

## RESOLUTION NO. 04-41

### A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF MONTEREY TO FORM THE OCEAN HARBOR HOUSE GEOLOGIC ABATEMENT DISTRICT

WHEREAS, the Board of Directors of the Ocean Harbor House Homeowners Association [Board] is requesting that the Monterey City Council adopt this resolution in order to initiate proceedings to form a Geologic Hazard Abatement District [GHAD]; and

WHEREAS, formation of the proposed district is sought in order to facilitate financing of a previously approved seawall in front of Ocean Harbor House; and

WHEREAS, Public Resources Code §§ 26500 and following authorize the Board to request and the City Council to adopt this resolution; and

WHEREAS, by adoption of this resolution a public hearing is set to determine whether a majority of the owners of real property within the proposed district object to it; and

WHEREAS, unless a majority object the City Council may subsequently approve formation of the proposed district as provided in Public Resources Code §§ 26500 and following;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that:

Section 1. It is hereby determined that the California Environmental Quality Act [CEQA] does not apply to the formation of a GHAD, and further, even if it did, the "project" has already complied with CEQA by virtue of the fact that an environmental impact report was previously prepared for the previously approved seawall.

Section 2. Pursuant to Public Resources Code § 26550, the Monterey City Council hereby declares that it is subject to the provisions of Public Resources Code §§ 26500 and following, and hereby directs the City Clerk to forward a copy of this resolution to the State Controller.

Section 3. Pursuant to Public Resources Code § 26558, the Monterey City Council hereby initiates proceedings for the formation of the proposed GHAD which shall be known as the "Ocean Harbor House GHAD" and finds and determines that:

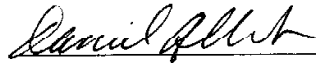
- (1) This Resolution of Intention of the Monterey City Council to Form the Ocean Harbor House GHAD is made pursuant to Public Resources Code §§ 26500 and following;
- (2) The Monterey City Council has been presented with and has reviewed the Ocean Harbor House GHAD Plan of Control, a copy of which is attached as Attachment "A;"
- (3) The Monterey City Council finds that the health, safety and welfare of a significant number of Monterey citizens requires formation of the Ocean Harbor House GHAD to facilitate funding of the seawall ; and

- (4) the Monterey City Council hereby sets April 6, 2004 as the hearing date to determine whether a majority of property owners within the proposed district object to formation of the Ocean Harbor House GHAD, and directs the Board to notify all of the owners of real property within the proposed district of said hearing by first class mail at least twenty (20) days prior to the hearing as more fully explained in Public Resources Code § 26561.

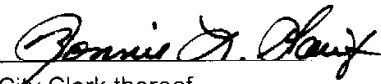
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16<sup>th</sup> day of March 2004, by the following votes:

AYES:	5	COUNCILMEMBERS:	ALBERT, CANEPA, DELLA SALA ROBERSON, VREELAND
NOES:	0	COUNCILMEMBERS:	
ABSENT:	0	COUNCILMEMBERS:	

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APPROVED:

  
\_\_\_\_\_  
Mayor of Said City

ATTEST:

  
\_\_\_\_\_  
City Clerk thereof

**PROPOSED OCEAN HARBOR HOUSE  
GEOLOGIC HAZARD ABATEMENT DISTRICT  
PLAN OF CONTROL**

**I Introduction**

This Plan of Control includes a description and the location of the geologic hazards, the area affected, and a plan for the prevention, mitigation or control of the geologic hazards by the Proposed Ocean Harbor House Geologic Hazard Abatement District (hereinafter referred to as the "GHAD").

**II GHAD Boundaries**

The boundaries of the GHAD are as shown on Figure 1 and as described in Exhibit A.

**III Definitions**

- A. "Coastal erosion" is defined as the loss of beach front sand due to the action of waves.
- B. "Coastal flooding" is defined as the rise in level of the sea due to wave run-up, tides, tsunamis or other causes.
- C. "Site improvements" mean buildings, building foundations, retaining walls, sidewalks, utilities, geologic stabilization features, or similar improvements.
- D. "GHAD Project"— The prevention, mitigation, abatement or control of a Geologic Hazard as defined herein.
- E. "HOA" – The Ocean Harbor House Condominium Homeowners Association.

**IV Description of Hazard**

The Ocean Harbor House Condominiums is an ocean front residential development located on Del Monte Beach in Monterey, California. The development is located in an area of geologically young sand dunes on the shoreline of Monterey Bay. The hazards addressed by this Plan of

Control are coastal erosion and coastal flooding. Implementing the plan of control will reduce, but will not eliminate, these hazards.

Coastal erosion and coastal flooding from ocean wave run-up are significant geologic hazards at Ocean Harbor House Condominiums. Since the area was originally developed in 1974, storms have caused wave run up and erosion and resulted in substantial shoreline erosion damage that has undermined the ocean side area of the Condominiums. It is estimated that the beach recedes approximately 1.7 feet annually due to erosion.

#### **V Location of Hazard and Area Affected**

The geologic hazards consisting of coastal erosion and flooding occur along the north side of the Ocean Harbor House Condominium development under Buildings 1, 2, 3 and 4 where they front on Del Monte Beach on Monterey Bay. Because the development is built on young sand dunes, coastal erosion has the potential to progress rapidly through the dune sands. Because the sand dunes are just above sea level, ocean wave run-up can flow inland a significant distance. All of the Condominium development has some exposure to the hazards, with the very greatest exposure along the ocean front. Assuming that the beach is receding at a rate of 1.7 feet per year, in the next 60 years the hazard will advance about 100 feet inland. Given that the landward units are constructed on shallow foundations, the risk of settlement caused by soil loss will gradually extend inland as the beach recedes beyond the ocean front units during the next 60 years.

#### **VI Plan for Prevention, Mitigation, Abatement or Control of Hazard**

A temporary rip rap erosion protection berm was constructed in front of Building No. 4 in 1997, after the winter storm of 1996. Subsequently, the rip rap berm was extended across the full 440 foot width of the Condominium development in 2001. This rip rap erosion protection berm will be removed and replaced with concrete and steel sheet pile retaining walls. Additionally, 32 four foot square hand excavated underpinning piers varying in depth from 15 to 20 feet will be installed under the first line of shallow continuous footings behind the existing four foot diameter drilled piers under Buildings 1, 2, 3 and 4.

New concrete retaining walls will be located on the ocean side of Buildings 1, 2, 3 and 4. The concrete retaining walls will wrap around the east side of Building 4 and the west side of Building 1. The steel sheet pile walls will extend across the common areas between Building 1 and 2 and between Buildings 3 and 4. The steel sheet pile walls will also extend from the concrete wall to the carport on the east side of Building 4 and the west side of Building 1. Concrete stairways leading to the beach will be located in the middle of the sheet pile walls between Buildings 1 and 2 and between Buildings 3 and 4. New storm drain lines and sewer lines will also be installed in the vicinity of Buildings 1, 2, 3 and 4. Details of the new retaining walls are shown on the plans titled: Ocean Harbor House Development Bluff Erosion Mitigation Repair Plan, Engineered Soil Repairs, Inc., Sheets S-1 through S-31, April 29, 2002. A site plan of the mitigation repair plan is shown on Figure 2.

As part of the Plan of Control, the GHAD will administer the new retaining wall construction contract and contract for inspection during construction. Pre- and post-construction floor level surveys will be performed in all units that are to be underpinned and those that are located adjacent to the new retaining wall construction. After completion of the retaining walls and associated improvements, the GHAD may also provide for the maintenance of the new coastal erosion protection structure and provide repairs as necessary. Maintenance functions may also be conducted by the HOA, in the event the GHAD is only authorized to fund construction of the improvements.

## **VII Benefits**

The owners of all properties in the Condominium development will benefit from construction, inspection, maintenance and repair of the new retaining walls. Implementing the plan of control mitigation that involves the construction of new retaining walls will reduce future coastal erosion and coastal flooding damage to these properties.

The costs for implementing the plan of control related to the new retaining wall structures will be shared among all property owners. The Ocean Harbor House condominiums individual pro-rata shares will be proportional to the square footage of each unit unless otherwise determined by the engineer of work for the GHAD.

## **VIII Authorization for GHAD**

The GHAD will be authorized to prevent, mitigate and/or control geologic hazards subject to the approval of the Board of Directors of the GHAD and taking into consideration the following exclusions and limitations listed in Sections VIII.A through VIII. D. below:

### **A. Funding and Other Limitations**

The Board of Directors of the GHAD may approve or not approve the prevention, mitigation or control of geologic hazards by the GHAD based on funding limitations, weather related risk, the limitations specified in the Plan of Control or other funding or risk related issues determined to be relevant by the Board of Directors.

### **B. Property not Located within GHAD Boundaries**

The GHAD will not be authorized to prevent, mitigate, abate, or control a geologic hazard on property outside the boundaries of the GHAD unless said hazard has damaged or poses a significant threat of damage to any structures or site improvements located on property within the GHAD boundaries. The GHAD may prevent, mitigate, abate or control the geologic hazard provided said work is limited to that which is absolutely necessary to address only the immediate damage or threat of immediate damage to the structures or site improvements located within the boundaries of the GHAD.

### **C. GHAD Funding or Reimbursement for Damaged or Destroyed Structures or Site Improvements**

In the event a HOA owned street pavement, underground utility or any other HOA owned structure, site improvements or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, subject to the approval of the Board of Directors of the GHAD, the GHAD may repair or replace the damaged or destroyed pavement, underground utility structure, site improvements or landscaping.

#### **D. Hazard Abatement Activity During Emergencies**

The GHAD may perform the following emergency hazard abatement activities:

1. Installing temporary rip rap berms, silt fences or other erosion protection elements.
2. Clearing and removal of vegetation and sediment deposits in storm drainage pipes and manholes to maintain open stream flow and to reduce flooding potential.
3. Installing temporary structural barriers to prevent wave damage or flooding in affected areas of the development.

#### **IX GHAD Reserve Fund**

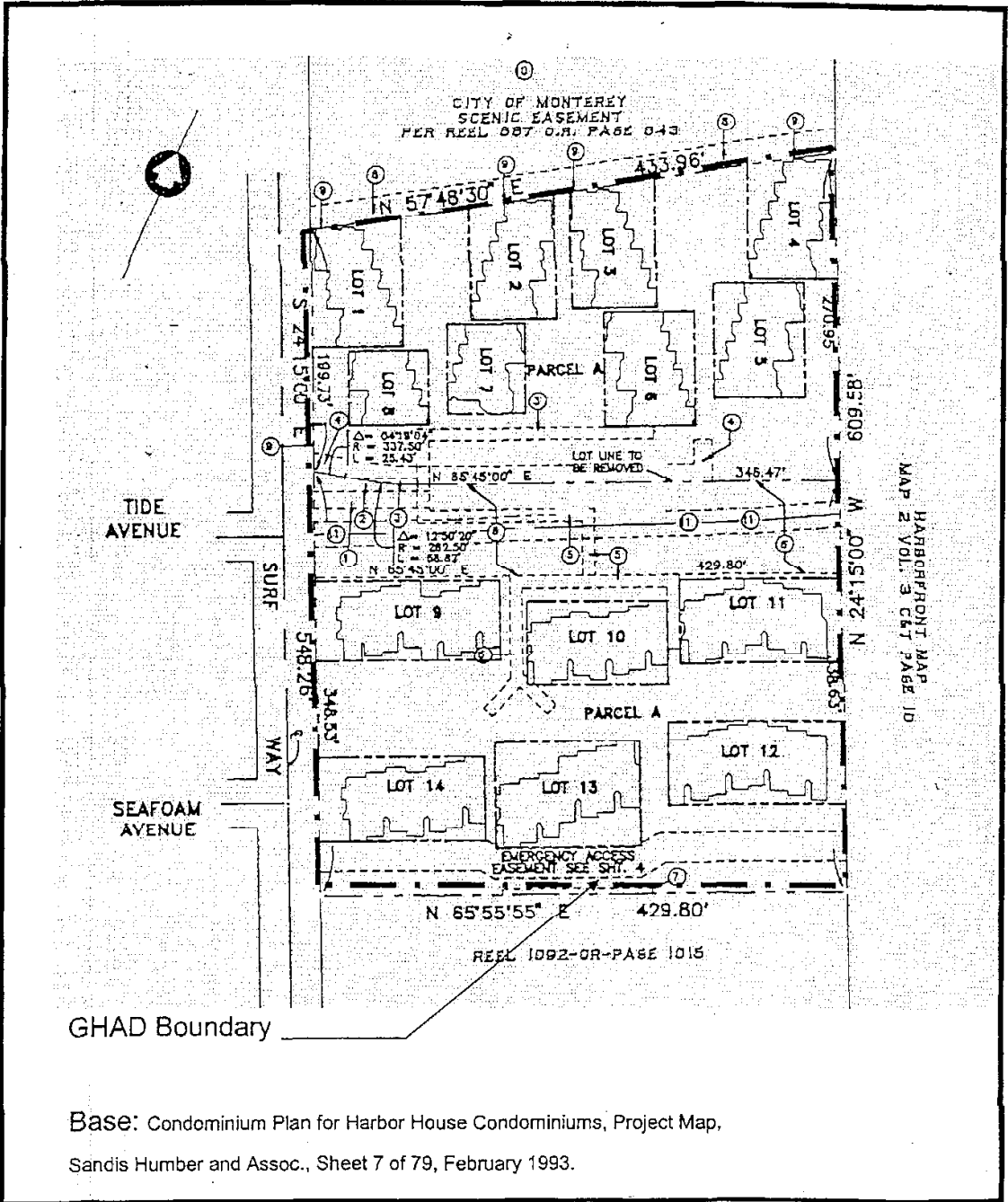
The GHAD will conduct a study to determine the appropriate amount of funds to be accumulated in reserve for allocation to emergency and long term capital replacement projects whose cost exceeds the annual budget for maintenance and repair projects. The total reserve fund goal shall be recalculated annually based on the most current experience with GHAD prevention, repair and emergency expenditures.

#### **X Limitation on Exercise of Powers of the GHAD**

The GHAD shall have no eminent domain with respect to any property owned by the City of Monterey.

#### **XI Indemnification**

The GHAD will be authorized, as determined by the Board of Directors of the GHAD, to indemnify and hold harmless the City of Monterey, the HOA and any Directors, officers, employees or agents of the GHAD from any liability arising from activities of the GHAD.



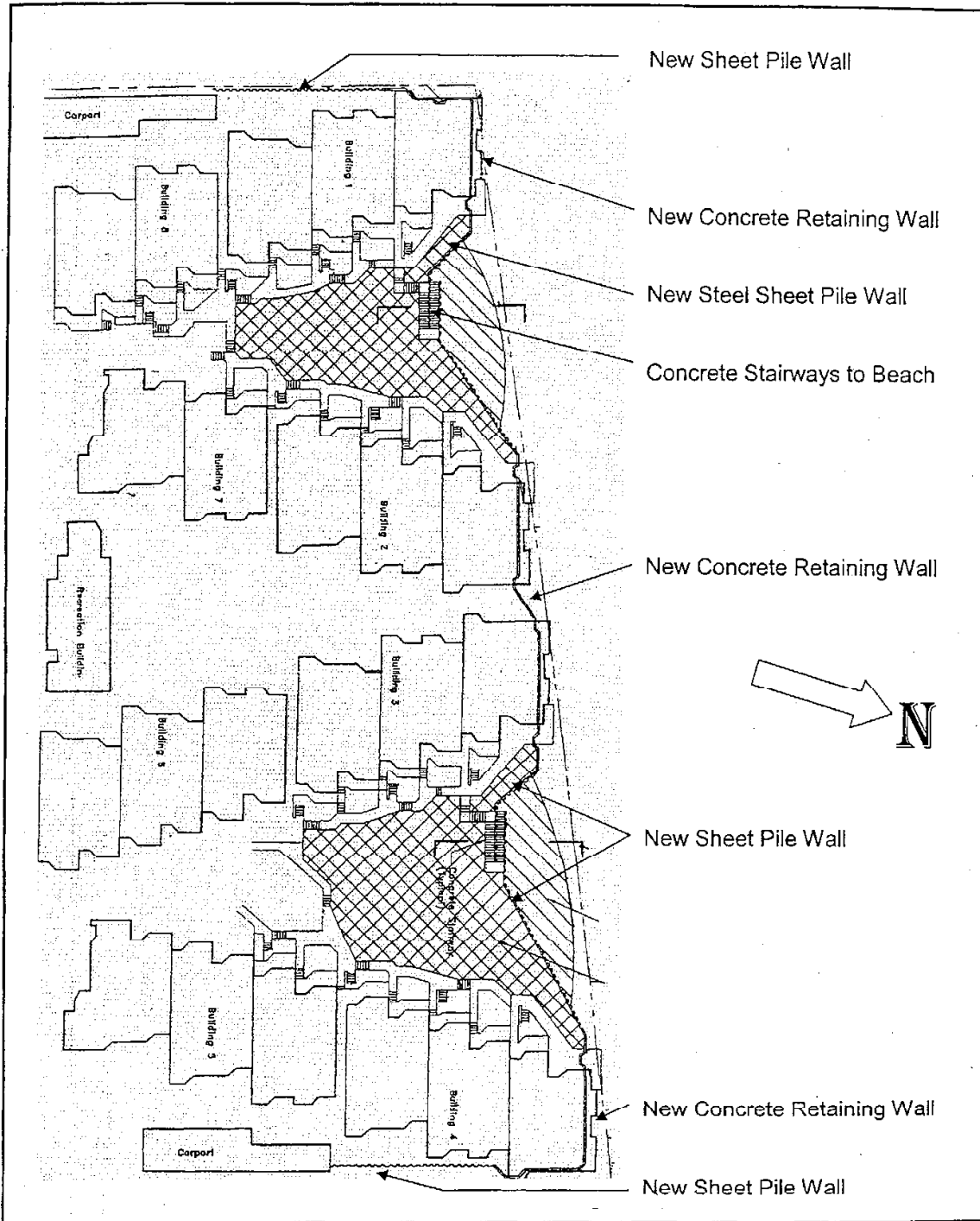
<p style="text-align: center;">PROPOSED BOUNDARIES OF THE OCEAN HARBOR HOUSE GEOLOGIC HAZARD ABATEMENT DISTRICT</p>	<p style="text-align: center;">FIGURE 1</p>
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EXHIBIT A

GHAD Boundary Description

Beginning at the most Northerly Corner of that certain parcel described in deed to Ian F. Kinnear, et ux, and recorded June 5, 1964 in Reel 328, at Page 527, Official Records of Monterey County, California, said corner also lying on the Northeasterly boundary of that certain tract of land described in the deed to Donald A. Phillips, et ux, recorded March 31, 1960 in Volume 2040 at Page 569, Official Records of Monterey County, California; thence along said boundary

- (1) N. 24 degrees 15' 00" W 609.58 feet;
- (2) thence S 57 degrees 48' 30" W 433.96 feet
- (3) thence S 24 degrees 15' 00" E 548.26 feet;
- (4) thence N 65 degrees 55' 55" E 429.80 feet to the point of beginning.



OCEAN HARBOR HOUSE DEVELOPMENT  
BLUFF EROSION MITIGATION REPAIR PLAN

FIGURE  
2