

CALIFORNIA COASTAL COMMISSION

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**W17e**

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RECORD PACKET COPY**COASTAL DEVELOPMENT PERMIT APPLICATION****Application number**3-03-025, Del Monte Beach Riprap Revetments**Applicant**.....Public Works Department, City of Monterey; Attn: Jennifer Gonzalez**Project location**.....Two locations along Del Monte Beach: 1) Beach area at the end of Surf Way, adjacent to Ocean Harbor House; 2) On the beach adjacent to the Del Monte Lake Outfall.**Project description**1) Downcoast extension of the temporary riprap revetment at Ocean Harbor House; 2) Replacement and enlargement of the rock revetment at the Del Monte Lake Outfall.**Local approval**.....City of Monterey**File documents**.....CDP 3-01-047 (Administrative coastal development permit for Del Monte Lake outfall replacement); 3-98-116-G, 3-99-090, 3-99-090(A1), 3-01-120-G (Ocean Harbor House shoreline protection permits); CCC-03-CD-04 (Ocean Harbor House Consent Cease & Desist Order); CDP Application File #3-02-024 (Ocean Harbor House Seawall); Emergency Permit 3-02-115-G (Del Monte Beach Riprap Revetments)**Staff recommendation** ...Approval with Conditions

Summary: This is the follow-up regular permit to emergency permit 3-02-115-G, which allowed for a downcoast extension of the existing beach riprap revetment at Ocean Harbor House to protect a sewer line, and provided for replacement of a riprap revetment adjacent to the Del Monte Lake Outfall. The emergency permit was required because the sewer line and the outfall were in danger of being undermined by severe winter storms in December 2002.

Both aspects of the project raise questions of consistency with the Coastal Act regarding impacts to sand supply, public access and recreation, and views along the shoreline. To maintain Coastal Act consistency, the project is conditioned to require removal of the revetment adjacent to Ocean Harbor House by October 1, 2004, consistent with a previous Commission action requiring the removal of the riprap in front of Ocean Harbor House and relocation of the sewer line inland by this date. Regarding the revetment adjacent to the Del Monte Lake Outfall, this aspect of the project is conditioned to require submittal of an alternatives analysis with subsequent development of the alternative that produces the



California Coastal Commission
September 2003 Meeting in Eureka

Staff: S. Craig Approved by: **DSL**

fewest impacts to sand supply, public access and recreation, and shoreline views, while still providing adequate protection of the outfall structure. As conditioned, Staff recommends approval.

Staff Report Contents

I. Staff Recommendation on CDP Application.....	2
II. Conditions of Approval.....	3
A. Standard Conditions.....	3
B. Special Conditions.....	3
III. Recommended Findings and Declarations.....	4
A. Project Description.....	4
1. Project Location.....	4
2. Ocean Harbor House Background.....	4
3. Project Description.....	5
a. Revetment Adjacent to Ocean Harbor House Condominiums.....	5
b. Revetment Adjacent to Del Monte Lake Outfall.....	5
4. Standard of Review.....	6
B. Coastal Development Permit Determination.....	6
1. Hazards.....	6
2. Public Access and Recreation.....	10
3. Visual Resources.....	12
4. California Environmental Quality Act (CEQA).....	13
IV. Exhibits	
Exhibit 1: Location Map	
Exhibit 2: Cease and Desist Order - Terms & Conditions	
Exhibit 3: Location of Sewer Line and Adjacent Riprap	
Exhibit 4: Photos of Revetment adjacent to Ocean Harbor House	
Exhibit 5: Photos of Del Monte Lake Outfall and Adjacent Revetment	

I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-03-025 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the



following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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

II. Conditions of Approval

A. Standard Conditions

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

B. Special Conditions

1. **Removal of Riprap Adjacent to Ocean Harbor House.** By September 1, 2004, the City of Monterey shall submit a riprap removal plan to the Executive Director for review and approval. The plan will include removal of the riprap in as timely a manner as possible with the least



amount of damage to natural resources and public access as possible. The riprap shall be removed in its entirety by October 1, 2004.

2. **Alternatives Analysis for Protection of Del Monte Lake Outfall.** By April 1, 2004 the City of Monterey shall submit to the Executive Director for review an alternatives analysis that evaluates a range of alternative structures/options to protect the outfall structure. The alternatives to be analyzed shall include, but not be limited to, those described on page 9 of this report. The alternatives analysis shall include the impacts of the existing revetment and each alternative with respect to coastal resources such as sand supply, public access and recreation, scenic views, as well as the degree of protection provided to the outfall structure. The alternatives analysis shall include a recommendation for the project that best protects coastal resources and the outfall structure. If the recommended project differs from the existing riprap revetment, the City shall include an application to amend this permit. After review by the Executive Director, the alternatives analysis and recommended project shall be presented to the Commission for action.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The project consists of two components at two locations in the City of Monterey: 1) Along Del Monte Beach at the end of Surf Way, adjacent to the Ocean Harbor House condominiums, and; 2) Adjacent to the Del Monte Lake Outfall on Del Monte Beach, seaward of the former Monterey Wastewater Treatment Plant (which is on U.S. Naval Postgraduate School property). Please see Exhibit 1 for location map.

2. Ocean Harbor House Background

Riprap in front of the northeast portion of Ocean Harbor House was originally installed under Emergency Coastal Development Permit (CDP) 3-98-116-G. The timeline for retention of the riprap was extended under CDPs 3-99-090 and 3-99-090-A1. Due to heavy storms in December 2001, Emergency CDP 3-01-120-G allowed for the installation of riprap along the entire frontage of Ocean Harbor House.

CDP 3-99-090-A1 acknowledged that the Ocean Harbor House Homeowners' Association (OHHHA) was making progress in designing a permanent solution to the bluff erosion problems. The proposed permanent solution, a vertical seawall, includes inland relocation of the sewer line that serves the beachfront condominium units. CDP 3-99-090-A1 required submittal of a complete CDP application for



a permanent solution by April 1, 2002, as well as a detailed plan for the removal of the temporary riprap by November 1, 2002.

Although OHHHA has submitted an application (CDP 3-02-024) for a vertical seawall, which includes inland relocation of the sewer line, that application remains incomplete, primarily because it lacks the City of Monterey's local discretionary approval (which is in process). Thus the November 1, 2002 deadline for removal of the temporary riprap has not been met. In May 2003, the Commission approved a Consent Cease-and-Desist Order (CCC-03-CD-04) that requires removal of the temporary riprap structure in front of Ocean Harbor House by October 1, 2004, to coincide with development of a permanent shoreline protection solution (see Exhibit 2 for terms and conditions of the cease and desist order).

3. Project Description

a. Revetment Adjacent to Ocean Harbor House Condominiums

In December 2002, high wave action threatened to undermine a sewer manhole and sewer line that is located seaward of Tide Avenue in the City of Monterey. This sewer line receives sewage from the front row of condominiums at Ocean Harbor House and transfers the sewage to a pipe that runs along Tide Avenue (see Exhibit 3). At one point during severe winter storms of December 2002, the sewer manhole was approximately six feet from the beach escarpment, i.e. about six feet from having its sand backfill completely eroded away. This would have caused a collapse of the manhole and discharge of sewage into the ocean. The City sought an emergency coastal development permit to deal with the situation. Emergency CDP 3-02-115-G allowed for development of a 75-foot downcoast extension of the existing temporary riprap revetment at Ocean Harbor House, to protect the sewer manhole and the sewer line. The rock was keyed into the bank approximately five feet below grade and rock was extended from that previously approved for the Ocean Harbor House revetment, a total of approximately 175 feet downcoast of Ocean Harbor House and approximately 100 feet beyond the sewer manhole. This riprap extension is approximately 100 feet beyond what was permitted under the emergency permit (see Exhibit 4 for photos of the revetment extension). According to City staff, the additional extension of the riprap was determined to be necessary to protect the sewer line from further erosion and was also necessary to allow a taper in the elevation of the sand embankment behind the rock revetment so that beach access from Tide Avenue was preserved and further erosion was prevented.

b. Revetment Adjacent to Del Monte Lake Outfall

The second component of the project involves rebuilding of the protective riprap structure surrounding the Del Monte Lake Outfall on Del Monte Beach adjacent to the Naval Postgraduate School property (see Exhibit 5, pg. 1 for aerial photo of outfall structure). The original riprap that protected the outfall structure was approved under CDP 3-01-047, which also provided for the development of a new outfall line from the Del Monte Lake to the Pacific Ocean.



After the severe December 2002 storms, erosion and disturbance of existing riprap was also noted around the headwall at the end of the Del Monte Lake outfall. That headwall had been in place for approximately two years. The riprap protection for the outfall was also replaced pursuant to emergency coastal development permit 3-02-115-G. This riprap also provides for protection of the regional sewer line that is located approximately halfway between the headwall and the old abandoned sewage treatment plant. Because the ocean is encroaching upon this area, protection of the end of the pipe protects the sewage interceptor. Breaching of the regional interceptor would discharge extremely large quantities of raw sewage into the ocean.

The reconstruction of the riprap revetment at the Del Monte Lake Outfall was extended beyond the original limits allowed under CDP 3-01-047. Originally the rock extended approximately 43 feet from the outfall in each direction. This was completely undermined during a storm in December 2002. The replacement revetment, which also protects the pedestrian trail over the headwall, was extended at a slightly more gradual slope than the original revetment to meet the new lower base elevation on the beach and to make pedestrian access over the top of the headwall possible. The rock was keyed into the sand approximately ten feet below grade and extended approximately 131 feet in each direction from the outfall, almost 90 feet more in each direction than what was approved under CDP 3-01-047 (see Exhibit 5, pg. 2 for photo). The asphalt on top of the headwall was repaired because an approximately three-foot-deep hole behind the headwall developed where a sinkhole had occurred due to the erosion of the rock and sand on either side of the headwall. The existing wood walkway was replaced in the same location as approved under CDP 3-01-047 (see Exhibit 5, pg. 3 for photo).

4. Standard of Review

This area of the City of Monterey falls within the coastal zone. The Del Monte Beach Land Use Plan was approved by the Coastal Commission with modifications at the May 2003 hearing; however, several other components of the LCP (including one land use segment and the implementation plan) are not yet certified; thus, the City does not have a fully certified LCP. Therefore the LUP at this stage of the certification process is advisory only and the standard of review for the project is the Coastal Act.

B.Coastal Development Permit Determination

1. Hazards

Coastal Act Section 30235 addresses the use of shoreline protective devices:

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.



Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and to avoid landform altering protective measures in the future. Section 30253 provides, in applicable part:

***Section 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, geological 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.*

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, with the exception of new coastal-dependent uses, Section 30235 limits the construction of shoreline protective works to those required to protect existing structures or public beaches in danger from erosion. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. In addition, the Commission generally has interpreted Section 30235 to apply only to existing *principal* structures. An existing sewer manhole and associated sewer line, as well as an existing outfall structure qualify as principal structures.

Under Coastal Act Section 30235, a shoreline structure must be approved if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply. The first three questions relate to whether the proposed armoring is necessary, while the fourth question applies to mitigating some of the impacts from it.

The following Del Monte Beach LUP policies also address hazards and coastal erosion:

Del Monte Beach LUP Natural Hazards policy 10 states:

***10.** The portion of the sewer lines serving the Ocean Harbor House condominiums shall be relocated landward beyond the 100-year erosion line.*

Del Monte Beach LUP Diking, Dredging, Filling and Shoreline Structures Policy 1 states:

***1.** Structures built for the protection of public beaches, existing legal buildings, or existing public works projects in danger from erosion shall be designed by a licensed engineer with experience in coastal processes. These structures shall be designed in a manner 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 protective structures for the above purposes shall be allowed only if a geotechnical/engineering analysis determines that such protective structures are necessary and are the least environmentally damaging feasible alternative. Development of protective structures for private property shall not encroach on public land.

Diking, Dredging, Filling and Shoreline Structures Policy 2 states:

2. Existing roads, utility pipelines, and sewer lines shall be relocated landward of erosion and storm wave encroachments.

a. Revetment Adjacent to Ocean Harbor House Condominiums

As stated above, high surf from severe storms in December 2002 came within six feet of undermining the existing sewer manhole and associated sewer line located seaward of Tide Avenue. Undermining of this sewer line would have caused discharge of raw sewage into the Monterey Bay National Marine Sanctuary. This sewer line serves the front units of the Ocean Harbor House condominium complex. To prevent undermining of the sewer manhole and the sewer line, the City extended the existing riprap revetment in front of Ocean Harbor House approximately 175 feet downcoast (see Exhibit 3). This extension is consistent with Coastal Act Section 30235, which allows for development of shoreline protective structures to protect existing structures, such as a sewer line, in danger from erosion.

The Ocean Harbor House Homeowners' Association (OHHHA) is actively working on a permanent solution to the erosion problem that plagues these condominium units. A draft environmental impact report (DEIR) regarding a proposed permanent solution, a vertical seawall, was released earlier this summer for comment and a final EIR is now being prepared. Comments made on the DEIR by Commission staff included noting that relocation of the sewer line landward, as well as relocation of any other potentially impacted utility lines, must be considered part of the project description for the proposed project and each alternative. Such relocation will be required to provide consistency with Del Monte Beach LUP Natural Hazards Policy 10 and Diking, Dredging, Filling, and Shoreline Structures Policy 2.

As noted above, an adopted cease-and-desist order (see Exhibit 2 for terms and conditions) requires that OHHHA remove the riprap in front of the condominium complex by October 1, 2004, consistent with the sequencing necessary for replacement of the temporary riprap structure with a permanent shoreline protection solution. This permanent solution will necessarily include relocation of the sewer line inland. Thus, Special Condition #1 of this permit requires that the City submit a riprap removal plan by September 1, 2004 and that the City remove the riprap extension by October 1, 2004, concurrent with the requirement for removal of the riprap that fronts Ocean Harbor House.

Coastal Act Section 30235 requires that shoreline protective devices be designed to mitigate for adverse impacts to sand supply. In this case, however, the riprap extension will be present on the beach for less than two years and should cause minimal, if any, adverse impacts to sand supply. Thus, as conditioned,



this aspect of the project is consistent with the Coastal Act policies regarding development of shoreline protective structures in response to hazards.

b. Revetment Adjacent to Del Monte Lake Outfall

The revetment is located adjacent to the sand bluff, and flanks either side of the outfall headwall structure (see Exhibit 5, pg. 2). As stated above, the original revetment approved under CDP 3-01-047 allowed for riprap to extend approximately 43 feet in each direction adjacent to the outfall headwall structure. The original riprap was completely undermined during the storms of December 2002. The new riprap extends approximately 131 feet in each direction from the outfall, almost 90 feet more in each direction than what was approved under CDP 3-01-047.

The City states that the extension of the revetment was necessary because the original configuration was not providing adequate protection of the outfall structure. Specifically, the City contends that during severe storms, eddies formed around the ends of the original revetment structure, which led to undermining of the structure. The City states that by extending the length of the structure and making the taper more gradual, that heightened wave run-up during the winter is dissipated over a longer distance, preventing the eddies from forming and providing protection of the outfall headwall structure.

Coastal Act Section 30235 permits the use of shoreline protective devices to protect existing structures, such as the existing outfall headwall structure, and also requires that protective structures be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Coastal Act Section 30253 requires that new development not create nor contribute significantly to erosion. Del Monte Beach LUP Shoreline Structures Policy 1 requires that structures built to protect existing public works projects in danger from erosion be designed by a licensed engineer and be designed in a manner that will not adversely affect natural shoreline processes or public access to the beach. This policy also requires a beach maintenance program to prevent or mitigate for loss of beach near the structure.

The current revetment structure is more than twice as long as the structure approved under CDP 3-01-047. Therefore, adverse impacts on coastal resources such as public views, sand supply, and public access and recreation, have been increased compared to the impacts from the original revetment. Because the current revetment structure was constructed under emergency conditions, no analysis of alternatives was done prior to redevelopment of the revetment. A number of alternatives to the existing revetment exist, including, but not limited to, development of angled wing walls that extend landward into the sand bluff, a shorter revetment with a wider base, shortening and curving the revetment landward, etc. Although it is possible that the existing revetment configuration may be the best alternative in terms of impacts on coastal resources, balanced with the need to provide adequate protection for the outfall headwall, it is not possible to be certain about this because no alternatives analysis was done. Special Condition #2 will require that an alternatives analysis be completed, with all alternatives being evaluated for their impacts on sand supply and public access, as well as their ability to provide protection to the outfall headwall structure. A comparison between the impacts of the alternatives and the existing revetment must be included in the analysis. Special Condition #2 also requires that the analysis of alternatives be brought back to the Commission for public hearing and



action. During the interim, the existing revetment may remain in place to provide protection of the outfall headwall during the coming winter storm season. As conditioned, this aspect of the project is consistent with the Coastal Act policies regarding development of shoreline protective structures in response to hazards.

2. Public Access and Recreation

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." Both project sites are located seaward of the first through public road, on the beach. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

Section 30210: In carrying out the requirement of Section 4 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...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

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

In addition, the Del Monte Beach LUP includes a number of policies designed to protect shoreline access in the Del Monte Beach area. Specifically:



Del Monte Beach LUP Shoreline Access Policy 1 states:

1. The existing vertical access in the LCP area shall be protected, including, but not limited to, the available access to the beach at Sand Dunes Drive, along Tide Street and at the ends of Surf and Beach Ways. The formalized parking areas along Beach Way and at the corner of Beach Way and Tide Avenue, as well as existing signage, shall be maintained.

Del Monte Beach LUP Shoreline Access Policy 14(b) states:

14(b). The City shall continue to provide boardwalk access along the beach frontage from Surf Way to Beach Way, paralleling Tide Avenue, including handicap access.

a. Revetment Adjacent to Ocean Harbor House Condominiums

As stated above, this revetment was necessary to prevent undermining of an adjacent sewer manhole and associated sewer line during winter storms, which would have resulted in the discharge of raw sewage onto the beach and into the Monterey Bay National Marine Sanctuary. Such a sewage spill would result in closure of this portion of Del Monte Beach and the adjacent ocean waters, with resultant negative impacts to public access and recreation. Thus, the revetment extension was necessary to protect public access and recreation.

An existing boardwalk runs laterally along the sand bluff adjacent to Tide Avenue, consistent with Del Monte Beach LUP Shoreline Access policies 1 and 14(b). An offshoot of this boardwalk provides vertical access to the beach near the intersection of Surf Way and Tide Avenue. This boardwalk offshoot leads to a series of steps down to the beach. Currently the stairs come down to an area above the beach and behind the revetment, followed by some temporary posts and cables to guide people down to the beach. Then it is a short distance to access the beach by walking around the edge of the revetment (see Exhibit 4, pg. 2 for photo). Although installation of the revetment requires individuals to walk slightly farther to access the beach, this additional amount is minor and does not inhibit or preclude access to the beach. Also, as stated above, Special Condition #1 requires removal of the revetment extension in its entirety by October 1, 2004, after which direct vertical access to the beach will again be available from the steps above the beach. Thus, the revetment project is consistent with the public access and recreation policies of the Coastal Act.

b. Revetment Adjacent to Del Monte Lake Outfall

The revetment flanking both sides of the outfall headwall structure was disturbed and undermined during the storms of December 2002. The replacement revetment structure (see Exhibit 5, pg. 2 for photo) is more than double in length (131 feet in each direction) than that originally approved under CDP 3-01-047 (43 feet in each direction). According to the City, this extension was necessary because the original configuration was not adequate to protect the outfall headwall structure during intense storms (see discussion above in Hazards section). The replacement revetment covers a greater amount of beach than the originally approved revetment, thus reducing the amount of access and recreational use available to the public on Del Monte Beach.

Coastal Development Permit 3-01-047 also provided for development of an accessway over the outfall



headwall structure (see Exhibit 5, pg 3 for photo). This accessway provides through beach access during periods when the outfall is discharging large amounts of water onto the beach. This accessway was also damaged during the storms of December 2002 and was rebuilt concurrent with the revetment being enlarged. The rebuilt accessway is adequate to provide through beach access during periods of high outfall flow.

The rebuilt revetment is more than double the size originally approved under CDP 3-01-047. As noted above, Special Condition #2 requires the City to analyze alternatives to the current revetment structure and return to the Commission for a decision on these alternatives. This alternatives analysis will need to include the impact of each alternative on beach access and recreation, beach coverage, as well as the amount of protection provided to the outfall during storms. If a configuration that minimizes public access and recreation impacts (compared to the current revetment structure) is also determined adequate to protect the outfall structure, then that configuration will be required. With this condition, the project is consistent with the public access and recreation policies of the Coastal Act.

3. Visual Resources

Coastal Act Section 30251 protects scenic and visual resources and states:

Section 30251. 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.

Del Monte Beach LUP Visual Resources Policy 5 states, in part:

5. The lateral views along the shoreline shall be protected and enhanced by preserving the continuity of the beach, and, where feasible, widening the eventual open space strip along and behind the beach.

a. Revetment Adjacent to Ocean Harbor House Condominiums

The revetment extension has introduced an unnatural and artificial structure into the public recreational viewshed at Del Monte Beach (see Exhibit 4, pg. 1 for photo). This viewshed, however, is already disrupted by the presence of Ocean Harbor House, which is located far seaward of any other development in the Del Monte Beach neighborhood. Also, as noted above, the revetment extension is temporarily necessary to protect a sewer manhole and sewer line from being undermined during winter storms, until such time as the sewer line is relocated inland. Furthermore, Special Condition #1 of this permit requires removal of the revetment extension by October 1, 2004, which will return this area of beach to its natural visual state. For these reasons, the project is consistent with Coastal Act Section



30251 regarding protection of views along the shoreline.

b. Revetment Adjacent to Del Monte Lake Outfall

The replacement revetment structure is more than twice as long as the original structure approved under CDP 3-01-047 (131 feet versus 43 feet on either side of the outfall headwall), with resultant greater visual impacts along Del Monte Beach (see Exhibit 5, pp. 2-3 for photos). Coastal Act Section 30251 requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas. In this case, the revetment development must be sited where it is because of the existing outfall. However, it is possible that other alternatives to protect the outfall would have a lesser visual impact. As noted above, Special Condition #2 requires that the City analyze the alternatives to protect the outfall. This analysis must include a visual analysis of the various options. If a better configuration that meets the requirements for hazard protection, public access and recreation, and visual impacts is determined, then that option will be required. As conditioned, the project is consistent with Coastal Act Section 30251 regarding protection of views along the shoreline.

4. California Environmental Quality Act (CEQA)

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

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



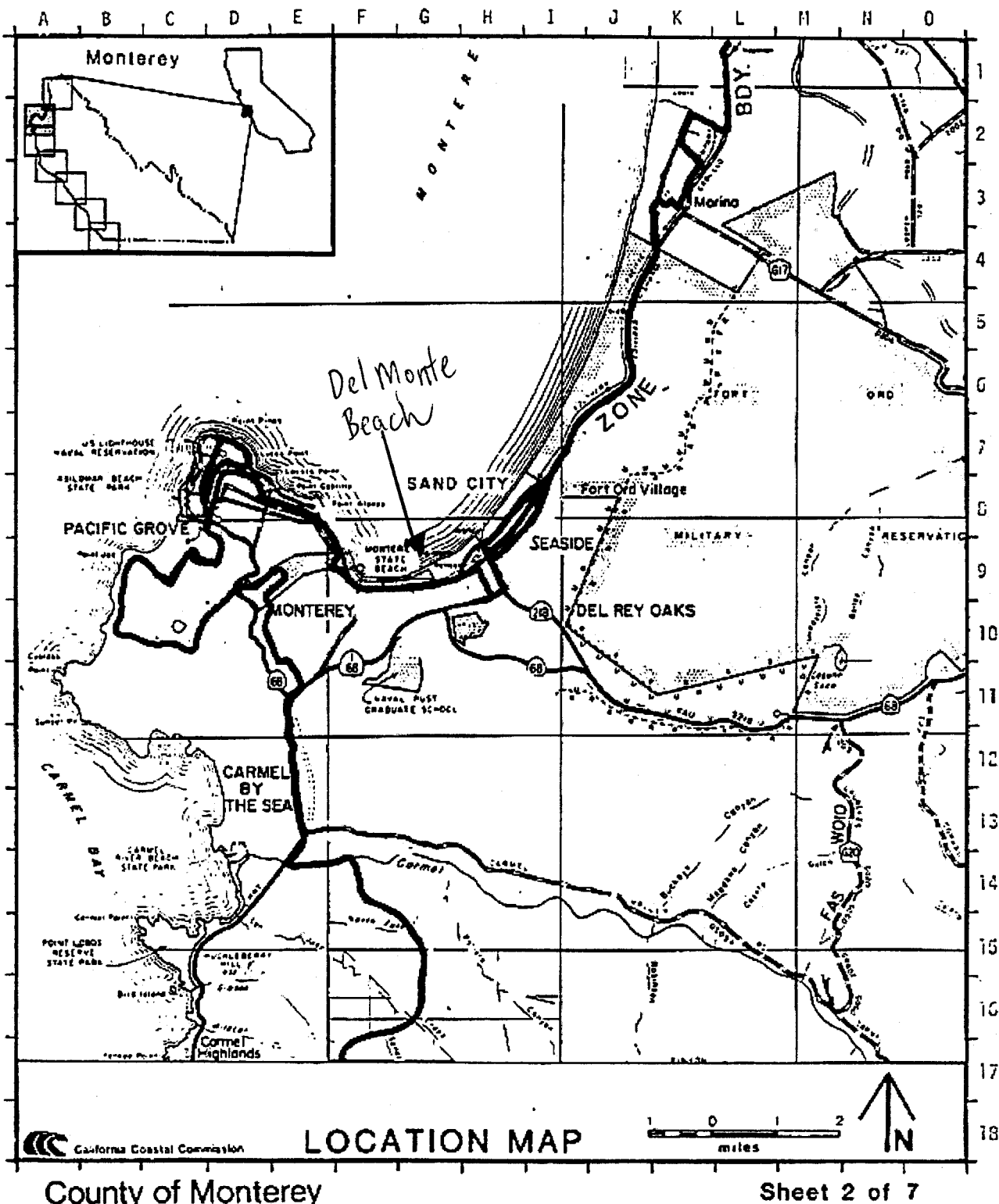


EXHIBIT NO. 1
APPLICATION NO.
3-03-025
pg 1 of 1

CALIFORNIA COASTAL COMMISSION

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CONSENT CEASE AND DESIST ORDER NO. CCC-03-CD-04**1.0 TERMS AND CONDITIONS**

Pursuant to its authority under Public Resources Code Section 30810, the California Coastal Commission hereby orders and authorizes Ocean Harbor House Homeowners Association, its members and staff (hereinafter referred to as "Respondent") to cease and desist from undertaking or maintaining on the Property identified in section 2.0 development that violates the terms and conditions of Coastal Development Permit (CDP) Amendment No 3-99-090-A1. Accordingly, Respondents shall take the following actions in the manner specifically required by this consent cease and desist order (hereinafter referred to as "Consent Order"). By its execution of this Consent Order, Respondent agrees to comply with terms and condition contained herein.

- 1.1 Within 45 days of the City of Monterey's Local Discretionary Approval of Respondent's permanent shoreline protection solution Respondent shall submit to the Executive Director the additional materials necessary to complete CDP Application No. 3-02-024. A description of the missing materials was provided in a letter from Commission staff to Respondent's agent, Anthony J. "Bud" Carney dated April 25, 2002. A final copy of the environmental report shall also be submitted with the CDP application.
- 1.2 Within 45 days of the City of Monterey's Local Discretionary Approval of Respondent's permanent shoreline protection solution, Respondent shall submit to the City of Monterey and the Executive Director a plan for the removal of the existing temporary riprap structure from the beach and disposal outside of the coastal zone. The plan shall consist of a description of the removal of the riprap and measures to minimize disturbance to the bluff, the tidal zone, and the adjacent dune system, including any dune vegetation. The plan must also specify where the riprap will be disposed of.
- 1.3 Removal of the temporary riprap structure should be timed so as to be consistent with the sequencing necessary for replacement of the temporary riprap structure with a permanent shoreline protection solution approved by the Commission and the City of Monterey. In any event, however, Respondent shall carry out the complete removal of the temporary riprap structure according to the plan.

EXHIBIT NO. 2**APPLICATION NO.**

3-03-025

pg 1 of 2

approved by the City of Monterey and the Executive Director by no later than October 1, 2004.

- 1.4 Within 30 days of the completion of the removal of the temporary riprap structure, Respondent shall provide to the Executive Director photographic evidence that the temporary riprap structure has been removed.

2.0 IDENTIFICATION OF THE PROPERTY

The property that is the subject of this Consent Order is described as follows:

Ocean Harbor House Condominiums, 1 Surf Way, City of Monterey, Monterey County (APNs 011-441-029, 011-441-040).

3.0 PERSON SUBJECT TO THIS ORDER

Persons subject to this Consent Order consist of the membership and staff of Ocean Harbor House Homeowners Association.

4.0 DESCRIPTION OF COASTAL ACT VIOLATION

Failure to comply with the terms and conditions of CDP Amendment No. 3-99-090-A1, which required submission of a complete CDP application for a permanent shoreline protection solution by April 1, 2002, and removal of a temporary riprap structure by November 1, 2002. It is acknowledged that a portion of the riprap in the vicinity of the temporary riprap structure is owned by the City of Monterey and not a part of said temporary structure.

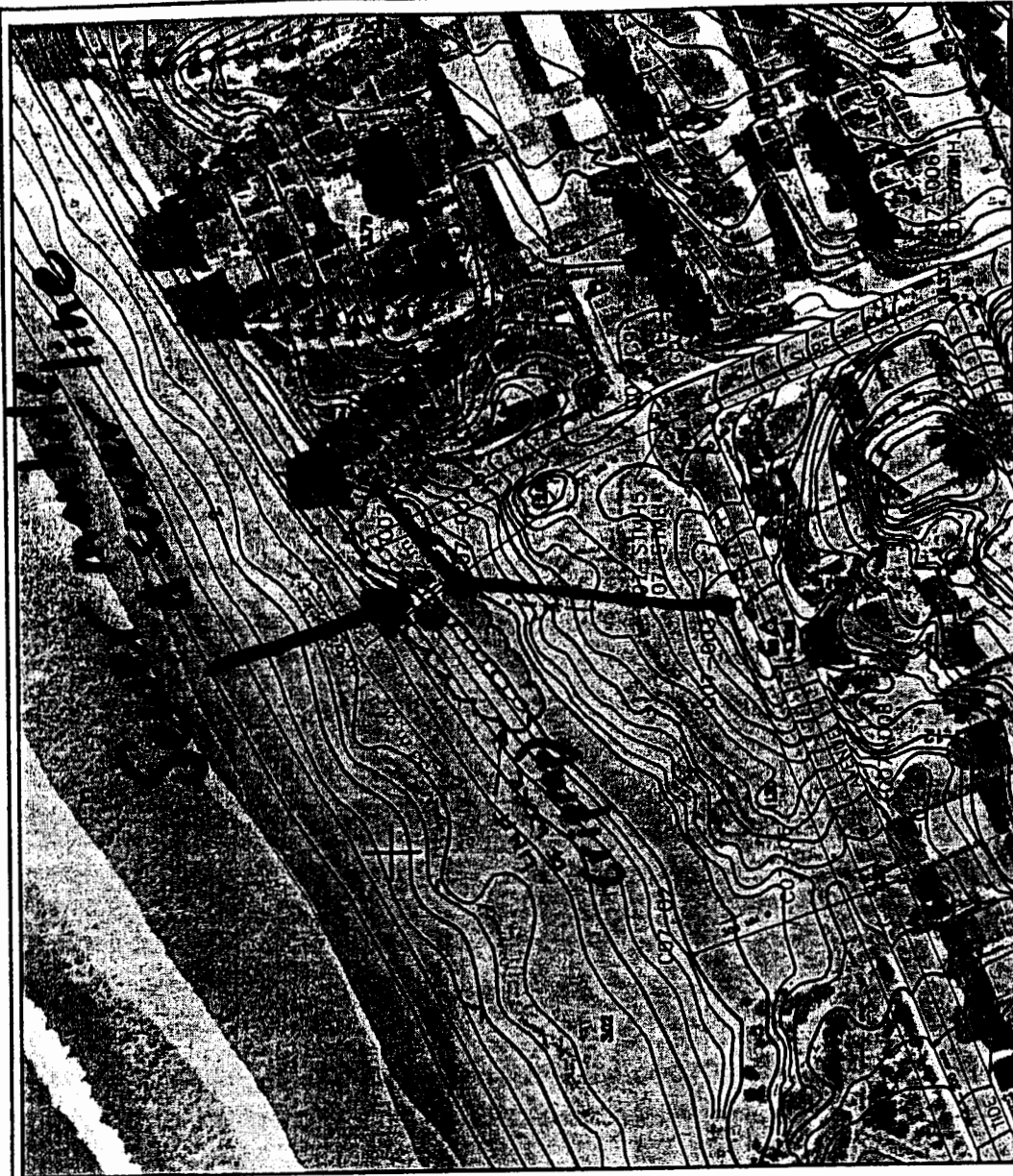
5.0 COMMISSION JURISDICTION

The City of Monterey does not have a certified LCP, thus all development within the coastal zone must receive a CDP from the Commission. The City of Monterey, however, has jurisdiction over the land use permit required to carry out development on its property. The Commission is issuing this Consent Order pursuant to authority provided in Section 30810 of the Coastal Act.

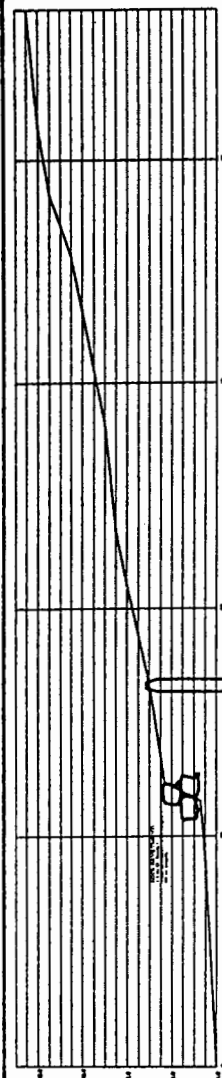
6.0 STATEMENT OF DEFENSE

In light of the intent of the parties to resolve this Coastal Act violation through settlement, Respondent agrees to waive its right to assert a statement of defense pursuant to California Code of Regulations Title 14, Section 13181.

EXHIBIT NO. 2
APPLICATION NO.
3-03-025
P82 of 2



PLAN



CITY OF MONTEREY	
DEPARTMENT OF PUBLIC WORKS	
ROCK REVETMENT	
EMERGENCY REPAIRS	
Adjacent to Ocean Harbor House	
410-7-7	
APPROVED	DATE
CITY ENGINEER	REVIEWER
DESIGNED BY	DATE
CHECKED BY	DATE
IN CHARGE	DATE
PROJECT NO.	DATE
PROJECT NAME	DATE
PROJECT LOCATION	DATE
PROJECT DESCRIPTION	DATE
PROJECT STATUS	DATE
PROJECT COMMENTS	DATE

EXHIBIT NO. 3
APPLICATION NO.
3-03-025
pg 1 of 1

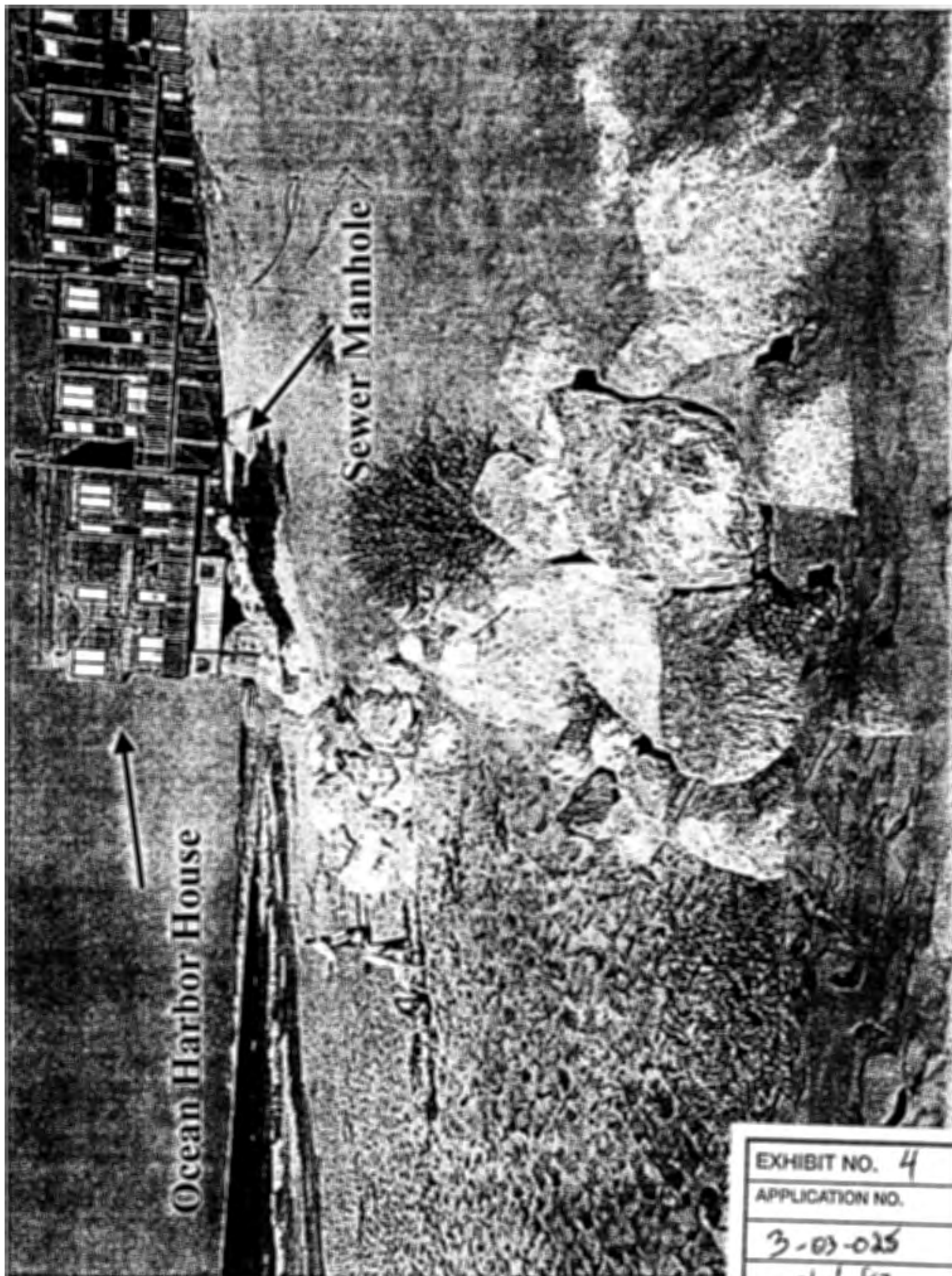


EXHIBIT NO. 4

APPLICATION NO.

3-03-025

pg 1 of 2

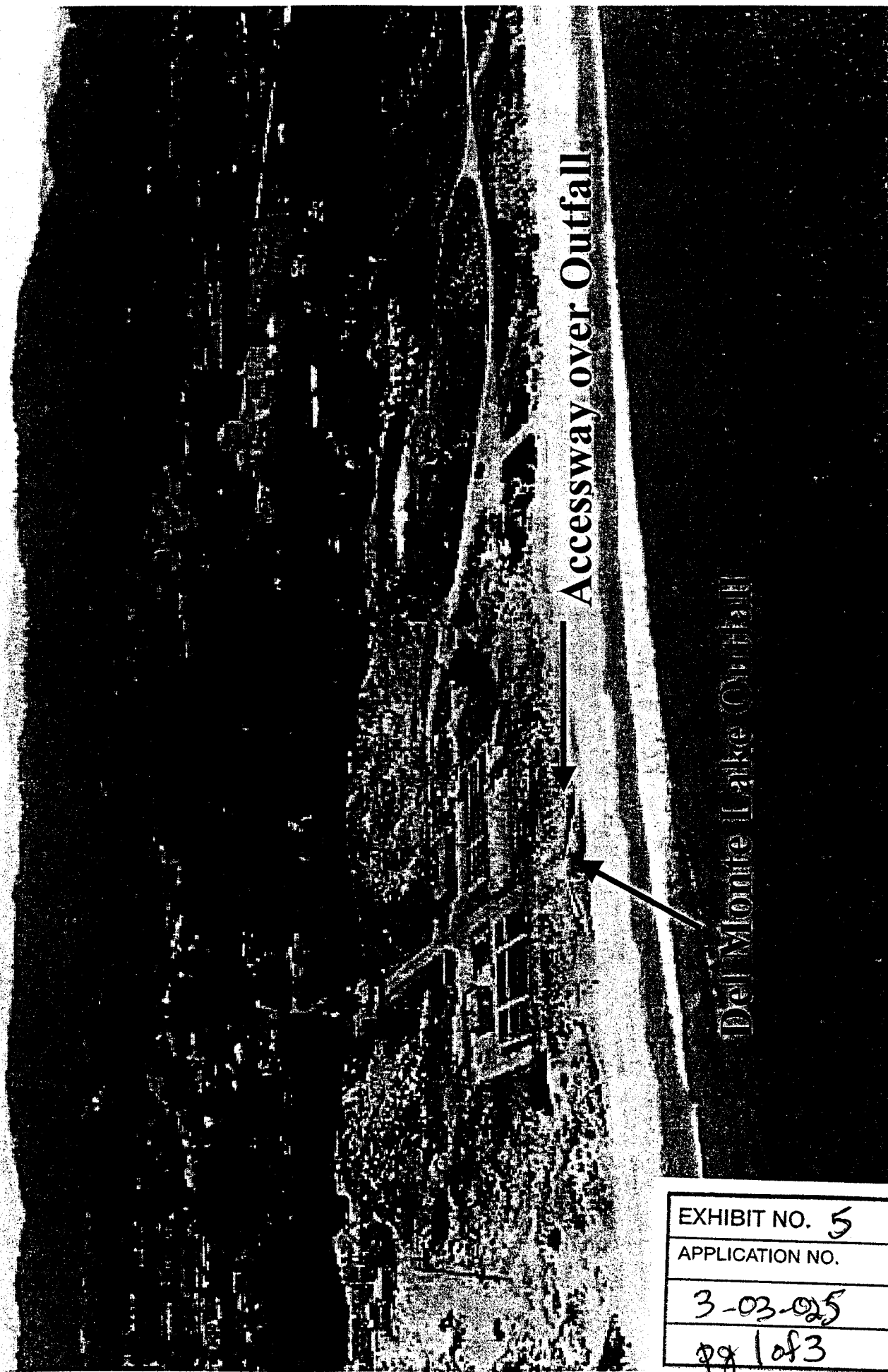
Steps to Beach

EXHIBIT NO. 4

APPLICATION NO.

3-03-025

Pg 2 of 2



Accessway over Outfall

Del Monte Lake Outfall

EXHIBIT NO. 5
APPLICATION NO.
3-03-025
pg 1 of 3

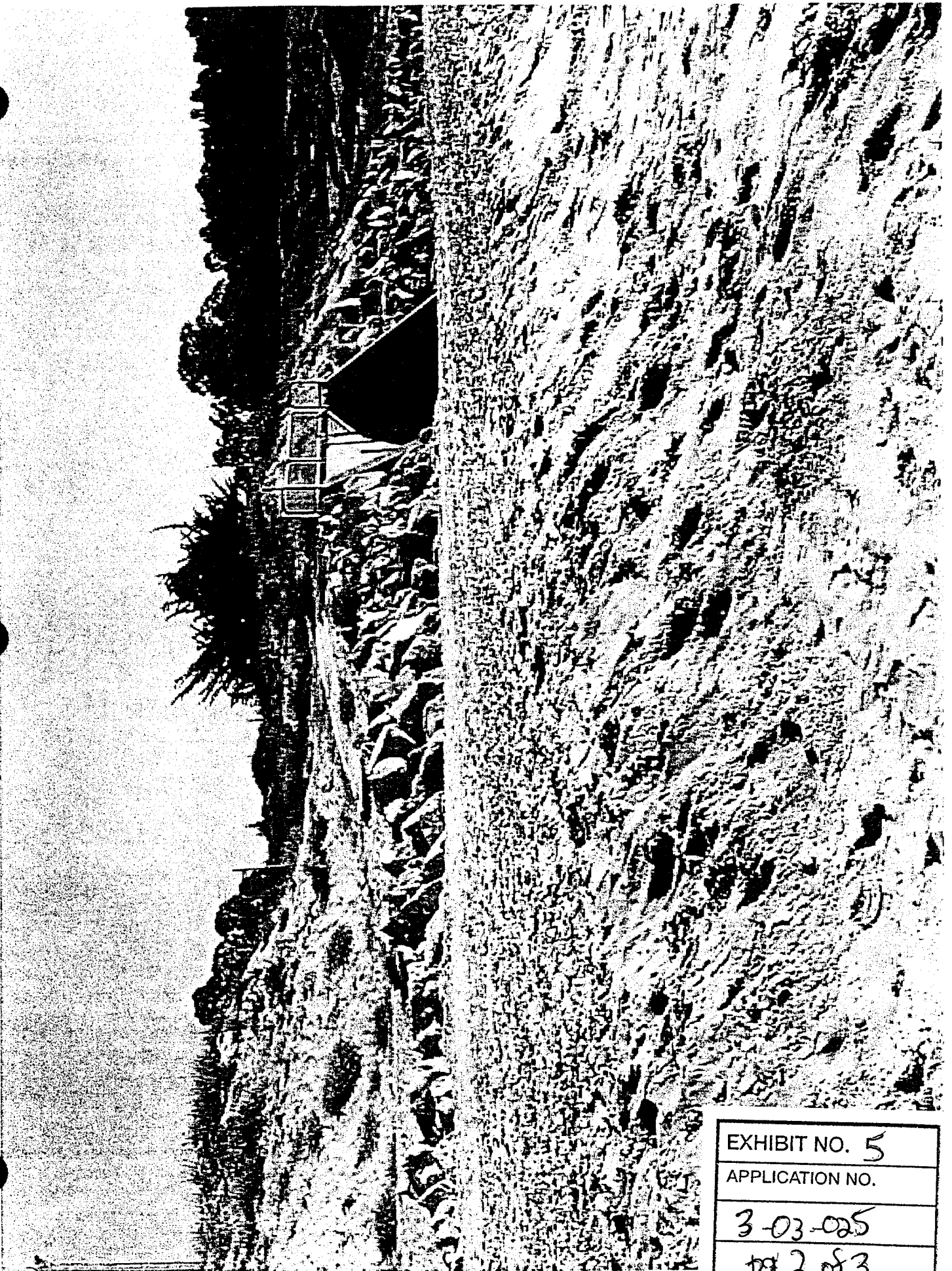


EXHIBIT NO. 5

APPLICATION NO.

3-03-025

pg 2 of 3

Accessway Over Outfall



EXHIBIT NO. 5

APPLICATION NO.

3-03-005

pg 3 of 3