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COASTAL DEVELOPMENT PERMIT APPLICATIONS

Application numbers .....**3-03-096: Abandonment of approximately 1800 square feet of Front St.**
.....**3-03-022: Monterey Beach Hotel Seawall**

Applicants .....**3-03-096:** City of Monterey, Attn: Bill Fell
.....**3-03-022:** ZHG, Inc., Attn: Paul Davis, Sr.

Project locations .....**3-03-096:** Front St. right-of-way adjacent to the Monterey Beach Hotel, City of Monterey (Monterey County)
.....**3-03-022:** 2600 Sand Dunes Drive, City of Monterey (Monterey County)

Project descriptions.....**3-03-096:** Abandonment of approximately 3 feet x 600 feet of Front St. on the beach in front of the Monterey Beach Hotel.
.....**3-03-022:** Installation of an approximately 600-foot-long, driven, sheet-pile metal seawall immediately adjacent to the existing seawall that parallels the shoreline at the Monterey Beach Hotel; removal of the existing end walls along the northeastern and southwestern boundaries of the Monterey Beach Hotel and replacement of these end walls in the same locations with new driven sheet pile walls.

Local approvals .....**3-03-096:** City Council Resolution No. 03-55
.....**3-03-022:** Categorically Exempt per City planning staff

File documents.....CDP 3-02-111-G; Alternative Evaluation Study (Haro, Kasunich and Associates, Inc., dated 7/2/03); Geotechnical & Coastal Engineering Evaluation (Haro, Kasunich and Associates, Inc., dated 7/22/03); Estimates of Average Beach Width (Haro, Kasunich and Associates, Inc., dated 11/20/03)

Staff recommendation ...Approval with Conditions

Summary:
The Applicant proposes to install a driven sheet pile wall immediately adjacent to an existing damaged frontal seawall at the Monterey Beach Hotel. In addition, the Applicant proposes to remove the northeastern and southwestern end walls of the existing seawall structure and replace the damaged end

walls with new sheet pile driven walls (**CDP 3-03-022**). The proposed new seawalls are necessary to protect the pre-Coastal Act Monterey Beach Hotel from wave action and wave run-up during winter storms, because the existing seawalls were severely damaged in December 2002. The proposed sheet pile wall construction that is parallel to the shoreline and adjacent to the frontal portion of the existing seawall would permanently occupy a portion of Front St., which is a public "paper" street on the beach. To accommodate the proposed frontal seawall, the City of Monterey abandoned a 3' x 602' 6" portion of Front St. Approval of CDP application **3-03-096** would allow for the abandonment of this portion of Front St., which would then become Hotel property.

There are no feasible alternative projects to protect the existing threatened Hotel buildings at this location, without some form of new shoreline armoring. Staff recommends approval subject to conditions applied by the Commission in past similar cases that are designed to offset coastal resource impacts while providing for long-term permitted maintenance. The recommended conditions of approval include provisions for: maintenance to take place on an as-needed basis (subject to approval of future coastal development permits); visual treatments to match the color and texture of the seawalls with the adjacent beach and dunes; landscaping with native plantings designed to cascade over the topmost portion of the seawalls for screening; restrictions on construction activities during the snowy plover's nesting season; submission of a public access management plan; submission of a construction plan to protect water quality and public access during construction, and; assumption of risk by the property owner. As conditioned, Staff recommends approval.

Staff Report Contents

I. Staff Recommendation on CDP Application

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

Motion #1. I move that the Commission approve Coastal Development Permit Number **3-03-096** (abandonment of 3' x 602' 6" of Front St.) pursuant to the staff recommendation.

Staff Recommendation of Approval #1. Staff recommends a **YES** vote. Passage of this motion will result in approval of coastal development permit 3-03-096 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 #1 to Approve a Coastal Development Permit. The Commission hereby approves coastal development permit 3-03-096 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.

Motion #2. I move that the Commission approve Coastal Development Permit Number **3-03-022** (Monterey Beach Hotel seawall) pursuant to the staff recommendation.

Staff Recommendation of Approval #2. Staff recommends a **YES** vote. Passage of this motion will result in approval of coastal development permit 3-03-022 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 #2 to Approve a Coastal Development Permit. The Commission hereby approves coastal development permit 3-03-022 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

Note: All Standard Conditions apply to CDP 3-03-022 and CDP 3-03-096.

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

Note: Special Conditions #4, #5, & #14 apply to both CDP 3-03-022 & CDP 3-03-096; the remaining Special Conditions apply to CDP 3-03-022 only.

1. **Existing Development.** The approved frontal seawall and end walls are for the protection of the existing Monterey Beach Hotel (in its present configuration only) and for existing associated Hotel developments, such as parking lots, parking garage, etc.

2. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee (ZHG, Inc.) acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from coastal erosion and scour, wave and storm events, dune and other geologic instability, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

3. **Public Access Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee (ZHG, Inc.) shall submit to the Executive Director for review and approval a public access management plan that provides for public access from the adjacent beach to all stairwells located in the seawall (as shown in Exhibit 4. pg. 1), including the existing two stairwells located in the frontal seawall and the two new stairwells located in the northeastern and southwestern redeveloped end walls. Access from all stairwells shall connect to the lateral path that extends along the entire inland frontage of the frontal seawall. Lateral public access across the hotel site shall be available for the life of the project, from sunrise to sunset or until 9 pm, whichever is later, 365 days a year, on the pathway seaward of the hotel and inland of the seawall. The public access management plan shall include a signage plan that describes where the signs will be located, the dimensions and design of the signs, and the proposed text stating the availability and hours of public access.

4. **Public Access.** Unrestricted public access shall be allowed on the undeveloped section of the abandoned portion of Front St.

5. **Merging of Parcels. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee shall submit to the Executive Director for review and approval evidence that the abandoned 3-foot strip of the Front Street right-of-way (approved under CDP 3-03-096),

which is contiguous with the existing frontal seawall, has been merged with the main Hotel parcel (APN 011-422-017).

6. **Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee (ZHG, Inc.) shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall include, at a minimum, the following:

   (a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction sites and staging areas), and all public pedestrian access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on both the beach and beach access points, and to have the least impact on public access.

   (b) Construction Methods and Timing. The Construction Plan shall specify all construction methods to be used, including all methods to be used to keep the construction areas separated from beach recreational use areas (including using the Hotel property inland of the existing seawalls for staging, storage, and construction activities to the maximum extent feasible). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

   (c) Construction Criteria. The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:

   - All work shall take place during daylight hours and lighting of the beach area is prohibited unless, due to extenuating circumstances, the Executive Director authorizes non-daylight work and/or beach area lighting.

   - Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.

   - Any construction materials and equipment shall be delivered to the beach area by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters.

   - All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls.

   - Construction (including construction activities, materials, and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

- No work shall occur on the beach during weekends unless, due to extenuating circumstances, the Executive Director authorizes such work.
- Equipment washing, refueling, and/or servicing shall not take place on the beach.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.

All requirements of the condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

7. **Beach Restoration. WITHIN THREE (3) DAYS OF COMPLETION CONSTRUCTION,** the Permittee shall restore all beach areas and all beach access points impacted by construction activities, to their pre-construction condition. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

8. **Visual Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee (ZHG, Inc.) shall submit to the Executive Director for review and approval visual simulations of the frontal seawall and the northeastern and southwestern end walls. These visual simulations shall show the addition of sand-colored texturing and contouring to all three walls, similar to the color and texture of the adjacent beach and dunes. The sand-colored texturing and contouring shall be maintained throughout the life of the seawall structure.

9. **Landscaping Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee (ZHG, Inc.) shall submit to the Executive Director for review and approval a landscaping plan for the planter boxes located along the tops of the frontal seawall and northeastern and southwestern end walls. The landscaping plan shall include a list of native, coastal-tolerant, cascading plants that will be planted in these planter boxes to provide some visual screening of the seawalls. All plantings shall be kept in good growing condition and replaced as necessary to maintain some visual screening of the walls over the life of the project.

10. **Sheet Pile Wall Maintenance.** It is the Permittee's (ZHG, Inc.) responsibility to maintain the as-built sheet pile walls in a structurally sound manner and in their approved state. This includes maintenance of all visual treatments. The approval of coastal development permit 3-03-022 does not obviate the need to obtain future permits for any future maintenance and/or repair episodes. The Permittee agrees to apply for a coastal development permit, and any and all other permits required, for any proposed future maintenance and/or repair episodes.

11. **Snowy Plover.** Construction activities on areas adjacent to the California State Parks properties (including removal and reconstruction of the northeastern and southwestern end walls or use of these areas as staging areas for construction of the frontal seawall) will commence after September 15th and all activities shall be completed before March 1st to avoid disrupting any potential snowy plover nesting sites.

12. **State Parks. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the Permittee (ZHG, Inc.) shall submit to the Executive Director evidence that the Permittee has received a "right-of-entry" permit from State Parks that allows the Permittee to use un-vegetated portions of State Parks property on the north and south sides of the Hotel property as construction staging and access areas.

13. **Conformance with Monterey Bay National Marine Sanctuary Requirements. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee (ZHG, Inc.) shall submit to the Executive Director for review a copy of the Monterey Bay National Marine Sanctuary (MBNMS) permit, letter of permission, or evidence that no MBNMS permit is necessary.

14. **Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Background

In late December 2002, heavy surf and high tides damaged the seawall that protects the Monterey Beach Hotel (see Exhibit 1 for aerial photo). Ocean waves and high tides caused sand to be scoured out from behind the seawall, resulting in the formation of sinkholes behind the seawall. Parking lots, walkways, planters and landscaping collapsed into the sinkholes. The Coastal Commission issued an emergency permit (3-02-115-G), which allowed the Applicant to perform emergency repairs consisting of placing concrete fill behind the seawall in areas where the sand fill had been washed out, and stacking riprap along the entire ocean side (600+ feet) of the seawall, as well as along the northern and southern end walls (see Exhibit 2 for photos). The City granted the Applicant a temporary encroachment permit for placement of the emergency riprap on a portion of the Front St. right-of-way, which is located immediately seaward of the Monterey Beach Hotel seawall (see Exhibit 3). The majority of the exposed riprap was removed the following spring, except for the minimum amount of riprap absolutely necessary to the continued function of the compromised walls. Condition #4 of the Commission's emergency permit required the Applicant to apply for a regular coastal development permit to repair the existing seawall. The integrity of the existing seawall, however, had been compromised to the degree that repairs alone would not be adequate to provide protection of the Hotel buildings.

1. Project Location

The Monterey Beach Hotel is located on the beach at 2600 Sand Dunes Drive in the City of Monterey (see Exhibit 1). The Hotel site is an oceanfront location on the Monterey Bay that is directly exposed to ocean wave impact, ocean wave run-up, coastal erosion, beach scour and other dynamic coastal processes. The City of Monterey/City of Seaside boundary is located along the northeast edge of the Hotel property. Monterey State Beach is located on both the northern and southern sides of the Hotel property. An unimproved public right-of-way, called Front Street, is located in a partially submerged alignment along the beach in front of the Hotel (see Exhibit 3).

The Monterey Beach Hotel is four stories tall and consists of five separate buildings. The Hotel has 196 rooms as well as a restaurant, meeting rooms, a pool, and an on-site parking two-story parking structure. The Hotel and the seawall were constructed in 1969, prior to passage of the Coastal Act. The seawall is a 29-foot high vertical concrete perimeter wall constructed around three sides of the building site to contain the soils underlying the buildings and to provide protection from wave and ocean run-up impacts. The top of the existing vertical wall is at an elevation of 21 feet above Mean Sea Level. Portions of the Hotel buildings are within 14 feet of the seawall at an elevation of 17.5 feet above Mean Sea Level (see Exhibit 2 for photos of existing seawall). A pathway is located between the Hotel buildings and the portion of the seawall that faces the ocean (see Exhibit 7)

The beach elevations adjacent to the seawall vary seasonally and annually. On an annual basis, the beach elevations have varied from about 2.5 feet below Mean Sea Level to about 10 feet above Mean Sea Level, due to natural coastal processes. Typically the beach sand elevations are higher than 5 feet above Mean Sea Level. The natural coastal processes cause the effective height of the vertical wall to range anywhere from 11 to 23+ feet high. One factor that influences these processes is the presence of a large storm drain that discharges runoff from Laguna Grande and Roberts Lake immediately adjacent to the Hotel site. Caltrans installed this storm drain when Highway 1 was constructed. Concentrated flow from this storm drain exacerbates the natural coastal erosion processes in the immediate area.

The Hotel is located on an eroding coastline. According to the Applicant's coastal engineer, the average long-term annual rate of landward erosion along this section of coastline is approximately 2.5 to 3.0 feet per year. Because of the extreme susceptibility of the soils in this area, a single severe storm season has the potential to cause 50 feet of erosion anywhere on this section of coastline. Since the Hotel was constructed in 1969, approximately 100 feet of shoreline recession has occurred upcoast and downcoast of the Hotel. Thus, the Hotel is located substantially further seaward now than when it was constructed.

2. Project Description

Note: The frontal portion of the existing seawall is structurally tied to mat slabs, which are the Hotel buildings' foundations. The stability of the Hotel buildings relies completely on the sufficiency and integrity of the adjacent frontal portion of the seawall because the frontal seawall provides an integral structural support system for the Hotel. If the existing frontal seawall were removed or if it failed during a storm, the Hotel buildings would also fail. This failure would be in the form of a partial collapse of the buildings due to large magnitude undermining. For these reasons, the existing frontal seawall cannot be removed.

a. Seawall Project Description (CDP 3-03-022)

The seawall proposal consists of the placement of soldier beams with sheet pile in between them. A formed, cast concrete wall will be structurally fixed to the top of the driven, 600-foot long sheet pile wall. A necessarily bulky concrete haunch, which will prevent corrosion, forms the junction of the concrete and steel. The frontal portion of the seawall will be constructed as close as possible to the outside of the existing failing concrete seawall that is parallel to the shoreline (see Exhibit 2, pg. 1 for photo of existing frontal seawall; see Exhibit 4 for project plans).

The proposed project also includes the removal of the existing end walls along the northeastern and southwestern portions of the Hotel's property line (the existing end walls are not tied into the Hotel buildings and thus do not provide a structural support system for the Hotel). New end walls would be constructed within the Hotel's property lines. The existing 128-foot long northeastern boundary end wall ties into the Caltrans storm drain structure that drains Roberts Lake and Laguna Grande. The new northeastern end wall will also need to tightly tie to this storm drain structure. The 150-foot-long end wall at the southwestern boundary will also be removed and replaced in the same location, within the Hotel's property line (see Exhibit 2 pp. 2-3 for photos of existing end walls; see Exhibit 4 for project

plans). Both the new frontal seawall and the end walls have been designed to achieve a 50-year design life.

The project includes the excavation of the remaining submerged riprap placed outside the existing seawall and end walls during the December 2002 emergency. Although the majority of the riprap placed during that emergency was removed, it was necessary to maintain some of the riprap to provide support and protection of the damaged seawall and ultimately of the Hotel. In addition, concrete grout was pumped into place behind the existing seawall during the December 2002 emergency to plug the sinkholes and voids where the seawall was being undermined by beach scour. It is uncertain whether any of the 1000± cubic yards of concrete grout flowed to positions seaward of the existing wall and hardened. If so, this material will have to be removed as well.

To soften the visual impact of the proposed frontal seawall and end walls on beachgoers, the project proposal includes finishing the seawall with a sand-colored, textured epoxy finish to reduce aesthetic impacts and enhance corrosion protection. The proposed project also includes development of two new stairwells in the new northeastern and southwestern end walls (see Exhibit 4, pg. 1). These stairwells, as well as the existing stairwells in the frontal seawall (see Exhibit 6), will connect to an existing lateral path located just inland of the existing frontal seawall (see Exhibit 7). Together, the stairwells and the path will provide for lateral public access along the entire width of the Hotel property.

b. Abandonment of a Portion of Front St. (CDP 3-03-096)

The new frontal seawall would extend 1 foot 8 inches seaward of the existing approximately 600-foot-long wall, onto a portion of the Front St. right-of-way. The City of Monterey approved the abandonment of a portion of the Front St. right-of-way to accommodate development of the new frontal seawall (the originally proposed project extended 2 to 3 feet onto the Front St. right-of-way for the length of the wall, which is why the City abandoned 3 feet of Front St. along the hotel frontage) (see Exhibit 3). Upon Commission approval of CDP 3-03-096, this portion of Front St. will become the Hotel's property.

B. Standard of Review

This area of the City of Monterey falls within the coastal zone. The Del Monte Beach Land Use Plan (LUP) was effectively certified in 2003. However, several other components of the Local Coastal Program (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. In addition, the location of the new seawall appears to be at or below mean high tide, which means that the development is likely in the Commission's retained original permit jurisdiction even if there were a certified LCP.

C. Coastal Development Permit Determination

1. Natural 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 avoid additional, more substantial 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, 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.*

Coastal Act Section 30235 acknowledges that seawalls, revetments, retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter 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 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.

In this case, a frontal seawall and end walls already exist at this location. The proposed project would place a new sheet pile and concrete seawall in front of the existing frontal seawall, which would result in moving the hardened shoreline structure 1 foot 8 inches seaward. This seaward expansion requires abandonment of a portion of Front St. (a public right-of-way), which is addressed by CDP application 3-03-096. So although the project as a whole might be considered a repair of sorts, for analysis purposes it is effectively new armoring that increases the footprint and scale of the existing damaged frontal seawall. In addition to the frontal seawall expansion, the end walls would be completely replaced by new end walls of the same size and in the same locations.

Under Coastal Act Section 30235, new armoring may be approved if: (1) there is an existing structure in danger from erosion; (2) shoreline-altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

For the purposes of shoreline protective structures, the Coastal Act distinguishes between development that is allowed shoreline armoring, and development that is not. Under Section 30253, new development is to be designed, sited, and built to allow the natural process of erosion to occur without creating a need for a shoreline protective device.

Coastal Act 30235 allows for shoreline protection in certain circumstances (if warranted and otherwise consistent with Coastal Act policies) for "existing" structures. One class of "existing structures" refers to those structures in place prior to the effective date of the Coastal Act. Coastal zone development approved and constructed prior to the Coastal Act went into effect was not subject to Section 30253 requirements. Although some local hazard policies may have been in effect prior to the Coastal Act, these pre-Coastal Act structures have not necessarily been built in such a way as to avoid the future need for shoreline protection (in contrast to those evaluated pursuant to Section 30253). Accordingly, Coastal Act 30235 allows for shoreline protection to be considered for these types of existing structures, where "existing" means it was permitted development prior to the Coastal Act.

A second class of existing structures refers to those structures that have been permitted since the effective date of the Coastal Act. There has long been discussion that these structures should not constitute "existing structures" for purposes of Section 30235 because they were developed pursuant to 30253 (and/or similar LCP) standards so as not to require shoreline armoring in the future. However, the Commission has generally interpreted "existing" to mean structures existing at the time the armoring proposal is being considered, whether these structures were originally constructed before or after the Coastal Act, and has not limited consideration of armoring only to those structures constructed prior to the Coastal Act.

And finally, in a limited number of cases, the Commission has required applicants for blufftop structures to waive any right to a seawall that may exist pursuant to Section 30235; in other words to stipulate that they are not existing structures for 30235 purposes because the structures have been sited and designed to not need shoreline armoring in the future (pursuant to Section 30253 and LCP counterpart policies).

In this case, the proposed project would be designed to protect the Hotel buildings and associated development that were constructed in the late 1960s, prior to the coastal permitting requirements of the Coastal Act. As such, the Hotel buildings qualify as existing structures for the purposes of Section 30235. Special Condition #1, however, notes that the proposed seawall project is for protection of the existing Hotel buildings *only*, and not for any demolition/rebuild or other substantial changes to the existing Hotel. This is because the existing hotel is located in a hazardous area that is not appropriate for new development under the Coastal Act. In this sense, the hotel is "non-conforming" and any future substantial redevelopment of the site would need to comply with the hazard avoidance/setback requirements of the Coastal Act and/or a future certified LCP (i.e. sited to be safe from shoreline

hazards, without need for a seawall).

The Coastal Act allows shoreline armoring to protect existing structures in danger from erosion, but it does not define the term "in danger." There is a certain amount of risk in maintaining development along a California coastline that is actively eroding and can be directly subject to violent storms, large waves, flooding, earthquakes, and other geologic hazards. These risks can be exacerbated by such factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. As a result, some would say that all development along the immediate California coastline is in a certain amount of "danger." It is the degree of threat that distinguishes between danger that represents an ordinary and acceptable risk, and danger that requires shoreline armoring per Section 30235. Lacking Coastal Act definition, the Commission's long practice has been to evaluate the immediacy of any threat in order to make a determination as to whether an existing structure is "in danger." While each case is evaluated based upon its own particular set of facts, the Commission has generally interpreted "in danger" to mean that an existing structure would be unsafe to occupy in the next two or three storm cycles (generally, the next few years) if nothing were to be done (i.e., in the no project alternative). In this case, the storms of December 2002 caused great damage to the existing seawall, resulting in the formation of sinkholes behind the seawall. Parking lots, walks, planters and landscaping collapsed into the sinkholes. In addition, portions of several of the Hotel buildings are located within 14 feet of the existing frontal seawall. The existing damaged seawall is compromised to the degree that it will not be adequate to provide protection of the Hotel buildings during periods of high tides and wave run-up. As such, the Hotel buildings qualify as existing structures in danger from erosion for purposes of Section 30235.

The second test of Section 30235 of the Coastal Act that must be met is that the proposal to alter the shoreline must be *required* to protect the existing structures. In other words, under the policies of the Coastal Act, the project must be the least environmentally damaging feasible alternative. Section 21080.5(d)(2)(A) of CEQA likewise prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Any action the Coastal Commission may be required to take to continue protecting existing structures at this location must be consistent with this section of CEQA as well as the Coastal Act. Other alternatives typically considered include: the "no project" alternative; abandonment of threatened structures; relocation of the threatened structures; and drainage and vegetation measures. The Applicant's geotechnical/coastal engineer evaluated a number of alternatives, which are discussed below:

a. Alternative Evaluation Study

At Commission staff's request, the Applicant for the seawall (3-03-022) (the Monterey Beach Hotel) submitted an alternatives analysis of eight alternative coastal protection options for the Hotel. The evaluated alternatives included a range of alternatives to protect the Monterey Beach Hotel. Exhibit 5 contains a chart that summarizes each alternative and its impact on a range of coastal issues.

1. **Do Nothing.** This option would not mitigate the coastal erosion hazards at the site. Given that

the existing wall has been severely damaged and will likely be impacted by wave impacts and hydraulic scour again in the future, the adjacent Hotel buildings would continue to be endangered. Slope instability and erosion would eventually remove vertical and lateral support from the buildings. Sinkholes would eventually form, causing structural damage and safety hazards to visitors and occupants. This alternative is not feasible unless the Hotel and its related improvements were demolished. Demolishing the Hotel, however, would result in the loss of 196 Hotel rooms, and associated Hotel facilities. The loss of these rooms would be a significant impact on visitor-serving uses in the Del Monte Beach Land Use Plan (LUP) area (this is the only Hotel in the Del Monte Beach LUP area).

2. **Move Hotel Landward.** Moving the Hotel landward is restrained by the Hotel's parking garage, which is located between the Hotel and Highway 1 (see Exhibit 1 for aerial photo). The Hotel buildings are located on the seaward half of the site. Moving the Hotel buildings to the landward half of the site would require relocating most of the Hotel parking to a remote location serviced by a shuttle. In addition, the structural engineers state that it is not feasible to move the four-story Hotel buildings because they are constructed of four levels of concrete supported on masonry walls on a mat slab. The Hotel would have to be demolished and rebuilt. Also, given the level of coastal erosion in this area and the relative narrowness of the Hotel parcel, developing a new Hotel on the landward portion of the site (while not constructing a new seawall or repairing the old) would mean that the new development would likely be subject to wave attack in the near future.

3. **Reinforce and Repair Existing Perimeter Seawall.** Due to the damage to the existing seawall, which was suffered in late 2002 winter storms, the seawall is now inadequate to provide structural integrity to protect against beach scour hazards and wave hazards now. When the existing seawall was designed, beach elevations were on average 3.3 to 4.3 feet higher than they are today (this change is due to coastal erosion over the years). The existing seawall is not embedded deep enough in the sand to withstand long-term and short-term beach scour. To return to a 50-year design life, the scour elevation would need to be at least 9 feet below Mean Sea Level. The base of the existing wall is located 8 feet below Mean Sea Level. The seawall needs to be designed and repaired, modified or reconstructed so that it is impermeable to sand flow down to at least 20 feet below sea level to include embedment to secure the wall. The base of the existing wall is located at 8 feet below Mean Sea Level, so the seawall base would have to be deepened. This appears to be impossible without reconstructing the seawall or building a new seawall. According to the engineering evaluation, the alternative to just repair the existing seawall is not structurally feasible because of the limited depth access for repairs and, more importantly, because of the existing seawall's functional obsolescence.

4. **Riprap Revetment Seaward of Existing Seawall.** A large riprap revetment seaward of the existing seawall could be constructed. However, even with large excavations, temporary sheet pile cofferdams, and dewatering of the excavation, riprap could not be placed down to the design scour level. Cofferdams and dewatering, in combination with the very wide excavation and large footprint needed for the riprap, would create a very large work area with resulting impacts to the beach. The toe of an engineered riprap structure founded at –3 MSL with a crest at +15 MSL would extend a minimum

of 36 feet out onto the beach from the existing seawall face. The excavation would extend 10 feet further out from the toe of the riprap. A minimum 20-foot-wide work area would be needed beyond the excavation. The total impact area during both construction and during future maintenance periods would extend a minimum of 66 feet out from the face of the existing seawall onto public beach. In addition, riprap placement of this magnitude on the northeast (upcoast) end of the structure would block Roberts Creek and the Caltrans storm drain outlet. The large footprint of the riprap would impede lateral public access past the Hotel and would create additional visual impacts. Because of these impacts to coastal resources, this alternative is not acceptable.

5. New Vertical Sheet Pile Seawall in Same Location as Existing Seawall. According to the coastal engineering report, the only feasible vertical seawall that can be physically constructed to extend impermeably below the 50-year design scour level and withstand design wave impact forces and earth pressures, is a sheet pile wall. Construction of a replacement vertical sheet pile seawall in the exact location as the existing seawall, which would remain totally on the Monterey Beach Hotel property and not require abandonment of a portion of Front St., would require removal of the existing wall and tieback system. Removal of the end walls along the northeastern and southwestern boundaries of the site is feasible and the new end walls can be constructed in the same location as the existing end walls because the buildings are set back from those walls a minimum of 50 feet and the end walls are not tied to the Hotel building. This option, however, would require removal of the existing frontal seawall that is parallel to the shoreline. This is not feasible because the frontal seawall is physically tied to the Hotel buildings. The frontal seawall is actively attached to mat slabs located under the buildings. Steel rods, spaced at 12-foot centers, anchor the frontal seawall to the building mats. Installation of sheet piles between the existing frontal seawall and the buildings would require cutting these rods, which would deactivate support of the seawall and consequently of the soil that supports the buildings. Driven sheet piles are necessary to reach depths needed for long-term repair. A concrete wall cannot be cast deep enough due to ocean pressure. In order to drive sheet piles behind the existing seawall, the 1000+ yards of concrete pumped behind the seawall as part of the December 2002 emergency permit repairs would also needed to be removed, which would include severing the steel tie rods. According to the engineering report, irrelevant of cost or duration of repair work, the engineers have been unable to contrive a long-term repair solution within the limits of the existing Hotel property. The physical limits of the site have prevented such a solution. The Commission's staff engineer concurs with this conclusion. Thus, from a geotechnical and coastal engineering standpoint, removal of the existing frontal seawall cannot be done without seriously threatening the stability of the Hotel buildings. Furthermore, underpinning the Hotel buildings to allow them to be temporarily stable while the seawall is rebuilt is not feasible because the Hotel would have to be substantially demolished and rebuilt on a deep pier foundation.

6. Reduce Length of Seawall Parallel to Shoreline and Relocate Some Parking Areas. The northeastern end wall is about 50 feet from the Hotel building and is 128 feet long. The southwestern end wall is about 60 feet from the Hotel building and is 106 feet long. Relocation of the northeastern and southwestern end walls towards the Hotel buildings is feasible from a geotechnical engineering standpoint and a coastal engineering standpoint (the end walls are not tied into the Hotel buildings).

However, any substantial relocation of the end walls toward the Hotel buildings would reduce parking capacity at the site. Currently the quantity of available parking at the Hotel just meets minimum regulatory agency requirements. The parking is necessary for Hotel operations and coastal access. Furthermore, this option would still require redevelopment of the frontal seawall, as proposed. The length of the frontal seawall would be reduced by about 25 feet at the northeastern end and 35 feet at the southwestern end, but would still require encroachment onto Front St.

7. **New Vertical Sheet Pile Seawall Landward of Existing Seawall.** This alternative includes construction of a new seawall landward of the existing seawall, which would be demolished. This alternative has the same complications as alternative #5 above. Please see alternative #5 for discussion.

Given all of the above, the proposed project is the only feasible alternative that can protect the existing threatened Hotel structures in this case. Therefore, the proposed project meets the second test of Section 30235 of the Coastal Act.

b. Sand Supply Impacts

The third test of Section 30235 requires that shoreline structures be designed to eliminate or mitigate adverse impacts to local shoreline sand supply.

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or difficult to distinguish from all the other actions that modify the shoreline. Such armoring also has distinct qualitative impacts to the character of the shoreline and visual quality. However, some of the effects that a structure may have on natural shoreline processes can be quantified, including: 1) loss of the beach area on which the structure is located; 2) the long-term loss of beach that will result when the back-beach location is fixed on an eroding shoreline; and 3) the amount of material that would have been supplied to the beach if the back-beach or bluff were to erode naturally.

In this case, the existing frontal seawall and end walls already harden the majority of the project area shoreline. The new frontal seawall, which will be located directly adjacent to the existing frontal seawall, will occupy an additional 1 foot 8 inches of beach, for a length of approximately 600 feet. To facilitate the proposed seawall project, the City abandoned approximately 3 feet x 600 feet of the Front St. right-of-way (see Exhibit 3). Approval of CDP application 3-03-096 will transfer ownership of this portion of beach to the Hotel.

The Applicant's consulting geotechnical and coastal engineers performed a study to estimate the average beach widths seaward of the Monterey Beach Hotel for the next 50 years, which is the proposed life of the seawall project. These estimates were based on long-term trends that appear to have been occurring historically. Over the past 25 years there have been seasonal and annual fluctuations in erosion rates and the amount of beach recession. During some years, very little erosion has occurred. During other years, severe erosion has occurred with subsequent beach recovery in a matter of days or weeks. On average the long-term beach profile recedes landward approximately 2.5 feet/year; thus, the average long-term

beach width seaward of the Monterey Beach Hotel becomes narrower by 2.5 feet/year. Given that the new seawall will encroach approximately 1 foot 8 inches out onto the existing beach, this represents six to seven months of beach recession. Thus, with seaward expansion of the seawall, the future beach conditions will mimic those that would have occurred approximately six to seven months farther in the future than if the frontal seawall had not been expanded.

Shoreline protective devices (such as seawalls, revetments, sheet pile walls, etc.) are all physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in a loss of public access, as well as a loss of sand-generating area. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location. The beach area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

The proposed sheet pile wall will be approximately 600 feet long x 1 foot 8 inches wide. Thus, the footprint (for sand supply purposes) is approximately 1000 square feet. As a result, the proposed project would eliminate a 1,000 square foot section of sand that would otherwise contribute to the local sand supply. To convert the 1,000 square foot loss of sand area into the volume of sand necessary to restore the beach commensurately in cubic yards, coastal engineers use a conversion value representing units of cubic yards per square foot of beach.[1] If a 1.0 conversion factor is used (i.e., the low end of the spectrum of values typically assumed by coastal engineers), a conservative estimate of the cubic yard equivalent of 1,000 square feet can be calculated. Using the sand conversion factor of 1.0, the direct loss of sand area due to this encroachment translates into a one-time impact of 1,000 cubic yards of sand.

The total sand supply impact in this case can be estimated to be a one-time loss of approximately 1,000 cubic yards of sand. This sand supply impact is relatively insignificant given that the average annual volume of sand eroded from the dunes along the Monterey Bay shoreline (based on the ten miles of dune frontage between Monterey and Marina) is approximately 300,000 cubic yards.[2] The one-time loss of 1,000 cubic yards of sand represents 0.33% of the estimated average *annual* volume of sand eroded from the dunes along the Monterey Bay shoreline. Nonetheless, in order for the proposed project to be found consistent with the third test of Section 30235, sand supply impacts should be eliminated or mitigated. Because the main concern of the one-time loss of sand is essentially an impact related to public beach access (sandy beach area available), this specific yet small impact is effectively mitigated by the public

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[1] This conversion value is based on the regional beach and nearshore profiles, and overall characteristics. When there is not regional data to better quantify this value, it is often assumed to be between 1 and 1.5, the idea being that to build a beach seaward one foot, there must be enough sand to provide a one-foot wedge of sand through the entire region of onshore-offshore transport. If the range of reversible sediment movement is from -30 feet msl to +10 feet msl, then a one-foot beach addition must be added for the full range from -30 to +10 feet, or 40 feet total. This 40-foot by 1 foot square parallelogram could be built with 1.5 cubic yards of sand (40 cubic feet divided by 27 cubic feet per cubic yard). If the range of reversible sediment transport is less than 40 feet, it will take less than 1.5 cubic yards of sand to rebuild one square foot of beach; if the range of reversible sediment transport is larger than 40 feet, it will take more than 1.5 cubic yards of sand to rebuild one square foot of beach.

[2] Draft Environmental Impact Report for the Ocean Harbor House Seawall; prepared for the City of Monterey Planning Division by Pacific Municipal Consultants, June 2003.

access component of the project (see below). The project thus satisfies the third test of Section 30235, and is consistent with this Section of the Coastal Act.

c. Assumption of Risk

The Commission's experience in evaluating the consistency of proposed developments with Coastal Act policies regarding development in areas subject to hazards, has been that development has continued to occur despite periodic episodes of heavy storm damage or other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site geological risks and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Special Condition #2 requires that the Applicant (ZHG, Inc.) agree to such an assumption of risk.

The proposed project is consistent with Coastal Act Section 30253.

2. Public Access

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." The proposed project is located seaward of the first through public road, on the beach. The following Coastal Act Sections specifically protect public access and recreation:

> ***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.*

Coastal Act Section 30240(b) also protects parks and recreation areas such as Monterey State Beach. Section 30240(b) states:

> ***Section 30240(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.*

a. Abandonment of a Portion of Front St. (CDP 3-03-096)

The beach directly in front of the Monterey Beach Hotel is public property, which belongs to the City of Monterey. This property consists of Front St., which is a "paper" street. In addition, there are a number of submerged, unbuildable parcels located seaward of Front St (see Exhibit 3). Monterey State Beach is located directly northeast and southwest of the Hotel property. The northeastern portion of Monterey State Beach is located in the City of Seaside; the southwestern portion of Monterey State Beach is located in the City of Monterey (see Exhibit 1).

The proposed project includes the abandonment of approximately 3 x 600 feet of Front St. The development of the new frontal seawall will extend 1 foot 8 inches out onto this portion of Front St. for the entire 600-foot length of the frontal seawall (the originally proposed seawall project extended 2 to 3 feet onto the Front St. right-of-way for the length of the wall, which is why the City abandoned 3 feet of Front St. along the hotel frontage; after discussion between the Commission's staff engineer and the Hotel's engineers, a revised seawall project with lesser encroachment onto Front St. was developed). Thus, the Hotel will be using what is now public land to protect private property. Although the vertical expansion onto the beach will consist only of 1 foot 8 inches, the lateral expansion onto public land will extend approximately 600 feet. Therefore, approximately 1,800 square feet of formerly public beach will become part of the Hotel's property. Approximately 1,000 square feet of beach will be covered with development of the new frontal seawall. The remaining 800 square feet will be available for public use.

Approval of CDP 3-03-096 will reduce the amount of public beach in the City of Monterey by approximately 1,000 square feet. This is a relatively small loss given that public beaches in the City of Monterey extend from the Harbor area to the Seaside City limit, a distance of several miles. In addition, Special Condition #3 requires the Hotel to provide lateral public access through the Hotel property (see

next section for more discussion of this required access). This access will be especially important during high tide periods in the winter months. Also, Special Condition #4 requires that unrestricted public access be allowed on the undeveloped section of the abandoned portion of Front St. (approximately 1 foot 4 inches x 600 feet). Finally, Special Condition #5 requires that the abandoned portion of Front St. be merged with the main Hotel property (APN 011-422-017). As conditioned, the abandonment of a portion of Front St. is consistent with the public access policies of the Coastal Act.

b. Seawall Project (CDP 3-03-022)

Currently there is lateral access along the beach seaward of the Hotel and the existing frontal seawall. This lateral access provides through access to the upcoast and downcoast state beaches. This through access, however, is often impeded during periods of high wave action and wave run-up, especially during the winter months. As stated above, the beach in this area is eroding at a rate of about 2.5 feet per year and has eroded about 100 feet since development of the Hotel and the seawall in the late 1960s. Thus, in time, with associated sea-level rise and beach erosion, the lateral access seaward of the Hotel will be impeded more frequently. Eventually, lateral access along this portion of beach may be available only during low tide periods.

The Hotel currently has two stairwells built into the existing frontal seawall to allow beach access from the Hotel for its guests (see Exhibit 6). There is a paved path that extends laterally along the front of the Hotel buildings, directly adjacent to the interior of the existing seawall (see Exhibit 7). Currently, this path and the stairwells are only available for use by Hotel guests; signs warn non-Hotel guests that they may be arrested if they trespass on Hotel property.

The proposed seawall project provides protection for the Hotel's private property by expanding the frontal seawall's footprint onto a public portion of Front St. (this portion of Front St. will become Hotel property upon approval of CDP 3-03-096). Although the vertical expansion onto the beach will consist only of 1 foot 8 inches, the lateral expansion onto public land will extend approximately 600 feet. Thus, approximately 1,000 square feet of formerly public beach will be covered with development of the new frontal seawall. In addition, the public right-of-way that is being abandoned covers approximately 1800 square feet. Finally, there is the potential for the project to encroach further onto public tidelands if the mean high tide moves inland and thus interfere with public use of these lands. To mitigate for these impacts, particularly the loss of public beach and to ensure that through lateral access remains in the future, the Applicant has proposed two additional access stairwells in the new northeastern and southwestern end walls (see Exhibit 4, pg. 1). These stairwells, as well as the existing stairwells in the frontal seawall (see Exhibit 6), will be available to the general public, as well as Hotel guests. These access stairwells will connect to the Hotel's existing lateral path, which is located immediately landward of the existing seawall (see Exhibit 7). These stairwells and the associated path will provide important public lateral access, especially during high tide periods when the beach in front of the Hotel is not passable. In addition, Special Condition #3 requires submittal of a public access management plan that details the hours the stairwells and the lateral path will be available to the general public. This condition also requires submittal of a signage plan.

The proposed seawall project will require the movement of large equipment, workers, and supplies through State Parks property and the public beach to gain access to the existing frontal seawall and end walls; include large equipment operations on the recreational beach area fronting the site; result in the loss of recreational beach area to a construction zone (at the immediate project area); potentially encroach on Sanctuary waters (depending on tides); and generally intrude and negatively impact the aesthetics, ambiance, serenity, and safety of the recreation beach experience. These impacts can be contained through construction parameters that limit the area of construction, limit the times when work can take place (to avoid weekends when recreational use is highest), clearly fence off the minimum construction area necessary, keep equipment out of Sanctuary waters, require off-beach equipment and material storage during non-construction times, and clearly delineate and avoid to the maximum extent feasible beach use areas. A construction plan is required for this purpose (see Special Condition #6). In addition, Special Condition #7 requires that the beach area be restored to its original configuration immediately following construction to limit these impacts. Finally, Special Condition #14 assures that all the terms and conditions of this approval, including the public access conditions, are perpetual by requiring a deed restriction designed to record the project conditions against the affected property. As conditioned, the proposed seawall and the abandonment of a portion of Front St. are consistent with the public access policies of the Coastal Act.

3. Visual Resources

Coastal Act Section Coastal Act Section 30251 provides for the protection of scenic and visual qualities of the coast and states, in part:

> ***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 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... by local government shall be subordinate to the character of its setting.*

Similarly, Coastal Act Section 30240(b) also protects parks and recreation areas from significant visual degradation. Section 30240(b) states:

> ***30240(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.*

The Del Monte Beach LUP area shoreline is crescent shaped, with lateral views upcoast and downcoast readily available. The Monterey Beach Hotel and its associated seawall are highly visible from many points on the beaches in Monterey, Seaside and Sand City, including from Monterey State Beach, which is located on both sides of the Hotel property (see Exhibit 1). In addition, the Hotel and its seawall are

easily viewed when traveling southbound on State Highway 1.

In terms of public viewshed impacts, the proposed frontal seawall will be the same height and length as the existing frontal seawall. The new frontal seawall, however, will increase the overall depth of the frontal seawall seaward by approximately 1 foot 8 inches. The proposed northeastern and southwestern end walls would be similar in size to the existing end walls.

The existing frontal seawall and end walls are very functional-looking, with no aesthetic components to soften the visual impacts of the seawall structures (see Exhibit 2, pg. 1). The Applicant is proposing to use a sand-colored and textured epoxy finish on the new walls to reduce the aesthetic impacts and enhance corrosion protection. Textured surfaces will be effective in reducing the visual impact for viewers who are relatively close to the proposed seawall structures, such as those walking along the beach. In areas where there are definite coastal bluffs, seawalls can be colored and textured to blend extremely well with the surrounding bluff face. In this case, there are no coastal bluffs – there is only beach and gently sloping sand dunes. Thus it will not be possible to mask or hide the linear and rectilinear form of the seawall structures. The addition of sand-colored texturing and contouring, however, will be an improvement over the existing seawall and its industrial look. Special Condition #8 requires submittal of a visual simulation of the proposed texturing and contouring of the seawall for review and approval.

In addition, to further soften the look of the frontal seawall and end walls, Special Condition #9 requires that the proposed planter boxes along the top of the seawall be planted with native, cascading plants that tolerate seaside conditions. As the plants grow and cascade down a portion of the wall, this should soften the look of the wall even more. In addition, Special Condition #10 requires that the Applicant maintain the new frontal seawall and end walls, including the visual treatments and cascading landscaping. As conditioned, the proposed project is consistent with Coastal Act Sections 30251 and 30240(b) regarding protection of visual resources.

4. Environmentally Sensitive Habitat

The Coastal Act is very protective of sensitive resource systems such as dunes and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

> ***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.*

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

> ***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.

Section 30240(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.*

The western snowy plover (*Charadrius alexandrinus nivosus)* is a federally listed (threatened) shorebird known to use dune areas as nesting habitat. The intertidal zone and bare beach areas may be used as breading and foraging areas. The adjacent State Park land has been known to support the snowy plover. According to USFWS, human activity continues to be a key factor adversely affecting snowy plover coastal breeding sites and breeding populations in California. Projects and/or construction activities that cause, induce, or increase human-associated disturbance during the plover's breeding season (March 1st to September 14th) adversely impact snowy plovers. To ensure that nesting snowy plovers are not disturbed by the proposed development, Special Condition #11 requires that construction activities for the seawall project commence after September 15th and that all construction activities shall be completed before March 1st.

The area proposed for development of the new frontal seawall is dynamically active and devoid of vegetation and native dune habitat due to natural erosion from tidal impacts and wave run-up. However, the end walls, which will be replaced in their entirety, are directly adjacent to State Parks property (see Exhibit 1), which contains restored dune habitat with native dune plants.

To access the beach for construction, the Applicant proposes to encroach upon an approximately 12-foot wide swath of State Parks land on both the Seaside and Monterey sides of Monterey State Beach. State Parks has restored the dunes of Monterey State Beach with native dune plants. The areas proposed for encroachment, however, are devoid of vegetation and consist only of sand. Thus, there will be no damage from construction activities to restored dune habitat on State Parks property. State Parks, however, will need to issue a "right-of-entry" permit to the Applicant for the encroachment activities. Special Condition #12 requires the Applicant to provide evidence that State Parks has issued the right-of-entry" permit. As conditioned, the proposed project is consistent with the environmentally sensitive habitat policies of the Coastal Act.

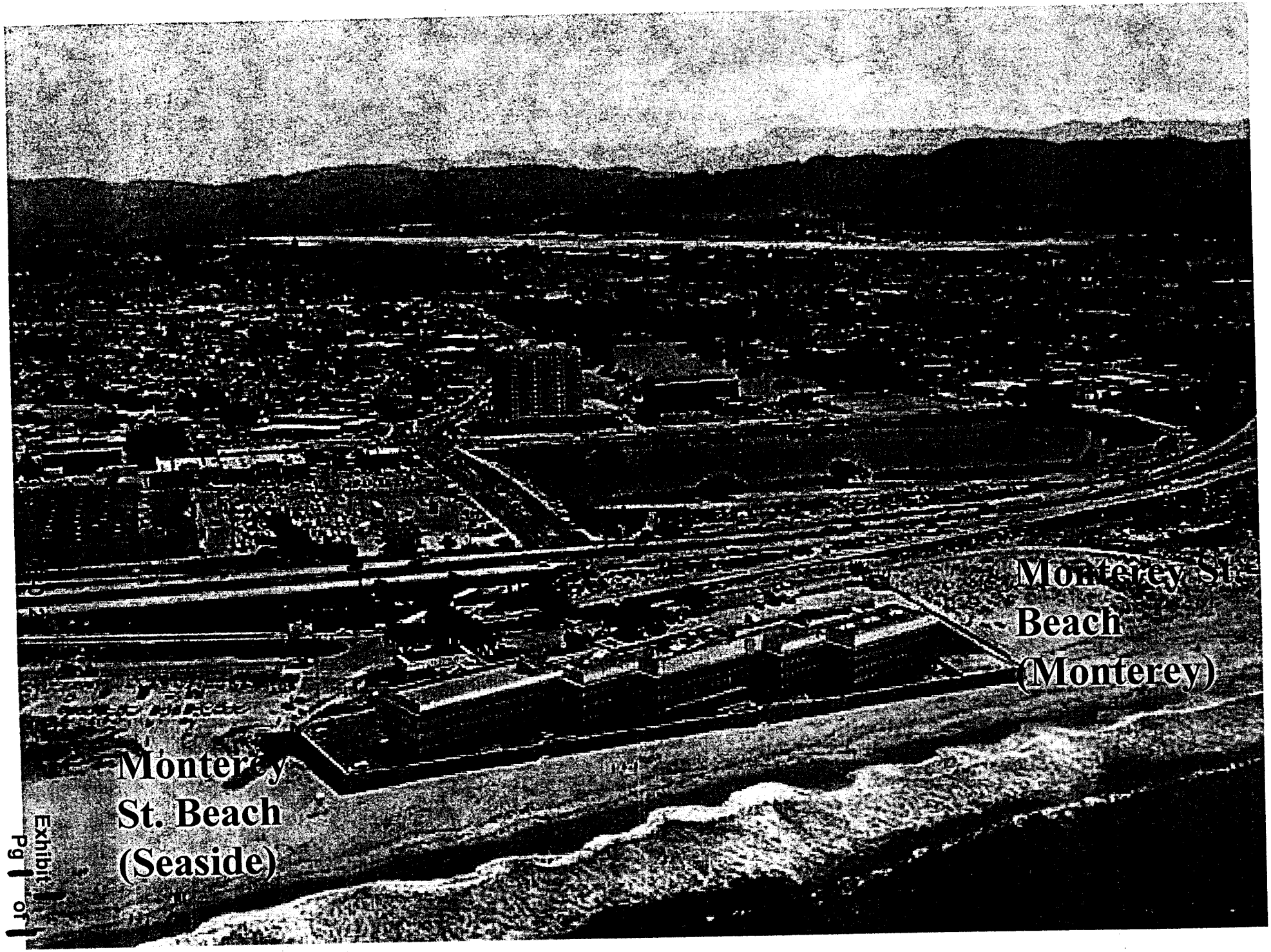
5. Other Approvals

The seawall project area is sometimes occupied by waters of the Monterey Bay and may require Monterey Bay National Marine Sanctuary approval. Special Condition #13 requires that the Applicant (ZHG. Inc.) submit a copy of the Monterey Bay National Marine Sanctuary (MBNMS) permit, letter of permission, or evidence that no MBNMS permit is necessary.

6. California Environmental Quality Act (CEQA)

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

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. 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.



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Frontal Seawall

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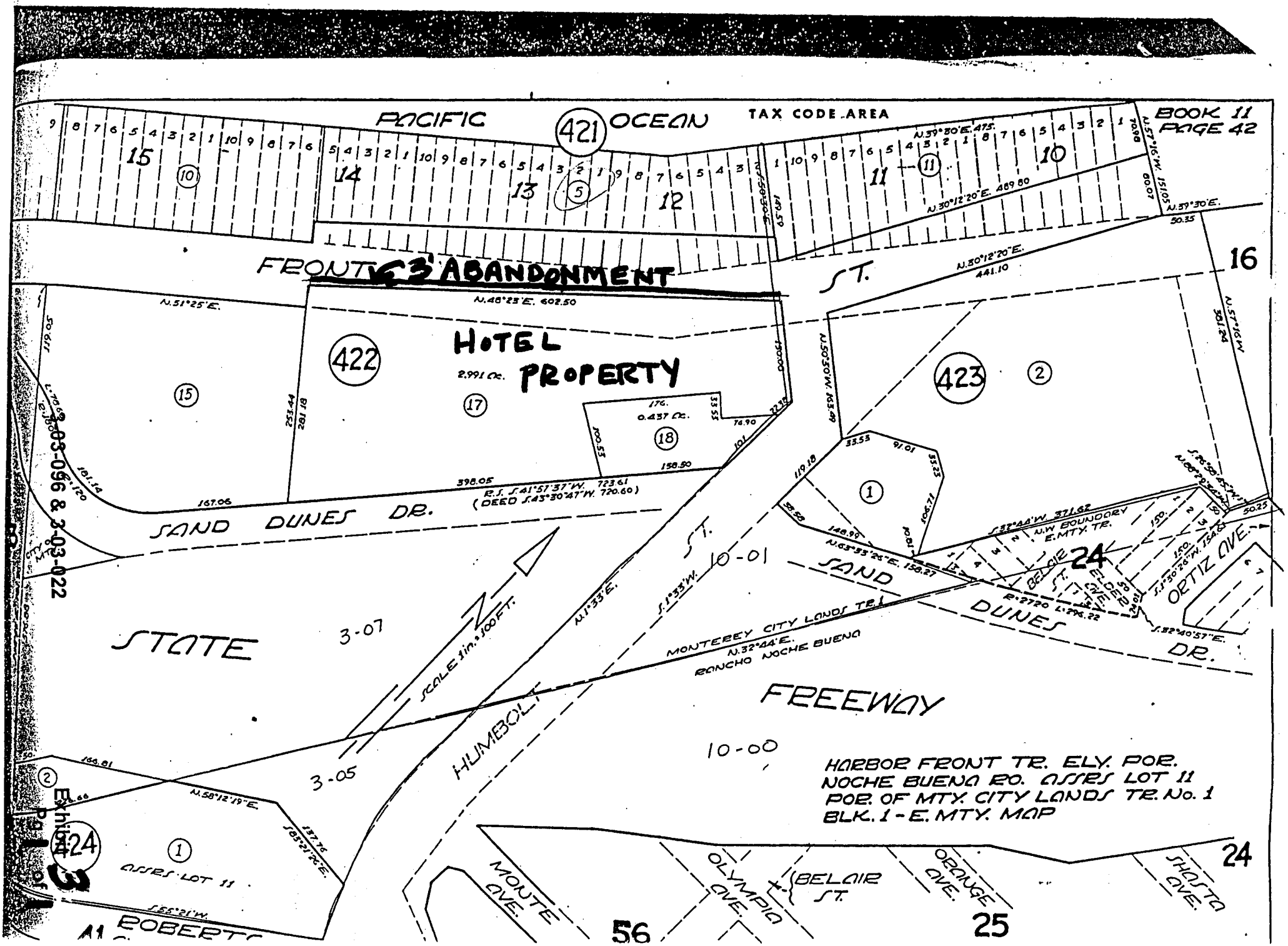
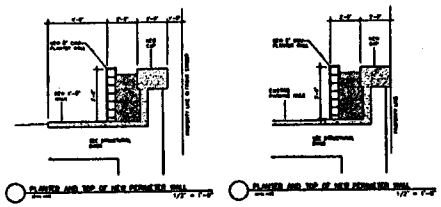

PACIFIC OCEAN
421
TAX CODE AREA
BOOK 11
PAGE 42
FRONT 63' ABANDONMENT
ST.
HOTEL PROPERTY
2.991 Ac.
422
423
SAND DUNES DR.
SAND DUNES DR.
ST.
10-01
3-07
3-05
10-00
STATE
FREEWAY
HUMBOLDT
SCALE 1in.=100FT.
MONTEREY CITY LANDS TR.1
N.32°44'E.
RANCHO NOCHE BUENA
HARBOR FRONT TR. ELY. POR.
NOCHE BUENA RO. ASSES LOT 11
POR. OF MTY. CITY LANDS TR. No. 1
BLK. 1 - E. MTY. MAP
N.W BOUNDARY E. MTY. TR.
BELAIR ST.
ELDER AVE.
ORTIZ AVE.
ASSES LOT 11
ROBERTS
MONTE AVE.
OLYMPIA AVE.
BELAIR ST.
ORANGE AVE.
SHASTA AVE.
56
25
24
3-03-096 & 3-03-022
Exhibit 3
Page 1 of 1



FRONT STREET

3' @ CONC. CAP
2' @ BEACH LEVEL METAL PILE

NEW WALL IN FRONT OF EXIST. WALL

CITY OF SEASIDE
CITY OF MONTEREY

new stairwell

REMOVE EXISTING WALL NEW PERIMETER WALL

MAINTAIN EXISTING ACCESS WALK

MAINTAIN EXISTING EXISTING STAIRS TO BEACH

MAINTAIN EXISTING ACCESS WALK

REMOVE EXISTING WALL NEW PERIMETER WALL

new stairwell

PARKING

EXISTING HOTEL

PARKING

OUTFALL

3 HANDICAPPED PARKING SPACES

PARKING

1 HANDICAPPED PARKING SPACE

182 OPEN PARKING SPACES

SAND DUNES DRIVE

HUMBOLT STREET

CITY OF MONTEREY
CITY OF SEASIDE

REMODELING OF MONTEREY BEACH HOTEL

2600 SAND DUNES DRIVE
MONTEREY, CALIF.

CHATMAN INC.
TED RICHTER
649-1750

THE PAUL DAVIS PARTNERSHIP
ARCHITECTS & PLANNERS

REY BEACH HOTEL SITE PLAN

50 0 20 40 60 FT

A1.1

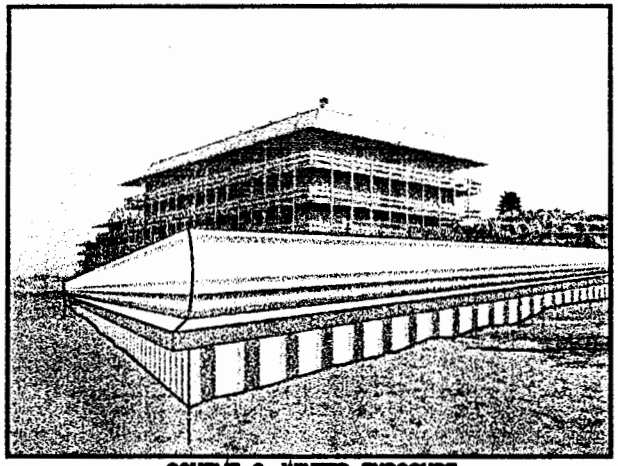
EXHIBIT NO. 4
APPLICATION NO. 3-03-027-A1
Pg 1 of 8

RECEIVED
FEB 2 0 2004
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

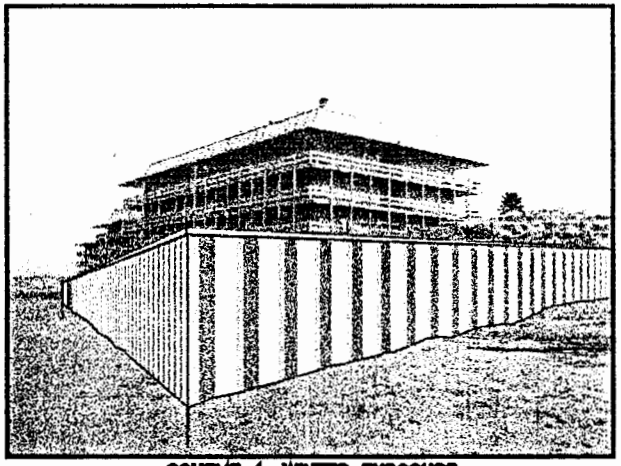
MONTEREY BEACH HOTEL

2600 SAND DUNES DRIVE MONTEREY, CA

REPAIR EXISTING PERIMETER WALL



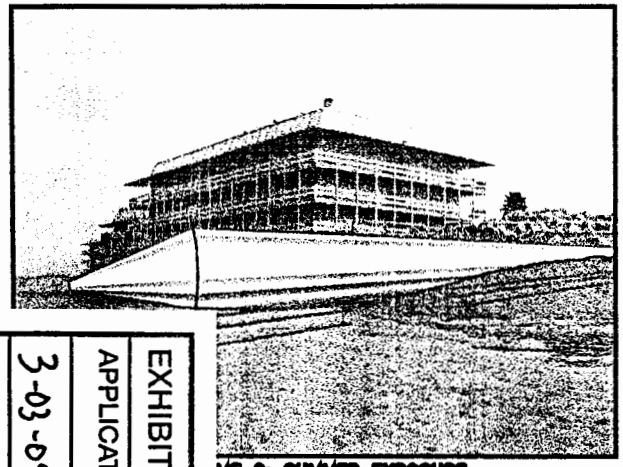
SCHEME 2: WINTER EXPOSURE
CONCRETE HAUNCH, SURFACE & CAP o/ STEEL PILING



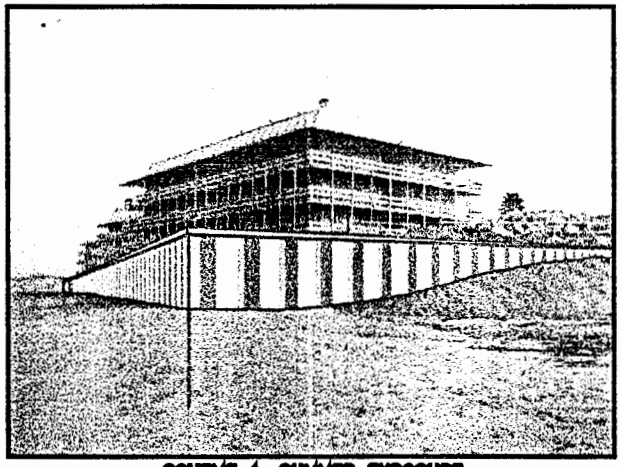
SCHEME 1: WINTER EXPOSURE
FULL HEIGHT STEEL PILING w/ CONCRETE CAP
[FAVORED SOLUTION]

STRUCTURAL SHEET SCHEDULE

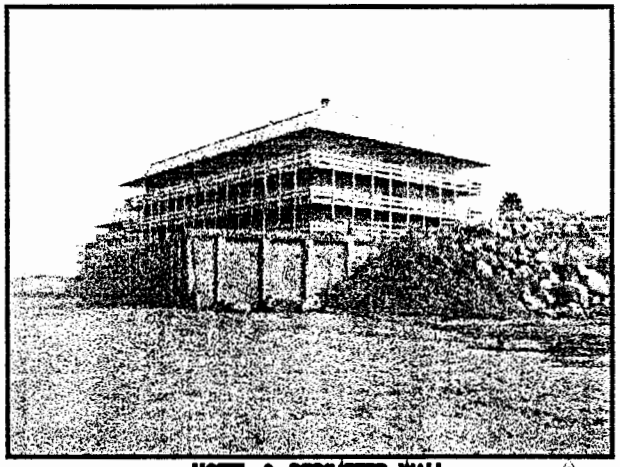
COVER	COVER SHEET: PHOTO & RENDERINGS
S0	SITE PLAN AND GENERAL NOTES
S1.1	SCHEME 1 WALL SECTIONS
S1.2	SCHEME 2 WALL SECTIONS
S2.1	SCHEME 1 WALL DETAILS
S2.2	SCHEME 2 WALL DETAILS
S2.3	SCHEME 2 WALL DETAILS



ME 2: SUMMER EXPOSURE
H, SURFACE & CAP o/ STEEL PILING



SCHEME 1: SUMMER EXPOSURE
FULL HEIGHT STEEL PILING w/ CONCRETE CAP
[FAVORED SOLUTION]



HOTEL & PERIMETER WALL
PHOTOGRAPHED NOV. 20, 2003

5 ENTIRE SHEET IS NEW

COASTAL COMMISSION SUBMITTAL

REPAIR EXISTING PERIMETER WALL | MONTEREY BEACH HOTEL
COVER SHEET: PHOTO & RENDERINGS | 2600 SAND DUNES DRIVE MONTEREY, CA
COVER

EXHIBIT NO. 4
APPLICATION NO. 3-03-096-022
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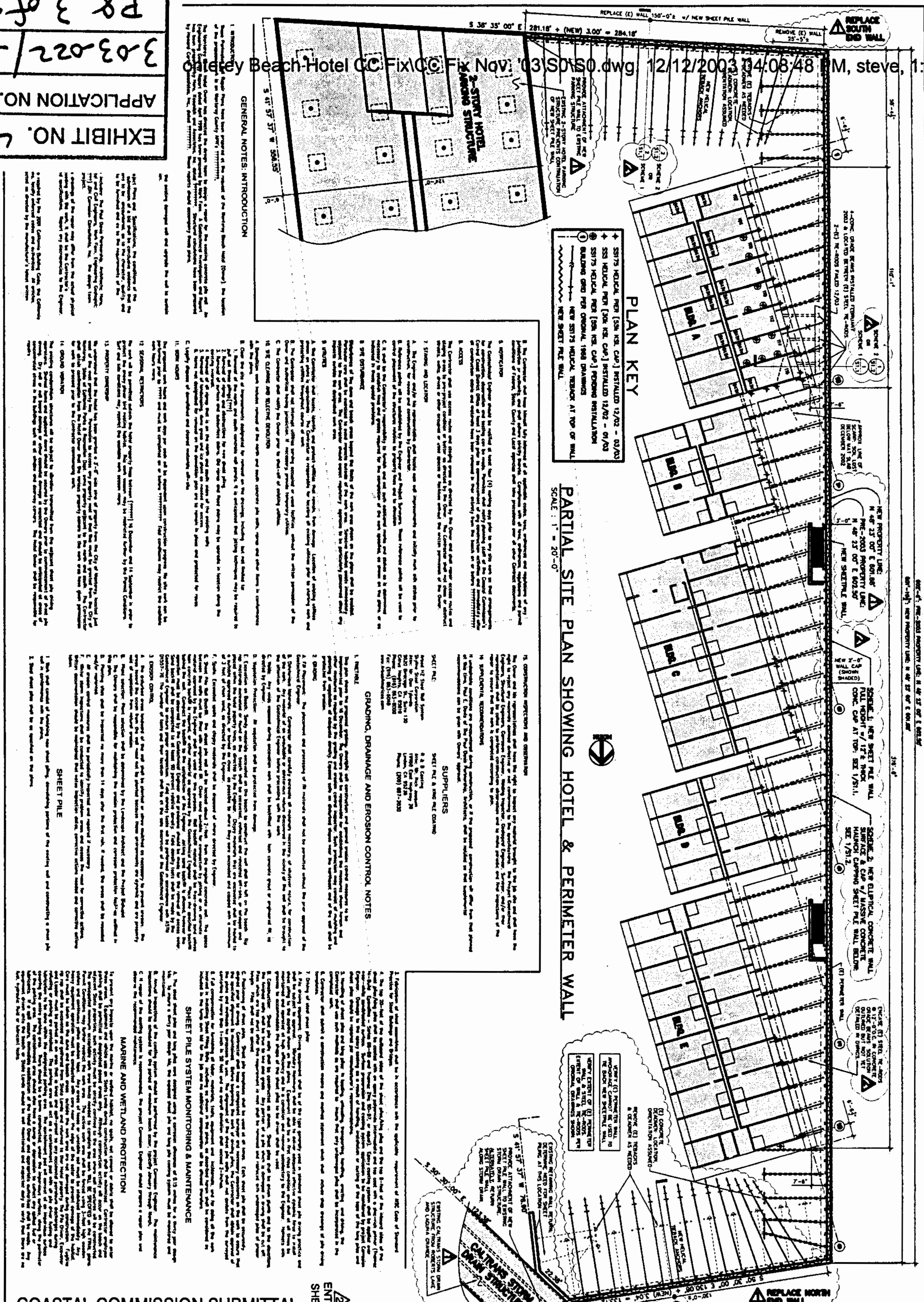
EXHIBIT NO. 4

APPLICATION NO.

3-03-022/-096

Pg 3 of 8



onterey Beach-Hotel CC Fix\CC Fix Nov. '03\S0\S0.dwg, 12/12/2003 04:08:48 PM, steve, 1:39.755

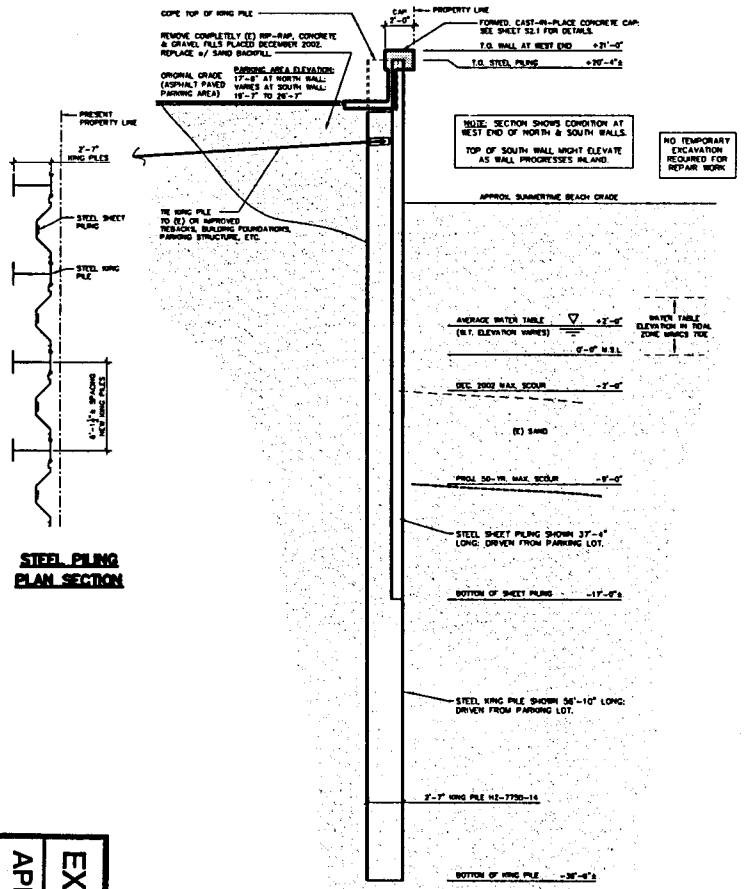
ACTION	DATE	BY	DESCRIPTION
1	8/20/03	SCW	FINAL COASTAL COMM SUBMITL
2	12/8/03	SCW	COASTAL COMM RE-SUBMITL

HOWARD CARTER ASSOCIATES, INC.
STRUCTURAL ENGINEERS
(831)373-3115 Fax (831)373-8978

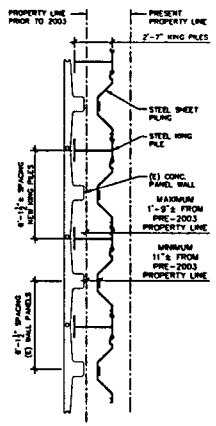
MONTEREY BEACH HOTEL
2600 SAND DUNES DRIVE MONTEREY, CA

REPAIR EXISTING PERIMETER WALL
SITE PLAN AND GENERAL NOTES

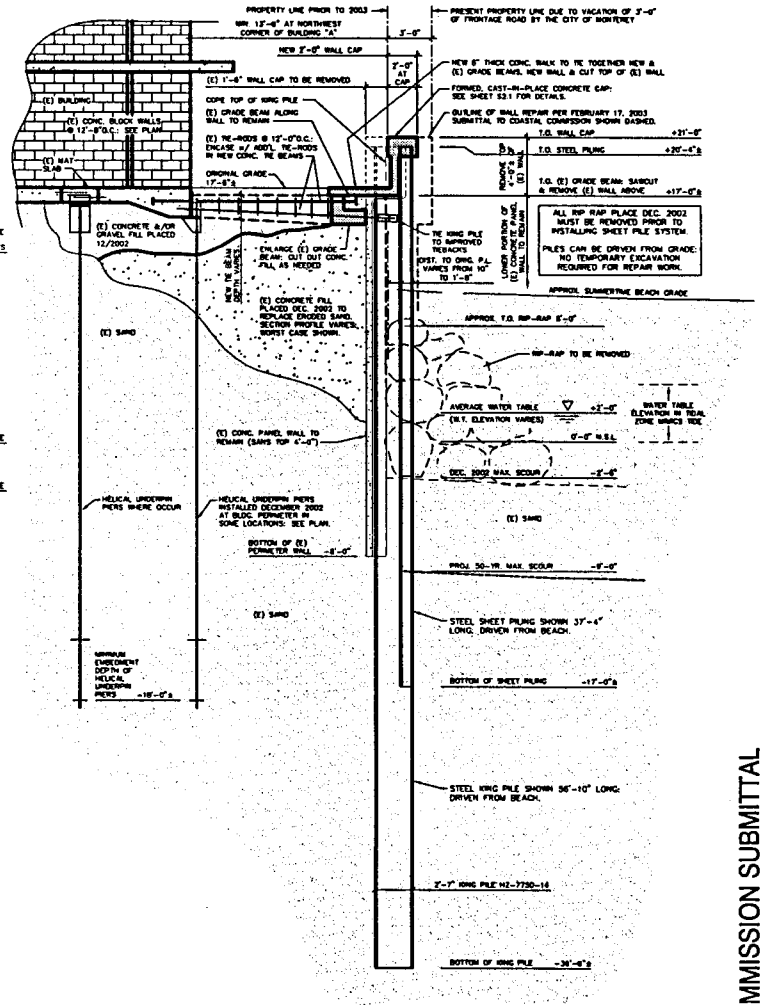
SHEET S0



STEEL PILING PLAN SECTION



STEEL PILING PLAN SECTION



ACEMENT WALL SECTION & DETAILS AT NORTH & SOUTH WALLS
1/4" = 1'-0"

1 / S1.1 WALL REPAIR SECTION & DETAILS AT WEST SIDE OF BUILDING
SCALE : 1/4" = 1'-0"

2 ENTIRE SHEET IS NEW

COASTAL COMMISSION SUBMITTAL

MARK	DATE	BY	DESCRIPTION
A	12/8/03	SDH	PRELIMINARY CONSTRUCTION SUBMITTAL
B	12/12/03	SDH	COASTAL COMMISSION SUBMITTAL

HOWARD CARTER ASSOCIATES, INC.
STRUCTURAL ENGINEERS
2600 Sand Dunes Drive Monterey, CA 93940
(831)394-3119 Fax (831)394-3915

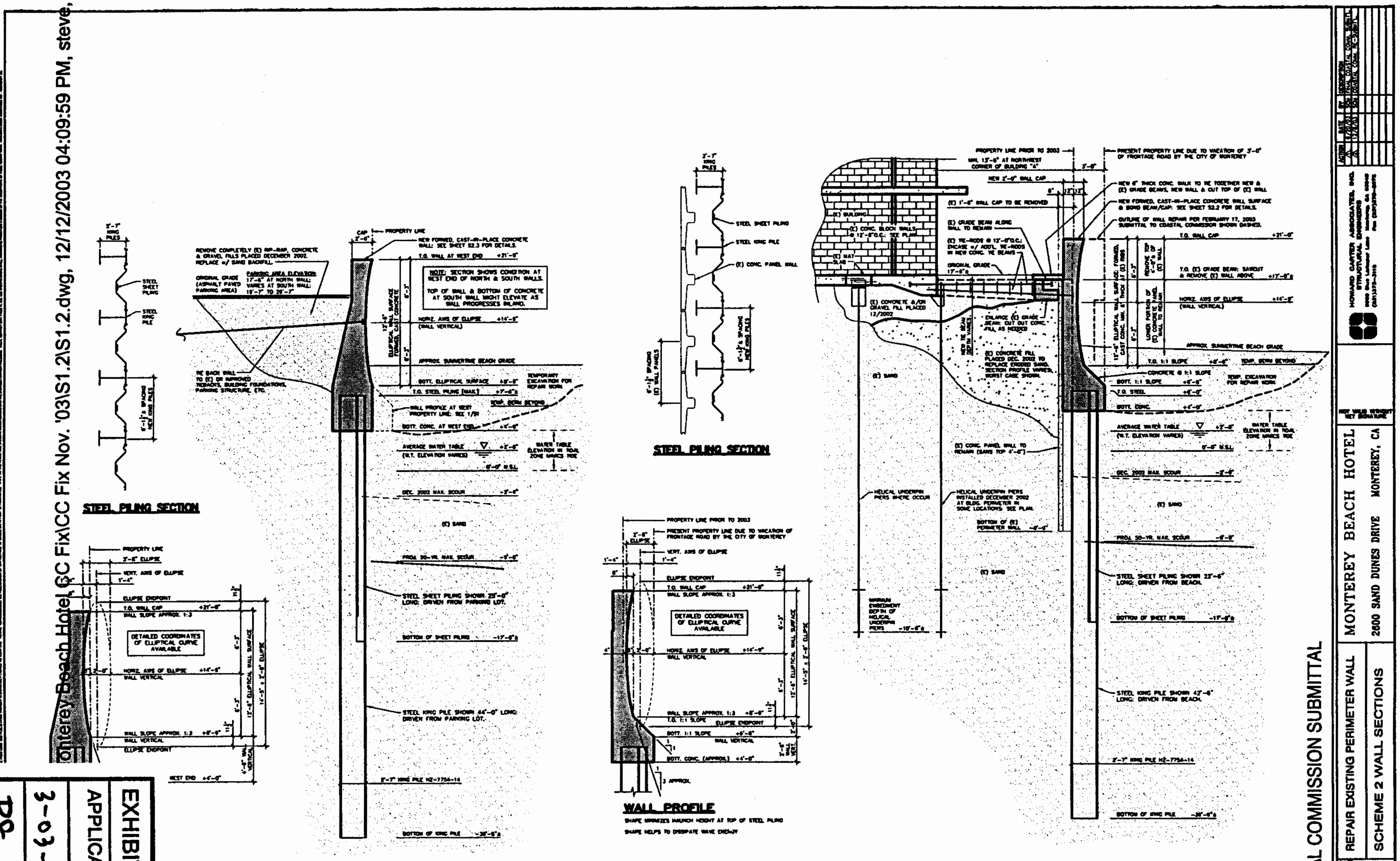
NOT VALID WITHOUT WET SIGNATURE

MONTEREY BEACH HOTEL
2600 SAND DUNES DRIVE MONTEREY, CA

REPAIR EXISTING PERIMETER WALL
SCHEME 1 WALL SECTIONS

DATE 02-17-03
SCALE AS NOTED
DRAWN BCM/AYONE
JOB 02-3906
SHEET S1.1
OF SHEETS

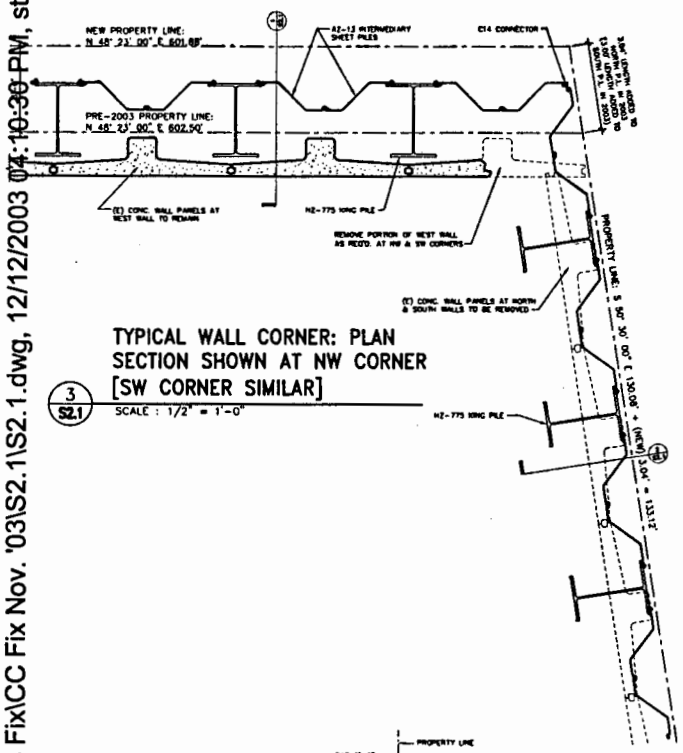
EXHIBIT NO. 4
APPLICATION NO. 3-03-120-CC-Q
8 of 8 pp



NT WALL SECTION & DETAILS AT NORTH & SOUTH WALLS
1'-0"

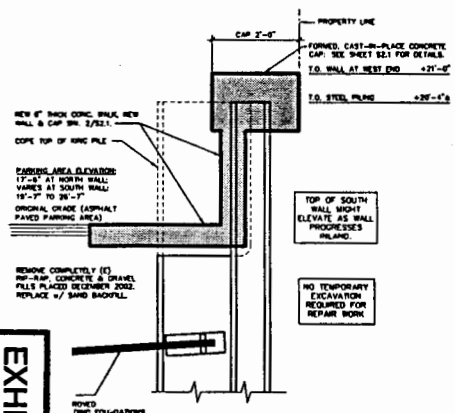
1 / S1.2 WALL REPAIR SECTION & DETAILS AT WEST SIDE OF BUILDING
SCALE : 1/4" = 1'-0"

EXHIBIT NO. 4
APPLICATION NO.
3-03-022/-096
PG 5 of 8



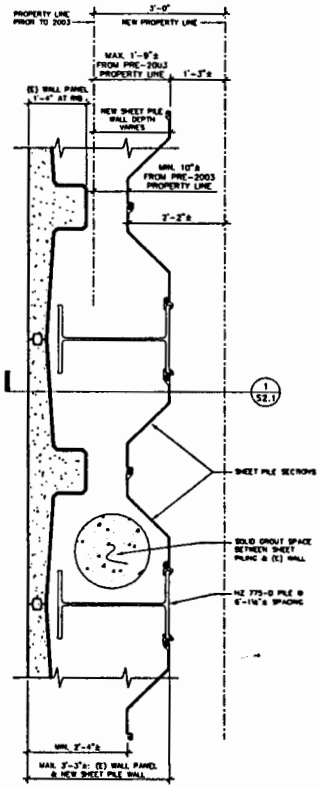
TYPICAL WALL CORNER: PLAN
SECTION SHOWN AT NW CORNER
[SW CORNER SIMILAR]

3 / S2.1 SCALE : 1/2" = 1'-0"



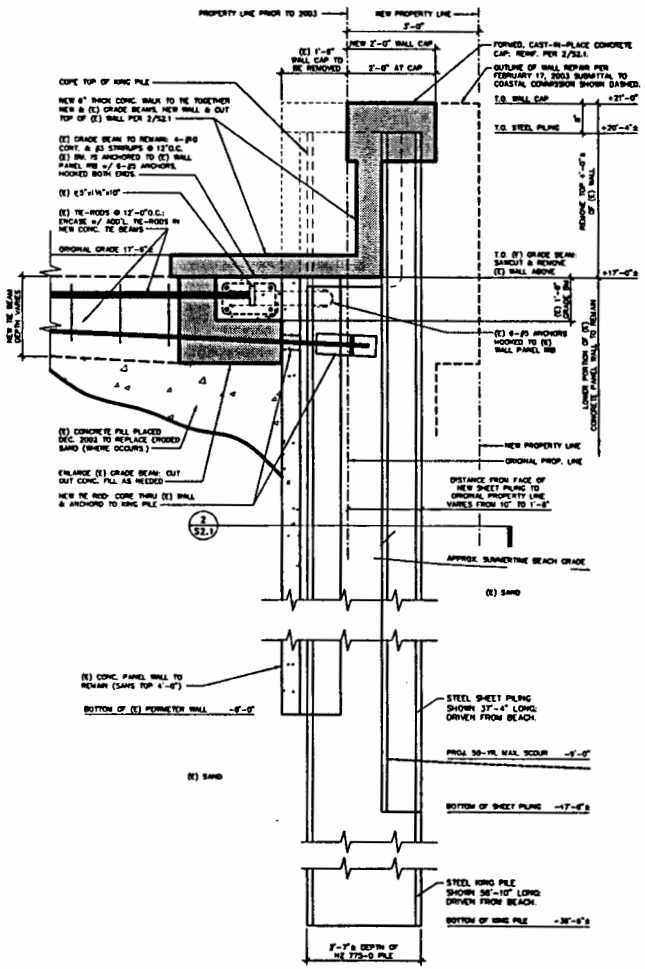
NORTH & SOUTH WALL CAP &
ATTACHMENT TO TIEBACKS

SCALE : 3/4" = 1'-0"



2 / S2.1 WEST WALL PLAN SECTION

SCALE : 3/4" = 1'-0"



1 / S2.1 WEST WALL SECTION AT HZ PILE SHOWING
ATTACHMENT TO (E) GRADE BEAM

SCALE : 3/4" = 1'-0"

2 ENTIRE SHEET IS NEW

COASTAL COMMISSION SUBMITTAL

EXHIBIT NO. 4
APPLICATION NO. 3-02-220-096
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NO.	DATE	BY	DESCRIPTION
A	12/02/03	SCH	PRELIMINARY COAST SUBMITTAL
B	12/12/03	SCH	ADDITIONAL COAST SUBMITTAL

HOWARD CARTER ASSOCIATES, INC.
STRUCTURAL ENGINEERS
(831)373-3110

MONTEREY BEACH HOTEL
2600 SAND DUNES DRIVE MONTEREY, CA

REPAIR EXISTING PERIMETER WALL
SCHEME 1 WALL DETAILS

DATE 12-09-03
SCALE AS NOTED
DRAWN SCH/STEVE
JOB 02-2004
SHEET S2.1
OF SHEETS

EXHIBIT NO. 4

APPLICATION NO. 3-03-022/-096

8 of 8

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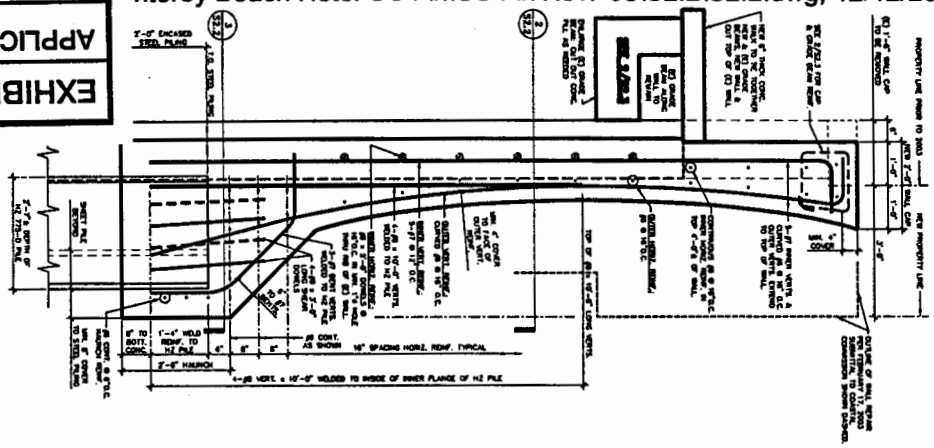
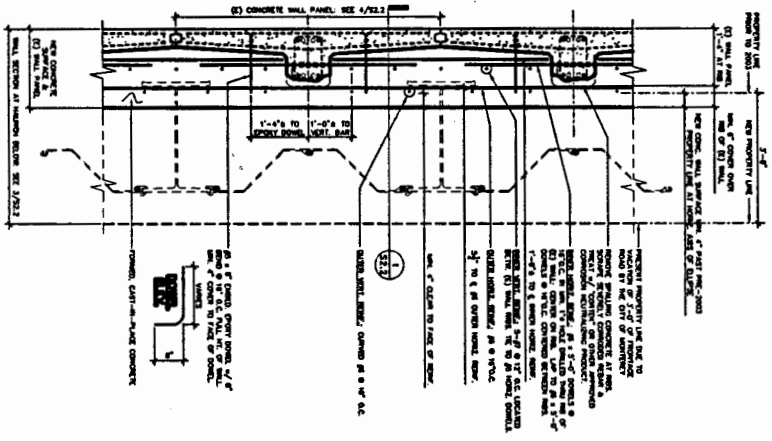
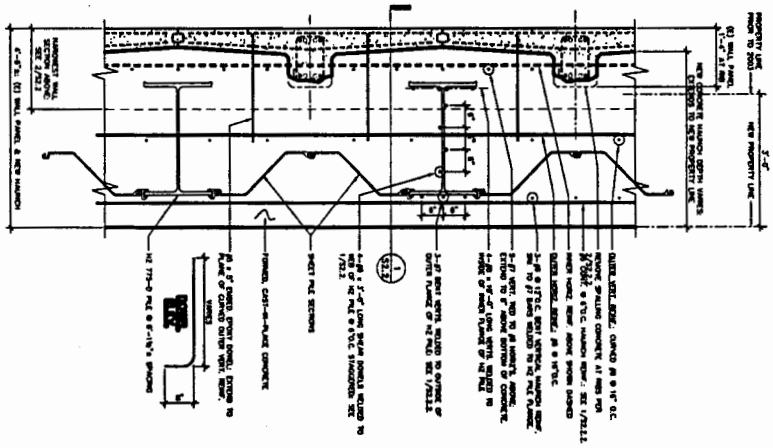


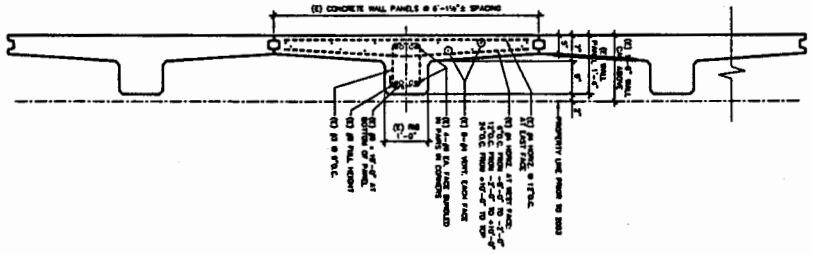
SECTION AT HZ PILE INTEGRATION TO (E) WALL
1"=1'-0"



2 S2.2 WEST WALL PLAN SECTION: NARROWEST SECTION AT ELLIPSE AXIS
SCALE : 3/4" = 1'-0"



3 S2.2 WEST WALL PLAN SECTION: SECTION AT HAUNCH [BASE OF CONC.]
SCALE : 3/4" = 1'-0"



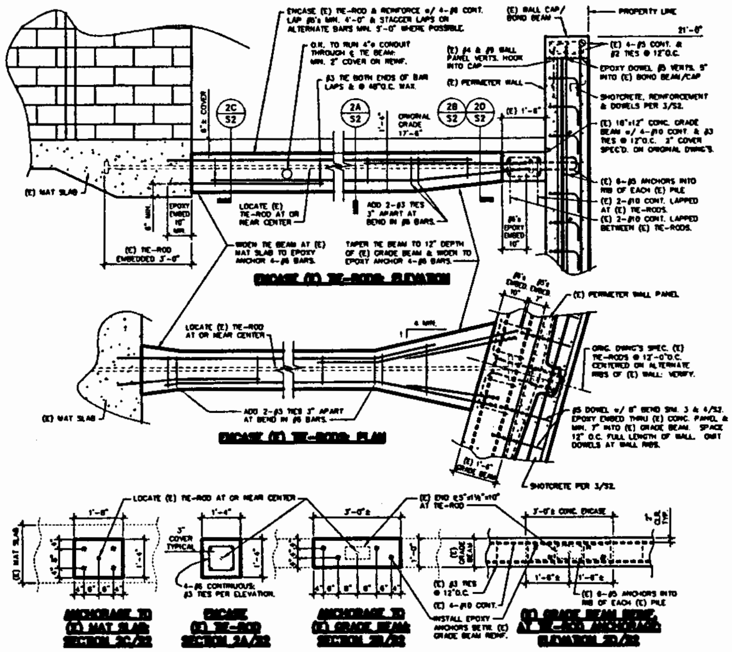
4 S2.2 PLAN SECTION: (E) CONCRETE WALL
SCALE : 3/4" = 1'-0"

2 ENTIRE SHEET IS NEW

COASTAL COMMISSION SUBMITTAL

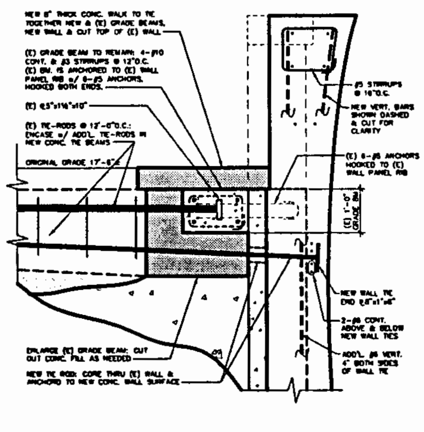
REPAIR EXISTING PERIMETER WALL	MONTEREY BEACH HOTEL	HOWARD GARTER ASSOCIATES, INC. STRUCTURAL ENGINEERS	ACTION / DATE / BY / DESCRIPTION: 1 12/30/03 SCH INITIAL COASTAL COMM. SUBMITTAL; 2 1/7/03 SCH COASTAL COMM. RE-SUBMITTAL
SCHEME 2 WALL DETAILS	2600 SAND DUNES DRIVE MONTEREY, CA		

S2.2



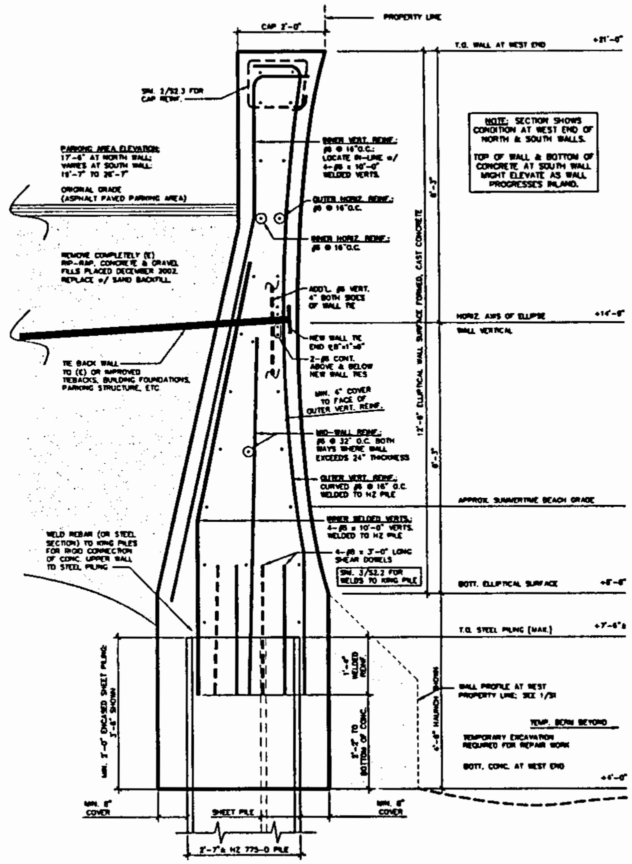
ORIGINAL DETAIL TO STRENGTHEN (E) WALL TIE & ANCHORAGE TO WALL: NEEDS RE-WORKING!!

3/S2.3 SCALE : 1/2" = 1'-0"



WEST WALL SECTION: ATTACHEMENT TO IMPROVED GRADE BEAM

2/S2.3 SCALE : 3/4" = 1'-0"



NORTH & SOUTH WALL SECTION AT HZ PILE

1/S2.3 SCALE : 3/4" = 1'-0"

ENTIRE SHEET IS NEW

COASTAL COMMISSION SUBMITTAL

HOWARD CARTER ASSOCIATES, INC. STRUCTURAL ENGINEERS

NOT VALID WITHOUT WET SIGNATURE

MONTEREY BEACH HOTEL

2600 SAND DUNES DRIVE MONTEREY, CA

REPAIR EXISTING PERIMETER WALL

SCHEME 2 WALL DETAILS

DATE 12-08-03
SCALE AS NOTED
SHEET S2.3

EXHIBIT NO. 4

APPLICATION NO. 3-03-022/-096

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Comparative Summary

Monterey Beach Hotel Alternatives Evaluation

Alternate Number	Description of Alternative	Provides Long-Term Stability (50 years)	Meets Project Objectives	Feasible (as identified in Coastal Act)	Significantly Negatively Impacts Recreational Opportunities	Significantly Negatively Impacts Coastal Resources	Impacts Public Access More Negatively Than Existing Perimeter Wall
1	Do nothing	NO	NO	NO	NA	NA	NA
2	Move Hotel Landward	NO	NO	NO	YES	NA	NA
3	Reinforce and repair existing perimeter wall	NO	NO	NO	NA	NA	YES
4	Rip-Rap Revetment seaward of existing perimeter wall	NO	NO	NO	YES	YES	YES
5	New vertical sheet pile wall in same location as existing perimeter wall	YES	NO	NO	NO	NO	NO
6	Reduce length of	YES	NO	NO	NO	NO	NO

	wall parallel to shoreline and relocate some parking areas						
7	New vertical sheet pile wall landward of existing perimeter wall	YES	NO	NO	NO	NO	NO
8	Preferred design alternative – New vertical sheet pile wall seaward of existing perimeter wall	YES*	YES	YES	SLIGHTLY 2 FEET OF BEACH 600 FEET LONG	NO	NO

* New perimeter wall along south side of property will have to be extended towards Highway 1 in about 15 years.

Existing opening in frontal seawall that leads to stairwell and lateral path

3-03-096 & 3-03-022

EXHIBIT NO. C
APPLICATION NO.
3-03-022/3-03-096
Pg. 1 of 2

Existing stairwell to Lateral Path

3-03-096 & 3-03-022

Exhibit 6
Pg 2 of 2

Existing Lateral Path

3-03-096 & 3-03-022

EXHIBIT NO. 7
APPLICATION NO.
3-03-022 3-03-096
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