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STAFF REPORT: CDP HEARING

Application Number: 3-17-0335

Applicant: City of Pacific Grove

Project Location: Along the coastal bluff adjacent to the California Coastal Trail, across from 701 Ocean View Boulevard and downcoast of Lovers Point Park in Pacific Grove, Monterey County.

Project Description: Reconstruct a 31-foot long by 5-foot tall section of an existing 150-foot-long seawall, repair an existing overlook area, and install additional public access improvements.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Pacific Grove proposes to reconstruct an approximately 31-foot long by 5-foot tall section of a rock and mortar seawall on the bluff edge across from 701 Ocean View Boulevard and downcoast of Lovers Point Park in the City of Pacific Grove, Monterey County. The repair area is roughly in the middle of an existing 150-foot long by 5-foot-tall rock and mortar seawall that was originally constructed to protect the former Southern Pacific Railroad and was installed prior to adoption of the Coastal Act. The seawall now protects and supports the designated Pacific Grove Recreational Trail and Monterey Bay Sanctuary Scenic Trail, components of the California Coastal Trail, and other important public access amenities.

The Pacific Grove Recreation Trail is an oceanfront system of lateral and vertical access paths, parks, benches, and other free and low-cost recreational amenities located along almost the

entirety of the Pacific Grove shoreline. The recreation trail is an extremely popular visitor destination of local and statewide significance, and provides an unparalleled coastal access experience, including panoramic views of the Monterey Bay and the ocean along the City's mostly craggy shoreline free of other obstructions as it is right at the shoreline edge.

The existing 150-foot long seawall is keyed into the granite bedrock portion of the bluff, and it limits erosion of the 5-foot thick layer of marine terrace deposits it fronts. A 31-foot section of the seawall and the adjacent public access overlook collapsed when part of the bedrock foundation cracked and slid down the bluff face due to intense wave action during a storm on January 20, 2017. The proposed project includes removal and disposal of this portion of the damaged seawall, relocation of the unstable portions of bedrock foundation to the rocky beach below the seawall, reconstruction of the seawall segment to reconnect the remaining portions of seawall, reconstruction of the public overlook area behind the wall, and installation of a new public bench and interpretive sign.

Other structural and non-structural protective alternatives were considered, but were dismissed due to infeasibility or conflicts with other Coastal Act policies. Specifically, the "no project" alternative was eliminated because it was determined that a single storm event could cause large portions of the remaining seawall to fail and cause further destruction of the recreational trail. Additionally, the location of the trail does not provide sufficient space to utilize vegetation or other "soft" armoring alternatives to extend the effective life of any setback as none is present. And although relocation of this portion of the trail is possible, including as there is undeveloped space available between the current trail location and Ocean View Boulevard, it would not address the potential imminent collapse of larger portions of the remaining seawall that could have the unintended consequence of causing even more significant impacts to the neighboring environment and public access amenities protected by it. Importantly, additional study and analysis of the feasibility of trail relocation is critical before relocation is pursued, including because of the interconnected nature of the overall trail resource along the City's shoreline that argues for an overall plan as opposed to potential piecemeal 'spot' relocations, and the cost and consequences associated with such relocation. Such analysis will take some time, but the City has committed to it through its current LCP update effort, which is intended to include a Coastal Parks Plan for the shoreline area. In the meantime, the proposed repairs are needed to prevent further damage in the short term. Staff is thus recommending that the seawall be repaired, but that the repair authorization only be valid for a period of five years (or until the completion of the shoreline management plan for the area if that comes first), which will allow the City and the Commission the opportunity to reevaluate the continued need for armoring at this location once additional planning has been completed. Additional conditions address habitat protection, marine resources, construction BMPs, and offsetting mitigation, including installation of a public bench and an interpretive sign.

Staff thus recommends approval of the project with conditions. The motion is found on page 4 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **approve** Coastal Development Permit Number 3-17-0335 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-17-0335 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the 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 further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Duration of Armoring Approval.** This CDP authorizes the reconstruction of 31 linear feet of seawall for a period of five years from the date of this approval (i.e., until July 12, 2022). Prior to that date, the City shall conduct a long-term shoreline study of at least the area between Lovers Point and the intersection between Sea Palm Avenue and Ocean Boulevard (and preferably the entire Pacific Grove shoreline), the objective of which shall be to identify the manner in which continuous recreational trail access along the shoreline is to be provided while best protecting coastal resources. The study must include a comprehensive alternatives analysis, including the potential for relocation of the recreational trail and removal of armoring along this stretch of coast, and must include implementation recommendations. The study must also include an analysis of the impacts to coastal resources from retaining the existing armoring structures along this stretch of coast. Within 90 days of completion of the long-term shoreline study or within five years of the date of this approval, whichever occurs first, the Permittee shall submit a complete CDP amendment application to the Coastal Commission to either reauthorize the approved armoring or remove the approved armoring and appropriately restore the affected area. The Executive Director may extend the length of this approval an additional two years for good cause.
- 2. Public Access Improvement Plan.** WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION, the City shall submit a plan that identifies the exact location and design of all coastal access improvements to be installed as part of the project. At a minimum, the plans shall include the following:

 - (a) Access amenities.** The plans shall include at least one public bench and one interpretive sign (appropriate to City of Pacific Grove shoreline issues, information, and/or history) in the general vicinity of the repaired overlook area of the project site.
 - (b) Amenities maintenance.** The plan shall clearly state that all public access areas and amenities shall be available to the general public free of charge 24 hours per day and shall be maintained in their approved state for the life of the project.

All requirements above and all requirements of the approved Public Access Improvement Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with this condition and the approved Public Access Improvement Plan.

- 3. Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include 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 site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be

minimized in order to minimize construction encroachment on all publicly available pathways, beach, and beach access points, to have the least impact on public access and other coastal resources.

(b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using the space available on the blufftop portions of the project area for staging, storage, and construction activities to the maximum extent feasible provided it does not significantly adversely affect public access, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas), and including all methods to be used to protect the Pacific Ocean and related marine resources. All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(c) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours, and lighting of the intertidal area is prohibited.
- Construction work or equipment operations shall not be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited and removal of natural bedrock from the project area is prohibited. Removal of existing concrete, riprap, and other unnatural material is allowed.
- All construction materials and equipment placed seaward of the bluff 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 these areas by sunset each day that work occurs, except for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the toe of the coastal protection/bluff as possible, and are minimized in their extent.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur during weekends and/or holidays unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- Equipment washing, servicing, and refueling shall not take place at the site, and shall only be allowed at a designated inland location as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or

other chemicals take place during these activities.

- 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; etc.).
- 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 public recreational use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be filtered as necessary to remove all construction debris.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan.

4. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

- (a) Construction Site Documents.** Copies of the signed CDP and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (b) Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email and telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while minimizing public view impacts, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, email, phone number, and nature of

all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- 5. Sensitive Bird Species.** THREE DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION (for construction activities taking place between February 1st and August 31st that have the potential for significant noise impacts), the Permittee shall ensure that a qualified biologist shall conduct a preconstruction survey for the presence of nesting birds, including black oystercatchers, at the project site. If an active nest of a Federal or State-listed threatened or endangered bird species, bird species of special concern, or any species of raptor is identified during such preconstruction surveys, or is otherwise identified during construction, the Permittee shall notify all appropriate State (including the Coastal Commission) and Federal agencies within 24 hours, and shall develop an appropriate action plan specific to each incident that shall be consistent with the recommendations of those agencies. The Permittee shall notify the Executive Director in writing within 24 hours and consult with the Executive Director regarding the determinations of the State and Federal agencies. At a minimum, if the active nest is located within 300 feet of construction activities (within 500 feet for raptors), the Permittee shall submit a report prior to construction, for Executive Director review and approval, that demonstrates how construction activities shall be modified to ensure that nesting birds are not disturbed by construction-related noise.
- 6. As-Built Plans.** WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans for Executive Director review and approval showing all development authorized by this CDP. The As-Built Plans shall be substantially consistent with the project plans submitted to the Central Coast District Office on April 24, 2017 (see **Exhibit 3**). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show the as-built seawall project. At a minimum, the photographs shall be from a sufficient number of upcoast, downcoast, inland and seaward viewpoints as to provide complete photographic coverage of the permitted project at this location. The As-Built Plans shall demonstrate the following:

 - (a) Seawall Footprint.** The footprint of the seawall shall be constructed as landward as possible to minimize the need for landform alteration, except where engineering evidence justifies the need to relocate the foundation from its current location (e.g., where necessary to tie foundation into competent bedrock). The footprint shall be minimized and shall not extend into public views.
 - (b) Seawall Surfacing.** The seawall shall be faced with a rock and mortar design that mimics the color, texture, and undulation of the adjacent rock and mortar seawall. Final plans shall include a materials palette and/or brochures and photo examples describing the seawall facing techniques applied to achieve this objective.
- 7. Monitoring.** The Permittee shall ensure that the condition and performance of the approved as-built project is regularly monitored, including that the armoring and all related components must be regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address

whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural damage requiring repair to maintain the approved as-built project in its approved and/or required state. A monitoring report prepared by a licensed civil engineer with experience in coastal structures and processes, and covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at the time the reauthorization of the project is required (see **Special Condition 1**). The monitoring report shall provide for evaluation of the condition and performance of the proposed project, and shall recommend any necessary maintenance, repair, changes or modifications.

- 8. Future Maintenance Authorized.** This coastal development permit authorizes future armoring maintenance and repair subject to the following:
- (a) **Maintenance.** “Maintenance and repair,” as it is understood in this special condition, means development that would otherwise require a CDP whose purpose is to maintain the coastal bluff protection and all related components in their approved state.
 - (b) **Other Agency Approvals.** The Permittee acknowledges that this maintenance condition does not obviate the need to obtain authorization from other agencies for any future maintenance and/or repair episodes.
 - (c) **Maintenance Notification.** At least 30 days prior to commencing any maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission’s Central Coast District Office. The notification shall include: a detailed description of the maintenance event proposed; any plans, engineering and/or geology reports describing the event; a construction plan that complies with all aspects of the approved construction plan as described above; identification of a construction coordinator and his/her contact information (i.e., address, phone numbers, etc.) as described above; other agency authorizations; and any other supporting documentation (as necessary) describing the maintenance event. The maintenance event shall not commence until and unless the Permittee has been informed by planning staff of the Coastal Commission’s Central Coast District Office that the maintenance event complies with this CDP. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the Central Coast District Office, the maintenance event shall be authorized as if planning staff affirmatively indicated that the event complies with this CDP. The notification shall clearly indicate that the maintenance event is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the permit. Absence of such description in the notification shall negate the automatic approval provisions of this condition. In the event of an emergency requiring immediate maintenance, the notification of such emergency episode shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency. Any proposed maintenance event that planning staff of the Coastal Commission’s Central Coast District Office does not determine to be in compliance with this CDP shall require a CDP amendment or a new CDP application.
 - (d) **Maintenance Coordination.** Maintenance events shall, to the degree feasible, be coordinated with other maintenance events proposed in the immediate vicinity with the

goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and bluff area and beach access points. As such, the Permittee shall make reasonable efforts to coordinate the Permittee's maintenance events with other adjacent events, including adjusting maintenance event scheduling as suggested by planning staff of the Coastal Commission's Central Coast District Office.

- (e) **Construction Site Documents and Construction Coordinator.** All requirements set forth in **Special Condition 4** above ("Construction Site Documents & Construction Coordinator") shall apply to any maintenance event.
 - (f) **Restoration.** The Permittee shall restore all rocky shore areas and all access points impacted by maintenance activities to their pre-construction condition or better at the conclusion of any maintenance event. Any native materials impacted shall be filtered as necessary to remove all construction debris from the area within three days of completion of construction. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office upon completion of restoration activities to arrange for a site visit to verify that all restoration activities are complete. If planning staff identifies additional reasonable measures necessary to restore the affected area, such measures shall be implemented as quickly as reasonably possible.
 - (g) **Emergency.** In addition to the emergency provisions set forth in subsection (c) above, nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).
 - (h) **Duration of Covered Maintenance.** Future maintenance under this CDP is allowed subject to the above terms throughout the length of the armoring approval (see **Special Condition 1**). The Permittee shall maintain the permitted armoring in its approved state. No expansion or enlargement of the permitted armoring is allowed.
9. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, sea level rise, tsunami, tidal scour, coastal flooding, 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; and (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 due to such hazards of such claims), expenses, and amounts paid in settlement arising from any injury or damage

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Project Location and Background

The proposed project is located along the coastal bluff adjacent to the Pacific Grove Recreational Trail (which is a segment of the California Coastal Trail (CCT)), just downcoast of Lovers Point Park and across from 701 Ocean View Boulevard in the City of Pacific Grove (**Exhibit 1**). Pacific Grove is located on the very northern tip of the Monterey Peninsula and is a very popular visitor-serving destination given its proximity to Cannery Row, the Monterey Bay Aquarium, 17-Mile Drive, Lovers Point beach, the City's monarch butterfly sanctuary, the CCT, and the Asilomar State Park Conference Grounds, all of which make Pacific Grove an ideal destination for coastal access and recreation.

The primary segment of the Pacific Grove Recreation Trail/CCT located in the vicinity of the proposed project site consists of a decomposed-granite lateral pedestrian trail located on the bluff top immediately above and adjacent to the existing rock and mortar seawall. The coastline in this area is predominantly rocky and inaccessible. The trail and public overlooks are the main public access areas along this stretch of coast, which provide expansive views of the Monterey Bay and various offshore rock formations. The offshore area is part of the California Coastal National Monument, which is managed by the Bureau of Land Management. Bicycles share the road with vehicles along Ocean View Boulevard, and numerous informal and formal access paths provide connections from Ocean View Boulevard to the main lateral segment of the CCT. Free public parking is available along both sides of Ocean View Boulevard. The coastal terrace located between Ocean View Boulevard and the bluff edge varies in width from a few feet to over 80 feet and is dominated by exotic ice plant.

The coastal bluffs in this area are subject to erosion from wave action, large ocean storm events, rainfall, runoff, natural weathering, and earthquakes. These bluffs are composed of approximately five to eight feet of marine terrace deposits that consist of fill, native soil, and sand, which sit atop relatively erosion-resistant Purisma Formation granite bedrock. The terrace deposits are protected by the approximately 150-foot-long five-foot-tall rock and mortar seawall that is keyed and grouted into the granite bedrock. This seawall was originally constructed prior to passage of the Coastal Act in conjunction with the Southern Pacific Railroad, which has since been removed, but now protects the trail and access amenities.

The seawall has previously been subject to potential failure due to various voids and sinkholes in the bedrock foundation. In 2007, the Commission approved the repair, replacement, construction, and reconstruction of shoreline armoring structures at 18 different locations along the shoreline in Pacific Grove between 1st Street and Beach Street (CDP 3-06-024), including repairs for the seawall at the project site. Specifically, that CDP allowed for plugging voids in the seawall (at different locations along the seawall) with concrete grout keyed into the bedrock and backfilling of a sinkhole with compacted soil. There were numerous conditions required by CDP 3-06-024 that the City has not met that do not directly impact this specific project area, including: annual beach profile surveys at Lovers Point, removal and restacking of riprap between 1st Street and Lovers Point, submittal of as-built plans, landscaping improvements, and submittal of monitoring

reports. In addition, CDP 3-06-024 was conditioned to require the City to submit a comprehensive shoreline management plan for the entire area between 1st Street and Beach Street, which includes the area of the proposed project. The condition specifically required the shoreline management plan to include an identification of factors contributing to shoreline erosion, identification of areas at risk from shoreline erosion, identification of environmentally sensitive habitat areas in the management plan area, evaluation of the impacts of shoreline armoring on public access and sand supply, and an evaluation of alternatives to shoreline armoring, including relocation of threatened structures. The City's failure to complete the requirements of that CDP is the subject of a current enforcement investigation and violation case (V-3-17-0068). Resolution of any potential violations is expected to be achieved through the City's current planning efforts related to the current LCP update and future update of the City's certified Coastal Parks Plan.

Project Description

The proposed project includes reconstruction of approximately 31 linear feet of the existing 150-foot-long seawall and the public overlook area that were damaged from wave action during a storm on January 20, 2017.¹ Specifically, a 31-foot-long section of the seawall and the majority of the adjacent public access overlook collapsed when part of the seawall's bedrock foundation cracked and slid down the bluff face. The underlying granite bedrock foundation appears to be generally intact for the majority of the seawall's length, but portions of the bedrock foundation in the vicinity of the project site are cracked and unstable, possibly because this area of bedrock juts out seaward and is thus exposed to additional wave action. This unstable bedrock foundation poses a risk of further failure of the seawall, in addition to potential collapse of the CCT at this location. The proposed project includes removal and disposal of the damaged portions of the existing seawall, both those portions that still remain on the bluff face and those portions that have collapsed onto the rocky beach located below the seawall. Pieces of the unstable bedrock foundation will also need to be removed and relocated. Removing the cracked portions of the bedrock would allow the seawall to be keyed into stable portions of bedrock in order to provide a solid foundation for the reconstructed portion of seawall. The removed pieces of bedrock would either be relocated to the rocky beach below the seawall or used as backfill behind the reconstructed portion of the seawall. The reconstructed portion of the seawall would connect to the existing seawall on either side and would include an identical rock and mortar design. The public overlook area just inland of the seawall would be backfilled and resurfaced with decomposed granite. The City proposes to add a bench and an interpretive sign to the overlook area to provide additional public access amenities at the site (see **Exhibit 2** for photos of the existing seawall and the current damage; see **Exhibit 3** for the proposed project plans).

B. STANDARD OF REVIEW

The proposed project is located within the coastal zone, but the City does not have a certified Local Coastal Program (LCP). The City's Land Use Plan (LUP) was certified in 1991, but the zoning or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently in the process of updating its LUP and developing an IP. Because the City does not yet have a certified LCP, applicants for coastal zone development must apply to the Coastal

¹ The overlook area has been closed since the damage occurred.

Commission directly for coastal development permits. Although the certified LUP provides guidance during the review of such applications, the standard of review is the Coastal Act.

C. GEOLOGICAL CONDITIONS AND HAZARDS

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

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 part:

Section 30253. New development shall do all of the following:

- (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.*

Consistency Analysis

Together, Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” shoreline protection methods designed to forestall erosion often alter natural landforms and natural shoreline processes. Accordingly, 30235 provides for approval of such shoreline protective devices only 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 shoreline processes. Furthermore, 30253 requires that new development not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beaches, which are a fundamental coastal resource.

Under Coastal Act Section 30235, a shoreline-altering structure is to 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 endangered 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 at least some of the impacts of the protective structure.

Existing Structure to be Protected

The City proposes to reconstruct an approximately 31-foot-long portion of the existing 150-foot-long rock and mortar seawall and provide a stable foundation for the reconstructed wall. The project is necessary to protect the existing public access overlook area (which shall also be repaired as part of the proposed project), and the adjacent existing lateral CCT segment and vertical connecting trails that are threatened by erosion and wave overtopping. The areas threatened by such erosion support the lateral and vertical public access trails and associated amenities (e.g. benches and overlooks), as well as the public parking areas and road located landward of the trail system (see photo of site in **Exhibit 2**). The trail system, overlook area, parking areas, and road were all constructed prior to passage of the Coastal Act and therefore constitute existing structures that may qualify for shoreline protection for purposes of 30235. Thus the proposed repairs meet the first test of Section 30235 of the Coastal Act.

Danger from Erosion

The Coastal Act allows shoreline armoring to protect existing structures in danger from erosion (when the armoring is designed to mitigate or eliminate adverse impacts to shoreline processes), but the Coastal Act does not define the term “in danger.” There is a certain amount of risk involved in maintaining development along a California coastline that is actively eroding and can be directly subject to individual events such as violent storms, large waves, flooding, earthquakes, and other coastal hazards. These risks can be exacerbated by such “systemic” factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. Framed in this manner, it is arguable that all development along the immediate California coastline is in a certain amount of “danger.” It is a matter of the degree of threat that distinguishes between erosion danger that represents an ordinary and acceptable risk which may not warrant shoreline protection under 30235, and more pressing erosion danger that requires shoreline armoring per 30235. Lacking Coastal Act definition, the Commission has historically evaluated 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 use/occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., the no project alternative).

As described above, the project involves reconstruction of a 31-foot section of the existing rock and mortar seawall that was originally constructed to forestall coastal erosion and wave overtopping that threatened the former Southern Pacific rail line, but which now protects the CCT and other public access amenities. This area of shoreline faces almost directly north into the predominant direction of winter time swells and is therefore highly susceptible to wave attack. According to the report of the consulting geotechnical engineer (see **Exhibit 4**), these repairs are needed because: 1) erosion of fractured bedrock has undermined the foundation of the existing seawall that acts to establish the bluff edge upon which the CCT is founded, 2) further failure of the existing seawall threatens further loss of public access areas, and 3) the undermined structures threaten public safety. The City’s consulting engineer has indicated that given the extent of cracks in the underlying bedrock foundation, the existing seawall and the public access amenities it protects are at further risk of catastrophic damage or failure from a single severe storm event, which could occur in the next few storm season cycles. The City has provided photographic evidence demonstrating the extent of the fractured bedrock foundation (See **Exhibit 2**). Thus, based on the photographic evidence and the conclusions in the geotechnical

report, there appears to be a significant near-term risk (within the next few years) to the undamaged portions of the seawall and the public access areas it protects.

The danger from erosion at the project site is high, and a single event could lead to loss of the coastal trail and public access amenities in this area. Therefore, staff concludes that the public access areas are existing structures in danger from erosion for purposes of Section 30235.

Feasible Protection Alternatives to a Shoreline Structure

The third Section 30235 test that must be met is that the proposed armoring must be “required” to protect the existing threatened structure. In other words, shoreline-altering armoring may be allowed if it is the only feasible alternative capable of protecting the structure (subject to the other elements of 30235). Coastal Act Section 30108 defines feasibility as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” When read in tandem with other applicable Coastal Act policies cited in these findings, this Coastal Act Section 30235 evaluation is often conceptualized as a search for the least environmentally damaging feasible alternative that can serve to protect existing endangered structures. Other alternatives typically considered in lieu of construction of a shoreline protective device include: the “no project” alternative; relocation of threatened structures; drainage and vegetation measures on the blufftop; and combinations of each.

No Project Alternative

Based on the geotechnical report (**Exhibit 4**), erosion from direct wave attack and wave run-up will continue unabated in the area of the damaged portion of the seawall, leading to further undermining of the foundation of the adjacent undamaged portions of the seawall. The report concludes that a single storm event could lead to failure of large portions of the existing seawall, rapid erosion of the coastal terrace deposits that the seawall protects, and sudden complete loss of the public overlook area (which has already been severely damaged) and the adjacent coastal trail. Erosional processes would continue until all earthen materials or bedrock are removed from beneath the seawall and it collapses, taking with it portions of the upper bluff and the public amenities constructed on top of the bluff. Under this scenario, the current alignment of the extremely popular coastal trail in this area would have to be closed to prevent injury to users and redirected inland. In short, the no project alternative is not a feasible alternative because it does not accomplish the intended goal of protecting the existing structures in a successful manner. As a consequence, the risk to the coastal trail system and associated public access amenities is sufficient to rule out this option.

Soil, Vegetation, and Improved drainage

Due to the site conditions, the use of soil and vegetation and drainage improvements to help stabilize the bluffs would be insufficient to protect the existing coastal trail system and public access amenities. The potential danger to these public access components is almost entirely due to wave impact and overtopping from high intensity storm events. The overlook area and coastal trail are immediately adjacent to the bluff edge and there is simply not enough space to create a more stable setback area through such “soft” alternative measures alone. Of course, such options could and should be incorporated into any potential alternatives, but on their own would be insufficient to protect the existing and endangered public access amenities in this case. Therefore, such soft alternatives are not considered feasible in this case.

Relocation

Although some areas of the CCT in Pacific Grove are located in a narrow space between the bluff edge and Ocean View Boulevard, in the vicinity of the proposed project the coastal trail diverges from the road seaward. Specifically, in this location the bluff edge is separated from the road by a broad coastal terrace that is landscaped with exotic ice plant. The coastal trail and public access overlook are located approximately 80 feet seaward of the road. Relocation of the trail and the overlook closer to Ocean View Boulevard could potentially be a feasible alternative to the proposed reconstruction of the damaged portion of the seawall at this site in that relocation will accomplish the intended goal of protecting the existing structures in a successful manner. However, partial relocation of the coastal trail and public access amenities directly at threat due to the failed 31-foot portion of the seawall would have the unintended consequence of undermining the stability and integrity of the remaining portions of the seawall as well as the public access amenities that the larger seawall is intended to protect. If left in the current state of disrepair, the undermined bedrock on which the remaining seawall sits has the potential to collapse from a single storm event, which would cause large portions of the seawall to fail. This would expose the upper bluff terrace deposits to direct wave attack and accelerated erosion, which could ultimately result in a large episodic erosion event. Both sides of the existing undamaged portions of the seawall would continue to be compromised due to the 31-foot gap in the seawall that has resulted in bluff materials being directly exposed to wave attack and accelerated erosion. The consequences of failing to undertake the proposed repairs in the short term are not known, but potentially significant. Although it could be a longer period of time before the roadway, public parking areas, and associated utilities become threatened; the reduction in the width of the coastal terrace and the potential destabilizing effect of a larger seawall failure could severely limit opportunities for public access and recreation amenities on the seaward side of Ocean View Boulevard.

Relocation of the trail in the surrounding area may be feasible at some point in the future. However, relocation of even a small part of the trail would require a long-term planning effort, further assessment of the structural integrity of the remaining portions of the seawall, study of the potential edge effects of a 31-foot gap on the remaining seawall, impacts to the stability of the terrace deposits, evaluation of the impact of potential removal of the entire seawall, and further analysis with regard to biological and marine resource impacts. As described above, feasibility is defined in the Coastal Act as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” The further planning and studies with regard to relocation of the trail would be extensive and time consuming. In the meantime, delaying the proposed repairs to a relatively small 31-foot section of the existing 150-foot-long seawall could lead to further failure of the seawall, the loss of public access amenities, and unknown environmental impacts. In other words, planning for relocation of the entire trail cannot be accomplished in a successful manner within “a reasonable period of time.” As such, relocation of the trail is not considered to be a feasible alternative to the needed repairs in the short term and reconstructing the damaged 31-foot-long section of the existing seawall is prudent to prevent the immediate dangers described above.

However, future evaluation could reveal that relocation of the trail and public access amenities, along with removal of the entire seawall and restoration of the area, is a viable and less environmentally damaging alternative than keeping the seawall in place indefinitely.

Unfortunately, the City failed to complete the shoreline management plan that was required under CDP 3-06-024, which would have helped inform a decision on appropriate alternatives for this proposed project. However, the City has shown a renewed commitment to conduct the long-term planning that is needed to comprehensively study the Pacific Grove shoreline. The City is currently updating its LCP to address coastal hazards and provide the framework for responding to those hazards. For example, the City has recently undergone a study for the area around Point Pinos Lighthouse and identified managed retreat as the preferred alternative to further armoring at that location. Additionally, the City has indicated its commitment to updating its certified Coastal Parks Plan, which will provide site-specific analysis of the entire City shoreline.² However, because the City failed to complete the shoreline management plan required by CDP 3-06-024 and thus the feasibility of alternatives to shoreline armoring at the project location is unknown, **Special Condition 1** limits authorization of this project for a period of five years to allow the City to complete a study of the shoreline in the vicinity of the project site. Limiting the duration of the authorization will also ensure that the current reconstruction of a portion of the seawall and repair of the overlook will not prejudice future alternatives analyses and relocation options for the area near the project site, i.e. the coastline between Lovers Point and the intersection of Sea Palm Avenue and Ocean View Boulevard (see **Exhibit 2**). The City agrees that five years is a reasonable time for the City to complete the shoreline study for this area of Pacific Grove coastline. The results of this study will also be used as a part of the update of the citywide comprehensive Coastal Parks Plan. **Special Condition 1** also requires the City to submit a CDP amendment application within 90 days of completion of the shoreline study or within five years of the date of this approval, whichever comes first, to either reauthorize the approved armoring or remove the approved armoring and appropriately restore the affected area. **Special Condition 1** thus ties the continued existence of this segment of seawall beyond five years to the completion of a more robust study of the shoreline in the vicinity of the project site, while still allowing the City to undertake the proposed reconstruction of this segment of seawall, which is necessary to prevent the loss of public access and the potential environmental damage of a sudden seawall failure in the short term.

Alternatives Conclusion

Because there are currently no feasible non-structural alternatives, shoreline protection is needed along the bluff in order to protect the structural elements of the public recreational system provided in this area. The project consists of removing undermined sections of a portion of the existing seawall and unstable portions of the granitic bedrock foundation, then reconstructing the walls and setting them into more stable areas of bedrock. This design has proven to be a competent foundation for seawalls in the project vicinity (some of which were constructed 100 years ago) as demonstrated by their efficacy and longevity. As opposed to new seawall construction, the proposed project includes reconstruction of a 31-foot section of an existing 150-foot-long seawall. The proposed reconstruction does not increase the length of the existing shoreline armoring but instead merely replaces a portion of a previously constructed seawall that was damaged by wave action and storms. The proposed design for repairs and reconstruction of the existing seawall therefore represents the minimal amount of development needed to ensure that the seawall continues to function as designed and to prevent further loss of public access amenities. Based on a review of feasible alternatives, the proposed reconstruction represents the

² This fiscal year, the City has dedicated \$250,000 toward an update of the Coastal Parks Plan.

least damaging feasible alternative currently available to protect existing coastal access trails and other public access amenities.

As discussed above, other alternative options are not feasible under the Coastal Act, and the proposed coastal protection is required to protect the existing structures that support public access and recreation at the project site. Thus, the project meets the third test of Section 30235 of the Coastal Act.

Sand Supply Impacts

The fourth test of Section 30235 that must be met for Commission approval is that shoreline structures must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply.

Shoreline Processes

Natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline armoring structures because bluff retreat is one of several ways that beach quality sand is added to the shoreline, and is also one of the critical factors associated with beach creation/retention. Bluff retreat and erosion are natural processes that result from many different factors including erosion by wave action causing cave formation, enlargement and eventual collapse of caves, saturation of the bluff soil from groundwater causing the bluff to slough off, and natural bluff deterioration. Shoreline armoring directly impedes these natural processes.

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 are difficult to distinguish from natural actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, however, including: (1) the 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.

The subject site is located along the northeast facing shoreline of Pacific Grove, which is exposed to northerly winter wave energy. The shoreline is comprised of a series of granitic rock points and outcrops separated by small embayments and coves (see photos in **Exhibit 2**). Periods of high wave activity, littoral drift, and wind-driven waves move sand, rock, and debris in and out of the more prominent embayments. Yet there are only three notable locations of sandy beach within 1.5 miles of the project site. The most significant of these is the year-round beach known as Lovers Point. Two additional pocket cove beaches can be found east of Lovers Point, though the presence of these beaches is subject to seasonal and tidal variation. Another small pocket of sand sometimes forms in the bend in the shoreline where Sea Palm Avenue intersects Ocean View Boulevard, although the presence of beach sand at that location is dependent on tide and time of year. The project area is dominated by narrow rocky, gravelly areas that are either inaccessible or under water during much of the tidal cycle, i.e. there is no beach at the project site.

Encroachment on the Beach

Shoreline protective devices 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 and/or areas from which sand generating materials can be derived. 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 area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

The City has proposed to reconstruct a 31-foot-long, three-foot-thick section of previously damaged seawall, which would occupy approximately 75 square feet of space. This section of seawall would not be placed directly on sandy beach but rather would be constructed atop existing granite bedrock. While there are easily identifiable access and recreational issues associated with encroachment onto usable beach space, the access and recreational impacts of reconstructing this wall atop granite rock in this particular location are less clear. The surrounding rocky areas do not provide the same type of easily accessible space and recreational opportunities as provided by sandy beach areas. Indeed, the main recreational activities around the project site are the visual and lateral access provided on the marine terrace deposits, which the seawall is designed to protect. Although granite rock does not provide the same type of quantifiable impacts to access, there are nevertheless access impacts associated with placing a structure atop the natural shoreline and preventing access to this area of rock, which must be mitigated (as discussed above regarding the City's proposal to undertake the long-term shoreline study, as well as further discussed below).

Fixing the Back Beach

Where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline/waterline and the bluff as long as sand is available to form a beach. As bluff erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff. This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall.

In this case, as described above, the project is located in an area that does not contain sandy beach or other type of easily accessible shoreline area. If erosion of the marine terrace material were to continue, the less accessible granite rock would be exposed. Although these rocky areas would provide some minimal recreational benefit, the recreational and access impacts of fixing the bluff at this particular location are not easily quantifiable or identifiable.

Retention of Potential Beach Material

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to erosion. Given that marine terraces were once beaches, much of the material in the terraces is often beach-quality sand or cobble, and is a valuable contribution to the littoral system when added to the beach. Bluff retreat and erosion is a natural process resulting from many different erosion factors and when the back-beach or bluff is protected by a shoreline protective device, the natural exchange of material either between the beach and bluff will be interrupted.

There are numerous shoreline armoring structures along this entire stretch of coast. The entire point and beach area at Lovers Point Beach is armored with vertical concrete seawalls. Rock and mortar seawalls extend from just west of Lovers Point to Sea Palm Avenue, a distance of about one-quarter mile. And there are additional seawalls, beach access stairs, and parking lot retaining devices from Sea Palm Avenue to Otter Point, a distance of about one-third of a mile. While sand supply patterns are not fully understood, it anecdotally appears that the cumulative sand supply impact on local beaches from the many shoreline structures along this stretch has been negligible to date. Even with substantial winter storm events, which can remove the majority of beach sand in a single event, the substantial sandy beach areas that exist at Lovers Point and points east have been naturally and consistently replenished on a seasonal basis. The proposed reconstruction includes a 31-foot-long five-foot-tall portion of seawall. Thus, the impacts of retention of beach material due to the reconstruction of this relatively small portion of the existing seawall should be relatively minor in comparison to the overall shoreline profile in this area.

However, the long-term impacts of shoreline armoring on sand supply in the Pacific Grove area are unknown. As much as 40% of the shoreline has been armored between Lovers Point and Otter Point. The proposed project includes reconstruction of a portion of an existing seawall, which will extend the life of that structure. While it has been shown that shoreline protective devices are necessary to protect critical elements of coastal trail and associated public access amenities, alternative approaches to armoring (such as relocation and beach nourishment) should be studied and implemented (if warranted) as part of a comprehensive shoreline management plan developed for this area of the Pacific Grove shoreline. More information on the long term impact to sand supply and access is needed. Therefore, **Special Condition 1** requires completion of a long-term shoreline management plan for the Pacific Grove shoreline located in the vicinity of the project site, i.e. between Lovers Point and the intersection of Sea Palm Avenue with Ocean View Boulevard. The study must include an analysis of whether removal or retention of armoring structures is appropriate, in addition to identifying any mitigation measures necessary to offset sand supply impacts if armoring is to continue. To ensure that mitigation for the sand supply impacts of the proposed repairs are appropriately addressed (if required) within the long-term plan, **Special Condition 1** requires reauthorization of this project after five years.

Due to the relatively small footprint of the proposed reconstruction of a segment of the existing seawall and the five-year timeframe of this authorization, the public access and recreation impacts from any sand supply loss stemming from this approval should be minimal. Specifically, the erosion rate of marine terrace deposits around the Monterey area is approximated to be between two and four inches per year. Even assuming that the marine terrace deposits consist entirely of 100% beach quality sand, over the next five years the reconstructed section of seawall would retain less than 10 cubic yards of sand. Due to the lack of sandy beaches in this exact location and minimal amount of potential material entering the regional sand supply, access impacts would be minimized, but nevertheless require some mitigation. Because shoreline sand supply impacts translate directly into access degradation, the Commission has allowed for access improvements as mitigation (rather than a mitigation fee) where public agencies are proposing armoring to protect existing public access and recreation opportunities (rather than private structures). Despite the minor potential impacts identified above and the fact that the project protects significant public access amenities, the City has nevertheless proposed public access improvements as mitigation for the project's adverse impacts. In addition to reconstruction of the

public overlook area, the City has included installation of a new public bench and interpretive sign to improve recreational opportunities at the project location. **Special Condition 2** requires the City to submit a final Public Access Improvements Plan that identifies the exact location and specifications of the proposed amenities, including at least one public bench and one interpretive sign to be located in the general vicinity of the repaired overlook area. These public access improvements will mitigate any potential impacts to sand supply that result from the reconstructed seawall segment over the next five years. **Special Condition 2** further requires that the public access amenities be maintained in their approved state for the life of the project.

Thus, as conditioned to complete a long-term study of the shoreline in the vicinity of the project site, to require reauthorization of this approval after five years, and as proposed to include public access improvements to offset impacts in the short term, the project satisfies the Coastal Act Section 30235 requirements regarding mitigation for sand supply impacts, and thus also meets all Section 30235 tests for such armoring.

Long-Term Stability, Maintenance, and Risk

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. For the proposed project, the primary Section 30253 concern is assuring long-term stability. This is particularly critical given the dynamic shoreline environment within which the proposed project would be placed. Also critical to the task of ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring and maintenance program. If the proposed armoring were damaged in the future (e.g. as a result of flooding, land-sliding, wave action, storms, etc.), it would lead to a degraded public access condition. In addition, such damage could result in armoring debris entering coastal waters and adversely affect nearby beaches, including by creating a hazard to the public using the beaches. Therefore, in order to find the proposed project consistent with Coastal Act Section 30253, the reconstructed segment of seawall must be maintained in its approved state. Further, in order to ensure that the City and the Commission know when repairs or maintenance are required, the City must regularly monitor the condition of the subject armoring, particularly after major storm events. Such monitoring will ensure that the City and the Commission are aware of any damage to or weathering of the armoring and can determine whether repairs or other actions are necessary to maintain the armoring and the offsetting access improvements in their approved state before any necessary repairs or actions are undertaken.

To ensure that the proposed project is installed in compliance with the proposed plans and properly maintained to ensure its long-term structural stability, **Special Conditions 6 and 7** require the submission of as-built plans and a monitoring program. The monitoring program shall provide for evaluation of the condition and performance of the proposed project and overall bluff stability, and shall recommend any necessary maintenance, repair, changes or modifications. **Special Condition 8** allows the Applicant to maintain the project in its approved state, subject to the terms and conditions identified by the special conditions. Such future monitoring and maintenance activities will be understood in relation to clear as-built plans that will be submitted by the City (**Special Condition 6**).

In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed developments in areas subject to hazards has

been that development has continued to occur despite periodic episodes of heavy storm damage and 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 hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the City to assume all risks for developing at this location (see **Special Condition 9**).

Geological Conditions and Hazards Conclusion

The trail and recreational amenities are existing structures in danger from erosion in the near term. Hard armoring is the only feasible option in the short term to prevent the potential catastrophic loss of these existing structures. Reconstructing the 31-foot-long five-foot-tall portion of the damaged seawall is the least damaging feasible armoring alternative to protect the trail and recreational structures. The project has been authorized for a limited time to allow for the City to study the shoreline in the area of the project and determine whether continued armoring is the least damaging feasible alternative in the long term. Due to the project's location in an inaccessible rocky area rather than a sandy beach, impacts to public access and recreation are minimal and have been minimized as conditioned. The small footprint of the armoring and the limited length of authorization also minimize impacts to sand supply. The project includes public access improvements to offset the remaining impacts to access relating to sand supply. Conditions are included to ensure long-term stability of the project. As conditioned, the Commission finds the project consistent with Coastal Act Sections 30235 and 30253.

D. 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." The proposed project is located seaward of the first through public road (Ocean View Boulevard). The following Coastal Act Sections specifically protect public access and recreation:

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.

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.

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

preferred. ...

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.*

These overlapping policies clearly protect access to and along the shoreline and to offshore waters for public access and recreation purposes, particularly free and low cost access. The Pacific Grove shoreline between the first public road and the sea is unique in that it consists almost entirely of public land that provides extensive public access and recreational opportunities of regional and statewide significance. Proximity to Cannery Row, the Monterey Bay Aquarium, Lover's Point, Asilomar State Beach and Conference Grounds, 17-Mile Drive, and the City's monarch butterfly sanctuary make Pacific Grove an ideal destination for coastal access and recreation. The designated recreation trail that runs through the cities of Monterey and Pacific Grove is used year round and represents a major recreational and economic resource to these communities. Because of its location, orientation, scenic character, and availability to the public, the Pacific Grove Recreation Trail (a component of the CCT) is an exceptionally valuable and important public recreational site for low cost public access to the shoreline.

The proposed project includes reconstruction of a segment of an existing seawall to protect the Pacific Grove Recreation Trail, which is a segment of the Monterey Bay Sanctuary Scenic Trail that runs from Castroville to Pacific Grove in Monterey County, and is also a segment of the CCT. The project also includes repairs to the damaged public access overlook that provides expansive views of the California Coastal National Monument. The recreation trail is rather informal in this location, consisting only of a four-foot-wide decomposed-granite pedestrian path that meanders with the natural undulation of the shoreline. The blufftop terrace is relatively undeveloped with only a handful of public benches along this stretch of coast, as well as dirt pathways that provide vertical access from Ocean View Boulevard to the recreation trail. Without the proposed reconstruction of the damaged seawall segment, the bluff would continue to be undermined, which would impair coastal lateral access and diminish the value of this unique and popular coastal recreational area. The proposed seawall reconstruction will also preserve future opportunities to expand public access and recreation within the coastal terrace area between the road and the trail by protecting the trail from potential episodic erosion until a long-term shoreline management study is completed. Thus, in many ways the proposed project is consistent with Coastal Act standards that require the provision of public access and protection of low-cost visitor serving opportunities because the proposed reconstruction of the seawall and repairs to the overlook area will act to protect the access available at this location.

Nonetheless, as discussed in the sand supply findings above, as much as 40% of the shoreline in this area has been armored. The proposed project will extend the life of the existing 150-foot-long seawall in this location. The long-term impacts associated with this seawall are not well understood, yet there is the potential for incremental impacts to sand supply and nearby beach recreation. Furthermore, the shoreline along the northern edge of Pacific Grove consists primarily of rocky shoreline, and thus sandy pocket beaches are rare and of limited extent. Accordingly, loss of beach area could potentially be a significant long-term cumulative impact of the extensive armoring in this location, of which the proposed project plays a part. Therefore, if the proposed project is to be approved, then mitigation for the impacts to low-cost public

recreational opportunities and coastal access with respect to regional sand supply and back beach fixing (accounting for the uncertainty of those impacts and further accounting for the public access and recreational opportunities that the proposed project does provide) is necessary.

As explained in more detail above, the public access and recreation impacts from sand supply loss stemming from this approval will be minimal due to the small footprint of the proposed seawall reconstruction and the short five-year timeframe of this authorization (**Special Condition 1**). The City has nevertheless proposed public access improvements to mitigate for the potential impacts. In addition to reconstruction of the public overlook area, the City has included installation of a new public bench and interpretive sign to improve recreational opportunities at the project location. These public access amenities will enhance recreational activities in the area and offset the impacts caused by these minor repairs. **Special Condition 2** requires a plan showing the location and design of the proposed access improvements, and also requires these public access amenities to be maintained in their approved state for as long as the reconstructed segment of seawall remains in place.

Some impacts to public access along the recreation trail will occur as a result of construction activities, but are expected to be of limited duration. To minimize such impacts, **Special Condition 3** requires that construction operations are limited to non-holiday weekdays only in order to avoid conflicts with the peak public access periods of weekends and holidays. **Special Condition 3** also requires other mitigation measures to further limit construction impacts on public access, including that the project site and construction staging and storage areas be marked off with protective fencing for safety.

In conclusion, provided that the new public access improvements are appropriately installed and maintained in their approved state and made available for maximum public access, and given that this approval is authorized for five years until a shoreline management plan for this stretch of coast is developed, these mitigations can appropriately offset the public recreational access impacts associated with the proposed project. As conditioned, the project is consistent with the Coastal Act access and recreation policies cited above.

E. MARINE RESOURCES

The Coastal Act protects the marine resources and habitat offshore of this site. Coastal Act Sections 30230 and 30231 provide:

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

***Section 30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water*

discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30230 calls for the maintenance, enhancement and restoration (where feasible) of marine resources, with special emphasis on areas and species of special biological or economic significance. Coastal Act Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored.

Due to the project's location on the bluff and the rocky shoreline, construction of the project has the potential to adversely impact coastal waters. Thus, the proposed project is conditioned to include construction methods typically required by the Commission to protect water quality and marine resources during construction, including maintaining good construction site housekeeping controls and procedures, the use of appropriate erosion and sediment controls, a prohibition on equipment washing, refueling, or servicing on the beach, etc. (**Special Condition 3**). To further protect marine resources and offshore habitat, **Special Condition 4** requires construction documents to be kept at the site for inspection, and also requires a construction coordinator to be available to respond to any inquiries that arise during construction.

The terrestrial setting of the project site consists almost entirely of disturbed and landscaped areas, namely the recreation trail and exotic ice plant. No sensitive natural plant communities are known to be present. The southern Pacific sea otter may make use of the protected rocky nearshore area, though none are anticipated to be present in the more upland locations of the actual project sites.

Two special status avian species have been observed in the vicinity of the project; the California brown pelican and double-crested cormorant. Black oystercatcher, considered by the U.S. Fish and Wildlife Service (USFWS) to be a "species of concern," is a shorebird that is known to nest in the general vicinity of the project site. However, while the bluff at the project site may provide resting and perching sites, because of the proximity to the recreation trail and human activity, the bluff at this location is not generally considered suitable nesting or foraging habitat. Even so, it is possible that nesting could take place in the vicinity of the project site and that construction activities could disturb such nesting activities.

Special Condition 5 requires that a qualified biologist survey the site for nesting prior to construction. If active nests are found, **Special Condition 5** requires that the City shall notify all appropriate State (including the Coastal Commission) and Federal agencies within 24 hours, and shall develop an appropriate action plan specific to each incident that shall be consistent with the recommendations of those agencies in order to avoid nest disturbance.

As conditioned, the project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of marine resources and offshore habitats.

F. VISUAL RESOURCES

Coastal Act Section 30251 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.

The Coastal Act requires that scenic and visual resources be protected by minimizing landform alteration, and by siting and designing development to be visually compatible with the character of the surrounding areas.

The project is located along the very scenic Pacific Grove shoreline of Monterey Bay. As described above, the project includes removing portions of the damaged seawall, relocating portions of the unstable bedrock onto the beach below the bluff, and reconstructing a 31-foot-long portion of the seawall utilizing the same rock and mortar design as the surrounding seawall. Removing portions of the damaged seawall below the bluff will improve scenic resources by removing unnatural material from the shoreline. The cracked and unstable portions of the underlying bedrock foundation must be relocated to ensure a solid foundation for the reconstructed wall. Only the minimum amount of rock necessary to provide a solid foundation for the wall will be relocated. The unstable portions of the rock will be placed onto the rocky shoreline below the bluff, where the rocks would have in time naturally fallen, in order to maintain a natural landform appearance. The reconstructed seawall will have the same rock and mortar design (see **Exhibit 2**) as the other portions of the seawall, which will ensure that the project is visually compatible with the surrounding area. **Special Condition 6** incorporates these proposed project components into this CDP approval. As such, the stone fascia covering will enable the repairs to be subordinate to and blend in to the surrounding bluff face. And given that the seawall will not extend above the bluff top or out significantly from the bluff face, the reconstructed seawall will not impair any public views.

As conditioned, the proposed project will not significantly alter scenic public views because it has been designed to minimize visual impacts, be compatible with the surrounding area, and preserve the scenic character of the Pacific Grove shoreline. Thus, the project is consistent with Section 30251 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

effect that the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. (*See* Pub. Res. Code § 21080.5; 14 CCR § 15251(c).) The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. The seawall reconstruction project, as conditioned to require a study of the shoreline and reauthorization after five years, is the least environmentally damaging alternative to address the failure of the existing seawall. The project includes public access improvements, including a public bench and interpretive sign, to mitigate the public access and recreation impacts of the seawall repairs. The project has also been conditioned to include measures to protect marine and biological resources. The seawall has been designed to blend into the surrounding area and minimize impacts to public views. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, as conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. *Final Initial Study/Mitigated Negative Declaration for the Monterey Bay Coastal Trail and Bluff Repair Project*, City of Pacific Grove, November 2005.
2. *Monterey County’s Multi-Jurisdictional Hazard Mitigation Plan*, Monterey County Hazard Mitigation Planning Team, June 2015.

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

City of Pacific Grove, Public Works Department

Bureau of Land Management, Central Coast Field Office

United States Fish and Wildlife Service, Ventura Field Office and Sacramento Migratory Bird Program Office

Central Coast Black Oystercatcher Monitoring Project