowding or overuse by the public of any single area.*
>
> **Section 30224.** *Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-*

water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

LUP References: Chapter II-B, Public Recreation

Background: The Harbor area of Monterey is almost entirely recreational and/or visitor serving. Seaward of Del Monte Avenue/Lighthouse Curve, the City's marina and Fisherman's Wharf are flanked by Shoreline Park downcoast and state and public beaches upcoast. The recreation trail extends the length of the Harbor LUP area along the former Southern Pacific Railroad right-of-way. The City has partially implemented its long-term goal of purchasing and demolishing structures along Del Monte Avenue to facilitate development of Monterey Bay Park. A major hotel (the Doubletree Inn), the Heritage Harbor retail/commercial center, a number of restaurants, the City's conference center, as well as a significant number of historic structures in the City are linked to the marina by the historic Custom House Plaza. Parking in the Harbor area during summer months and on weekends during the rest of the year is heavily impacted by wharf visitors, boaters, and shoppers.

The LUP Public Recreation section provides for State Historic Park improvements and provides a policy that indicates the general kinds of visitor serving and recreational development needed to enhance use of Monterey Beach and the surrounding land north of Del Monte Avenue. The land use designations are discussed in detail in the "Locating and Planning New Development" section of this report.

Public Recreation – Cited Coastal Act Policies: The Public Recreation section cites a number of Coastal Act public recreation policies, with which the LUP policies must be consistent. The current submittal omits language from several of the cited Coastal Act policies (e.g., 30213, 30224, and 30234). In addition, the submittal does not cite Coastal Act section 30222, which gives priority to development of visitor-serving commercial recreational facilities over several other types of development. Modification #20 amends the language in several of the submitted Coastal Act policies and adds Coastal Act Section 30222 to the Harbor LUP.

Public Recreation – Existing Conditions Text: The Existing Conditions section of the LUP was written in the early 1980's. The City has made few updates to the Existing Conditions section during the intervening years. For example, Public Recreation Existing Condition c. describes proposed improvements to the State Park properties in the Harbor area. All of these proposed improvements have been completed. Other completed developments not described as

such in the Existing Conditions section include the recreation trail, the maritime museum complex, and a 60-slip marina located in the outer harbor. Commission staff has revised the text of the Public Recreation Existing Conditions section to reflect current conditions in the Harbor area. Please see Modification #21 for these updates.

Public Recreation – Figures 6 & 7
Figures 6 and 7 in the Public Recreation section are out of date. For example, Figure 6 does not accurately portray all the land purchased and cleared to date for development of Monterey Bay Park. Also, Monterey Bay Park is not identified on Figure 6. Figure 7 shows a frontal seawall pedestrianway. The City no longer intends to develop this pedestrianway. To ensure that the LUP contains up-to-date Figures regarding Public Recreation, Modification #22 requires specific updates to Figures 6 and 7.

Public Recreation – Policies – Modification #23
Policy a. and new Policy c. Proposed policy a. calls for development of the recreation trail along the railroad right-of-way. This has been accomplished. Modified policy a. requires maintenance and improvement, where feasible, of the recreation trail, consistent with Coastal Act Sections 30221 and 30213. New policy c. requires that future designation of the California Coastal Trail shall incorporate the existing Harbor segment of the regional recreational trail.

Public Recreation Policies b and f. Proposed policy b. requires the City to support implementation of improvements to State Park properties consistent with the 1983 Monterey State Historic General Plan. The policy specifically mentions development of a "*major orientation and interpretive center*" on the City-owned tennis courts. This area, however, has been developed as a maritime museum. Therefore, this language is stricken from the policy. The policy is further modified to add specific language that requires the City to coordinate with State Parks regarding a proposed public garden at the corner of Pacific and Scott Streets, consistent with Coastal Act Section 30213. Proposed policy f. describes the design requirements for development of a recreational corridor in front of the historic Custom House. This policy has been implemented and is thus stricken.

Public Recreation Policy c. and new policy g. Proposed policy c. requires the City to continue developing plans for a pedestrian way along the frontal seawall extending from Wharf No. 2 to Fisherman's Wharf. As discussed above in the "Public Access" finding, the City no longer intends to develop this pedestrian way and wishes to delete this policy. There are many other public recreation opportunities in the Harbor LUP area, including the recreation trail, the public beach, and the wharves. The existing public recreation provisions are thus consistent with Coastal Act Sections 30213, 30220, 30221, and 30222. Therefore, the Commission concurs with deletion of proposed policy c. The addition of new policy g. will require the City to continue to provide recreational boating use from Wharf No. 2 and a variety of recreational uses on Fisherman's Wharf, as described in Appendix C, consistent with Coastal Act Sections 30213, 30224, and 30234.

Public Recreation Policy d. Proposed policy d. requires the City to continue to work towards

purchase of properties on the bay side of Del Monte Avenue between Wharf No. 2 and Sloat Avenue, for the purposes of adding these properties to Monterey Bay Park. Modified policy d. is updated to acknowledge that the City has already purchased many of these properties.

Public Recreation Policy e. and new policy f. Proposed policy e. describes improvements to be made at the beach and surrounding land area north of Del Monte Avenue, to enhance popular water use activities. This policy is updated to acknowledge the purchase of the Catellus parcels and to include the City's stated plans for improvements to these parcels, including development of a public plaza, consistent with Coastal Act Sections 30221 and 30222. Additionally, new policy f. describes allowable uses and activities on Monterey Beach, including general recreational activities.

Conclusion

Therefore, as modified, the Public Recreation component of the Harbor Segment Land Use Plan is consistent with the recreation policies of the Coastal Act.

H. Commercial Fishing and Recreational Boating

The following sections of the California Coastal Act pertain to the protection of the marine environment and enhancement and provision of recreational opportunities:

> **Section 30220.** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*
>
> **Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*
>
> **Section 30222.** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*
>
> **Section 30224.** *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*
>
> **Section 30233(a).** *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and*

where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland. (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (7) Restoration purposes. (8) Nature study, aquaculture, or similar resource dependent activities.

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Section 30703. *The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

LUP Reference: Chapter II-C, Commercial Fishing and Recreational Boating.

Background. Existing Conditions: The Monterey Harbor is one of three protected boating

facilities in Monterey Bay. It serves as the major berthing facility in the south bay for approximately 600 recreational and commercial fishing vessels. Approximately 400 individuals are on the marina berthing waiting list. The wait for a berth is four to five years for a boat up to 25 feet in length; 10 to 15 years for boats 30 feet in length or greater. Approximately one-third of the vessels in the harbor hold commercial fishing licenses; approximately 60 of these are full-time commercial vessels.

The 40-year-old marina, which was rebuilt in 1996, has 413 slips in the inner harbor marina. In addition, the marina has eight slips formally reserved for transient berthing, plus those slips that are available while regular boats are out of their slips for repair or on extended trips. An additional 60 slips were developed in the outer harbor. Also, there are 150 registered low-cost moorings in the outer harbor area, which are protected by the Coast Guard breakwater. Moored boats are reached by small dinghies. There is 130 feet of dedicated dinghy space along Fisherman's Wharf.

The City-owned Fisherman's Wharf is the docking facility for fishing trip concessionaires, as well as whale watching and sightseeing tours. The City's Wharf No. 2 contains commercial fish unloading and some processing facilities, as well as a boat hoist. A two-lane free launch ramp is located in the marina. A marine repair facility and a public launch ramp are located near the Coast Guard breakwater in the Cannery Row LUP area.

Proposed LUP Policies: The Land Use Plan provides several policies that protect or improve existing boating and fishing facilities or support facilities in the Harbor. Policy a. gives consideration to an increase in dockage and slip capacity but provides no specifics. In general, the policies provided in this section of the LUP are primarily programmatic and deal with better management of existing resources rather than expansion or change of use of facilities.

The 1992 Commission staff report on the Harbor LUP re-submittal included a modification that stated "*Additional space created within the harbor shall give priority to the needs of the commercial fishing industry.*" This modification was required to provide consistency with Coastal Act Section 30234, which provides that commercial fishing and recreational boating industries shall be protected and that harbor space shall not be reduced for them. An additional basis for the modification was Coastal Act Section 30703, which states that the commercial fishing industry is important to the State of California and that, therefore, ports shall not eliminate or reduce existing commercial harbor space.

The 1992 staff report also stated that commercial berthing demands had dropped between 1980 and 1985 and that discussions with commercial fishermen indicated a continuing decline in the viability of commercial fishing. However, the report also stated that "*the commercial fishing industry is cyclical in nature and the recent slump in demand cannot be assumed to be permanent.*" In 2002, however, the commercial fishing industry continues to be in decline, primarily due to a decrease in fish populations and governmental concern regarding the maintenance of species. Recent governmental actions include the banning of longline fishing off the Pacific Coast by the Pacific Fishery Management Council. Also, earlier this year, the

National Marine Fisheries Service -- the federal oversight body controlling the nations fisheries -- moved more ground and rockfish species onto its overfished list and closed much of the Pacific shelf to fishing. Furthermore, State regulators formalized sweeping guidelines limiting the commercial and sport fishing of 19 species of fish near the California coast next year. Given all the recent restrictions on commercial fishing along the California coast, the Commission no longer is requiring the City of Monterey to include a policy in its Harbor LUP stating that additional space created within the harbor shall give priority to the commercial fishing industry (see finding on revised Commercial Fishing and Recreational Boating policy m. for further discussion).

Many of the proposed policies, as well as the Existing Conditions, were written in the early 1980s and have not been updated in many years. Furthermore, new policies are needed regarding issues not addressed in the submittal, including cruise ship visitation to Monterey. Also, certain Coastal Act Sections pertinent to coastal-dependent activities and specifically commercial fishing are not included at the beginning of the Commercial Fishing and Recreational Boating Section of the LUP. Furthermore, several of the Proposed LCP Implementation Measures have been accomplished and are no longer necessary in the submittal. Please see the sections below for the necessary modifications to bring the Commercial Fishing and Recreational Boating section up to date.

Commercial Fishing and Recreational Boating – Cited Coastal Act Policies: The Marine Environment Section includes a number of Coastal Act policies that provide for protection of marine resources, with which the LUP policies must be consistent. The submittal includes a portion of Coastal Act Section 30233(a), but only cites subsections 1 and 2 (there are 8 subsections). Also, the submittal does not cite Coastal Act Section 30703, which provides for protection of the commercial fishing industry. Modification #24 adds subsections 3 through 8 of Coastal Act Section 30233(a) and adds Coastal Act Section 30703 to the Harbor LUP.

Commercial Fishing and Recreational Boating – Existing Conditions Text: As stated above, the Existing Conditions section of the LUP was written in the early 1980s. The City has made few updates to the Existing Conditions section during the intervening years. For example, Commercial Fishing and Recreational Boating Existing Condition a. states that approximately half of the vessels berthed in the harbor hold commercial fishing licenses. Today, only about one-third of the berthed vessels hold commercial fishing licenses. Also, the submitted LUP does not describe recent improvements in the Harbor area, including reconfiguration of the parking lot near the marina launch ramp, which has relieved congestion in the launch ramp area. Commission staff has revised the text of the Commercial Fishing and Recreational Boating Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #25 for these updates.

Commercial Fishing and Recreational Boating – Policies – Modification #26
The majority of the submitted Commercial Fishing and Recreational Boating policies need to be modified to reflect changes that have taken place in the Harbor area since the early 1980s or to

address issues that were not dealt with in the submittal, such as cruise ship visitation to Monterey:

Commercial Fishing and Recreational Boating Policy a. Proposed policy a. requires the City to consider increasing dockage and slip capacity in the Harbor, without significantly affecting beach erosion and sandy supply. Increasing dockage and slip capacity, however, could have a negative impact on other resources of Coastal Act concern, including public views, environmentally sensitive habitat, public access, and circulation and parking. Thus, the policy is modified to allow an increase in dockage and slip capacity only if this increase does not significantly impact the above-stated coastal resources.

Commercial Fishing and Recreational Boating Policies j., k., l., and New Policy q. These policies address recreational boating in the Harbor area. Proposed policy j. requires the City to develop a program to control use of the launch ramp areas to avoid conflicts between the loading/unloading of passengers and boat launching. This program has been implemented. Modified policy j. requires the City to continue to implement this program. Proposed policies k. and l. require water sport craft beach launching area enhancements and a program to control use of these areas with any development on the Southern Pacific property east of Figueroa. These policies are updated to reflect purchase of this property by the City. Finally, new policy q. requires the City to continue to provide low-cost moorings in the outer Harbor area, consistent with Coastal Act Section 30224, 30234, and 30213.

Commercial Fishing and Recreational Boating Policy m. and New Policy n. Proposed policy m. requires the City to maintain a commercial fishing/recreational boating berthing ratio of 1:1 in the Harbor. This policy was written years ago at a time when the 1:1 ratio for the Harbor was accurate. Commercial fishing berths now occupy only one-third of the berthing spaces in the Harbor. Coastal Act Sections 30234 and 30703 recognize that the commercial fishing industry is important to the State of California and requires that ports shall not reduce existing commercial fishing space unless the demand for such space no longer exists or adequate alternative space has been provided. Given that commercial fishing stocks are in serious decline in many areas of the Pacific (see discussion above), policy m. has been modified to require that the City monitor the status of the local fishing industry and provide facilities for commercial fishing as necessary, depending on demand, consistent with Coastal Act Section 30703. In addition, the modified policy requires that the City ensure that recreational boating facilities do not impede or interfere with the commercial fishing industry, consistent with Coastal Act Section 30234. To further protect the commercial fishing industry, new policy n. requires the City to provide informal areas for net mending in the waterfront area.

Commercial Fishing and Recreational Boating New Policies o. and p.
In 2002, several cruise ship companies stated their intention to dock in Monterey Bay and transport cruise ship passengers to the Monterey Harbor, whereupon they will visit the City of Monterey and other points of interest in the area. The Harbor LUP was not submitted with any policies to address the specific potential impacts of cruise ship operations, which include water

quality impacts and potential overcrowding of the passenger loading/unloading dock in the Harbor. New Commercial Fishing and Recreational Boating Policy o. requires the City to communicate with cruise ship companies to ensure that these companies comply with regulations regarding safety and protection of natural resources, consistent with Coastal Act Sections 30210, 30230, 30231, and 30232. In addition, new policy p. requires the City to employ measures to avoid adverse impacts of onshore cruise ship operations on Harbor public access amenities, consistent with Coastal Act Section 30212.5.

Commercial Fishing and Recreational Boating – LCP Implementation Measures
Proposed LCP implementation measures a. and c. (which called for development of regulations to prevent moored boats in the outer harbor from blocking the marina channel, and for establishment of a formal Harbor Committee) have been implemented and thus may be deleted. Please see Modification #27.

Conclusion
Therefore, as modified, the Commercial Fishing and Recreational Boating component of the Harbor Segment Land Use Plan is consistent with the recreation and marine environment policies of the Coastal Act.

I. Public Works, Parking, and Circulation

The following section of Coastal Act pertain to the provision of adequate public parking, circulation, and sewage facilities to serve development in the Harbor LUP area:

> **Section 30212.5.** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*
>
> **Section 30250(a).** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
>
> **Section 30252.** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public*

transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route l in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

LUP References: Chapter II-D, Public Works, Parking, and Circulation

Wastewater Treatment Capacity and Facilities: The local sewage collection system is under the jurisdiction of the City of Monterey's Public Works Department. The regional transmission, treatment, and disposal of wastewater is the responsibility of the Monterey Regional Water Pollution Control Agency, which operates a pump station at the abandoned Monterey Wastewater Treatment Plant on the eastern end of the U.S. Navy property. The treated wastewater is discharged near the City of Marina in north Monterey County at an outfall approximately 7,200 feet offshore. There are no treatment capacity problems directly associated with present or proposed facilities in the Harbor LCP area.

Circulation: Long-term major circulation improvements include widening of Del Monte Avenue between Camino El Estero and Sloat Avenue and possible development of a roundabout at Figueroa Street and the entrance to Wharf No. 2.

Parking: The Harbor LUP planning area for the City of Monterey is an entirely urban waterfront area dominated by visitor-serving and recreational uses. Major parking lots within the planning area are heavily used year round and fully used on weekends and during the summer. Proposed parking improvements include a possible parking structure on the west Catellus site, reconfiguration of existing public parking lots on the Catellus east and west sites, and public parking improvements on the north side of Del Monte Avenue between Park Avenue and Sloat Avenue, following the purchase of these lands through the City's opportunity buying program.

Public Works, Parking, and Circulation – Cited Coastal Act Policies: This section of the Land Use Plan cites a number of Coastal Act policies regarding public works, parking, and circulation, with which the LUP policies must be consistent. Coastal Act Section 30212.5 is

mistakenly cited as Section 30212 in the submittal. In addition, the submittal does not cite Coastal Act Section 30250(a), which requires that new development be located in existing developed areas with adequate public services. Modification #28 correctly cites Coastal Act Section 30212.5 and adds Coastal Act Section 30250(a) to the Harbor LUP.

Public Works, Parking, and Circulation – Existing Conditions Text: As stated above, the Existing Conditions text was written in the early 1980s. The City has made few updates to the Existing Conditions section during the intervening years. For example, Existing Condition e. states "*Lighthouse Curve is also proposed for widening.*" This has been accomplished. Also, Existing Condition f. mentions the wastewater treatment plant on the U.S. Navy property (in the Del Monte Beach LUP planning area). This wastewater treatment plant has been abandoned and only a pump station is operated at this location. Commission staff has revised the text of the Public Works, Parking, and Circulation Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #29 for these updates.

Public Works, Parking, and Circulation – Figures 8 & 9
Figures 8 and 9 in the Public Works, Parking, and Circulation section are out of date. For example, Figure 8 does not show existing parking along Monterey Bay Park. Also, the legend refers to the "Unimproved Recreation Trail," which was developed years ago. The legend in Figure 9 needs to be updated to show completed and proposed road-widening phases and to show new and proposed parking areas, such as along Monterey Bay Park. To ensure that the LUP contains up-to-date figures regarding Public Works, Parking, and Circulation, Modification #30 requires specific updates to Figures 8 and 9.

Public Works, Parking, and Circulation – Policies – Modification #31
Policies a., c., and New Policy j. Policies a. and c. require, in part, that specific projects be completed, such as the widening of Lighthouse Curve and development of the recreational trail. These projects have been completed and the policies are modified to reflect this. In addition, policy c. is modified to reflect the City's stated wish to widen the recreation trail; the modified policy also requires the City to continuing maintaining the recreation trail. New policy j. requires that new development not preclude possible future restored rail service and associated shuttle service in the Harbor LUP. These modifications provide consistency with Coastal Act Section 30252, which requires maintenance and enhancement of public access to the coast, including extension of transit service and the provision of non-automobile circulation.

Public Works, Parking, and Circulation Policies d and e., Deleted Policy k., New Policies k., l., and m.
These policies address development on the Catellus east and west parcels, which were purchased between 2000 and 2002 by the City. The City has developed a "Catellus Properties Phased Improvement Plan" to address development issues on these parcels. Although the Plan has not yet been approved by the City Council, the policies in the LUP have been modified and new policies have been added to reflect the City's stated wishes regarding these properties. The policies, however, are flexible to allow for possible changes to the Plan. Proposed policy d. has been modified to allow for development of a parking structure on the west Catellus parcel

(consistent with Coastal Act Section 30252), provided it does not block coastal views, consistent with Coastal Act Section 30251. Proposed policy k. provides parking generation factors for new or expanded development. This type of information is more appropriate in an implementation plan and thus proposed policy k. is deleted. New policy k. requires that reconfiguration of existing parking lots on the Catellus sites shall provide improved circulation and additional public parking, consistent with Coastal Act Section 30252. Proposed policy e. requires pull-through trailer spaces on the east Catellus property. Under the proposed Catellus Plan, these spaces would be provided on the west Catellus property. Modified policy e. and new policy l. reflect this change. Finally, new policy m. requires that development of new parking lots provide adequate water quality protection, consistent with Coastal Act Sections 30230 and 30231.

Public Works, Parking, and Circulation Policy g. Proposed policy g. provides for increasing wastewater treatment capacity. This policy was written when the City was envisioning additional commercial development along Del Monte Avenue. Instead, much of this land has been converted to open space (e.g., Monterey Bay Park). In addition, the Catellus Plan calls for a reduction in the number of buildings on the east parcel and more public space. Given the reduction in the amount of development proposed in the Harbor LUP planning area and the fact that the City has a more than adequate wastewater treatment capacity, proposed policy g. is no longer necessary and thus is deleted.

Public Works, Parking, and Circulation Policies i. and j. (Renamed as Policies h. and i.). Proposed policy i. (renamed as policy h.) requires the City to develop a parking program that identifies parking needs and correlates new development with available parking. The proposed policy allows for off-site parking that would still adequately serve the harbor area. The modified policy requires that any off-site parking adequately serve visitor demand, consistent with Coastal Act Section 30252. Proposed policy j. (renamed as policy i.) allows off-site parking for new or intensified development where on-site parking is not feasible. This policy is modified to require that any off-site parking be located in the vicinity of the development, consistent with Coastal Act Section 30212.5.

Public Works, Parking, and Circulation Policy f. Proposed policy f. requires that all new or intensified development provide adequate parking. The policy has been modified to provide clearer language and to ensure that the definition of "intensified uses" is not restricted to the two definitions in the policy.

Public Works, Parking, and Circulation – LCP Implementation Measures
Proposed LCP Implementation Measure a., which required development of a parking program to provide convenient parking for marina boat owners and coastal dependent users of Wharf No.2, has been implemented and thus may be deleted. Please see Modification #32.

Conclusion
Therefore, as modified, the Public Works, Parking, and Circulation component of the Harbor Segment Land Use Plan is consistent with the development policies of the Coastal Act.

J. Coastal Visual Resources

Section 30251 of the Coastal Act provides for the protection and enhancement of coastal visual resources and states:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

LUP References: Chapter III-A, Coastal Visual Resources

Background: The coastal visual resources of the Monterey Harbor LUP area include vistas of Monterey Bay and the associated shoreline, views across Monterey Bay to the shoreline and mountains to the north and east, as well as views of boats in the Harbor and commercial fishing activities. The submitted Harbor LUP's visual policies protect views by requiring maintenance of existing views, by prohibiting development of structures that will impede views, and by calling for the acquisition and demolition of buildings along Del Monte Avenue to open up views. However, many of these policies, as well as the Existing Conditions text, have not been updated in many years.

Coastal Visual Resources – Cited Coastal Act Policy 30251: The Coastal Visual Resources section cites Coastal Act Section 30251. In the current submittal, there is a minor inaccuracy in the language of Coastal Act Section 30251. Modification #33 corrects this minor inaccuracy.

Coastal Visual Resources – Existing Conditions Text: As stated above, the Existing Conditions section of the LUP was written in the early 1980s. The City has made few updates to the Existing Conditions section during the intervening years. For example, Coastal Visual Resources Existing Condition a. states, "*The views from and along Del Monte Beach are magnificent but are primarily limited to viewing points on the beach because of structures and sand dunes along Del Monte Avenue.*" Since the above was written, many of the mentioned structures have been demolished and the views from Del Monte Avenue have been opened up. Also, the submitted LUP does not describe recent public purchases of property in the Harbor LUP area, such as the east and west Catellus properties. Commission staff has revised the text of the Coastal Visual Resources Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #34 for these updates.

Coastal Visual Resources – Figures 10 & 11

Figures 10 and 11 in the Coastal Visual Resources section are out of date. For example, Figure 10 shows that public views between Camino el Estero and Camino Aguajito are largely blocked by existing structures. However, the majority of these structures have been demolished and the

view has been opened up. In addition, Figure 11 shows the east Catellus site designated as "SP Property," which is no longer true. To ensure that the LUP contains up-to-date Figures regarding Coastal Visual Resources, Modification #35 requires specific updates to Figures 10 and 11.

Coastal Visual Resources Policies – Modification #36
Many of the submitted Coastal Visual Resource policies need to be modified to reflect changes that have taken place in the Harbor area since the early 1980s or to address issues that were not dealt with in the submittal, such as the recent purchase of the east and west Catellus parcels:

Coastal Visual Resources Policies b. and e and new policy j. Proposed policy b. requires incorporation of bay shore and harbor views upon development of the recreational trail around Lighthouse Curve. This policy has been implemented. The modified policy requires maintenance and enhancement of the coastal views from the recreation trail, consistent with Coastal Act Section 30251. In addition, the City has recently purchased the west Catellus site and has preliminary plans to reroute a portion of the recreation trail through this area. Modified policy b. requires the realigned trail to be located as close as possible to coastal waters, to provide users of the trail with enhanced ocean views. Proposed policy e. protects lateral views along Monterey Beach by not allowing development on the sandy beach. The required modification updates the policy by removing the outdated reference to the Southern Pacific parcel. This modification also amends the policy to include a reference to the recently acquired east Catellus parcel and requires that any new development on this parcel shall improve the visual appearance of the area, consistent with Coastal Act Section 30251. This policy is further modified to continue to require the undergrounding of utilities, except for high transmission power lines, which City staff states would be problematic to place underground. Language in proposed policy e. regarding exceptions to allowable development on the sandy beach has been stricken in this section of the LUP but has been added to the more appropriate sections of "Locating and Planning New Development" and "Public Recreation." New policy j. is necessary to ensure that new fences, walls, and landscaping (proposed as part of the Catellus property redevelopment) do not block harbor views.

Coastal Visual Resources Policies c., d., and h. Proposed policy c. prohibits structural or other blockage of existing vista points from specific areas in the Harbor LUP area. The modified policy adds Monterey Bay Park, which was developed in part to open up views along Del Monte Avenue, to this list of specific areas. Proposed policy d. calls for enhancement of view corridors from specific streets. This policy has been implemented through the purchase and demolition of many structures along Del Monte Avenue. The modified policy requires protection of ocean views and also requires that any new development be visually compatible with the character of the surrounding harbor area, consistent with Coastal Act Section 30251. Proposed policy h. required the raising of the Del Monte Avenue roadbed to create more dramatic views of the Harbor area. This is no longer a priority for the City. Public purchase and demolition of many of the structures along Del Monte Avenue, as well as the development of Monterey Bay Park, have opened up dramatic bay views from Del Monte Avenue, consistent with Coastal Act Section 30251. Thus, proposed policy h. is no longer necessary and is deleted.

Coastal Visual Resources Policy f. The proposed policy has been updated to acknowledge the development of Monterey Bay Park and the public acquisition of a number of properties along Del Monte Avenue. In addition, new policy language requires that, upon acquisition of the two remaining privately held parcels in "Area A" along Del Monte Avenue, as well as properties in "Area B," the City shall remove the structures on the property to open up public views, consistent with Coastal Act Section 30251.

Coastal Visual Resources New Policy h. Proposed Appendix B contains architectural control policies that protect views from and along Fisherman's Wharf. (This Appendix is renamed as Appendix A and is modified to include architectural control standards for Fisherman's Wharf that were inadvertently left out of the submittal – see Modification #41). New policy h. will require adherence to these architectural control policies.

Coastal Visual Resources Policy i. The proposed policy provides priorities for implementation of the Monterey State Historic Park General Plan. Two of the three priorities (the planting of lawn in Custom House Plaza to create picnic areas and removal of a portion of a wall to open up the view of the Pacific House) have been accomplished. Modified policy i. updates this policy regarding implementation of the above priorities and continues to require preservation of historic cypress trees on State Parks historic properties within the City.

Conclusion

Therefore, as modified, the Coastal Visual Resources component of the Harbor Segment Land Use Plan is consistent with the visual resource policies of the Coastal Act.

K. Locating and Planning New Development

The following sections of the Coastal Act guide land use and development locations and intensities.

> **Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*
>
> **Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*
>
> **Section 30222.** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation*

shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

LUP Reference: Chapter III-B, Locating and Planning New Development

Background: The Coastal Act requires that new development be concentrated in areas where services are available and be consistent with other policies of the Coastal Act (Section 30250(a)). Coastal dependent development (both recreational and commercial) has priority over other development (Section 30255) and coastal related development should be accommodated within reasonable proximity to the coastal dependent uses they support. Facilities serving commercial and recreation boating are protected and harbor space for these uses cannot be reduced (Section 30234).

Other policies give priority to visitor serving commercial recreation facilities (Section 30222); protect oceanfront lands for public and commercial recreational use (Section 30221); reserve upland areas needed to support coastal recreational uses (Section 30223); and protect and encourage lower cost public recreational facilities (Section 30213).

Existing development in the Harbor LUP area primarily consists of visitor serving, recreational, and coastal-dependent uses. The submitted LUP policies generally address the location and intensity of new development with respect to protection of natural resources, visual resources, and public access, and coordination with public works support systems (e.g., water, parking). However, many of these policies, as well as the Existing Conditions text, require updating. In addition, new policies are required that protect archaeological resources in the Harbor LUP area.

Locating and Planning New Development – Cited Coastal Act Policies
This section includes Coastal Act policies that guide land use and development locations and intensities. Coastal Act Sections 30213 and 30255 are not cited in their entirety. Also, Coastal Act Section 30244 is not cited properly and Coastal Act Section 30221 contains a typographical error. Modification #37 adds the appropriate language to Coastal Act Sections 30213 and 30255, corrects the error in Section 30221, and properly cites Section 30244.

Locating and Planning New Development – Existing Conditions Text
The Existing Conditions section of the LUP was written in the early 1980s. The City has made few updates to the Existing Conditions text during the intervening years. For example, the submitted LUP states that there is no central harbor maintenance facility. Such a facility has been developed just outside the Coastal Zone. In addition, the submittal states that the City is studying appropriate uses for the City-owned land occupied by the Doubletree tennis courts. This area has been developed as a maritime museum. Commission staff has revised the text of the Locating and Planning New Development Existing Conditions to reflect current conditions in the Harbor area. Please see Modification #38 for these updates.

Locating and Planning New Development – Figures 12, 13, 14, and New Figure 15
Figures 12, 13, and 14 are out of date. For example, in Figure 12 the Monterey Bay Park area shows more commercial land use than now exists. Figure 13 shows Southern Pacific ownership of the east Catellus site. Also, Figure 14 needs to be updated to show the current locations of harbor facilities (e.g., mooring area, docking areas, etc.). Finally, the submittal does not include

a Figure detailing the location of archaeological resources in the Harbor area. To ensure that the LUP is up to date regarding Locating and Planning New Development, Modification #39 requires specific updates to Figures 12, 13, and 14, and also requires creation of new Figure 15 regarding archaeological resources.

Locating and Planning New Development – Policies – Modification #40
Policies a., b., c., d., and Deleted Policies l. and m.
Proposed policies a., b., c., and d. provide land use designations for publicly owned areas, the lower Presidio property, the residential Van Buren/Jackson Street area, and the Custom House Redevelopment area. Modified policy a. lists the allowable uses and development (primarily public access and recreational enhancements) for the publicly owned areas of the Harbor area, consistent with Coastal Act Sections 30213, 30221, and 30222. Modified policy b. deletes language pertaining to the widening of Lighthouse curve (which has been accomplished) and adds language to require the City to continue to operate the public military museum on the Presidio property, consistent with Coastal Act Section 30223. Modified policy c. deletes reference to the two City Urban Renewal parcels (which have been developed) and specifies allowable density and height limitations for this residential area of the Harbor LUP area. Modified policy d. adds a public use designation for the historic structures in the Custom House Redevelopment area and designates existing hotel and other commercial development in this area, including Heritage Harbor, as Custom House visitor serving commercial, consistent with Coastal Act Section 30222. Allowable uses in this land use designation are defined in modified policy d.

Proposed policy l., regarding the designation of Heritage Harbor, is no longer necessary because this information is contained in modified policy d. Proposed policy m. regarding converting the City-owned tennis court site to public use has been accomplished with development of a maritime museum on the site and thus is deleted.

Locating and Planning New Development Policy f. Proposed policy f. states that permitted uses on Fisherman's Wharf should be those permitted in the Fisherman's Wharf Master Plan. This policy is amended to reference Appendix C, which contains the Wharf Master Plan permitted use policies.

Locating and Planning New Development Policies h. and i. Proposed policies h. and i. provide designations and allowable land uses and development standards for the east and west Southern Pacific parcels. Since these policies were written, the City has obtained these parcels (i.e., the Catellus parcels). Modified policies h. and i. provide new land use designations and new allowable uses on the east and west Catellus parcels. Specifically, the parcels shall be designated Catellus multi-use. Allowable uses include parking, coastal dependent and coastal related uses, open space, recreational and public serving uses, consistent with Coastal Act Sections 30213, 30221, 30222, 30223, 30252, and 30255.

Locating and Planning New Development Policy j. and Deleted Policy k.
Proposed policy j. states that the City shall actively continue efforts to reestablish a visual park-

like (Monterey Bay Park) setting along Del Monte Avenue through acquisition of commercial land and buildings. The proposed policy also designates allowable uses on this land following public purchase. The policy is modified to acknowledge that much of the development of Monterey Bay Park has taken place and requires the City to continue to develop the park-like setting along Del Monte Avenue, consistent with Coastal Act Sections 30213 and 30221. This policy is also modified to require that development of these properties not interfere with potential restoration of rail service to Monterey and allows for a portion of this land to be used to widen the north side of Del Monte Avenue (see Public Works, Parking, and Circulation section of this report for further discussion of these issues). The language from proposed policy k. (regarding designation of the remaining commercial properties along Del Monte Avenue) has been transferred to proposed policy j; thus policy k. may be deleted.

Locating and Planning New Development New Policy k. A portion of the Monterey State Historic Park is located within the Harbor LUP boundaries. This new policy encourages the City to work with State Parks on any future update of the 1983 Monterey State Historic General Plan, consistent with Coastal Act Section 30213.

Locating and Planning New Development New Policies l., m., n., and Deleted Policy n. Proposed policy n. requires the City to require an archaeological reconnaissance during initial environmental review of proposed development, in areas of archaeological sensitivity as determined by the State Historic Preservation Office. Proposed policy n. also requires reasonable mitigations as a condition of development in archaeologically sensitive areas. New policies l., m., and n. provide up-to-date requirements for development in archaeologically sensitive areas, including requiring an archaeological/paleontological survey by a qualified professional in consultations with the State Historic Preservation Officer, requiring that new development protect and preserve archaeological, paleontological, and historical resources to the maximum extent feasible, and requiring on-site monitoring by a qualified archaeologist during specific development activities on archeologically sensitive sites. These modifications provide enhanced protection of archeological resources, consistent with Coastal Act Section 30244.

Locating and Planning New Development Deleted Policy p. Proposed policy p. requires establishment of a youth hostel in the Harbor LUP area. Since this policy was written, a youth hostel has been located on Hawthorne St., less than two miles from the Harbor LUP area. Given the close proximity of this hostel to the Harbor LUP area, this policy is no longer necessary.

Conclusion

Therefore, as modified, the Locating and Planning New Development component of the Harbor Segment Land Use Plan is consistent with the development policies of the Coastal Act.

IV. California Environmental Quality Act (CEQA)

Section 21080.9 of the Public Resources Code (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a Local Coastal Program (LCP). Instead, certification of an LCP by the Coastal Commission is subject to

the requirements of CEQA. The Coastal Commission's regulatory program involving the preparation, approval and certification of local coastal programs has been certified by the Resources Agency under Public Resources Code Section 21080.5 as the functional equivalent of CEQA review. As a result of this certification, the Coastal Commission is exempt from the requirement of preparing an EIR in connection with a local coastal program. As set forth above, the Commission finds that the City of Monterey Harbor Land Use Plan as modified conforms with the Coastal Act policies regarding protection of the environment. The Commission finds that approval of the modified Land Use Plan will not result in significant adverse environmental impacts within the meaning of CEQA. The Commission further finds that there are no feasible alternatives or additional mitigation measures that would substantially lessen any significant adverse impact on the environment from approval of the Land Use Plan as modified.

Th5d

MONTEREY HARBOR LOCAL COASTAL PROGRAM

LAND USE PLAN

CITY OF MONTEREY

CITY OF MONTEREY

HARBOR
LOCAL COASTAL PROGRAM
LAND USE PLAN

Amended by City of Monterey

June 2, 1987

Amended by City of Monterey

August 25, 1987

Amended by City of Monterey

May 15, 2001

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PREFACE

The City of Monterey is mandated by the California Coastal Act of 1976 to prepare a Local Coastal Program (LCP) for the portion of the City which lies within the coastal zone boundary. The LCP is to consist of a City Land Use Plan (LUP) and land use controls that implement the provisions of the Coastal Act. The LUP is defined in Section 30108.5 of the Coastal Act as follows:

> "Land use plan means the relevant portions of a local government's general plan or local coastal element which are sufficiently detailed to indicate the kinds, locations, and intensity of land uses, the applicable resource protection and development policies and, where, necessary, a listing of implementing actions."

As permitted by the Coastal Act, the City is preparing the LCP in five geographical segments. The Harbor LUP is the fifth and last segment of the LCP to be developed.

A series of three working papers (1. Natural Coastal Resources, 2. Public and Coastal Related Use and Access, and 3. Land Use and Development) have been prepared to describe existing conditions in the Harbor area. These three working papers also document applicable Coastal Act provisions and assess the potential LCP policy implications. The working papers have been subject to a series of public review meetings. The analysis in each working paper and the public comment received serves as the basis for preparation of this Draft Harbor Land Use Plan.

INTRODUCTION

A. Harbor LCP Area

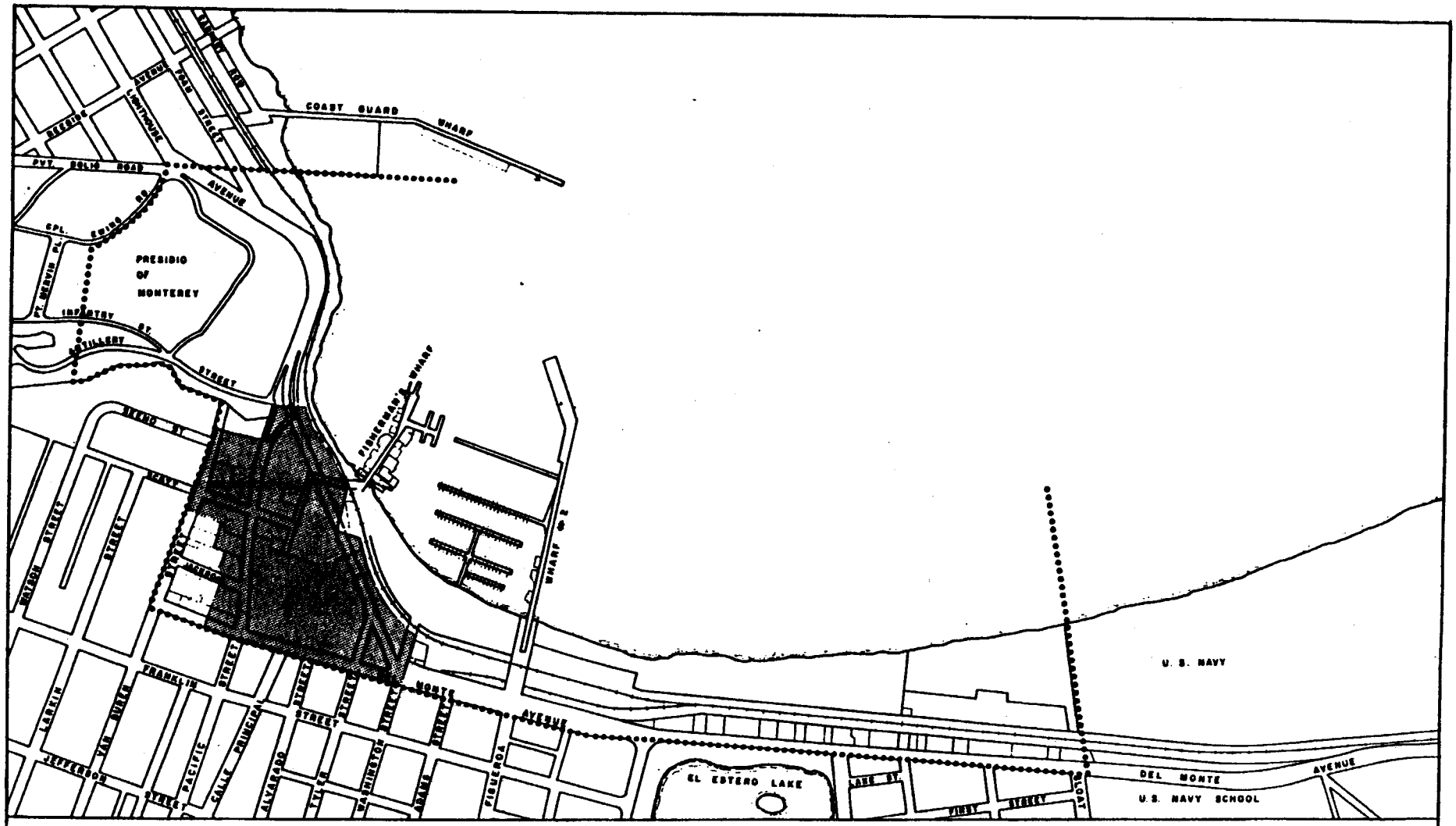
The Monterey Harbor segment of the City of Monterey Local Coastal Program (LCP) is located between Cannery Row to the west and Del Monte Beach to the east. The Harbor LCP area includes approximately 115 acres of land fronting on the southern portion of Monterey Bay. Figure 1 shows the Harbor LCP planning area.

Major properties within the Harbor LCP area include Fisherman's Wharf and Wharf #2, the abandoned railroad right-of-way along Del-Monte Avenue and Lighthouse Curve, the Monterey State Historic Park area including the Old Monterey Custom House, the Heritage Harbor complex near Fisherman's Wharf, the Monterey Beach area, and public parking.

The railroad right-of-way between Cannery Row and Fisherman's Wharf has been purchased by the City of Monterey and the Monterey Peninsula Regional Park District for use as a recreational trail. The City of Monterey has purchased the portion of the railroad right-of-way from the Southern Pacific property to the Seaside city limit line. This section of the right-of-way is planned for use as a transportation corridor including a continuation of the recreational trail. Numerous local streets terminate at Del Monte Avenue and thus serve the Harbor area. Commercial development exists between the railroad right-of-way and Del Monte Avenue, across from El Estero Lake and Park just south of the LCP boundary.

Current zoning for the Harbor LCP area is primarily commercial with limited residential zoning existing both in the western portion of the area along Van Buren Street and in the eastern portion of the area where a 60 unit condominium complex fronts on Monterey Beach.

Vacant land in the Harbor LCP planning area is limited and consists of 1) two vacant Urban Renewal Project parcels covering approximately 1½ acres, 2) sand beaches, 3) a limited sand dune area, and 4) federal land belonging to the U. S. Army at the bottom area of the Presidio of Monterey.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

CUSTOM HOUSE REDEVELOPMENT PROJECT AREA BOUNDARY

Figure 1

HARBOR COASTAL ZONE PLANNING AREA

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

0 200 400 600 800 1000
FEET

B. LCP Land Use Planning Process

The LCP preparation is an interactive planning process with extensive public participation and intergovernmental coordination. Local, regional, state, and federal agencies and jurisdictions potentially affected by the LCP have been given maximum opportunity for involvement in, and input to, the process. At the City level, the preparation of the land Use Plan (LUP) for the Harbor LCP Area is being directed and monitored by a subcommittee of the Planning Commission.

The Coastal Act places great importance on public involvement in the LCP process. The act states that the local government preparing the LCP shall determine "the precise content of each local coastal program . . . . with full public participation" (Section 30500c). The Coastal Act also provides that:

> "During the preparation, approval, certification, and amendment of any local coastal program, the public . . . . shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission" (Section 30303).

The planning process for the LUP for the Harbor LCP area has been organized to conform to these provisions. Distribution and public review of the three working papers prepared prior to synthesis of the LUP are major elements of the public and agency participation process. Public meetings on each working paper have been held to receive comment on their findings. During the course of the working paper stage of the LUP process, public workshop meetings have been held to seek comment and input. Each meeting was fully noticed, including direct mailing of meeting announcements to property owners and concerned individuals or agencies. Additionally, numerous informal meetings with individual landowners, residents, and agency staff were conducted. The Draft LUP is to be reviewed at public hearings before the City of Monterey Planning Commission and the City Council. Following adoption of the LUP by the City, it will be submitted to the California Coastal Commission for review, additional public hearings, and certification.

A certified LUP will constitute half of the Local Coastal Program as defined by the California Coastal Act of 1976. After certification of the LUP by the Coastal Commission, land use controls, implementing the LUP are to be formulated following a similar process to that conducted for the LUP preparation. Certified land use controls, when combined with the certified LUP, will represent the Local Coastal Program. With a certified Local Coastal Program, the City of Monterey will then be able to assume the responsibility for issuing coastal development permits.

I. NATURAL COASTAL RESOURCES

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B. WATER RESOURCES I-B-1

C. DIKING, DREDGING, FILLING, AND SHORELINE STRUCTURES I-C-1

D. NATURAL HAZARDS I-D-1

A. NATURAL MARINE RESOURCES AND HABITAT AREAS

Work in this section focuses on preservation and enhancement issues. Public access and use are addressed in Chapter II.

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to the preservation and enhancement of natural marine resources and habitat areas:

30230 Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms, and for the protection of human health, shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30232 Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

30240 (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

As described in the State Local Coastal Program Manual, environmentally sensitive habitat areas are defined as follows:

". . . any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife and education and research reserves; near-shore reefs; tidepools; sea caves; islet and offshore rocks; kelp beds; indigenous dune plant habitats; and wilderness and primitive areas."

2. Existing Conditions

The existing conditions summarized below are discussed in detail in Chapter II of Working Paper 1.

Marine Resources

a. In the Harbor LCP area, marine resources are confined primarily to the littoral or intertidal zone and, to a lesser degree, the sub-tidal zone. The highest concentrations of marine life are located in the harbor itself. The rocky shoreline along the western shore, as well as the pilings and breakwater of the wharf, have proved to be ideal settling grounds for many algae and invertebrate organisms. This intense use results in occasional evidence of fuel spills or other petrochemical pollution in the marina area, which, while degrading water quality, has not been shown to degrade marine resources. An abundance of sea life exists in the harbor despite intense use by private and commercial fishing and boating operations.

b. As on other intertidal shores in California, vertical tidal zonation of organisms occurs along the rocky coast and on the pilings and breakwaters. The most common organisms found in the higher levels are barnacles, mussels, and anemones. The middle zone is dominated by starfish, white hydroids and the scale worm. Along the lower intertidal zone, which is rarely exposed, the anemone and the tunicate also appear. Many other filter feeders such as hydrozoans, bryozoans and sponges utilize the high concentrations of suspended matter found in the subtidal zone of the harbor. Healthy populations of chitons, limpets, and crabs, as well as many species of gastropods, exist throughout the intertidal zone of the harbor.

c. The intertidal zone of the beach, east of the harbor, while being less diverse in marine life, also has vertical zonation up the beach. The higher, more exposed area is dominated primarily by beach hoppers and beach fleas. At the lower end of the intertidal zone are found sand crabs, blood worms, named for their bright red color, and several species of bivalves, including the Pismo clam, the Bean clam, and the Razor clam.

d. There are many vertebrate species also associated with the marine habitats of the Monterey Harbor LCP area. Though not as abundant in actual numbers, these animals are much more visible than their invertebrate counterparts. Sea birds such as the Brandt's Cormorant, Western Gull, California Gull, Common Murre, and the Brown Pelican are all common sights throughout this area. Harbor seals, California sea lions, and Steller sea lions can often be observed from the wharves and breakwaters competing for the abundant supply of fish throughout the harbor. The California sea otter, an endangered species, also frequents the Monterey harbor, feeding primarily on shellfish.

e. A large variety of algae species grow on the rocks and pilings of the harbor. Green algae is the most common the upper intertidal zone, while the red and brown algae occupy the middle and lower zones. Kelp beds, which are prevalent throughout the Monterey area, have been reduced to very small colonies offshore of the beach zone east of the harbor and are virtually nonexistent in the harbor itself. This reduction of the kelp

bed habitat has affected the populations of rock fish, bass, and cod which utilize these kelp forests for shelter and food, to the point that the area east of the harbor has become restricted to fishing except on certain designated days.

Natural Habitat

f. The dune habitat, as located on Figure 2-1, is the major habitat of the coastal strand. This area, though highly sensitive to disturbance, exists as one of the few remaining natural habitats in the Monterey Harbor LCP Area. The City of Monterey Environmental Resource Policies and Standards make special note that "Sand dunes should be preserved wherever possible."

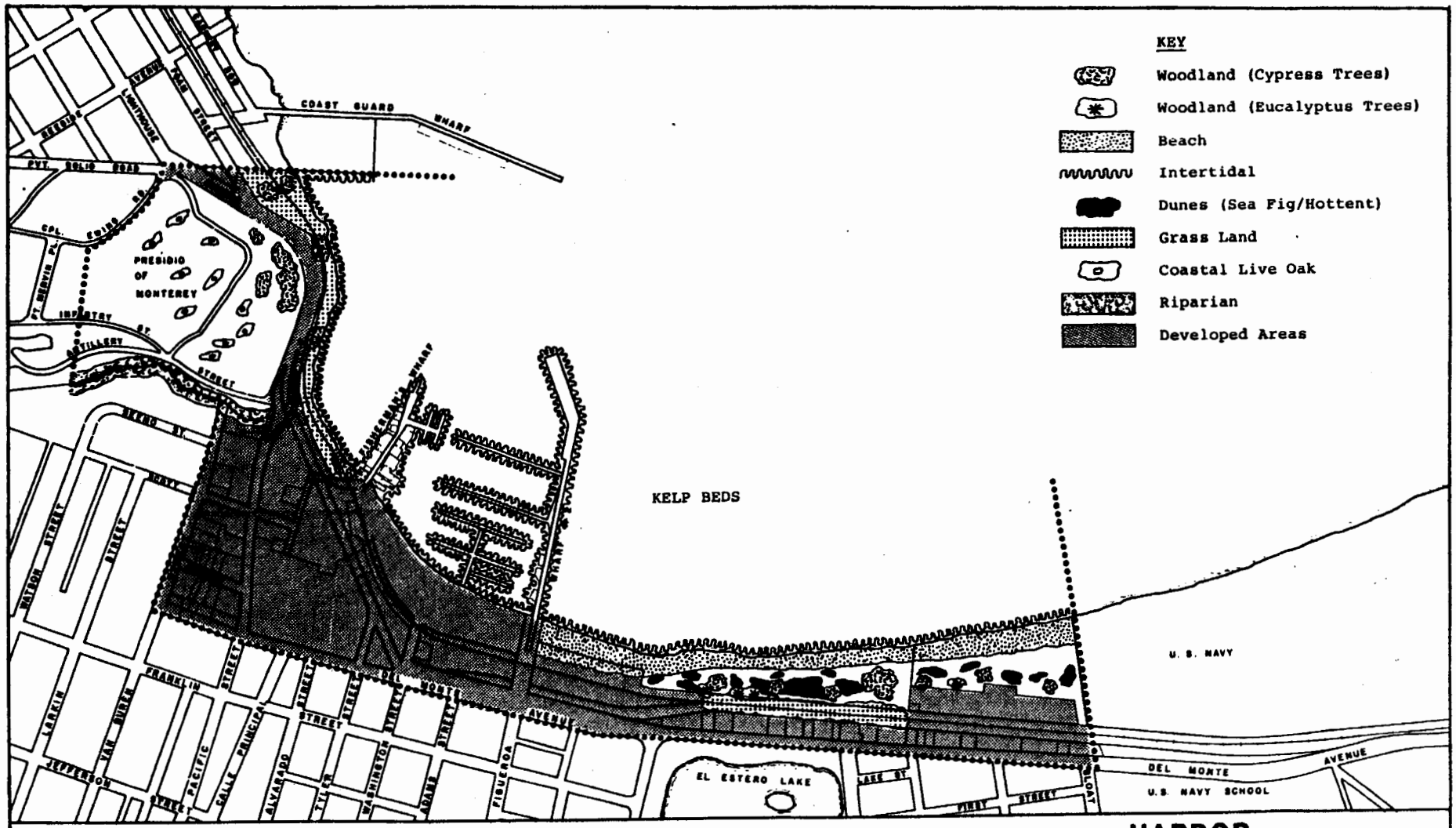
g. The dunes in the Harbor area are characterized by low-growing groundcover vegetation consisting primarily of several species of ice plant. These species of ice plant have replaced many less competitive native plants from the seaward side of the dunes back to the access road which borders the railroad tracks. Also associated with the ice plant, but not as abundant, are a wide variety of shore wildflowers and some herbaceous annuals and perennials.

   While the ice plant serves as a good stabilizing influence for the dunes, it is not as valuable as the native plants. An important point is the fact that no Wild Buckwheat was found in or around these dunes. This is important in that the endangered species of the Smith's Blue butterfly requires this plant for feeding in the larval stage. There are, however, approximately 30 to 50 percent native plants in these dunes which do provide habitat in the form of cover and forage for many other organisms in this ecosystem, such as mice, gophers, brush rabbits, raccoons, and garter snakes. Quail, gulls, sparrows, pigeons, sandpipers, and other shore birds also rely on this habitat for food and protection. Of the animals utilizing the dune habitat, man is the most destructive. Footpaths, roads, and parking areas mar this habitat. Frequent use by tourists and residents who stroll through these dunes has eliminated most plant growth in several areas.

h. Two specific, yet different, areas within the Monterey Harbor LCP Zone could be considered grassland habitat. Neither of these areas are natural, yet they do support a small community of non-indigenous, domestic and native grasses.

   The railroad right-of-way behind the businesses fronting on Del Monte Avenue supports a small, disturbed grassland community, as does the Presidio of Monterey. Particularly affecting the Presidio grassland is the weed control and fire protection program whereby the grasses are mown before the seeds have matured. This, in turn, reduces the forage for birds and rodents associated with this area.

   The grassland area associated with the railroad tracks tends to have many shrubs and wildflowers, as well as the grasses, due in part to its close proximity to the dune habitat. A large variety of birds and rodents live in this grassland habitat.



••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 2

EXISTING HABITAT AREAS

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

0 200 400 600 800 1000
FEET

i. A semi-window of mixed eucalyptus and cypress trees exists behind the dune habitat, as shown on Figure 2-1. There are, additionally, a few cypress trees located along the Southern Pacific Railroad tracks, in a small grove on Lighthouse Curve at the west end of the study area, and in front of and around the condominiums at the east end. These trees have some value in that they provide nesting and roosting sites for many bird species as well as cover and shade for animals and plants.

j. A scattering of Coastal Live Oak occurs within the Monterey Presidio. While the grassland understory has been disturbed by the landscaping and gardening associated with the Presidio, the oak trees have remained intact. In the course of Presidio development, trees were removed; thus, thinning the population from its natural state. However, populations have now stabilized and provide a valuable source of wildlife habitat. The Monterey Environmental Resource Policies and Standards give high priority to the preservation of the Coastal Live oak. Unfortunately, naturally occurring species of plants and shrubs associated with the Live Oak habitat have been replaced by ornamentals and introduced grasses which lessen the value of this habitat relative to natural habitats.

k. A very small and disturbed creek flows along the eastern edge of the Presidio before being channeled, by way of a culvert, into the harbor. Introduced ornamental plants have replaced most of the naturally occurring shrubs of this riparian habitat, though the persistent wild blackberry and poison oak still retain a foothold here along with several Coastal Redwoods and several species of wildflowers.

l. The California Department of Fish and Game has compiled a list of threatened and endangered species of California. While many of these species exist in the Monterey area, only the Brown Pelican and California sea otter are commonly found in the Monterey Harbor LCP Area. None of the endangered species of plants, as designated by the California Native Plant Society, are known to exist in the Harbor ECP study area, though several species have been found to the east in the Del Monte Beach LCP area.

3. <u>LCP Policies</u>

Due to a wide range of historical influences on marine and shore resources (the introduction of new species, the depletion and control of other species, the introduction of pollutants and nutrients), the LCP policies in this section primarily address the preservation and enhancement of those factors which contribute to the uniqueness, abundance, and diversity of intertidal and sub-tidal marine life in the Harbor and onshore/Harbor area terrestial habitats.

a. Sensitive shoreline habitat restoration and debris cleanup and maintenance (litter control) shall be required in a manner that will not impair biological productivity for the habitat, and as a condition for any grading, excavation, demolition, or construction in conjunction with shoreline development.

b. The State Department of Fish and Game efforts to monitor and manage the sea otter population along the bay shoreline should be supported.

c. Small remaining dune habitat of this area should be preserved and enhanced. The use of vehicles in this area shall be prohibited. Landscaping and maintenance with native coastal plants and elimination of non-native plants (e.g., Ice Plant) shall be required.

d. Revegetation with wild buckwheat (Eriogonum parvifolium and latifolium) shall be included as part of the dune restoration program for any new development to enhance habitat for the endangered Smith's Blue butterfly.

e. A dune management plan that controls public access in sand dune habitats to prevent damage from human use (trampling of vegetation, collection of plant species, etc.), without prohibiting public access to the waterfront, shall be required as a condition of approval for any new development (e.g., boardwalks). Habitat interpretation signing and litter control shall be included as elements of a dune management program.

f. What remains of the existing live oak community in the Presidio should be preserved. The small and disturbed creek along the eastern edge of the Presidio should be restored by replacing the existing ornamental plants with plants that are more natural to the reparian habitat. The City of Monterey should coordinate with the U.S. Army to insure no further loss of this resource occurs.

g. To help eliminate fuel spills and petrochemical pollution and to improve water quality in the marina, the City shall develop a program to improve the existing boat pump-out facility for the discharge of vessel sewage holding tanks and to install a pump, and tank for the discharge of contaminated bilge water (fuel and petrochemicals). These facilities shall be located and signed so that use is more efficient and convenient and, thus, encouraged. The City shall also continue to enforce its existing ordinance controlling the sanding, painting, and washing of hulls with cleaning agents in the marina.

h. To help restore the long-term health of the marine environment and to ensure quality public access, the City shall continue to work with the Regional Water Quality Control Board, Department of Fish and Game, and other responsible agencies to develop and implement a clean up plan for the Harbor lead contamination. Areas of contamination shall be posted to alert the public.

i. To help control the buildup of plastic debris in the marine environment, the City shall require all new or improved development along the shoreline at points conveniently accessible to commercial and recreational boaters, dumpsters, or garbage cans.

j. Protect inner tidal and tidepool habitats through signing as a condition of shoreline development, both public and private.

4. Proposed LCP Implementation Measures

a. Develop guidelines for shoreline and sand dune habitat restoration required as a condition of any grading, excavation, demolition, or construction in conjunction with shoreline development.

b. Develop guidelines for controlling foot traffic and off-road vehicles on the beach and dunes.

B. WATER RESOURCES

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to the management of available water supplies.

30254 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.

30231 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

2. Existing Conditions

a. Water Supply: The Harbor LCP area is served by the California-American Water Company (Cal-Am). From July 1, 1984, to June 30, 1985, the entire water district used 16,000 acre feet of water. The maximum amount available is estimated to be 20,000 acre feet per year. This existing supply, available from the Carmel River, the Carmel Valley Aquifer, and the Seaside Aquifer, is projected to meet increasing water demands until the year 2000. It is possible that the construction of a new dam on the Carmel River could increase the available water supply after the Year 2000. Water availability could also be increased by the reclamation of wastewater and run-off, by importation, by conservation, or by other measures.

b. Water Demand: The annual evaluation of water allotment compliance for the City of Monterey conducted by the Monterey Peninsula Water Management District Board, indicated that the City used 4,806 acre feet of water during 1984/85. This is 84.4 percent of the City's annual allocation. Development presently under construction in the City, approved development, and the expansion of the Presidio of Monterey is projected to raise annual water usage to 92% of the City's annual allocation.

Existing water consumption in the Harbor LCP area is estimated to be 267 acre feet per year. This usage figure would represent one half of one percent of the City's use in the 1984/85 year.

Full development of the Harbor area is estimated to increase water use by approximately fifty acre feet per year. This estimate assumes a 25% increase for State and City water uses and a 25% increase for fish processing.

c. Water Allocation Procedures: The Monterey Peninsula Water Management District (MPWMD) has adopted a water allocation system for its service area, including the City of Monterey, providing for City water supply allocations on an annual basis and projection of such allocations from existing supplies until the year 2000 (Ordinance No. 1, January 14, 1980). That ordinance also defines the process by which new water connections are approved or denied. No new connections are allowed in a municipal or county jurisdiction which has exceeded its water use allotment. Annual resolutions by the District confirm allotments for each water year.

The City of Monterey presently has no internal water allocation system to allocate the MPWMD's water allocation to specific uses. The City's water allocation is now made available to new users on a first-come, first-serve basis.

d. Water Observation: The City requires conformance with the following water conservation measures contained in Section 9-5.1 of the Monterey City Building Code before Building Permits will be issued:

1. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all toilets must use 3½ gallons of water per flush or less. All shower heads installed in such buildings must limit flow of water to three gallons or less per minute at a pressure of forty pounds or less per square inch.

2. In all newly constructed or substantially reconstructed commercial industrial, or public buildings, all faucets must be of the metering type as that term is commonly used in the industry.

3. All newly constructed ornamental fountains, permanent swimming or wading pools, or other structures of similar purpose and making similar use of water, shall employ re-circulating systems.

4. All newly installed water-cooled air conditioning equipment shall be equipped with water conserving systems.

5. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all water pipes shall have valves which reduce the water pressure to fifty pounds of pressure per square inch or less.

6. In all newly constructed or substantially reconstructed residential, commercial, industrial, or public buildings, all hot water pipes shall be insulated.

3. LCP Policies

As water supplies on the Monterey Peninsula are limited, policies are needed to assure that the water demands of development within the coastal zone remain

within the available water supply. The following policies are to manage water supplies serving the harbor coastal zone area.

a. Proposed developments shall be evaluated before approval to determine the quantity of water the development will demand the effect this new demand will have on the water supply surplus allocated to Monterey for future growth. The City of Monterey has agreed to abide by the allocation procedures of the MPWMD.

b. Water conservation shall be promoted by requiring that new development conform to City water conservation ordinances.

c. Native plants shall be used in landscape plans for future development, when feasible, to minimize the demand for irrigation water.

4. Proposed LCP Implementation Measures

a. Develop a water monitoring program to gauge the water use of new development in the City of Monterey.

b. Develop ordinances to require landscaping in new development to be native or other plant landscaping which minimizes water use.

C. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

This section addresses the issue of potential shoreline and near-shore structures which could alter natural coastal processes.

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to shoreline structures that alter natural coastline processes and to facilities serving the commercial fishing and recreational boating industries:

30233 (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable alongshore current systems.

30234 Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion so as not to interfere with the needs of the commercial fishing industry.

30235 Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining wells, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses, or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded, where feasible.

2. Existing Conditions

a. The main elements comprising the Harbor LCP shoreline are as follows:

1) East of Wharf No. 2, the shoreline is a sandy beach;

2) Between Wharf No. 2 and Fisherman's Wharf, the shoreline is a concrete seawall;

3) West of Fisherman's Wharf, the shoreline is a rocky low bluff, with small areas of sandy beach at low tides.

b. Significant existing structures along the Harbor LCP area shoreline and near-shore within the LCP study area include (from east to west):

1) Wharf No. 2 and the east seawall protecting the marina;

2) A restaurant/commercial/office structure, harbor office, and boat launching ramp;

3) Fisherman's Wharf;

4) Marina boat slips;

5) An abandoned railroad right-of-way.

c. Harbor dredging is limited to the marina area. The dredged material is deposited on the beach east of Wharf No. 2.

d. Shoreline erosion of the area east of Wharf No. 2 has been very limited. Although specific data is not available regarding beach recession rates, the relationship of the present shoreline to old beach structure locations appears relatively unchanged.

e. Planned near-shore and shoreline structures include, at this time, only a marina repair berthing facility at the west end of the Harbor LCP area. This facility would include sixty berths, and is designed to be complementary to an approved marine repair facility adjacent to the U.S. Coast Guard pier.

f. A number of facilities or facility modifications, which have been discussed in the past (breakwater extensions, additional slip-protection seawalls, etc.) have not been undertaken because of the lack of funds for capital projects of this magnitude and/or unfavorable cost/benefit ratios. However, recently, the City of Monterey has been investigating possible funding sources for improvements to enhance the commercial fishing operations at the end of Wharf No. 2. A number of options have been discussed, including a 1,000-foot extension of the Coast Guard breakwater. This extension is proposed to protect Wharf No. 2 from the existing heavy surges and allow safer unloadings and more boating activity east of Wharf No. 2.

3. <u>LCP Policies</u>

a. Structures built for the protection of existing buildings, public beaches, or existing public works shall be designed in a manner which will not adversely affect natural shoreline processes or public access to the beach, and shall include a beach maintenance program to prevent loss of beach near the structure. Construction of seawalls to protect existing development shall be allowed only if a geotechnical/engineering analysis determines that such protective structures are the least environmentally damaging alternative structure.

b. Existing roads and utility pipelines shall be relocated landward of erosion and storm wave encroachments, wherever feasible.

c. New development and facilities shall be located with a shoreline setback sufficient to prevent the need for protective structures during the expected life of the development, but not less than a setback to the 100-year coastal erosion line, as determined by qualified professionals using most current

methods and information. Coastal dependent uses may be protected by shoreline structures.

d. Spoil material from any required harbor dredging shall be utilized for beach replacement, when feasible, subject to analysis to determine compatibility with maintenance of soil and water quality.

e. Marine installations and shoreline structures for coastal dependent uses and existing legal development (i.e., revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, piers, wharves, slips) shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Dyking filling, or dredging may be undertaken only when there is no feasible less environmentally damaging alternative, and feasible mitigation measures have been provided to minimize adverse environmental effects. Analysis of the impact of proposed development by a qualified professional in the appropriate field using the most current information and method shall be required prior to approval of the project.

f. The City shall cooperate and participate to the degree feasible in the regional effort to develop baseline studies and on-going assessments of shoreline erosion and sand supply.

4. <u>Proposed LCP Implementation Measures</u>

a. Revise the Zoning Ordinance to implement shoreline setback requirements for new development and public facilities.

D. NATURAL HAZARDS

In order to minimize risks to life and property from natural hazards in the Monterey Harbor LCP area, new development must be designed to prevent damage from such natural hazards, including seismic events, storm waves, and tsunamis This section addresses these natural hazard issues in Monterey Harbor and the Harbor LCP shoreline area.

1. Coastal Act Provisions

The following section of the California Coastal Act of 1976 pertains to the relationships of development to natural hazards:

30253 New development shall:

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

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

2. Existing Conditions

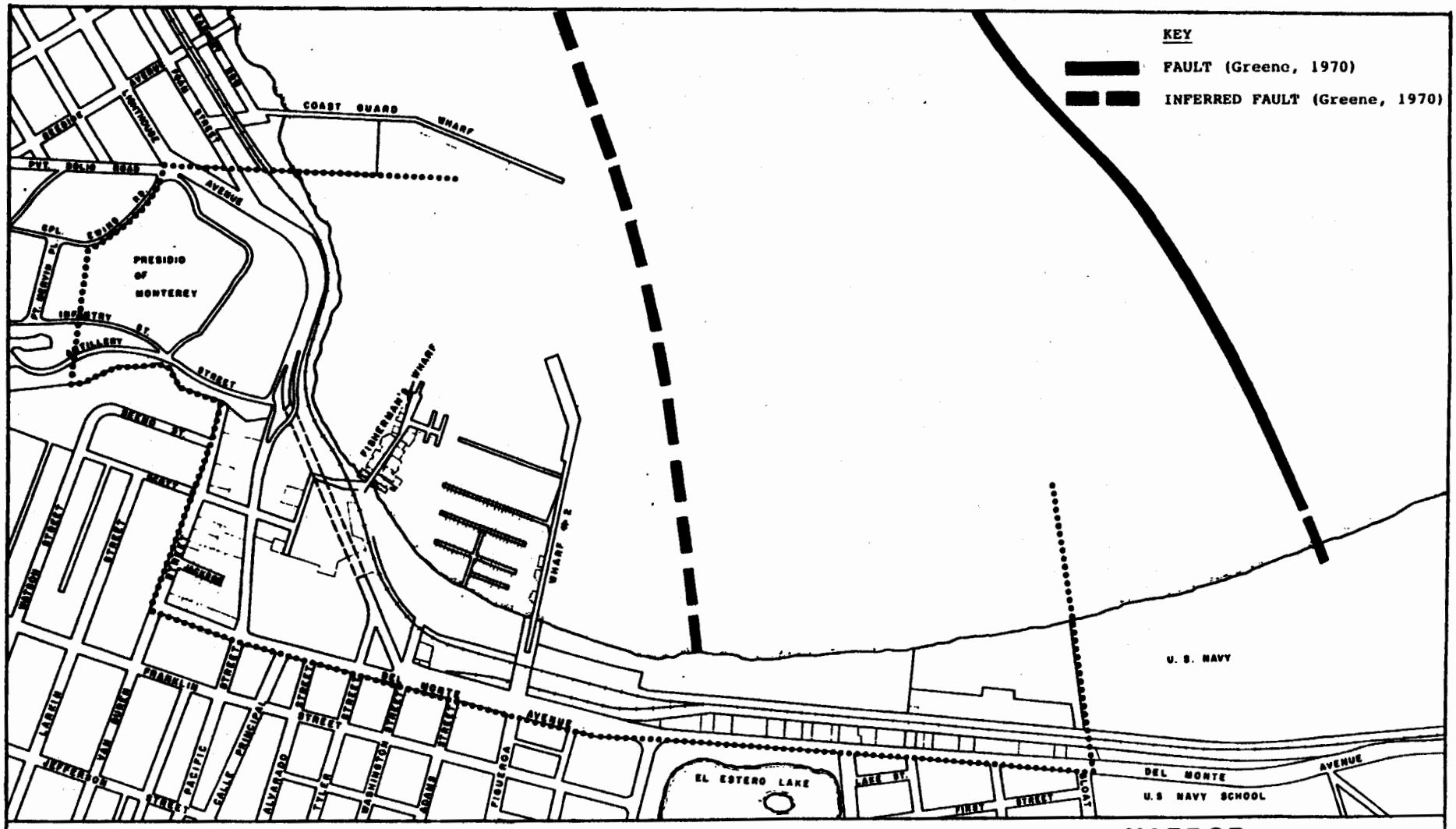
a. Seismic Events: The Monterey Harbor LCP area is one of active faulting and earthquake activity. It is identified in the Uniform Building Code as being within Seismic Zone III, and in the Monterey Seismic Safety Element as within Geotechnical Hazard Zone VI. This Hazard Zone includes areas having major to moderate engineering hazards and major seismic hazards. Areas within these zones are required to be investigated and evaluated for potential seismic hazards, including liquefaction and lateral spreading in the cohensionless sand dines and beach areas.

A series of short, subparallel faults are mapped in Monterey Bay and have been designated as "pre-Quaternary," meaning that they have not displaced materially within the last two million years (Jennings, 1975). Figure 3 shows the presumed locations of these faults within the Harbor LCP area.

b. Tsunamis: None of the fault movement expected from the faults in the local area is of a type likely to cause tsunamis. The danger to the LCP area from such sea waves would be principally from earthquakes originating in the Aleutian area of Alaska.

The U.S. Army Corps of Engineers has published tsunami run-ups within Monterey for flood insurance purposes. The Corps of Engineers calculated the 100-year tsunami run-up at the Monterey Aquarium site as 6.1 feet National Geodetic Vertical Datum (NGVD) and the 500-year run-up as 12.0 feet NGVD.

A 1980 study for a harbor berthing facility combined tsunami and tide probabilities to calculate a 100-year tsunami superelevation of 9.0 feet NGVD.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 3

SEISMIC FAULT LOCATIONS

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

c. Storm Waves: Storm wave hazards for the LCP area differ for the portions of the area east of Wharf No. 2 and for the harbor area protected by the breakwater.

Although data is not available for the LCP beach area east of Wharf No. 2, studies conducted in 1981 for the Del Monte Beach area showed a maximum 100-year storm wave inundation level of 28.0 feet above NGVD.

The 1980 study for a harbor berthing facility also included storm wave projections for the harbor. The maximum wave heights derived from local winds were calculated to be 2.8 feet with the wave approaching from the northeast. The maximum design wave derived from open ocean storms was calculated to be 3.1 feet.

The combined probability of high local winds plus a major offshore storm was considered. The wave conditions would be the sum of the locally derived waves plus the open ocean waves. The combined design wave is 3.3 feet based on a sea due to thirty-knot winds from the northeast plus a twenty-foot swell from a twelve-second period from the open ocean at 315, giving a 1-in-25 year situation.

3. LCP Policies

As in almost all California coastal cities, the listed natural hazards are of sufficient significance to warrant the establishment of appropriate policies to assure that development does not pose unacceptable risks to life or property nor require undesirable habitat or setting modifications to reduce such risks.

a. Site specific geotechnical studies shall be required prior to project approval to determine the extent to which seismic hazards, due to ground shaking, liquefaction, ground rupture, and lateral spreading, exist. Site specific geotechnical studies shall include, but are not limited to, the California Division of Mines and Geology criteria for geotechnical reports listed in Appendix A.

b. New residential, commercial, and industrial structures and facilities shall be constructed in a manner that will minimize seismic hazards to future residents and visitors.

c. Site specific studies, prior to project approval, shall be conducted to determine storm wave reach and tsunami run-up on bayfront properties, based upon an engineering analysis for each project relative to protection from waves of the 100-year storm tsunami run-up.

d. Residential, commercial, or industrial development shall not be allowed in tsunami (seismic sea wave) run-up or storm wave inundation areas. An exception would be coastal dependent marine installations requiring locations near the water.

e. For areas on the Monterey Harbor shoreline subject to flooding from tsunami and storm waves, new development shall adhere to standards which do not require the construction of protective devices.

f. Marine installations in the Harbor shall be designed to resist displacement and/or destruction by storm wave or tsunami forces.

g. In tsunami and storm wave run-up areas, where public access is provided, install warning signs as a condition of shoreline development.

4. Proposed LCP Implementation Measures

a. Develop guidelines for the geotechnical study findings needed to assess seismic hazards.

II. PUBLIC AND COASTAL RELATED USE AND ACCESS

A.	PUBLIC ACCESS	II-A-1
B.	PUBLIC RECREATION	II-B-1
C.	COMMERCIAL FISHING AND RECREATIONAL BOATING	II-C-1
D.	PUBLIC WORKS, PARKING, AND CIRCULATION	II-D-1

A. PUBLIC ACCESS

Work in this section focuses on opportunities to preserve, provide, and enhance public access to and along the Harbor area shoreline.

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to the preservation, provision, and enhancement of public access to the Harbor area shoreline.

30210 In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety and the need to protect public rights, rights of private owners, and natural resource areas from overuse.

30211 Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212 Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

30604 (c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

30500 (a) According to the Commission's LCP Regulations, Section 0042, "The public access component. . . may be set forth in a separate plan element or it may be comprised of various plan components that are jointed together in a text accompanying the submission of the local coastal program. The public access component shall set forth in detail the kinds and intensity of uses, the reservation of public service capacities for recreation purposes, where required pursuant to Public Resources Code Section 30254, and specific geographic areas proposed for direct physical access to coastal water areas as required by Public Resources Code, Section 30210-30224 and 30604(c).

For the purposes of the above sections, the City defines as follows:

Vertical Access - An area of land providing a connection between the first public road, trail or use area nearest the sea and the publicly owned tide land or established lateral accessway. A vertical accessway shall be used for public pass and repass, passive recreational use, or as otherwise found appropriate in a

certified LCP. Vertical accessways shall be a minimum of ten feet wide.

Lateral Access - An area of land providing public access along or parallel to the water's edge. Lateral accessway shall be used for public pass and repass, passive recreational use, or as otherwise found appropriate in a certified LCP. Beach lateral accessways shall be a minimum of twenty-five feet of dry sandy beach at all times of the year, or shall include the entire sandy beach area if the width of the beach is less than twenty-five feet. Where development proposes a greater burden on public access, a larger accessway may be provided.

2. Existing Conditions

Existing vertical and lateral access to the Harbor LCP area shoreline and existing barriers to public access are shown on Figure 4. Access to the various sub-areas of the harbor area are described below on a west-to-east basis beginning with Shoreline Park.

a. Shoreline Park: The shoreline park area is a seven-acre, 2,250-foot-long narrow strip of land located between the U.S. Coast Guard breakwater/landfill parking lot and Fisherman's Wharf. Generally not more than 100 to 200 feet wide, the area contains the old railroad right-of-way which is now abandoned. An unimproved dirt trail now exists along the right-of-way. This dirt trail, lying approximately ten feet below Lighthouse Avenue and fifteen feet above the water, is used heavily by pedestrians walking between Fisherman's Wharf and Cannery Row.

   The City is presently preparing working drawings for an improved pedestrian and bike trail that is to extend from Fisherman's Wharf, through Shoreline Park, and through Cannery Row over the old railroad right-of-way. Construction is scheduled to begin in early 1986 and, when complete the trail will link up to the existing recreational trail in Pacific Grove that runs along the shoreline from the Monterey Bay Aquarium to Lover's Point.

   Access to the Shoreline Park area is primarily form the ends at either the Coast Guard breakwater/landfill or Fisherman's Wharf. Several lateral access points exist from Lighthouse Avenue, but their usefulness is minimized by the speed and volume of traffic on Lighthouse Avenue and the lack of adjacent parking facilities.

   The shoreline along Shoreline Park is mostly rocky with several small sand beaches nestled between outcrops of rock. There are three unimproved access points to the water. There is no access signing and the steepness of the three points over the rocky shoreline presents a physical barrier.

b. Fisherman's Wharf to Wharf No. 2: Fisherman's Wharf is a major public access point in the Harbor area. Up to 20,000 persons visit Fisherman's Wharf on a peak day. Vehicular access to Fisherman's Wharf, except for service vehicles, is restricted. Along the shoreline between Fisherman's Wharf and Wharf No. 2 is a concrete esplanade for pedestrians. Pedestrian access exists on Wharf No. 2, including a 700-foot-long, ten-foot-wide boardwalk extending seaward along the east side of the Wharf for fishing and sightseeing. Pedestrian access to marina slips is partly from the concrete esplanade and partly from Wharf No. 2 and is controlled.

Extending from Wharf No. 2 is a frontal seawall which protects the slips in the marina. While no access presently exists along the frontal seawall, a 700-foot-long pedestrian walkway on top of the seawall is budgeted in the City's five-year Capital Improvement Program.

Vehicular access to the area is from the Scott Street entrance to the parking lots abutting the Harbor, Washington Street, and Figueroa Street. Trucks serving Wharf No. 2 use the Figueroa Street entrance and must back the entire length of the wharf to be loaded.

Boat access to the Harbor is provided by a ramp adjacent to the marina (supplementing another ramp at the Coast Guard pier parking lot just west of the study area).

c. Monterey Beach Area (Wharf No. 2 to Naval Postgraduate School): The primary access points to Monterey Beach are shown in Figure 4 and are as follows:

1) At the entrance to Wharf No. 2 at Figueroa Street. This access point is clearly signed and parking, although limited during peak use periods on weekends, is available in the City lot immediately west of the Wharf No. 2 entrance.

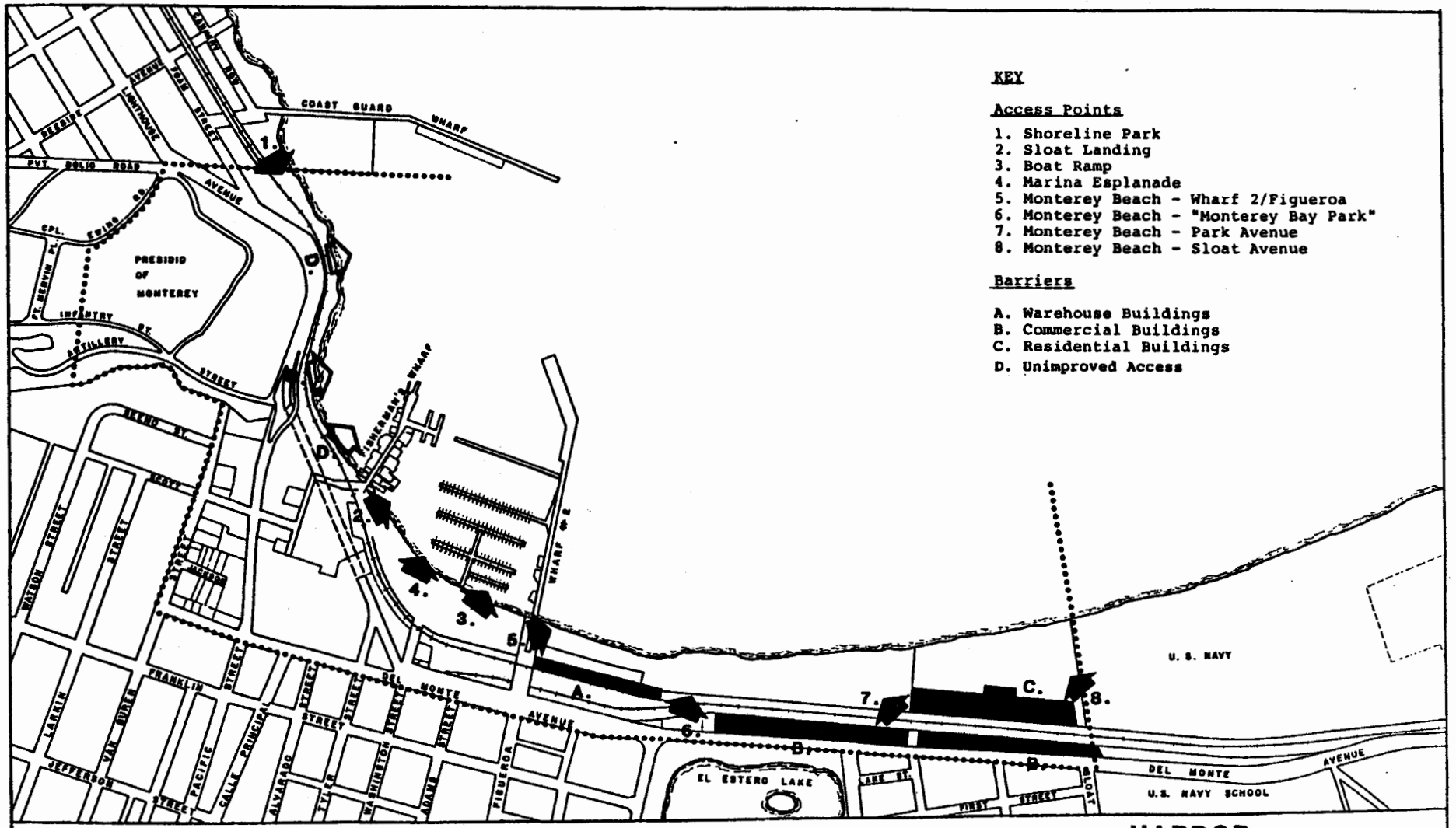
2) At Camino El Estero over the first phase of Monterey Bay Park. The only parking to serve this access point is across Del Monte Avenue at El Estero Lake.

3) At Park Avenue. This access point is not signed and parking is limited to six on-street spaces and five to ten spaces in a hard sand area at the end of Park Avenue adjacent to the Beach.

Informal access to the Beach can be had past the warehousing areas between Figueroa Street and Camino El Estero. However, this informal access is ill-defined and no public parking is available. The balance of the Beach area is blocked to pedestrian access by commercial structures on the north side of Del Monte Avenue and by the townhouse development between Park Avenue and Sloat Avenue. At Sloat Avenue, there exists a sixty-foot-wide strip owned by the State of California on the bay side of the railroad right-of-way between the townhouses and the Naval Postgraduate School property. This strip connects to the beach, but the land between the railroad right-of-way and Del Monte Avenue is privately owned.

There is no direct vehicular access to the Beach area. Periodic usage of the Figueroa Street access point is made for small sailing craft (for Hobie Cat regattas and individual launching).

East of the Southern Pacific property, the railroad right-of-way has been purchased by the City for future use as a transportation corridor, including a recreational trail. These publicly owned lands extend through the City of Seaside to Sand City. Although no improvements have been made to the corridor to date, the right-of-way is used by pedestrians. It should be noted that the portion of the right-of-way through the Southern Pacific property (from



••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 4

EXISTING SHORELINE ACCESS AND BARRIERS

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

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FEET

Washington Street to Monterey Bay Park) is not publicly owned, and the previously existing railroad tracks in this area have been removed.

Access to Monterey Beach for multi-hull boats and other water sport craft that must be trailered across the beach to the water's edge presently occurs at Figueroa Street and is controlled by the City of Monterey. A chain blocks access for vehicles and trailers. Access is only allowed for special group sailing events which must obtain a permit from the City. All applications for group use for a one-year period must be received in February. These permit applications are reviewed by the Parks and Recreation Commission and then approved or disapproved by the City Council. Major events were held on five weekends in 1985. While there are provisions for this group use, there is presently no program for individual or small group use on an informal basis. Use characteristics of the multi-hull and water sport craft is presented in the Public Recreation section.

d. Transit Access: Transit access to the Harbor area is provided by Monterey/Salinas Transit District buses with stops at Park Avenue, Figueroa Street, and Fisherman's Wharf. A free shuttle bus also runs between the downtown parking garages, Fisherman's Wharf, and Cannery Row.

e. The access points discussed in this section, as well as the public recreation uses discussed in the next section, are described on a point-by-point basis. As the City of Monterey has chosen to segment its LUP coastal planning areas, the City's LUP planning program does not present a formal coordinated access program for the City's entire shoreline. However, when specific access points are considered, the City does assess these access points in light of a general goal of achieving balance and coordination among all the access points along the City's entire shoreline that enhances the overall shoreline access and use experience while protecting Monterey's unique shoreline environment. This general goal has not formally been stated and there presently exists no formal criteria to assess how specific access points meet the general goal of balanced and coordinated access for the entire shoreline.

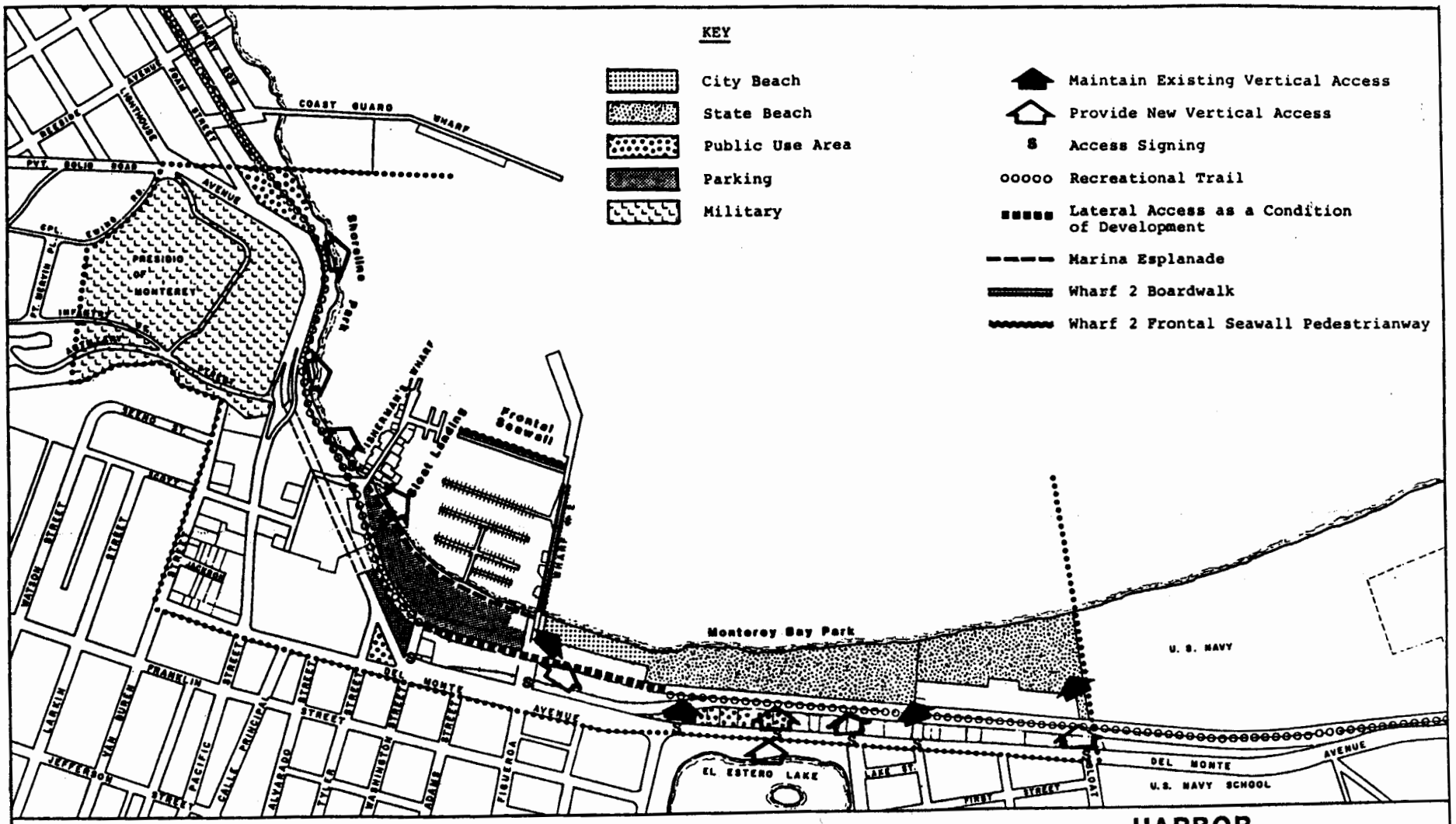
3. LCP Policies

The policies in this section specifically address protection, enhancement, and provision of public access to and along the Harbor area shoreline. Figure 5 depicts the policies presented below.

a. The City of Monterey shall encourage the State Department of Parks and Recreation and the Army to work together to improve access to the El Castillo site at the base of the Presidio of Monterey.

b. Existing vertical access points, as described in Figure 5, shall be protected and improved. New vertical access points, as described in Figure 5, shall be improved with a clearly signed accessway that is a minimum of ten(10) feet in width. A lesser width to a minimum of five (5) feet may be allowed if justified by site characteristics along the rocky shoreline of Lighthouse Curve. Access to Monterey Beach from Figueroa Street/Wharf No. 2 shall be a minimum width of twenty-five (25) feet to allow multi-hull boats access from Figueroa Street to Monterey Beach.

c. All access policies in the Fisherman's Wharf Master Plan (see Appendix A) shall be adhered to.



HARBOR HABITAT COASTAL ZONE

Figure 5

PUBLIC ACCESS

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

d. Planned improvements consistent with the Monterey State Historic Parks General Plan to the Sloat Landing site by the State Department of Parks and Recreation, including access to the shoreline, shall be supported.

e. The planned ten-foot-wide pedestrian walkway along the frontal seawall extending from Wharf No. 2 shall be implemented.

Page 2 in June 2, 1987, Addendum. Middle of the page. Page II-A-7: Add additional language to Policy f. Revise.

f. The planned Recreational Trail to the east (existing Monterey Bay Park) shall be extended to the west to Figueroa Street. The right-of-way for this extension of the Recreational Trail shall be a minimum of twenty feet. The lateral access easement shall be located on the seaward side of the developable area of the site, generally along the historic Southern Pacific railroad right-of-way. No intervening development shall block potential visual access or physical access to the beach. In addition to the Recreational Trail easement, a public access and use easement shall be secured that includes, at a minimum, all that area of the site that has been historically used by the public.

Page II-A-7: Add additional language to Policy g.

g. As part of any development on the west Southern Pacific property, lateral access, a minimum width of twenty feet, linking the recreational trail to the west (at Washington Street), and the Figueroa Street to the east shall be provided. The lateral access easement shall be located on the seaward side of the site, generally along the historic Southern Pacific Railroad right-of-way.

h. The City, through its opportunity-buying program, shall, where feasible, continue the implementation of the "Monterey Bay Park" program. See Coastal Visual Resources section in Chapter 3. This program proposes the use of the area from Park Avenue to Sloat Avenue between the railroad right-of-way and Del Monte Avenue for support parking spaces for Monterey Bay Park.

i. As part of any development on the privately owned parcel at Sloat Avenue adjoining the Navy School property between Del Monte Avenue and the railroad right-of-way, a public accessway, a minimum of ten feet wide, linking Del Monte Avenue to the railroad right-of-way shall be a condition of development.

j. Signage clearly indicating the location of coastal access points shall be provided at the points shown in Figure 5.

k. The City of Monterey, in each LUP planning segment, shall consider all specific access points and public use areas in light of a general goal of a balanced and coordinated public access and use system that enhances the overall shoreline access and use experience while protecting the unique shoreline environment from negative impacts caused by overuse.

l. Signing shall be installed to warn the public of the possible risk associated with the lead contamination on marine sediments and organisms.

m. The City shall obtain confirmation from the State Department of Health Services that public access to areas identified as containing contaminated sediments does not pose a public health hazard sufficient to close the areas to public use.

n. New access locations, as identified on Figure 5, shall be secured by public access and use easements when on private property. The easement offer shall be irrevocable for a period of twenty-one (21) years after recordation. The offer to dedicate may be accepted by the City, a public agency, or a nonprofit private organization.

4. Proposed LCP Implementation Measures

a. Develop access signing program.

b. Revise Zoning Ordinance and development procedures to establish access improvement requirements, easements, and procedures for dedications.

B. PUBLIC RECREATION

This section of the LUP focuses upon the recreation opportunities, activities, use levels, and the visitor facilities in both the land and water areas of the Harbor LCP area.

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to the protection, enhancement, and provision of recreational opportunities.

30220 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221 Oceanfront land suitable for recreational uses shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.

30213 Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30212.5 Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts - social and otherwise - of overcrowding or overuse by the public of any single area.

30224 Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and providing for new boating facilities in natural harbors.

30234 Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided.

2. Existing Conditions

Existing recreation uses and visitor facilities in the Harbor LCP area are depicted in Figure 6. Existing and proposed uses, resources, and facilities are described below.

a. Shoreline Park. South of the Coast Guard breakwater/landfill area, Shoreline Park has been partially improved with a lawn area, benches, and a paved bike and pedestrian path. This area of Shoreline Park was a gift from the United States Army.

The railroad right-of-way that passes through Shoreline Park has been purchased by the City of Monterey and the Monterey Peninsula Regional Park

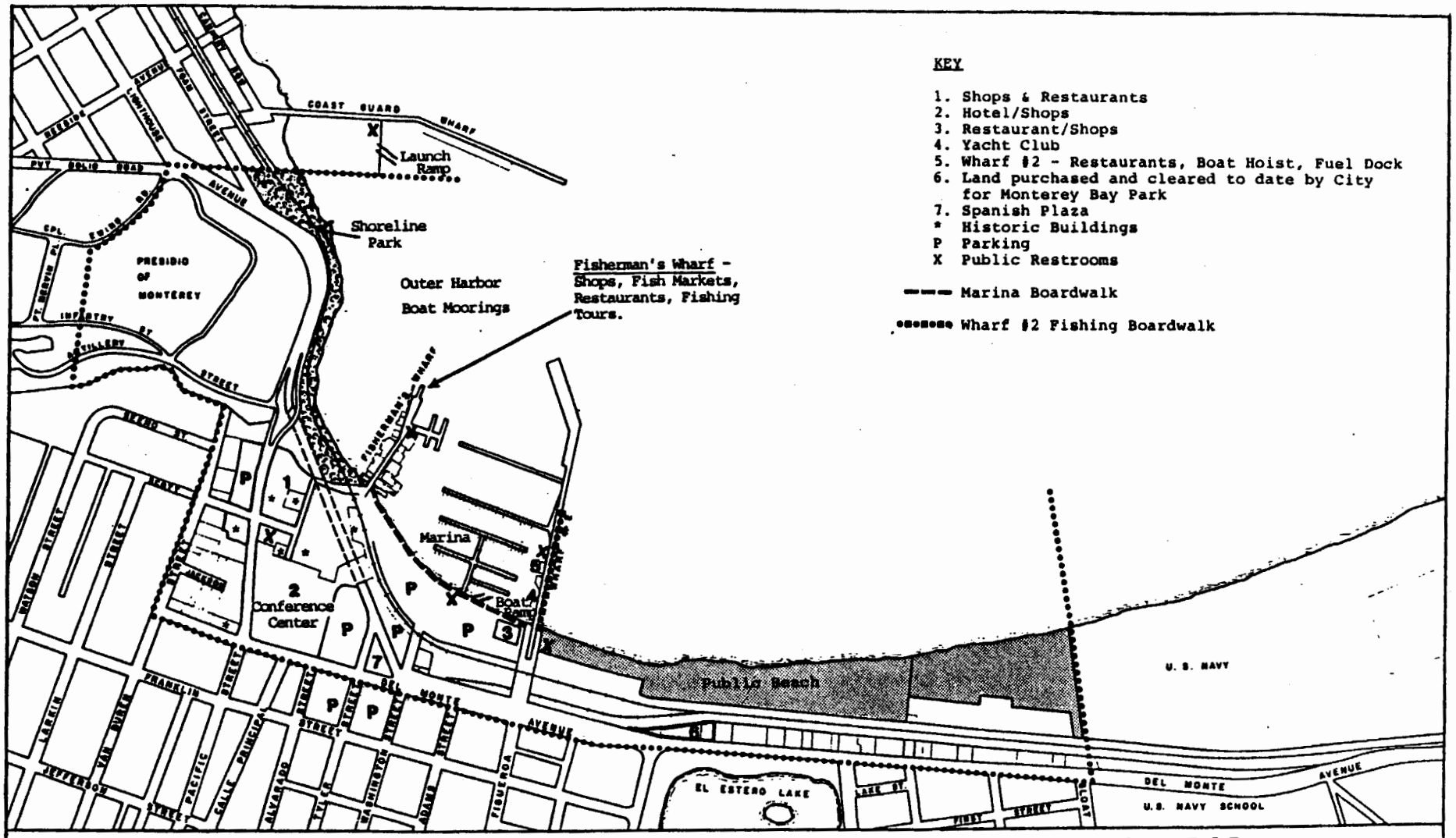


Figure 6

EXISTING RECREATION AND VISITOR FACILITIES

District. This right-of-way is to be developed as a recreational trail that will extend through Cannery Row and will link up with the existing recreational trail in Pacific Grove.

b. Fisherman's Wharf. Fisherman's Wharf is owned by the City of Monterey and air rights are leased to private concessionaires for structures housing commercial fishmarkets, sportfishing trip concessions, restaurants, and gift shops. Fisherman's Wharf has long been one of the main tourist attractions on the Monterey Peninsula, attracting as many as an estimated 20,000 visitors on a peak day.

c. Monterey State Historic Park. Monterey Historic Park is comprised of the following historic buildings, plazas, and gardens:

1) Custom House
2) Custom House Plaza
3) Plaza del Muelle
4) Pacific House
5) Casa del Oro
6) California's First Theater
7) Soberanes Adobe
8) Whaling Station
9) First Brick House
10) Vizcaino - Sierra Landing Site
11) Sloat Landing Site

These historic facilities in the Harbor LCP area comprise an integral part of the Path of History that has been developed to assist visitors view the many historic buildings that have so fortunately been preserved in the downtown and harbor area.

The Monterey State Historic Park General Plan proposes the following improvements to State Park properties in the Harbor LCP area:

1) Development of a major orientation and interpretive center.

2) Restoration of the Vizcaino - Serra and Sloat landing sites.

3) Further landscaping of the Plaza del Muelle.

4) Design improvements for the Custom House Plaza.

5) Improvement and restoration projects for the Whaling Station, First Brick House, and First Theater.

d. Visitor Commercial Development. An office/restaurant complex presently exists near the entrance to Fisherman's Wharf. Across Pacific Street is a 220-car parking garage which serves the complex. This complex was originally designed to be a visitor commercial/restaurant complex but, because of economic problems and a resulting high vacancy rate, much of the commercial space has been converted to office space with some restaurant space remaining.

Across Pacific Street, next to the parking structure serving the office/ restaurant complex, is a vacant parcel which was originally to have been used for Phase 2 of the commercial/restaurant complex. This vacant land is no longer proposed for commercial/restaurant uses. A hotel project was conceptually discussed with City staff. There are no known plans for this vacant parcel at the present time.

e. Hotel Development. Just south of the Custom House Plaza is a 375-room full service hotel which is connected to the City's Conference Center. A 420-space parking garage serves the hotel. The hotel's tennis courts are on land that fronts on Custom House Plaza and the land is leased from the City. A Maritime Museum complex has been proposed for the tennis court site.

Just south, across Del Monte Avenue from the City' s Conference Center and the 375-room hotel and outside the harbor LCP area, is a 350-room full service hotel.

To the west, across Pacific Street from the 375-room hotel and between two historic structures (Soberanes Adobe and California's First Theater), a 104-room hotel is under construction.

To the north of the Harbor LUP area, in the Cannery Row area, there are presently 191 existing hotel rooms, 578 hotel rooms under construction, and proposed sites that could accommodate approximately 500 additional hotel rooms.

f. Marina. The 415-slip marina between Fisherman's Wharf and Wharf No. 2 is run by the City of Monterey. There is a long waiting list for slip rentals. Approximately half the slips are occupied by recreational boats with the other half being occupied by commercial fishing boats.

In the outer harbor area, the City controls registered moorings for 129 boats. In the outer harbor near the landfill, a 60-slip marina is proposed by the developer of the proposed marine repair facility on the landfill.

Facilities for transient boaters are limited on a space available basis in the marina. Members of other yacht clubs can tie up to the Monterey Peninsula Yacht Club's float. When boats are away from their slips for extended periods of time, their slips are made available to transient boaters. The capacity of the marina to accommodate transient boats ranges from a low of four to six boats to as many as twenty-five boats. The Harbor office is staffed twenty-four hours a day and transient boaters can make contact by radio or from dock phones regarding berthing availability and instructions. Signing explaining the berthing instructions and the location of the Harbormaster's office does not presently exist. Also, there is presently no directional signing advising transient boaters of the availability and location of land based facilities.

The importance of the Monterey Harbor to transient boaters is explained by the fact that the next harbor down the coast to the south is Morro Bay, a distance of approximately 120 nautical miles, which is about a twenty-four-hour sail under normal conditions. The next harbor to the north is

Moss Landing, a distance of approximately fourteen nautical miles, which is about a three-hour sail under normal conditions. As Moss Landing is in the middle of the arc of Monterey Bay, boaters coming from San Francisco usually find it more convenient to navigate a straight line to Monterey after rounding Santa Cruz point. Also, unlike Morro Bay, Moss Landing, or Santa Cruz harbors, Monterey harbor, given its protected location on the north side of the Monterey Peninsula, can be entered in any weather condition. This accessibility can be of critical importance to the transient boater.

g. Wharf No. 2. Presently existing on Wharf No. 2 are a variety of commercial and recreational uses, including a private yacht club, a boat hoist, a restaurant, a warehouse complex for the unloading of commercial fishing boats, a fuel dock, and a boardwalk along the east side of Wharf No. 2 for fishing and sightseeing. Also, there is a controlled entrance to the marina from Wharf No. 2.

There is presently no pedestrian use of the frontal seawall that extends from Wharf No. 2 towards Fisherman's Wharf. However, the City has funds budgeted for a pedestrian way along the frontal seawall that will provide additional opportunities for fishing and sightseeing.

At the entrance to Wharf No. 2 is a restaurant/commercial complex. The restaurant is on the second floor. On the first floor are restroom and shower facilities for persons with slips in the marina (not open to the public) and a boat sales/rental office.

h. Monterey Beach. Monterey Beach is a broad stretch of sandy shoreline beginning at Figueroa Street east of Wharf No. 2. East of the Harbor LCP area (Navy Postgraduate School property and beyond), this stretch of beach is most often referred to as Del Monte Beach.

On the City portion of the beach at the access point at Wharf No. 2, are public restrooms and a small, two-story structure currently rented from the City on a monthly basis by a marine surveyor.

It should be noted that a significant portion of the beach in front of the Southern Pacific property, which appears to be public, is really owned by Southern Pacific. However, the entire beach is signed for public use and Southern Pacific has historically placed no restrictions on the use of its portion of the beach by the public.

Uses of the beach include swimming (very limited due to the water temperature), wading, strolling, jogging, fishing, windsurfing, multi-hull sailing and some skin diving. Four to five times a year, the beach is used as a staging area for multi-hull regattas which attract from 100 to 200 boats. Launching is undertaken from Figueroa Street and across the beach to the water.

Parking in the area of the Figueroa Street entrance to the beach is limited to the available public parking in the area (marina lots and Wharf No. 2) and on the Southern Pacific property on an informal basis.

i. Del Monte Avenue. Fronting on the bay side of Del Monte Avenue, between Washington Street and Sloat Avenue at the east end of the Harbor LCP area, are a mixture of commercial and warehouse-type uses.

Research and visitor services uses are limited to two areas. First, on the Southern Pacific property on the west side of Figueroa Street, there is a modular structure housing the Greyhound Bus station and a boat storage yard serving the Monterey Peninsula Yacht Club on Wharf No. 2. There is also a marine supply store on the Southern Pacific property on the east side of Figueroa Street.

The second area along Del Monte Avenue devoted to recreation and visitor serving uses is the area that has been purchased and cleared for the beginning of the development of "Monterey Bay Park". The Monterey Bay Park acquisition and development program is outlined in detail in the coastal Visual Resources section in Chapter III.

Throughout the development of the Harbor LUP, citizens have continually stated the need for additional area for recreational and visitor serving uses serving both the marina area and Monterey Beach. Uses discussed have been marine related sales, dry boat storage, a transportation center, a youth hostel, and additional parking to serve the area. No specific locations for any of these uses have been determined.

3. LCP Policies

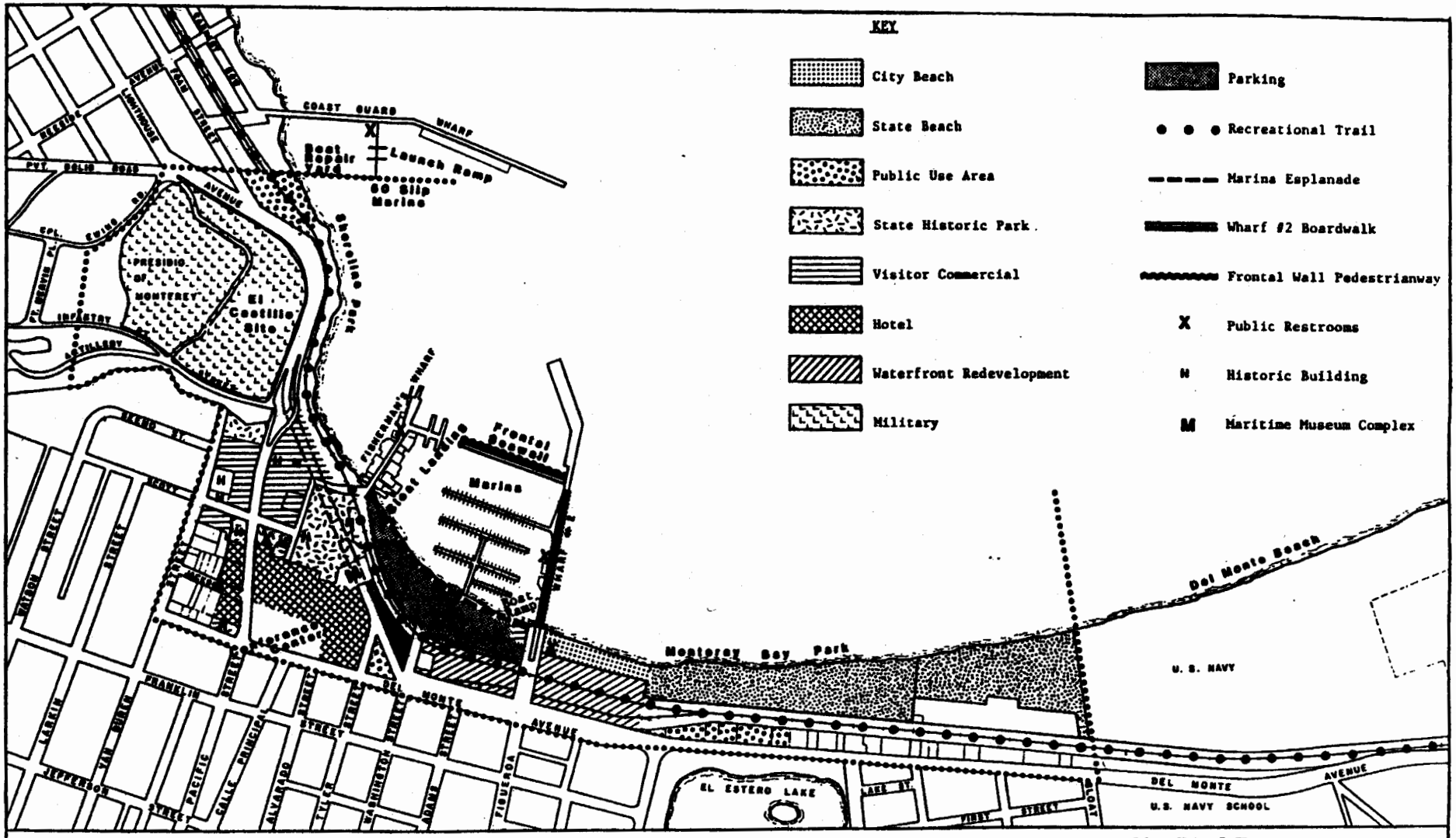
The LCP policies discussed below and shown in Figure 7 represent improvements proposed to enhance recreational opportunities in the Harbor area. It should be noted that policies for the marina and recreational boating are presented in the next section, Commercial Fishing and Recreational Boating.

a. The railroad right-of-way in the Harbor LCP area shall be developed as a pedestrian/bikeway as part of the regional recreational trail. The tracks east of Camino El Estero shall be retained for potential future option as a people moving system.

b. Working with the State Department of Parks and Recreation, the City shall continue to support the implementation of, and will permit improvements to State Park properties consistent with the June, 1983 Monterey State Historic Park General Plan policies. Development of a major orientation and interpretive center in the land use designation Public Use Area at the City-owned tennis court site shall be a permitted use. The City shall provide development standards consistent with features associated with the Monterey State Historic Park, and identify intensity of use and provisions for parking.

c. The City shall continue its plans for a pedestrian way providing fishing and sightseeing opportunities along the frontal seawall extending from Wharf No. 2 towards Fisherman's Wharf.

d. On the bay side of Del Monte Avenue, from Wharf No. 2 to Sloat Avenue, the City shall, through its opportunity buying program, continue to work towards the purchase of these properties for the purposes of adding these properties to Monterey Bay Park, which is described in detail in the Coastal and Visual Resources section in Chapter III.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 7

RECREATION AND VISITOR FACILITIES

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

e. To enhance the popular water use activities (e.g., windsurfing, multi-hull boating, swimming, picnicing, walking/jogging, and skin diving) that occur on Monterey Beach, the improvements to the beach and surrounding land area north of Del Monte Avenue should include parking, beach launching facilities, restrooms, picnic areas, showers, and beach boat storage area for water sport craft (surface storage only - no structures).

f. The design of a recreational corridor in front of the Custom House shall integrate the shoreline, pedestrian access, vehicular access, and the Custom House into a predominately historic and pedestrian scene that maximizes pedestrian access, pedestrian safety, and the shoreline and Custom House as a historic resource. The City shall also improve existing directional signing to deter through traffic using the causeway.

4. <u>Proposed LCP Implementation Measures</u>

a. Develop program for financing proposed public recreation improvements discussed in this section.

b. Develop maintenance programs for proposed City-owned public improvements.

C. COMMERCIAL FISHING AND RECREATIONAL BOATING

1. Coastal Act Provisions

The following provisions of the California Coastal Act of 1976 pertain to the planning for and provision of facilities for and the operation of commercial fishing and recreational boating in Monterey Harbor.

30220 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221 Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30224 Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

30233 The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects and shall be limited to the following:

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

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

30234 Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30255 Coastal-dependent developments shall have priority over other development on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related development should be accommodated within reasonable proximity to the coastal-dependent uses they support.

2. Existing Conditions

a. Monterey Harbor is one of three protected boating facilities in Monterey Bay. It serves as the major berthing facility in the south Bay for approximately 600 recreational and commercial fishing vessels. Approximately half of these vessels hold commercial fishing licenses; of that number, an estimated sixty are full-time commercial vessels with thirty-five of these in the squid fishing fleet.

b. There are presently 415 slips in the inner harbor marina. Approximately 500 boats are docked in the marina. The marina is served by water, electrical, and phone facilities. A sewage waste pump-out facility is located on the marina utility dock. The twenty-two year old marina, maintained by the City, has sixteen slips formally reserved for transient berthing plus those slips which are available while regular boats are out of their slips for repair or are on extended trips, a total of about 5% of the total slips.

In the past, there have been a few inoperable boats which have been only kept in a slip for the purpose of maintaining the owner's right to a slip. The City has recently established by ordinance a program to eliminate inoperable boats from the marina and free up their slips for operable boats.

c. There are 129 registered, free moorings in the outer harbor area. These moorings are protected by the Coast Guard breakwater. The majority of the moorings are located so as to not block the channel used by boats entering and exiting the marina. However, there are some free moorings that are located such that, during certain current conditions, the boats tied to these moorings partially block the channel to the marina. There are no formal land support facilities for these moorings. Moored boats are reached by small dinghies, which are either brought to launch ramps, tied up on pullies under Wharf No. 1, or are tied up to the float along the frontal wall in the marina.

In addition to the registered moorings, there are approximately twenty moorings that have been created by boaters which are not registered with the City. These "bootlegged" moorings have resulted in a situation of overcrowding in some areas. This overcrowding presents a hazard to the boats that are tied up to registered moorings. The City has found it very difficult to control these unregistered moorings and does not, presently, have a continuous enforcement program. Illegal moorings are handled on a case by case basis as they are reported.

An additional sixty slips are proposed in the outer harbor area as part of the marine repair facility proposed for the City landfill area.

In fair weather, vessels are occasionally moored east of Wharf No. 2. This area is not protected by the Coast Guard breakwater and boats moored in this area are especially susceptible to wave surge action.

d. In the 1960's, a plan for a major expansion of the marina was discussed. Preliminary plans showed an expansion of up to 1,200 slips with the majority of the additional slips being located east of Wharf No. 2. A key element of this expansion was a lengthy extension of the existing Coast Guard breakwater. A shift in Federal funding priorities and escalating costs forced the City to cease consideration of this major expansion.

   Since the 1960's, there have been frequent discussions about the possibility of a less lengthy extension of the breakwater which would provide more protection for the existing free moorings in the outer harbor and possibly allow some additional moorings to the east of Wharf No. 2. To date, cost considerations have always caused any proposed extensions of the breakwater to be found to be financially infeasible. However, in recent months, as part of possible improvements to the warehouse structure serving the commercial fishing industry at the end of Wharf No. 2, a 1,000-foot extension of the Coast Guard breakwater has been proposed. Funding sources for the warehouse improvements could also possibly cover the extension of the breakwater. An extension of the breakwater would reduce surge conditions around Wharf No. 2 and allow safer unloadings around Wharf No. 2, and more boating activity east of Wharf No. 2. As part of this proposed breakwater extension, there have been no studies done to date assessing the impacts this proposed extension would have on the beach erosion and sand supply process along Monterey Bay.

e. The City-owned Fisherman's Wharf presently provides loading and docking facilities for four fishing trip concessionaires. These concessionaires presently operate a total of eighteen boats. In addition to sport fishing trips, these concessionaires also operate their boats for whale watching and sightseeing trips. There is presently one small float on the west side of the Wharf at which boats can tie up while picking up and unloading passengers or visiting the Wharf. However, use of this float is often very difficult and dangerous due to the number of dinghies that are frequently tied up to and left at the float.

f. Wharf No. 2 is also owned by the City of Monterey and houses uses serving commercial fisherman and recreational boaters.

   On the west side of Wharf No. 2 is the only boat hoist for the launching of boats in the Monterey Harbor area. The boat hoist is run in conjunction with a coffee shop and is a condition of the coffee shop's lease with the City of Monterey. It receives moderate use and can handle vessels up to two tons (approximately twenty feet in length).

   The only fueling facilities in the Monterey Harbor area are located on fuel docks along Wharf No. 2. Boats can fuel from either the west or east of Wharf No. 2. These fuel docks are outside the marina and are located in the outer harbor area.

g. Located alongside of Wharf No. 2 in the marina is the clubhouse for the Monterey Peninsula Yacht Club. There is presently a small tie-up area in

front of the Yacht Club. The Yacht Club leases land for dry boat storage on the Southern Pacific property on the west side of Figueroa Street. Boats in dry storage are launched primarily by the boat hoist on Wharf No. 2.

h. A two-lane, free, launch ramp is provided in the marina adjacent to the Harbormaster's office. While once the primary launch ramp in the Harbor area, this launch ramp now supplements the newer two-lane launch ramp adjacent to the Coast Guard breakwater. The area around the marina launch ramp is often quite congested and the parking for this ramp is limited to two pull-through trailer spaces. There are no plans for the removal of the marina launch ramp.

i. The City of Monterey's commercial fishing industry is based primarily around the end of Wharf No. 2. Five companies presently operate in the large City-owned warehouse building at the end of Wharf No. 2. Three of the five firms only unload fish and the other two both unload and cut and filet fish. Freezing and canning is done elsewhere off the Wharf.

j. The mainstay of the fishing industry operation in Monterey Harbor is squid. The season is almost year round with the majority being caught from February to November, principally during the summer months. Salmon are also unloaded at Wharf No. 2. The salmon season runs from April through September.

   A recent development in the commercial fishing industry is the apparent return of blue mackerel to Monterey Bay with significant tonnages being harvested in 1981. Black cod is also unloaded at Wharf No. 2. Monterey harbor also serves as a permanent base for a number of fishermen who journey to Alaska each year for the salmon runs, bringing millions of dollars back to the local economy from that harvest. A number of local fishing boats also fish for herring in San Francisco Bay. Also, albacore season, which is primarily in August and September, attracts as many as three hundred additional boats to the Monterey Bay area. Facilities to service visiting fishing boats are limited. However, this situation should improve with the completion of the boatworks project on the Coast Guard breakwater.

k. The City-owned warehouse at the end of Wharf No. 2 has, over the years, been converted to serve the commercial fishing industry. The building is in need of numerous structural improvements and the present layout of the structure does not lend itself to the modern and efficient operations that exist in other harbor areas along the California coast.

   The location of the existing structures at the end of Wharf No. 2 presents difficult constraints for the large semi-trailer trucks that transport fish off Wharf No. 2 once the fish is unloaded and/or cut. When not actually being loaded, trucks must wait off Wharf No. 2. Due to the configuration of the structures at the end of Wharf No. 2, these large trucks can not turn around and must back approximately 1,500 feet from the foot of the Wharf. This situation, when mixed with the many other uses on Wharf No. 2 creates considerable traffic congestion, especially during the fishing season's peak periods.

The commercial fishermen are also often inconvenienced by the lack of a formal net-mending area in the Harbor area. The informal areas primarily used for net-mending are the Custom House Plaza area and the open area around the old train depot on the Southern Pacific property on the west side of Figueroa Street.

l. The City is presently preparing a specific operational plan for Wharf No. 2. A key element of the plan is an improvement program for the City's warehouse building. A consultant has been retained to study how the structure can best be improved to compliment the area's commercial fishing industry.

m. There is presently no formal location in the harbor/marina area for the loading and unloading of boat passengers, including skindivers. This situation often creates considerable congestion around the launch ramp at the Coast Guard breakwater where skindiver groups use the launch ramp not only for the short term launching of boats, but also for the loading and unloading of divers and gear. This situation can tie up use of the launch ramp for extended periods of time.

3. <u>LCP Policies</u>

a. Consideration shall be given to proposals which safely and cost effectively increase the dockage and slip capacity in the entire harbor area. Any such proposals shall be studied in a way that does not significantly affect the beach erosion and sand supply process along the shoreline.

b. To make additional slips available to operable boats, the City shall continue active enforcement of its inoperable boat ordinance to remove inoperable boats from slips in the marina.

c. Boats tied to moorings in the outer harbor shall be regulated so they do not block the channel to the marina.

d. Onshore harbor support facilities shall be maintained, improved, and increased, wherever possible, to preserve access, parking, and service capabilities for commercial fishing and recreational boating.

e. The launch ramp in the marina shall be maintained.

f. Dry boat storage shall be an allowable use in the harbor area.

g. The City shall continue to work with the Wharf No. 2 warehouse concessionaires and develop a program for the improvements to Wharf No. 2 that are needed for the efficient and modern operation of the commercial fishing activities that occur in the harbor area.

h. The City shall develop a directional signing program for facilities serving transient boaters.

i. The City shall monitor and enforce the registered moorings in the outer harbor area to prevent unregistered moorings and to assure that moorings are not undertaken in a way that presents a hazard to other boats.

j. The City shall develop a program, including a boat passenger loading and unloading area, to control use of the launch ramp areas so that the loading and unloading of passengers and gear does not preclude use of the launch ramp areas for boat launching.

k. As part of and development on the Southern Pacific property east of Figueroa, a twenty-five-foot-wide accessway from Figueroa Street and a water sport craft beach launching area shall be provided. The launching area shall be designed and designated so as not to endanger swimmers and other beach users. Should the City, through its opportunity buying program, purchase some portion or all of the Southern Pacific property east of Figueroa Street, additional support facilities, including automobile parking spaces, pull-through boat trailer spaces, restrooms, showers, and surface dry boat storage shall be provided.

l. The City shall develop a program for the convenient everyday individual and controlled group use of any water sport craft launching area that is part of any proposed development on the Southern Pacific property east of Figueroa.

m. To protect the commercial fishing industry, the City shall develop and implement a program to maintain a ratio not less than the existing commercial fishing/recreational boating berthing ratio (1:1) in the harbor. The program shall be periodically reviewed and the ratio modified, as needed, to assure protection of the commercial fishing industry.

4. <u>Proposed LCP Implementation Measures</u>

a. Develop regulations which, when followed, will prevent boats tied to moorings in the outer harbor from blocking the channel to the marina.

b. The City shall develop and monitor a list of potential funding sources for improvements to, and possible expansion of, the harbor area.

c. The City should establish a formal Harbor Committee to implement the harbor related policies in the Harbor LUP.

D. PUBLIC WORKS, PARKING, AND CIRCULATION

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to the provision of adequate public parking, circulation, and sewage facilities to serve development in the Harbor LCP Area.

30254 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided however, that it is the intent of the Legislature that State Highway Route 1, in rural areas of the coastal zone, remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for and provision of the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor serving land uses shall not be precluded by other development.

30252 The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development, or in other areas that will minimize the use of coastal access roads; (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities, or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses, such as high-rise office buildings; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

30212 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public or any single area.

2. Existing Conditions

The existing circulation system and parking facilities are shown on Figure 8 and described below:

a. Regional Access. State Route 1, a four-lane freeway, provides the principal regional access to the Monterey Bay area.

b. Harbor Area Street System. The major east/west arterial in the Harbor LCP area is Del Monte Avenue. In the Harbor LCP area, Del Monte Avenue is a four-lane undivided street from Sloat to Camino El Estero. This segment of

roadway is often very congested during the peak morning and evening commute periods on weekdays and weekend afternoons. Del Monte Avenue has recently been widened between Camino El Estero and Washington Street. At Washington Street, Del Monte Avenue connects with the tunnel to provide access to New Monterey, Cannery Row, and Pacific Grove.

The northside of the tunnel connects to Lighthouse Curve, which leads to Lighthouse Avenue and the Cannery Row area via Foam Street. Lighthouse Curve is presently divided with two travel lanes in each direction. With average daily traffic of over 53,000 vehicles per day on peak days, Lighthouse Curve is the City's most heavily traveled street and experiences a service level of D (severe congestion with some long-term backups on critical approaches).

The primary north-south downtown streets serving the Harbor are Figueroa Street and Pacific Street. Both Figueroa Street and Pacific Street (via Scott Street) serve as a primary access point to the major ground-level parking lots serving the Fisherman's Wharf and marina area. A third access point to the marina area parking lots has been provided at Washington Street with the widening of Del Monte Avenue.

c. Transit Service. Monterey/Salinas Transit provides bus service to the Harbor area.

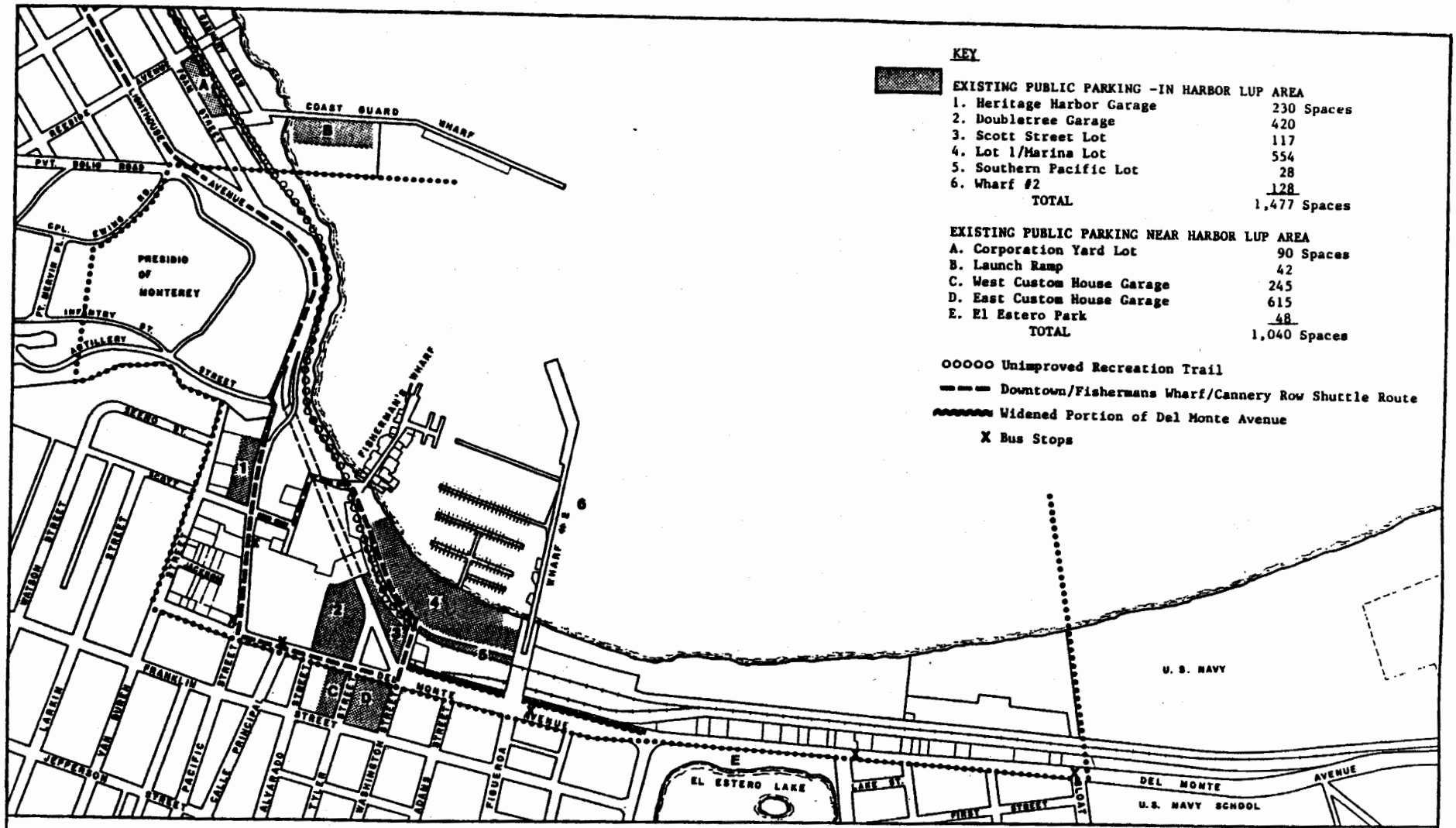
The City of Monterey and the Monterey Bay Aquarium have contracted with Monterey/Salinas Transit to operate a shuttle system linking Downtown, Cannery Row, and the Aquarium. This shuttle system was instituted because of traffic congestion through the downtown area and traffic congestion and parking shortages in the Cannery Row area created by visitors to the Monterey Bay Aquarium. The shuttle system encourages motorists to park in the downtown parking garages and then shuttle to Cannery Row. The shuttle operates daily during the peak summer months and on weekends during the rest of the year. While the shuttle is free, there is a moderate charge for parking. The shuttle has received heavy use and has served to significantly reduce traffic congestion in both the downtown and Cannery Row areas.

Another smaller scale shuttle service is provided between Fisherman's Wharf and the downtown. This shuttle is operated by the Wharf Property Owners using two 6-8 passenger rubber-tired trollies. The shuttle operates daily during the peak summer months and is free.

d. Parking Facilities. The existing parking facilities serving the harbor area are shown on Figure 8. During the peak summer months and on weekends during the rest of the year, all facilities are heavily utilized. Parking directly around the marina area is often fully utilized.

Demand for the parking facilities around the marina area is primarily generated by visitors to Fisherman's Wharf. On weekends around the marina, persons having business on their boats often have difficulty finding a place to park, especially those with tools or supplies who have need to park close to the entrance gate.

Users of Monterey Beach also often experience a shortage of parking around the entrance to Wharf No. 2 on peak weekends. Many users of the beach



KEY

EXISTING PUBLIC PARKING -IN HARBOR LUP AREA

1. Heritage Harbor Garage	230 Spaces
2. Doubletree Garage	420
3. Scott Street Lot	117
4. Lot 1/Marina Lot	554
5. Southern Pacific Lot	28
6. Wharf #2	128
TOTAL	1,477 Spaces

EXISTING PUBLIC PARKING NEAR HARBOR LUP AREA

A. Corporation Yard Lot	90 Spaces
B. Launch Ramp	42
C. West Custom House Garage	245
D. East Custom House Garage	615
E. El Estero Park	48
TOTAL	1,040 Spaces

OOOOO Unimproved Recreation Trail

Downtown/Fishermans Wharf/Cannery Row Shuttle Route

Widened Portion of Del Monte Avenue

X Bus Stops

••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 8

EXISTING CIRCULATION SYSTEM AND PARKING FACILITIES

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

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presently park on the Southern Pacific Property on the east side of Figueroa Street. The Southern Pacific property is not marked or designated for public parking, and all parking is on an informal basis as space permits. The area around the entrance to Wharf No. 2 is especially congested when there are special events on Monterey Beach such as the multi-hull sailing races.

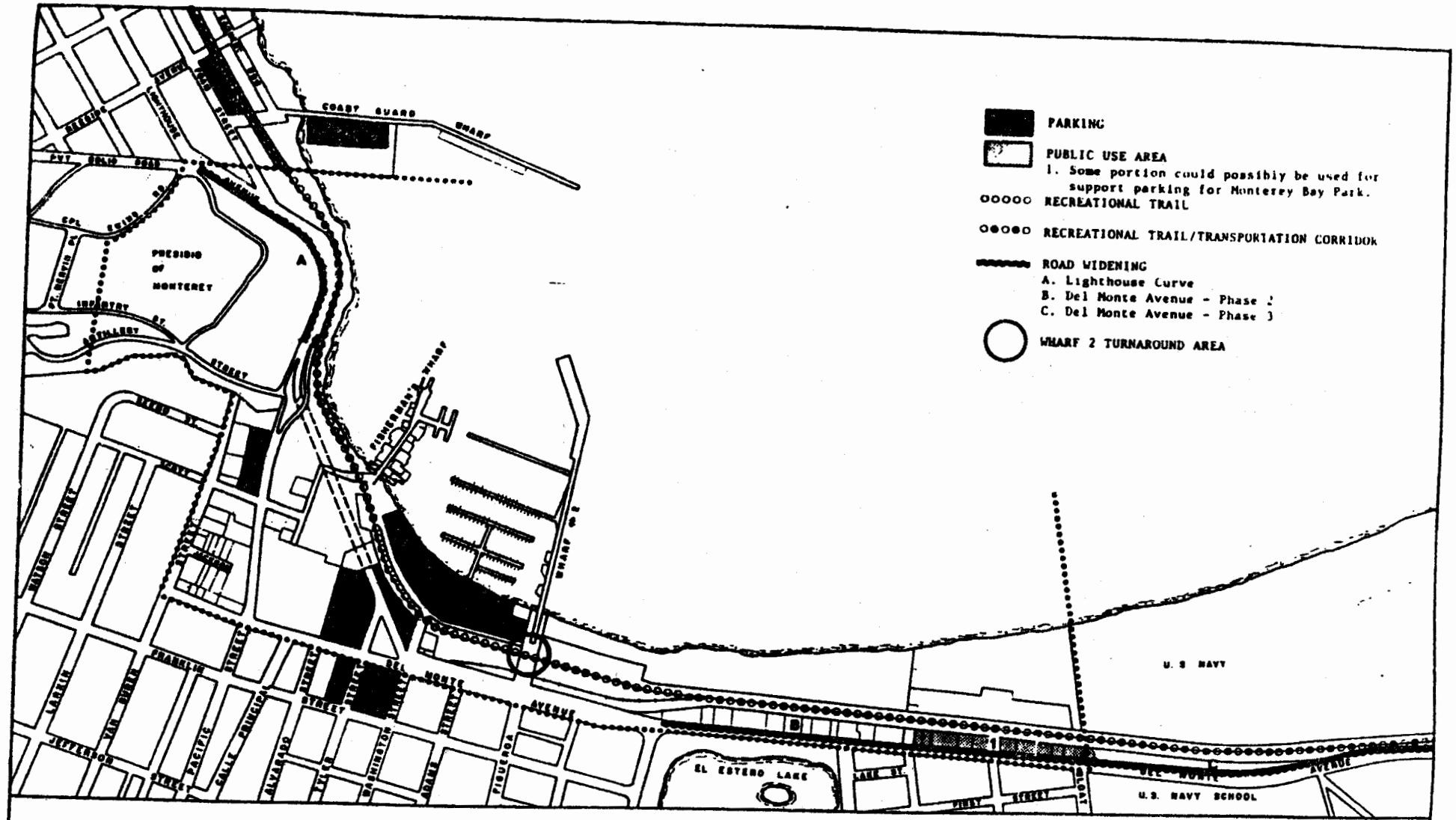
e. Proposed Improvements. To improve circulation and parking in the harbor area, the following improvements have been discussed or proposed by the City:

1. Del Monte Avenue, between Camino El Estero and Sloat Avenue, is proposed for widening as funds are available. There is presently no specific time line for this proposed widening. The specific improvements that are proposed with this widening are described under the Existing Conditions Section of the Locating and Planning New Development chapter.

2. Lighthouse Curve is also proposed for widening. A number of alternatives have been proposed. One alternative proposes additional lanes around Lighthouse Curve. Another alternative proposes the linking of Hawthorne Avenue on the New Monterey side to Foam Street in the downtown area by a new roadway across the base of the Presidio. Both a surface road and a tunnel have been discussed. Significant archaeological sites have been identified in the area. LCP Policy in the Coastal Visual Resources of the plan states that, to preserve views, no surface road connecting New Monterey and old Monterey should be allowed across the lower area of the Presidio. A time line for the widening of Lighthouse Curve does not presently exit.

3. The parking lots near Fisherman's Wharf are presently separated by the causeway and the railroad right-of-way. The City has discussed plans to increase the existing number of spaces by consolidating the two lots and routing the causeway around the back of the Scott Street lot (the southwest side).

f. Wastewater Treatment Capacity and Facilities. The Monterey Peninsula Water Pollution Control Agency operates its Monterey Wastewater Treatment Plant on the eastern end of the U.S. Navy property. There are no treatment capacity problems directly associated with present or proposed facilities in the Harbor LCP area, although it is self-evident that increased loadings on existing or new treatment facilities will result from more intensive development of the Harbor LCP area.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 9

CIRCULATION AND PARKING IMPROVEMENTS

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

3. LCP Policies

The policies discussed in this section and shown on Figure 9 address public works improvements, focusing on circulation, parking, and local sewage collection.

a. Planning for the widening of Del Monte Avenue and Lighthouse Curve shall be continued and implemented as financially feasible.

b. The City of Monterey shall continue its support of the Downtown/Fisherman's Wharf/Cannery Row shuttle.

c. The railroad right-of-way shall be developed as a pedestrian/bikeway as part of the regional recreational trail.

d. Redesign of the marina area surface parking lots shall be undertaken to increase capacity and to provide more convenient parking for marina users.

e. In the area on the north side of Del Monte Avenue between Park Avenue and Sloat Avenue, following the purchase of any lands through the City's opportunity buying program, the majority of any purchased lands shall be used for public parking and circulation improvements. Standard parking spaces and pull-through trailer spaces shall be provided on any portion, or all, of the Southern Pacific property east of Figueroa Street that is purchased through the City's opportunity buying program.

f. Continue to require all new, or intensified existing, development in or adjacent to the Harbor LCP area to provide adequate parking. Intensified uses, among other things, include an increase in number of seats in restaurants, and an increase in passenger capacity for boats.

g. Support timely and essential programs for increasing wastewater treatment to prevent the impairment of desired Harbor LCP area development by a lack of such capacity.

h. New development on and around Wharf No. 2 shall be undertaken in a way that allows trucks to efficiently serve the commercial fishing operations at the end of Wharf No. 2.

i. The City shall develop a parking program that identifies parking needs and resources for the harbor area and correlates new development with available parking. To the degree that parking can be provided within the context of the subject program, the parking policies presented in this Section are intended to be flexible to allow for the possibility of changes in location that would still adequately serve the harbor area.

j. For new or intensified development where on-site parking is not feasible, off-site parking may be provided. The initial review of all development projects shall include an analysis of parking needs, provision for parking, and evidence that parking can be provided without displacing other users.

k. For purposes of calculating parking requirements, the following parking generation factors shall be used for new or expanded development: marine commercial uses - one space per 500 sq. ft.; tour and fishing boat

concessions - one space per 2.5 users; restaurants/bars on wharf - one space/3.33 seats; public recreational use - based upon type of use, active or passive.

4. Proposed LCP Implementation Measures

a. Develop a parking program to provide convenient parking for marina boat owners and coastal dependent users on Wharf No. 2.

III. LAND USE AND DEVELOPMENT

A. COASTAL VISUAL RESOURCES III-A-1

B. LOCATING AND PLANNING NEW DEVELOPMENT III-B-1

A. COASTAL VISUAL RESOURCES

This section examines the scenic qualities and view corridors of the Harbor LCP area. Policies are listed for the protection and enhancement of the identified coastal visual resources.

1. Coastal Act Provisions

The following section of the California Coastal Act of 1976 pertains to the protection of coastal views to the bay and back to the coast:

30251 The scenic and visual qualities of coastal areas will be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.

2. Existing Conditions

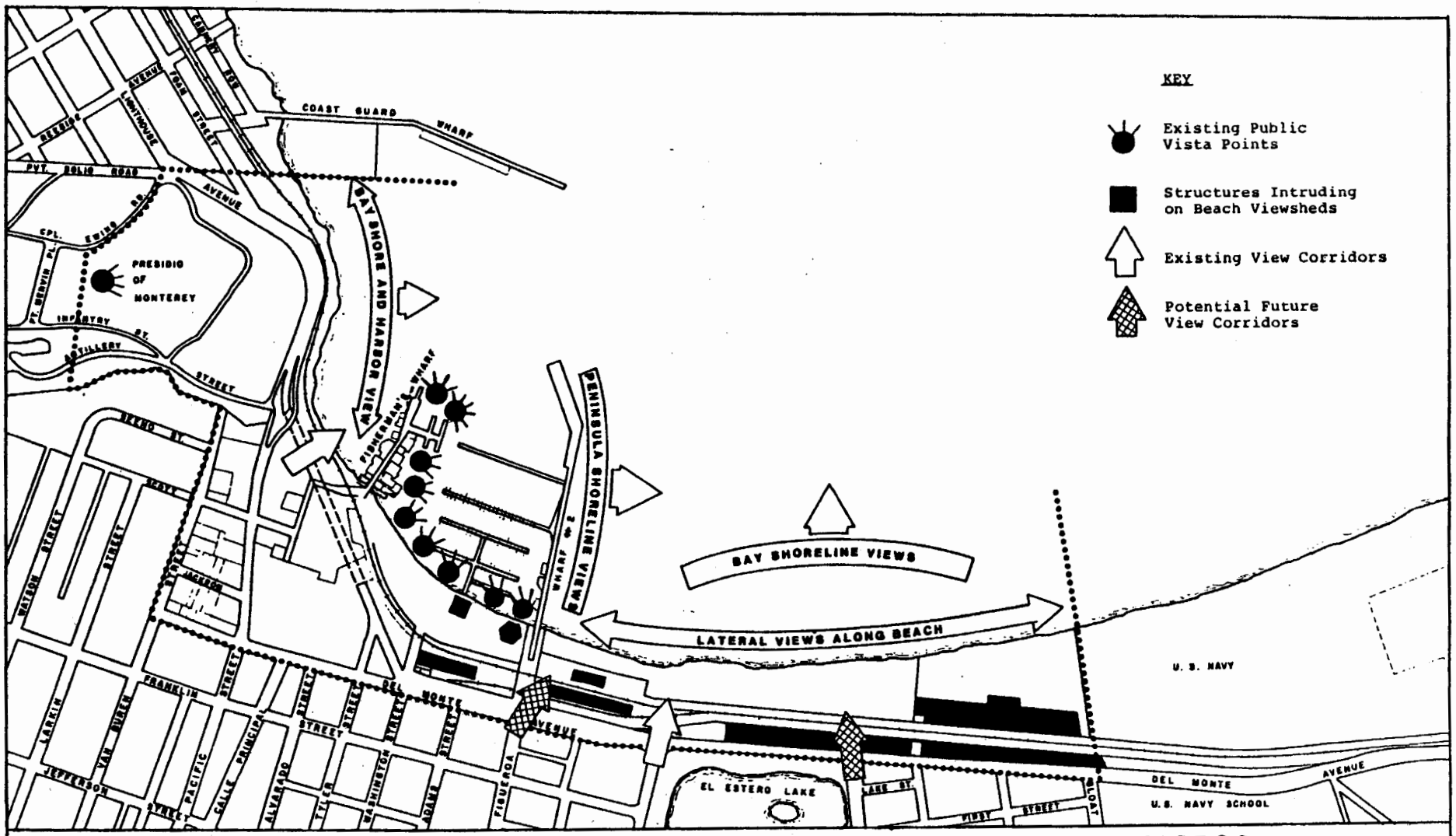
The existing coastal visual resources of Monterey Harbor are extensive and varied because of the many colorful activities conducted in front of a spectacular backdrop of bay and shoreline, sky and mountains. Figure 10 indicates the locations of these important views and scenic elements. The existing conditions summarized below are discussed in detail in Chapter II of Working Paper #3.

a. Monterey Harbor is located in the Southern crescent of Monterey Bay with an exposure across the Bay itself, primarily to the shoreline and mountains to the north and east.

b. The existing viewscape from the Monterey Harbor area is one of the significant features of the Monterey experience for both the resident and the visitor. From west to east, the Harbor LCP provides vistas of the Bay, shoreline, boats, and commercial fishing activities. The view from Shoreline Park is relatively unobstructed, looking toward the eastern shoreline across Monterey Bay. A panoramic view of the entire Bay can be enjoyed from the Presidio grounds.

c. The Fisherman's Wharf, the marina, and the Wharf No. 2 areas provide a different, more personal view, projecting each person into the environment of shops, restaurants, fish markets, fishing and boating activities, and marine life viewed from the wharf.

d. The views from and along Del Monte Beach are magnificent but are primarily limited to viewing points on the beach because of structures and sand dunes along Del Monte Avenue. Figure 11 shows the City's "Monterey Bay Park" concept, which is designed to enhance views to, from, and along Del Monte Beach. The City already has purchased and cleared seventy-four feet of frontage on the bay side of Del Monte Avenue as shown in Figure 11.



••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 10

EXISTING COASTAL VISUAL RESOURCES

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

Ideally, under the "Monterey Bay Park" concept, the City would like to see all structures between Wharf No. 2 (Figueroa Street) and Sloat Avenue removed. Given apparent funding limitations, the following priorities have been discussed for the implementation of the "Monterey Bay Park" concept.

1) First priority should be the 1,600 feet of frontage shown as Area A on Figure 11. Starting at the Southern Pacific property line, 445 feet of frontage has already been purchased and cleared, and the next 295 feet of frontage have been purchased, but the structures are not scheduled for removal until existing lease agreements expire (approximately five years).

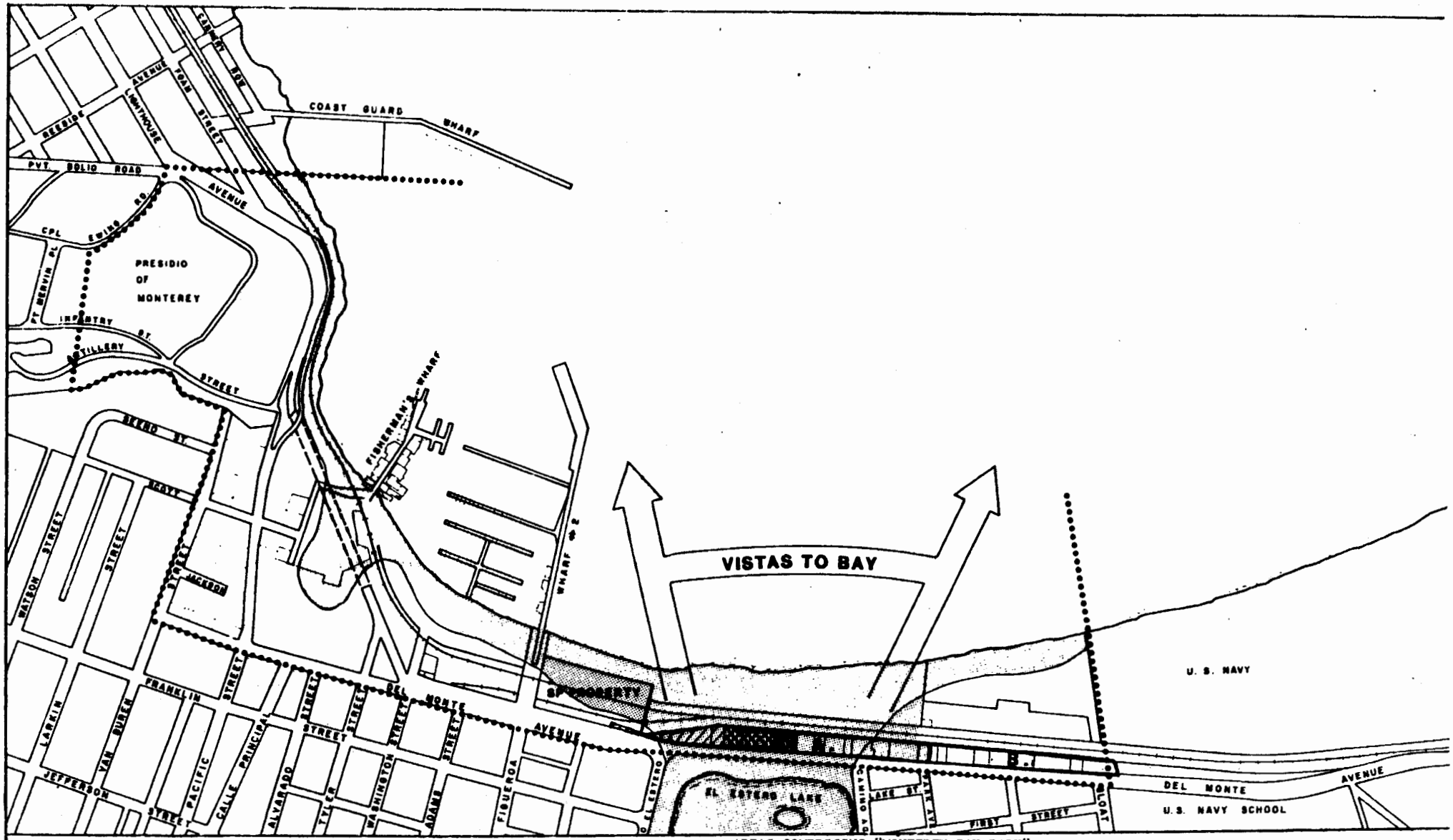
2) A second priority for public purchase has not been set. However, the possibility of public purchase of Area B shown in Figure 11 has been discussed. Area B extends 1,100 feet from Park Avenue to Sloat Avenue and includes lands between Del Monte Avenue and the abandoned railroad right-of-way. The existing townhouses on the bay side of the railroad right-of-way are not proposed for public purchase and, thus, the acquisition of Area B would not serve to open up views and would be used primarily for support parking for the "Monterey Bay Park" concept.

3) The idea of public purchase of the approximately 650 feet of front footage owned by Southern Pacific, which extends from Wharf No. 2 to the City's property and the beginning of Area A, has been mentioned during the Harbor LCP planning process. To date, the City has not considered the public purchase of the Southern Pacific property. More discussion of the land uses proposed for the Southern Pacific property follows in the Land Use and Development sections of this Plan.

e. With the public purchase and removal of structures in Area A, as shown in Figure 11, a view corridor to the bay down Camino El Estero has been opened up. This view corridor is similar to the significant view corridor that exists down Figueroa Street to Wharf No. 2 and Monterey Beach. A potential for view corridor down Camino Aguajito is presently blocked by structures at the easterly end of Area A, as shown in Figure 11.

f. Another visual corridor exists in the form of the Southern Pacific right-of-way, which has been purchased by the City and is to be used for a transportation corridor. The corridor will provide opportunities for bicyclists and pedestrians to traverse the Harbor and Monterey Beach segments of Monterey Bay at the slightly raised level of the railroad bed, which affords an ideal viewpoint from the shoreline.

g. The many historic buildings in the Harbor area also present an unique and significant visual resource. This visual resource has been recently enhanced by the selective removal of vegetation and the removal of walls around Custom House Plaza that previously blocked views to the degree that many visitors to Fisherman's Wharf never realized the existence of the State Historic Park. The General Plan for the State Historic Park recommends additional landscaping and lighting improvements for the Custom House Plaza area.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

AREAS COMPRISING "MONTEREY BAY PARK" AS CONCEPTUALLY SHOWN IN 1982 DEL MONTE AVENUE URBAN DESIGN STUDY PREPARED BY HALL, GOODHUE, HAISLEY AND BARKER.

PROPERTIES IN PRIORITY AREA 'A' THAT HAVE BEEN PURCHASED AND CLEARED BY THE CITY TO OPEN UP VIEWS TO THE BAY.

PROPERTIES IN PRIORITY AREA 'A' THAT HAVE BEEN PURCHASED BY THE CITY BUT STRUCTURES HAVE NOT YET BEEN REMOVED.

Figure 11

"MONTEREY BAY PARK" CONCEPT

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

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3. <u>LCP Policies</u>

The following policies specifically address the protection and enhancement of coastal visual resources. See Figure 11.

a. The spectacular views of the Harbor and Monterey Bay, that presently exist from the Sloat Monument in the lower area of the Presidio of Monterey, shall be maintained. No road connecting New Monterey and Old Monterey shall be allowed across this lower area of the Presidio.

b. With development of the recreational trail around Lighthouse curve between Fisherman's Wharf and Cannery Row, design of the trail shall incorporate the bay shore and harbor views shown in Figure 10.

c. Structural or other blockage of the existing vista points and shoreline views in the Fisherman's Wharf, marina, and Wharf No. 2 area shall be prohibited, except as specifically provided in this plan.

d. Enhance the view corridors down Figueroa, Camino El Estero, and Camino Aguajito by establishing guidelines for the setbacks conceptually shown in Figure 10.

e. To protect lateral views along Monterey Beach, including city, state park, and privately-owned properties, no development shall be allowed on the sandy beach, except as specifically provided in this plan. Specifically, for the Southern Pacific parcel east of Figueroa, the sandy beach bayward of the existing spur railroad track shall be left open. Utilities shall be undergrounded. The following exceptions may be allowed: public access and safety signing, benches, boardwalks, beach storage of boats, and other low-impact non-permanent public access improvements.

f. To implement the "Monterey Bay Park" concept and to develop an improved visual and physical link between El Estero Park and Monterey Beach, as shown in Figure 10, the City shall continue to pursue the acquisition of properties on the bay side of Del Monte Avenue.

   1) First priority for the acquisition of properties on the bayside of Del Monte Avenue shall be between Camino El Estero and Park Avenue. These properties are shown as Area A in Figure 11.

   2) Acquisition of properties between Park Avenue and Sloat Avenue shall continue to be considered by the City. These properties are shown as Area B in Figure 11. Structures on purchased properties shall then be removed.

g. On property purchased through the City's opportunity buying program, no buildings shall be allowed to be constructed between Camino El Estero and Park Avenue along the north side of Del Monte Avenue in order to enhance the bay view.

h. In order to enhance the "Monterey Bay Park" along Del Monte Avenue between Camino El Estero and Park Avenue, the Del Monte Avenue roadbed shall be raised so as to create more dramatic views of the Harbor and bay for persons entering Monterey, and to allow the connection of the beach area with El Estero Park.

i. The City of Monterey and the State Department of Parks and Recreation shall continue to work on the implementation of the following Monterey State Historic Park General Plan policies:

   i. In the upper area of the Custom House Plaza, plant lawn in selected locations to create pleasant picnic areas.

   ii. In the lower area of the Custom House Plaza, remove a portion of the wall in front of the Pacific House to open up the view of the Pacific House.

   iii. Care should be taken to preserve historic cypress trees.

4. <u>Proposed LCP Implementation Measures</u>

   a. Revise the Zoning Ordinance to implement development standards for protecting coastal visual resources.

B. LOCATING AND PLANNING NEW DEVELOPMENT

This section of the LUP focuses on land use designations and development standards in the Harbor LCP area.

1. Coastal Act Provisions

The following sections of the California Coastal Act of 1976 pertain to land use and development in the Coastal Zone.

30213 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30221 Oceanfront lard suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222 The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agricultural or coastal dependent industry.

30223 Upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible.

30224 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation officer, reasonable mitigation measures should be required.

30234 Facilities serving the commercial fishing and recreational boating industries shall be protected, and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30250 (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or, where such areas are not able to accommodate it, in other areas with adequate public services and where it would not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses outside existing developed areas shall be permitted only where fifty percent (50%) of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

30252 The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension

of transit service; (2) providing commercial facilities within or adjoining residential development, or in other areas that will minimize the use of coastal access roads; (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses, such as high-rise office buildings; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

30255 Coastal dependent development shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal dependent development shall not be sited in a wetland.

2. Existing Conditions

Existing land uses are shown in Figure 12 and described below:

a. U.S. Coast Guard Breakwater and City of Monterey Landfill

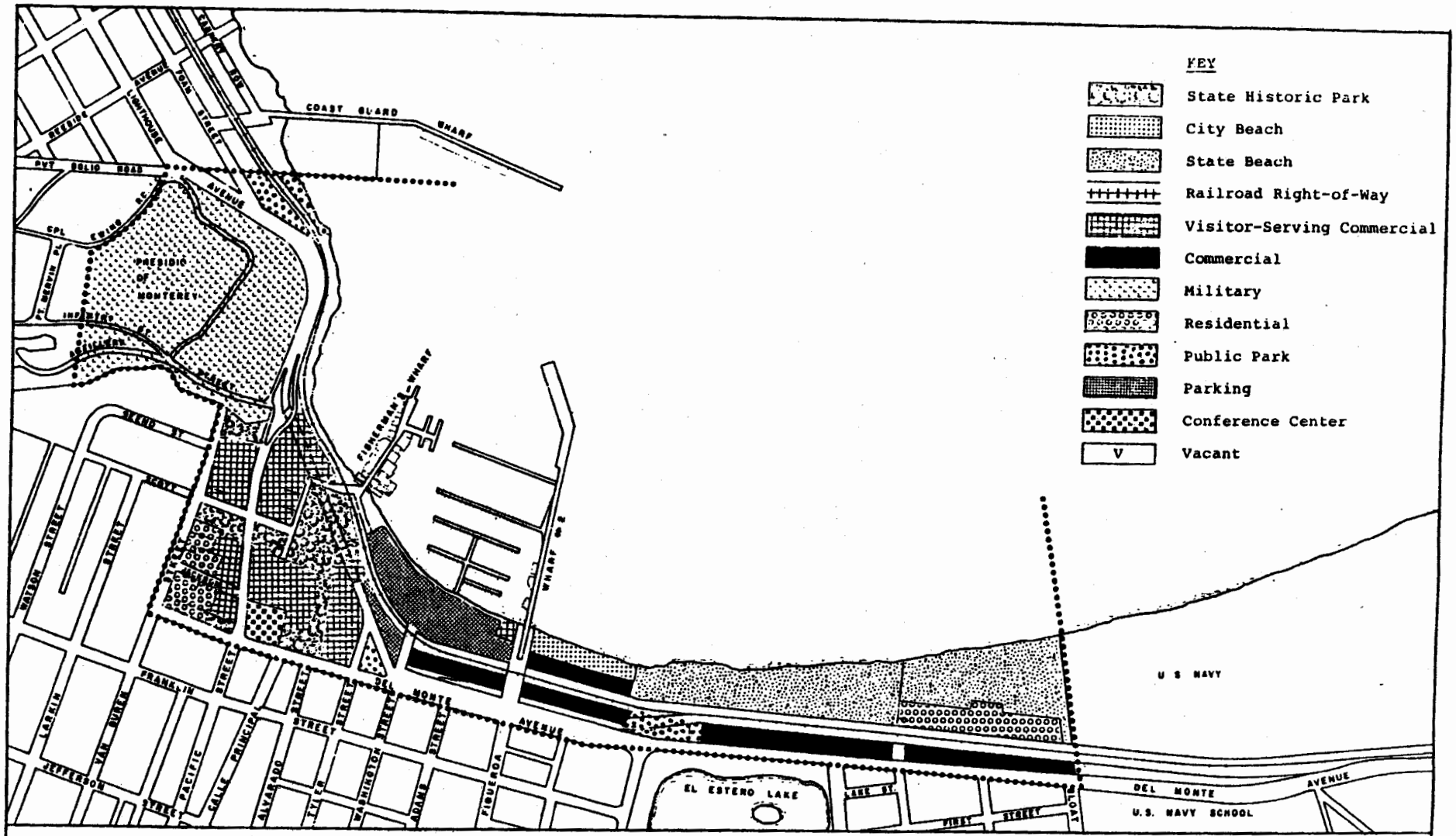
The U.S. Coast Guard breakwater and the City of Monterey landfill are located in the northwest portion of Monterey Harbor in Monterey Bay. Both the breakwater and landfill areas are just outside the Harbor LCP area and were addressed in the Cannery Row LCP Land Use Plan. The Cannery Row Land Use Plan designates the breakwater and landfill areas for coastal dependent uses.

Presently located on the landfill is a public launch ramp with supporting restrooms and parking. The launch ramp parking occupies approximately one-half of the 2.4 acre landfill site. The California Coastal Commission has approved a permit for a marine repair facility, dry boat storage, and supporting, marine-oriented shops on the other half of the landfill, which is presently vacant. The Coastal Commission has also approved a sixty-berth marina adjoining the landfill.

b. Presidio of Monterey

The U.S. Army Defense Language Institute (the Presidio), located on Federal land, is a significant historical and visual landmark in the Monterey area. The lower elevations of the Presidio are in the Harbor LCP planning area.

Significant archaeological sites have been identified on the property. From the Spanish period, located just above Lighthouse Curve, is the site of "El Castillo," which was the old Spanish Presidio of Monterey. Given the significant visual and archaeological resources in this area, the State Historic Park General Plan, prepared in 1981 by the State Department of Parks and Recreation, recommends that the lower area of the Presidio, if ever surplused by the Army, should be acquired by the State for inclusion into the Monterey State Historic Park.



••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 12

EXISTING LAND USES

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

c. Shoreline Park

Shoreline Park is a narrow strip of land located between the U.S. Coast Guard maintenance facility and Fisherman's Wharf. Shoreline Park covers approximately seven acres. Two acres of the Park near the landfill and Coast Guard Station have been landscaped and improved with benches and a bike path. The remaining five acres exist in a 100 to 200-foot-wide strip extending south to Fisherman's Wharf. This stretch of shoreline is mostly rocky with small sand beaches nestled between outcrops of rock. There is no improved access to the water. There are no signs or barriers prohibiting access either to or along the shoreline.

Passing through the Shoreline Park area is the former railroad right-of-way which has been purchased by the Monterey Peninsula Regional Park District. This portion of the right-of-way is to be developed as part of a recreational trail that is presently being designed and is to be constructed between the Fisherman's Wharf area and the existing recreational trail in Pacific Grove. Plans for the trail show uses for both pedestrian and bicycle uses.

d. Van Buren/Jackson Street Residential Area

Existing development in this area consists mainly of single-family homes and garden apartments. Two historic structures (Casa Soberanes and California's First Theatre) are located in the area. These historic structures are owned by the State and are open to the public as part of the Monterey State Historic Park. Along Pacific Street, between the two historic structures, a 104-unit hotel is under construction and is scheduled to open in the Spring of 1986.

e. Heritage Harbor

Located north of Scott Street on both sides of Pacific Street and adjoining the Fisherman's Wharf and Custom House Plaza areas, the Heritage Harbor complex was originally developed as a visitor-commercial shopping complex as part of the City's Custom House Redevelopment Project. The existing structures in the complex represent the first phase of the project. While several restaurant complexes still remain in the first phase, the majority of the first phase has been converted to office uses.

On the land side of Pacific Street is a 266-space parking garage. A second phase, calling for the construction of additional buildings around the parking garage, has not been undertaken. At present, there are no known specific plans for the development of the now vacant upper site surrounding the parking structure.

f. Conference Center/Doubletree Inn

The City of Monterey's Conference Center and the 375-room Doubletree Inn occupy a site lying between the State Historic Park and Alvarado Street. A 420-space parking structure serves the Doubletree Inn.

The Doubletree Inn tennis court use, fronting on the Custom House Plaza, is only temporary, as the use is on City-owned land. The City's Urban Renewal

Plan shows structural development eventually occurring on the site. The City is studying appropriate uses for the site. Uses discussed include a maritime museum, and visitor information center.

g. Monterey State Historic Park

A portion of Monterey State Historic Park is located within the Harbor LCP boundary, including the following historic buildings and sites:

1. Sloat Landing Site
2. Plaza del Muelle
3. Custom House
4. Pacific House
5. Casa del Oro
6. Whaling Station
7. First Brick House
8. Serra Landing Site
9. California First Theatre
10. Soberanes Adobe
11. Custom House Plaza
12. Pacific House Orientation Center

The State Historic Park forms a physical and visual link between Downtown Monterey and Monterey Harbor. A General Plan for the State Historic Park was prepared in 1981 by the State Department of Parks and Recreation working with the City of Monterey. The General Plan contains specific recommendations for the enhancement of the listed historic buildings and sites, including improved landscaping, directional signing, and improved visitor orientation programs.

h. Fisherman's Wharf

The public portion (the roadway surfaces) of Fisherman's Wharf is owned by the City. The structures along the Wharf are privately owned with the owners leasing the land and water under the structures and the right to front on the Wharf from the City. Commercial and sport fishing enterprises, fish markets, shops, restaurants, and tourist attractions are the primary lessees.

i. Monterey Harbor Marina

Current slips and moorings cover all the available space within the existing marina. Approximately 500 boats are docked in the 415 slips within the marina. The Harbormaster's office includes public restrooms. On the first floor of the two story Rogue restaurant complex are restroom and shower facilities for marina slip holders and offices for two boat sales operations.

j. Marina Area Parking Lots

The parking lots serving the Marina, Fisherman's Wharf, the beach, and the Historic Park area are shown and discussed in the Public Works Parking and Circulation Section of this plan.

k. Wharf No. 2

Wharf No. 2 was built in 1926. Major structural repairs have recently been completed on Wharf No. 2. Still in need of major structural repair is the City-owned Concessionaire Building at the end of Wharf No. 2. The Concessionaire Building is leased by commercial fishing enterprises and is used primarily for the unloading of commercial fishing boats. Two restaurants exist along the west side of Wharf No. 2, as does a boat hoist and the Monterey Peninsula Yacht Club. Along the east side of Wharf No. 2 exists a boardwalk, which is a popular fishing spot.

Maintenance of Wharf No. 2, as well as Fisherman's Wharf and the Marina, is the responsibility of the City. Presently, there is no central harbor maintenance facility. A portion of the maintenance function operates out of a cramped space in the concessionaire building at the end of Wharf No. 2. A small portion of the first floor of the Harbormaster's office is also devoted to the maintenance function. This combined space continues to be most inadequate for its purposes of servicing Monterey's unique harbor area. Expensive equipment must be stored outside, and needed lumber and pilings must be stored outside in an unsecured space adjoining the Sea Scout House. Most work projects must be undertaken outside, even in inclement weather.

There are, presently, no public fish off-loading facilities on Wharf No. 2. Presently, concessionaires on Wharf No. 2 will perform the off-loading service for non-concessionaires for a fee.

In order to establish a more efficient harbor maintenance facility that meets the minimum needs of the harbor area, City staff sees a need for a consolidated maintenance facility north of Del Monte Avenue near Wharf No. 2 with a 4,000-square-foot shop and storage building and 9,000 square feet of fenced outside storage, for a total of 13,000 square feet of land area.

1. Southern Pacific Property

Southern Pacific owns property on each side of Figueroa Street fronting on Del Monte Avenue between Washington Street and Camino El Estero.

All uses on the Southern Pacific property are on a month-to-month lease. An application for a hotel complex on the property has been filed. The property on the west side of Figueroa is presently zoned "C-2", Community Commercial, and the property on the east side of Figueroa is zoned "C-3", Thoroughfare Commercial. (This zoning could allow for a hotel of up to 471 rooms on the property. With a density bonus of up to 25% for underground parking, a hotel of up to 589 rooms could be allowed. The height limit for both zones is thirty-five feet, and, in both zones, a Use Permit is required for a hotel use. Before any application regarding the Southern Pacific property is considered, development guidelines for reviewing the application are to be established in this Harbor LUP.)

There presently exists on the Southern Pacific property a number of land uses which provide needed services to the harbor area. Specifically, these land uses are as follows:

1. Dry Boat Storage - The Monterey Peninsula Yacht Club currently leases 14,500 square feet of land on the west side of Figueroa for dry boat storage from Southern Pacific. The Yacht Club has expressed a need for the doubling of its storage area to 30,000 square feet. Yacht Club representatives have pointed out that, due to sailboat mast heights, their dry boat storage needs to be located in such a way that no overhead wires interfere with movement of the boats from the storage area to the launch ramp or hoist on Wharf No. 2. While new dry boat storage is included in the boat yard proposed for the landfill, Yacht Club members indicate that they see little use of that area, due to the distance between the two facilities. Also, according to the Yacht Club, the type of storage structures proposed on the landfill is not conducive to sailboats.

2. Marine Support Facilities - Presently on the Southern Pacific property, there exists two ships chandleries and bulk fuel tanks which provide goods and services to the boating population in the Harbor/marina area. As defined by the Coastal Act, these marine support facilities are not considered coastal dependent uses for the reason that they do not absolutely have to be on the coast to function. However, there has been a generally accepted feeling throughout the coastal planning process that, in the interest of the convenient operation of both the commercial fishing vessels and the pleasure boaters, it is highly desirable for the existing marine support facilities to remain in operation near the Marina.

3. Fish Truck Turn-Around Area - A small portion of the Southern Pacific property, generally along the recently removed railroad tracks on the east side of Figueroa, is used as a truck turn-around area for trucks loading fish at the end of Wharf No. 2. Given the width of Wharf No. 2, the large tractor-trailers picking up fish at the end of Wharf No. 2 must back the 1,700-foot length of Wharf No. 2. As many as ten trucks a day make this movement during the height of the fishing season.

4. Multi-Hull Beach Launching - While the beach area in front of the Southern Pacific parcel east of Figueroa appears to be public beach, the majority of this beach area is owned by Southern Pacific. With access from Figueroa, this beach area is a popular launching point for sailing competitions, including the Monterey Multi-hull Classic attracting over 200 boats, staged each year from this beach area. However, as described in Public Access Existing Condition C., use of the beach for the launching of boats is limited to special events which must obtain a permit from the City of Monterey.

   Several years ago the Monterey Peninsula YMCA reached agreement with the sub-leaseholder of the Sea Scout House on the Southern Pacific property to use approximately 6,000 square feet of the Sea Scout House for a youth hostel. However, agreement could not be reached, and Southern Pacific, in turn, offered to donate the old depot on the west side of Figueroa to the YMCA, but only if the YMCA moved the depot. Lack of a site has precluded this option.

   Funding for development of the hostel was to come from a grant from the California Coastal Conservancy. The grant is still active and the YMCA is still looking for an appropriate site.

m. Monterey Beach/Del Monte Avenue

Monterey Beach is a broad stretch of sandy shoreline beginning at Figueroa Street east of Wharf No. 2. As stated in the above description of the Southern Pacific property, a significant portion of the sandy beach from Wharf No. 2 to Camino El Estero is owned by Southern Pacific. The portion of the beach between the Southern Pacific property and the water belongs to the City of Monterey. At Wharf No. 2, on the City portion of the beach, there exists a restroom facility and a small building rented on a monthly basis by a marine surveyor. City staff has recommended removal of both of these structures in order to open up views to the beach and bay near the entrance to Wharf No. 2. The beach, from approximately Camino El to the Naval Postgraduate School property, is under the jurisdiction of the State of California Parks and Recreation Department. Specific land ownerships are shown in Figure 13.

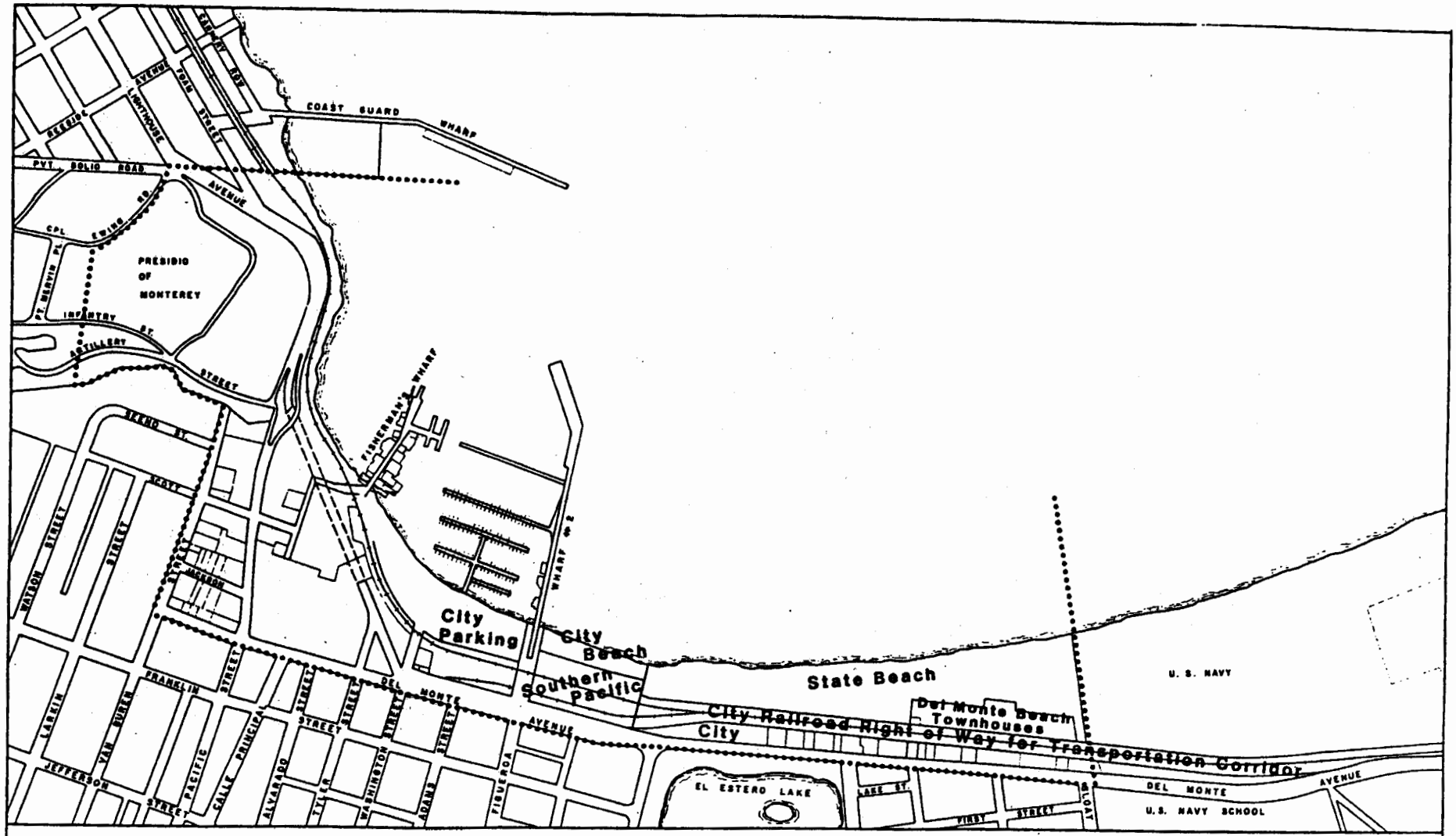
Between Monterey Beach and Del Monte Avenue, from Wharf No. 2 to Camino El Estero, are warehouse structures which occupy the land along the railroad right-of-way. From Camino El Estero to Sloat Avenue, commercial buildings and fences occupy the existing frontage lots along Del Monte Avenue. East of Park Avenue, the Del Monte Beach Townhouse complex is located on the beach between the railroad and the shoreline. There is a sixty-foot strip of State land from the railroad right-of-way to the Bay between the Townhouses and the Naval Postgraduate School property. These existing land uses, and how these land uses relate to the City's "Monterey Bay Park" concept, are discussed in the preceding Coastal Visual Resources chapter.

East of Camino El Estero, the City of Monterey has purchased the Southern Pacific right-of-way for development of a transportation corridor.

n. Future Del Monte Avenue Widening

Del Monte Avenue has been widened from Washington Street to Camino El Estero. As funds are available, the City plans to eventually widen Del Monte Avenue to the Seaside city limit line. Between Camino El Estero and Camino Aguajito, the widening can be accomplished by using lands along the edge of El Estero Park, but this idea should be studied further, given the Monterey Bay Park concept. In addition, it will be necessary to acquire the sidewalk area on the north side (bay side). This sidewalk is not presently in the public right-of-way.

Between Camino Aguajito and Sloat Avenue, the lands needed for widening are in private ownership. From Camino Aguajito to Park Avenue, the lands needed for widening are shown in a plan line of several feet in width on the land side of Del Monte Avenue and a plan line of approximately fifteen feet in width on the bay side of Del Monte Avenue. From Park Avenue to Sloat Avenue, a plan line of ten feet in width for the widening of Del Monte Avenue exists on both sides of the street. Should these plan line areas be acquired, several structures on both sides of Del Monte Avenue would have to be removed. The possibility of combining the two plan lines into one twenty-foot-wide plan on one side of Del Monte Avenue has been discussed. If this twenty-foot widening was undertaken on the bay side, several structures would have to be removed. After the widening, the depth of the parcels on the bay side would be reduced to approximately seventy feet. A need to restudy this plan line has been identified by City staff.



••••••• HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 13

BEACH AREA OWNERSHIP

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

0 200 400 600 800 1000
FEET

3. LCP Policies

The policies described in this section and shown in Figure 14 address the location and intensity of new development that respects and is coordinated with the natural resources, visual resources and support systems (i.e., circulation, water, parking, accessways) for the Habor area.

a. The sandy beaches, parks, recreational trails, transportation trails, plazas, and historic buildings which are publicly owned shall be designated as public use areas.

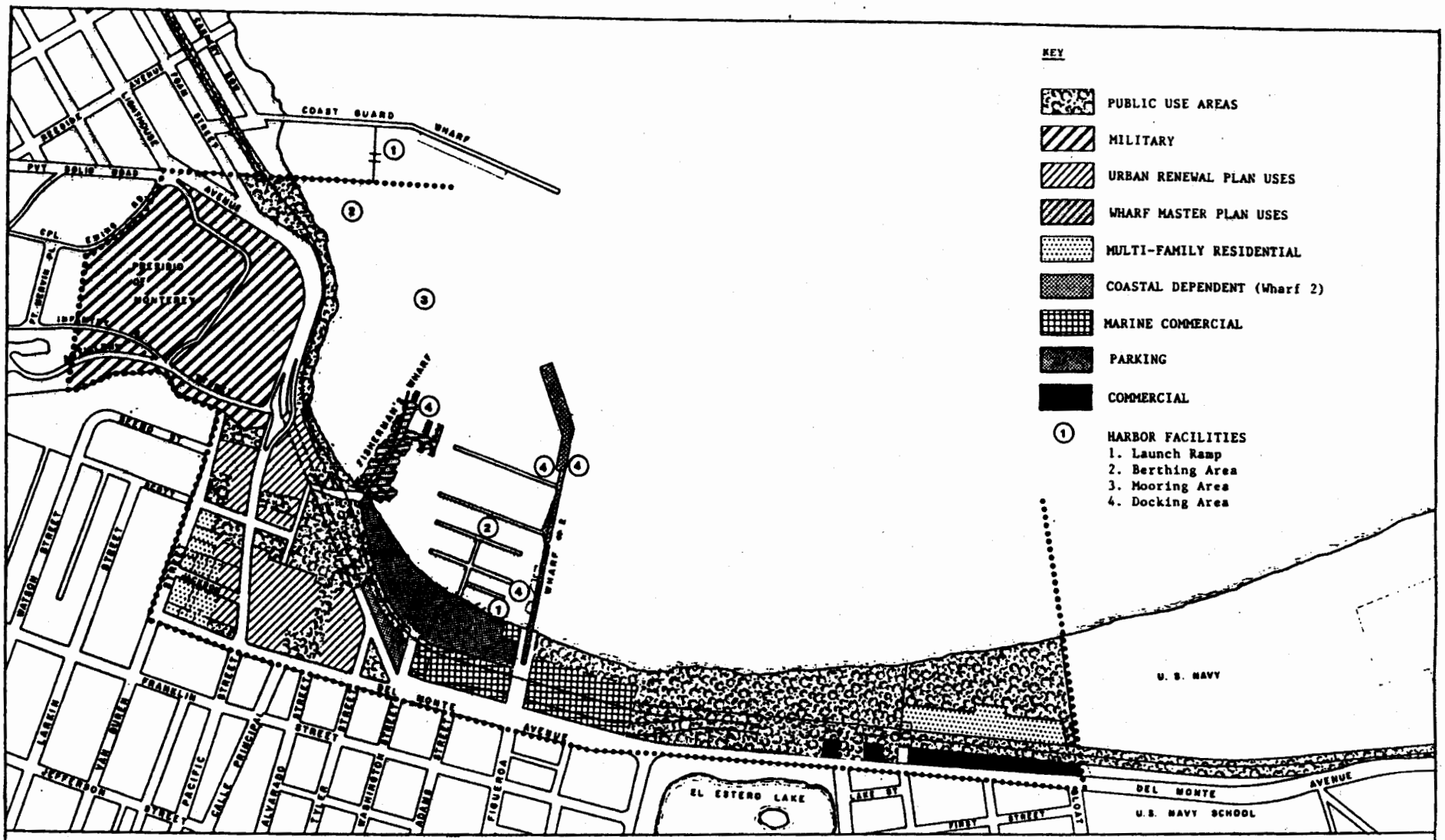
b. The lower area of the Presidio, which lies within the Harbor LCP planning area, shall be designated for military uses, with future reservation for acquisition by the State for inclusion into the Monterey State Historic Park as suggested in the State Historic Park General Plan. Subject to agreement with the Army, the widening of Lighthouse Curve using Presidio lands adjacent to the existing roadway shall be considered permissible as part of the land use designation for the area. The primary objective shall be the preservation of the historic and prehistoric resources of the site, which shall not be disturbed, subject to federal and state laws pertaining to such resources. A minimum of new level of facilities necessary for low impact recreational and educational use, and consistent with archaeological and scenic resource protection shall be permitted.

c. With the exception of two City Urban Renewal parcels, the Van Buren/Jackson Street area shall continue to be designated for multiple family, residential development in line with existing City Zoning Ordinance standards. Specifically, no buildings shall exceed thirty-five feet in height.

d. The two City Urban Renewal parcels at Jackson and Pacific Streets, the Doubletree Inn, and the City of Monterey Conference Center shall be designated for commercial uses as defined by the uses permitted in the Redevelopment Plan for the Custom House Redevelopment Project. Uses permitted by the Redevelopment Plan are outlined in Appendix C.

e. Principal permitted uses on Wharf No. 2 shall be limited to coastal dependent uses serving the commercial fishing industry and boating uses in the marina and harbor area. "Coastal-dependent development or use," as defined by Section 30101 of the California Coastal Act, means any development or use which requires a site on, or adjacent to, the sea to be able to function at all. Fish off-loading operations and boat hoists are examples of such uses. This coastal dependent use designation for Wharf No. 2 should not preclude the continued existence of the existing restaurant and yacht club uses on Wharf No. 2. The existing scale and intensity of use of the coastal dependent development shall be maintained on the existing wharf and within the existing buildings, or within new buildings at the same general location and of the same general bulk and scale. For any changes in types of new coastal dependent development, there shall be an analysis of parking needs and circulation patterns, provision for parking, and evidence that parking can be provided and traffic accommodated without displacing other uses.

f. Uses development standards, and procedures permitted on Fisherman's Wharf should be those permitted in the Fisherman's Wharf Master Plan adopted by the City in July, 1986, and as consistent with the LUP.



HARBOR COASTAL ZONE PLANNING AREA BOUNDARY

Figure 14

PROPOSED LAND USE PLAN

Federal law excludes the U.S. Army's Presidio of Monterey lands from the California Coastal Zone. Therefore, as long as such lands remain under exclusive federal jurisdiction, these land use designations represent only the City's recommendations and are not binding on the Army. Any development proposed by the City on federal lands would be subject to federal consistency requirements under the federal Coastal Zone Management Act.

HARBOR
LOCAL COASTAL PROGRAM
CITY OF MONTEREY

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FEET

g. Public parking to serve the designated land uses shall be provided as shown in Figure 14.

h. The Southern Pacific property on the west side of Figueroa Street shall be designated for coastal dependent or marine commercial uses. Specific uses allowed on the Southern Pacific property shall be limited to those uses supporting and serving the marina, Wharf No. 2, and Del Monte Beach. A visitor accommodation facility shall not be allowed on this site.

   Possible marine commercial uses include: boat sales and chandleries; bait and tackle/sundry shop; marine recreational equipment and supplies, sales and rentals; fishmarkets; marine related business offices; boat storage and rental; snack bar/small restaurant.

   Specific development standards for the west side parcel shall be as follows: 1) Twenty-five-foot height limit; 2) development shall be set back from Figueroa Street to protect the view corridor to Wharf 2; 3) all required parking shall be provided on-site; 4) an easement, a minimum of twenty feet wide, over the parcel connecting the Recreational Trail to the west to the trail to the east shall be a condition of development.

i. The Southern Pacific east property shall be designated for coastal dependent or marine commercial uses. Possible uses are as follows: Boat sales and chandleries; snack bar/small restaurant; bait and tackle/sundry shops; marine recreational equipment and supplies, sales and rentals, fishmarket; offices for marine-related businesses; boat storage and rental.

   Development standards for the east property shall be as follows: All development and parking to serve the development shall be set back so as not to require any protective structures; all required parking must be provided on-site; twenty-five-foot height limit; provision of access points shown in the LUP; provision of setbacks to preserve view corridors down Figueroa Street and Camino El Estero; provision of an easement across the property connecting the Recreational Trail as defined in the Public Access section; provision of public access and use easement over the sandy beach area, as provided in the Public Recreation Section.

j. The City of Monterey shall actively continue efforts to reestablish a continual, visual park-like setting between El Estero Park and the Monterey Beach waterfront through acquisition of commercial land and buildings along Del Monte Avenue. Following any public purchase, the land north of Del Monte Avenue shall be designated as a public use area, which generally includes trails; beaches; parks and their support facilities, such as restrooms; parking for beach and boating public; and low-impact recreation improvements.

   1) No building shall be allowed between Camino El Estero and Park Avenue along the north side of Del Monte Avenue in order to enhance the bay view. Development shall be limited to low-intensity public recreational and open space uses that preserve views.

2) In the area on the north side of Del Monte Avenue between Park Avenue and Sloat Avenue, following the public purchase of any lands, the majority of these lands shall be used for public parking and circulation improvements. Additional development may include restrooms and low-intensity recreation improvements.

3) On the Southern Pacific east site, following any purchase as part of the City's opportunity buying program, development shall be limited to low-intensity public recreational and open space uses that preserve views and improve public access to, and use of, the beach and Monterey Bay.

k. The properties fronting on Del Monte Avenue on the bay side between Camino El Estero (at the eastern boundary of the Southern Pacific property) and Sloat Avenue, with the exception of those properties that have been purchased by the City of Monterey for inclusion into Monterey Bay Park, shall be designated for a principal permitted use of commercial visitor serving and a conditional use of general commercial uses with development being limited to the scale and intensity of existing uses.

l. The Heritage Harbor complex shall be designated a primary use of visitor oriented uses, such as visitor serving public or private commercial or recreational use. A secondary use designation of non-visitor oriented commercial/retail uses may be applied subject to a showing of infeasibility of the primary use. The secondary use shall be interim in nature, and any change in use shall require a review by the City to determine the feasibility of returning to visitor oriented uses.

m. The city-owned tennis court site shall be designated as a public use site for development of the maritime museum and visitor information center complex. A theatre of up to one hundred seats for visitor information programs may be permitted, provided it does not conflict with the primary museum/information use, and adequate parking is provided.

n. In areas of archaeologic sensitivity, as determined by the State Historic Preservation Office, the City shall require an archaeological reconnaissance during initial environmental review of all proposed development. Reasonable mitigations are to be required as a condition of development where it would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office.

o. The Del Monte Beach Townhouses shall be designated for multi-family residential use at their existing scale and intensity.

p. A youth hostel shall be provided in the Harbor Land Use Plan, if not inconsistent with City ordinances and policies in the LUP. A federal consistency review shall be required if located on federal property.

4. Proposed LCP Implementation Measures

a. Zoning Ordinance revisions to establish specific permitted uses, maximum building heights, and building setbacks.

APPENDICES

APPENDIX A

CALIFORNIA DIVISION OF MINES AND GEOLOGY CRITERIA FOR GEOTECHNICAL REPORTS

1. Description of site topography.

2. Test soil borings and evaluation of suitability of the land for the proposed use.

3. Evaluation of historic, current, and foreseeable cliff and beach erosion.

4. Discussion of impacts of construction activity on stability of site and adjacent area.

5. Analysis of ground and surface oater conditions, including any hydrologic changes caused by the development.

6. Indication of potential erodibility of site and recommended mitigation measures.

7. Potential effects of seismic impacts resulting from a maximum credible earthquake and recommended building design and mitigation measures.

8. Evaluation of off-site impacts.

9. Alternatives (including non-structural) to the project.

APPENDIX B

WHARF MASTER PLAN PUBLIC ACCESS/OPEN SPACE POLICIES

AS ADOPTED IN THE WHARF MASTER PLAN
FOR FISHERMAN'S WHARF
BY THE MONTEREY CITY COUNCIL

1. The present open space and view areas, shown in Figure 5, shall be maintained.

2. To provide additional public access and view area, Concession 34 should be allowed to replace its structure over the water under the condition that access be placed across the back of the structure. This access should be provided in a way that will not preclude the linking of this access with the existing public access on adjoining Concessions 35 and 33, as shown in Figure 5. The required public access for Concession 34 shall not be required to be linked to Concessions 35 and 33 without the consent of Concession 35 and 33. The existing public access on Concessions 35 and 33 should be considered separate and should be required to be linked to public access improvements on Concession 35 as a condition of development when improvements are proposed for either Concession 35 or 33.

3. The provision of a panoramic viewpoint accessible to the general public should be a condition of any lease area expansion, as provided for in Architectural Control Policy 1.* This panoramic viewpoint should be linked to other viewpoints so as to provide lateral access at the backs of structures, where feasible, and subject to the approval of all adjacent concessionaires.

4. Should any concession cease operation and not desire to renew its lease, the City should study the structure to see if the structure should be removed and the area should become permanent open space.

* Architectural Control Policy 1. in the Wharf Master Plan reads as follows:

1. The existing lease areas, with the exception of lease areas for retail and wholesale fishmarkets, as addressed in Permitted Use Policy 3, shall only be extended for building purposes; and the present building outlines shall be essentially maintained and only added to where such extensions and additions accomplish all of the following:

   - The extensions and additions enhance public access and view opportunities, as defined by Public Access/Open Space Policy 3, without infringing upon the views and operations of neighbors.

   - The extensions and additions maintain the overall design character of the Wharf.

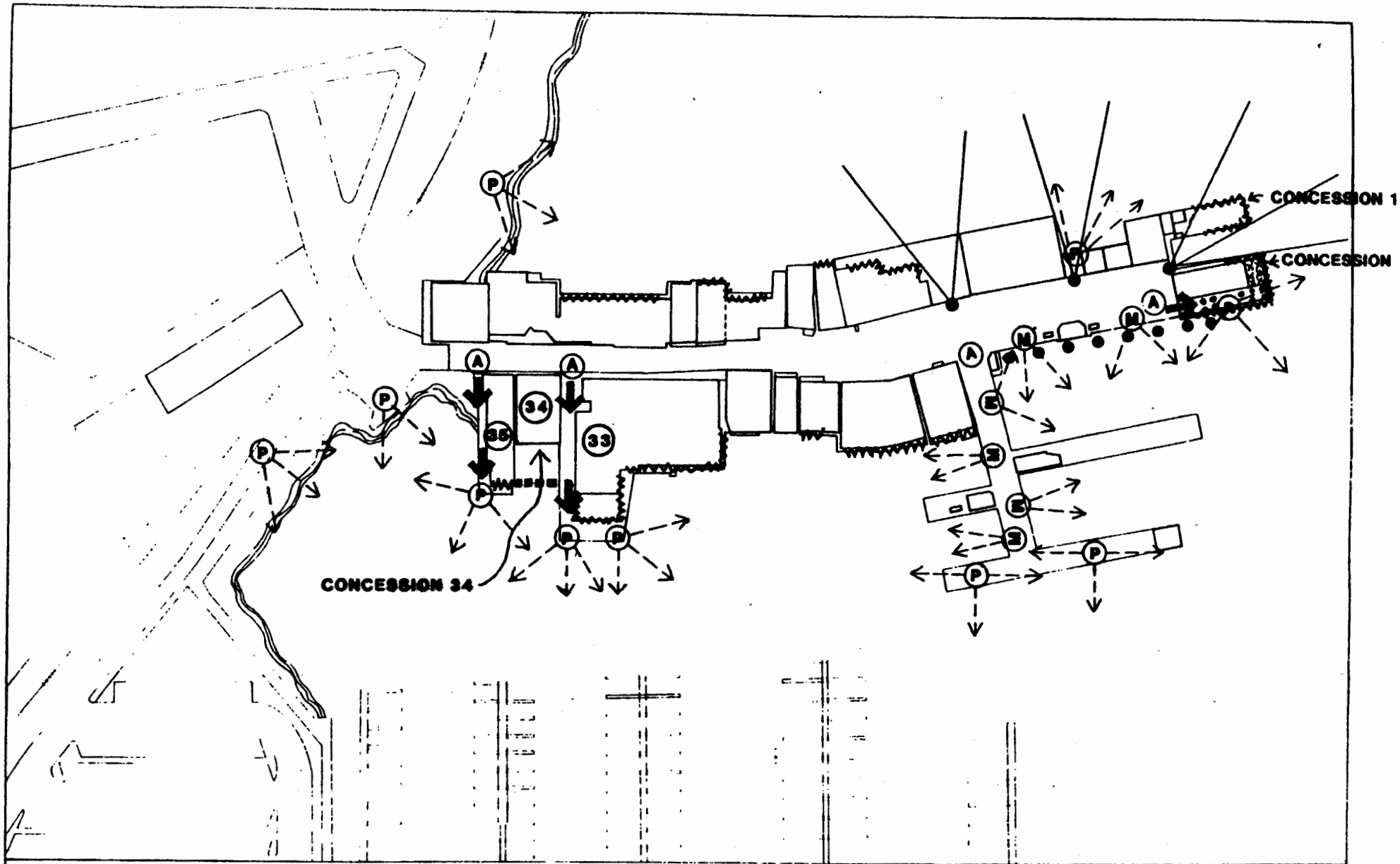
2. New two-story structures shall not be permitted on the Wharf except where:

   - Such structures encourage marine-related uses in line with Permitted Use Policy 3.

   - Such structures do not significantly affect the overall design character of the Wharf;

   - Such structures do not infringe upon the views and operations of neighbors.

3. No further building or structure shall be permitted below the level of the deck on Wharf No. 1, except boat landings. Boat landings may be permitted within the piling supporting a building or deck, but should not project outward of the existing lines of piling.



PANORAMIC VIEWPOINT

MARINE ACTIVITY VIEWPOINT

VIEW CORRIDOR

VERTICAL ACCESS

CONCESSION NUMBER

ROOFTOP OBSERVATION POINT

RESTAURANT WINDOW VIEWS

POTENTIAL LATERAL ACCESS

POTENTIAL ROOFTOP OBSERVATION POINT

PUBLIC ACCESS SIGNING

POTENTIAL OPEN SPACE (SEE PUBLIC ACCESS POLICY 8)

MUNICIPAL WHARF NO. 1

CITY OF MONTEREY

JUNE 1985

FIGURE 5

PUBLIC ACCESS/OPEN SPACE

APPENDIX C

LAND USES PERMITTED BY THE

REDEVELOPMENT PLAN
for the
CUSTOM HOUSE REDEVELOPMENT PROJECT

Sec. 703 Land Use Provisions and Building Requirements
It is a purpose of this Plan to provide for and to encourage new development commensurate with the economic and cultural potential of this area at high standards in the Project for residential, cultural, recreational and commercial activities. To this end the Plan establishes certain conditions of development to assure proper re-utilization. It is in the public's interest that these stipulations be incorporated in this Plan.

Sec. 704 Permitted Uses
Land in the Project shall be used for the purposes indicated by the Land Use Map, Part Two, Exhibit B, except that any land in the Project may be used for a public purpose in accordance with the provisions of Article VII of this Plan. Service stations shall be allowed only within public parking garages. Notwithstanding other provisions of Sections 701, 702, and 704 this Plan expressly provides that when it shall find that to do so is in keeping with project objectives the Agency may permit development of apartments above ground level on parcels G-1, H-2, I-1, I-6, C-1, C-17, C-18, C-19, and C-21, and C-7.

1. COMMERCIAL, meaning the following general types of use:

   A. Retail
      (1) comparison goods sales
      (2) convenience goods sales

   B. Eating and Drinking
      (1) restaurant
      (2) coffee shop or soda fountain
      (3) bar

   C. Entertainment
      (1) theater
      (2) art gallery or museum
      (3) night club
      (4) convention hall

   D. Personal Services and other Services

   E. Banking, Finance, Insurance

   F. Repair of Small Items

   G. Professional, Business, and Governmental Offices

H. Hotel

I. Church

J. Private or Semi-Private Club

K. Any commercial uses not listed above but which would be appropriate, by written permission of the Agency.

2. OFFICE - APARTMENT, meaning the following general types of uses:

A. Administrative, business, executive, editorial and professional offices.
B. Clinics, medical, dental and therapeutic.
C. General research, not involving manufacture, fabrication or processing, or sale of products.
D. Insurance offices.
E. Laboratories, biological, optical, medical, dental and X-ray, not including the manufacture of pharmaceuticals or other products for general sale or distribution.
F. Libraries and reading rooms.
G. Optometrists.
H. Professional pharmacy.
I. Public utility customer service offices.
J. Real estate brokers.
K. Stenographers, public.
L. Stock exchanges and brokers.
M. Tax consulting services.
N. Travel Agency.
O. Apartments.

P. Any other use which is determined by the Agency to be of the same general character as the above permitted uses.

3. VISITOR COMMERCIAL, meaning the following general types of uses:

A. Hotels, Motels and Motor Hotels.
B. Art Galleries or Museums.
C. Antique Shops.
D. Gift Shops.
E. Handicraft Shops and Workshops.
F. Restaurants, including Dancing and Cocktail Lounges incidental thereto.

G. Offices.

H. Clothing Shops.

I. News Stands, Sale of Drugs and Sundries, Barbor Shop, Beauty Parlor, Clothes Cleaning Pick up Agency and Related Personal Visitor Sales and Services when related to and developed as an incidental part of a hotel or motel development.

J. Specialty retail.

K. Any other use which is determined by the Agency to be of the same general character as the above permitted uses.

APPENDIX D

WHARF MASTER PLAN PERMITTED USE POLICIES

AS ADOPTED IN THE WHARF MASTER PLAN
FOR FISHERMAN'S WHARF
BY THE MONTEREY CITY COUNCIL

1. No more new restaurants, cocktail lounges, or gift shops will be allowed on the wharf.

2. Marine-oriented uses should be especially encouraged and shall receive special consideration by the City.

3. To especially encourage retail and wholesale fishmarkets, these markets may be allowed:

   - additional building height not to exceed two stories in height. The building area created by any additional height shall be used for equipment and storage purposes only for on-site businesses, but in no case shall provide for an increase in seating capacity for restaurants.

   - sale of food related to projects sold in fishmarkets, as specifically defined in Resolution 9000, should be allowed for customer take-out and consumption on the premises. Seating shall be for a maximum of ten (10) persons. This sale of food shall be incidental to the sale of retail and wholesale fish products, and shall not alter the character and function of the fishmarket.

4. The sale of products by concessionaires on Fisherman's Wharf shall be limited to those specified in Resolution 9000.

5. Lessees should not be permitted to sublease or assign their leases for uses different than those set forth in the lease unless such use is specifically set forth in the Wharf Plan or approved by the City as meeting the general purposes and objectives of the Wharf Plan.

6. The use and location of vendor carts, and any change in the use and/or location of existing vendor carts, shall be subject to review and approval of the City Council.

7. At the time an existing use is terminated and a different use is proposed, this different use shall be of the following nature:

   a. Primary

      - wholesale and retail fish businesses

      - ship's chandlers

      - sales of marine equipment and supplies

      - marine equipment repair services

      - aquariums

- boat rentals
- sales of fishing equipment and supplies
- other marine-oriented service or retail establishments, which, in the opinion of the City of Monterey, will be an appropriate and harmonious part of a wharf, oriented toward waterfront activities including the above uses

CITY OF MONTEREY

RESOLUTION NO. 01-98 C.S.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY CERTIFYING THE LOCAL COASTAL PROGRAM FOR THE CITY OF MONTEREY

WHEREAS, a public hearing was held by the Council of the City of Monterey on May 15, 2001 in the Council Chambers, City of Monterey, and public comment was received and considered; and

WHEREAS, it is found and determined that the Cannery Row Land Use Plan, Harbor Land Use Plan, Del Monte Beach Land Use Plan, and Skyline Land Use Plan and Implementation Plan that comprise the Local Coastal Program comply with the provisions of the California Coastal Act of 1976;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that it certifies that the Local Coastal Program is intended to be carried out in a manner in full conformity to the California Coastal Act of 1976 and said program is hereby adopted.

BE IT FURTHER RESOLVED that the City Manager is directed to submit said plan to the California Coastal Commission with such additional information as is necessary for their review and approval.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 15th day of May, 2001, by the following vote:

AYES: 4 COUNCILMEMBERS: CANEPA, EDGREN, ROBERSON, VREELAND

NOES: 0 COUNCILMEMBERS: NONE

ABSENT: 1 COUNCILMEMBERS: ALBERT

APPROVED:
Ruth M. Vreeland
/s/~~DANIEL ALBERT~~ Ruth M. Vreeland
Vice Mayor of said City

ATTEST:
Bonnie J. Gawf
/s/BONNIE GAWF
City Clerk thereof