



Monterey County Zoning Administrator

Agenda Item No. 2

Legistar File Number: ZA 19-083

168 West Alisal street,
1st Floor
Salinas, CA 93901
831.755.5066

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PLN180072 - GAZARIAN

Public hearing to consider construction of a Hilfiker retaining wall; and development within 50 feet of a coastal bluff, on slopes exceeding 30 percent, within 100 feet of environmentally sensitive habitat area, and within 750 feet of known archaeological resources.

Project Location: 30 Yankee Point Drive, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Statutory Exemption pursuant to Section 15269 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find that the project involves the construction of a retaining wall, which in this case qualifies as a Statutory Exemption pursuant to Section 15269 of the CEQA Guidelines; and
- b. Approve a Follow-Up Combined Development Permit consisting of:
 1. Coastal Development Permit and Design Approval to allow the construction of a Hilfiker retaining wall; and
 2. Coastal Development Permit to allow development within 50 feet of a coastal bluff; and
 3. Coastal Development Permit to allow development on slopes exceeding 30 percent; and
 4. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area; and
 5. Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**).

Staff recommends approval subject to four (4) conditions.

PROJECT INFORMATION:

Project Owners: Gazarian Properties LLC

APN: 243-141-009-000

Zoning: Low Density Residential, 1 acre per unit, with a Design Control zoning overlay and a 20-foot height limit (Coastal Zone) [LDR/1-D (20')(CZ)] and Resource Conservation, with a Design Control zoning overlay and a 20-foot height limit (Coastal Zone) [RC-D (20')(CZ)]. The project is situated in that portion of the parcel zoned RC-D (20')(CZ).

Parcel Size: 0.665-acre (28,967 square feet)

Flagged and Staked: Not Required - construction completed under Emergency Coastal Development Permit.

SUMMARY:

This Follow-Up Combined Development Permit (CDP) would approve work completed under an Emergency Coastal Development Permit (ECDP/RMA-Planning File No. PLN170607) granted by the Zoning Administrator (Resolution No. 17-065) on October 18, 2017. The ECDP allowed the emergency construction of the Hilfiker retaining wall to stabilize the remaining slope on a bluff that had eroded and sloughed due to high saturation from rainfall and natural subsurface drainage. The retaining wall structure was necessary to maintain foundational support for the existing single-family dwelling on the parcel located at the top of the bluff. All physical improvements were completed under the emergency permit and the associated construction permit (RMA-Building Services File No. 17CP02083). RMA-Building Services finalized the construction permit on November 1, 2018.

The Applicant constructed 17 rows of Hilfiker baskets ranging from the 39 feet above sea level to the 70 feet above sea level. The development impacted slopes exceeding 30 percent at the top of a coastal bluff, and is located within 100 feet of environmentally sensitive habitat area and within 750 feet of known archaeological resources. Due to the landslide activity, development on slopes could not be avoided, and habitat and archaeological resources were disturbed by natural causes.

As constructed, the retaining wall does not extend down to the beach, and will not result in alteration to the generation, retention, and/or transport of sand reaching the beach or marine habitat below the slide area. The project complied with applicable building code requirements and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by RMA-Environmental Services staff, and geotechnical plan review and certification. Additionally, the contractor implemented avoidance measures and best management practices to minimize disturbance. Therefore, no further special conditions of approval are necessary or required for this project.

DISCUSSION:

Heavy rainfall in January 2017 caused significant erosion and sloughing of the bluff area below the dwelling. Per the geotechnical report prepared by Grice Engineering, without the retaining wall, the area below the dwelling would have continued to be vulnerable to further sloughing which would undermine the foundation. The completed slope repair was designed to replace the damaged portion of the site to prevent further erosion and ensure the structural integrity of the existing home. As designed and constructed, the retaining wall used native rock material which matches the natural slope and blends with the surrounding environment.

Per a Sand Loss Analysis Addendum prepared by Grice Engineering, the as-built project will have no effect on the sand supply or transport by the ocean. The area of the remaining slide material and the retaining wall is elevated above the mean high tide line of the sea, and the project site does not generate or receive measurable sands to or from the ocean. Prior to the slide in 2017, the existing single-family dwelling was a distance of approximately 30 feet from the crown of the bluff. The slide reduced this distance by approximately 10 feet, from 30 feet to 20 feet. The rate of erosion or bluff retreat depends on the amount of cyclic rainfall, as well as other factors such as underlying seepage and type(s) of soils. However, per the geotechnical report prepared by Grice Engineering, another slide similar to the one which occurred in 2017 would undermine the foundation of the existing single-family dwelling, and LUP Policy 2.7.4.10 allows retaining walls where required for the

protection of existing development.

The biological analysis (LIB180059) prepared for the project concluded that the development would have no adverse impact to native habitat systems. Due to prior erosion activity, the slope below the dwelling was extensively devoid of any mature vegetation. Within the immediate area of project development or disturbance, no sensitive plant or animal species were found during the field survey, and no special-status species were observed within or adjacent to the project limits. The contractor implemented avoidance and minimization measures to reduce the potential for impacts to biological resources. Upon completion of the development, the area was hydro-seeded with a native seed mix.

The project site is in an area identified in County records as having a high archaeological sensitivity, and is within 750 feet of known archaeological resources. Although located in an area of high sensitivity and known resources, the area of development had been disturbed by erosion and landslide activity, and there is no evidence that any cultural resources would be disturbed. Any archaeological resources that may have been present were disturbed by natural causes. Therefore, the County determined the potential for impacts to occur to known archaeological resources to be very low, and did not require submittal of an archaeological report.

The work performed under the ECDP addressed the safety risk to the existing development, avoided impacts to the extent feasible, and no additional work is necessary. Therefore, staff is recommending approval of the Follow-Up CDP permitting the work performed without modification.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Sections 15269 statutorily exempts the construction of emergency repairs to publicly or privately owned facilities necessary to maintain the public health, safety, or welfare; or specific actions necessary to prevent or mitigate an emergency. Section 15269 also statutorily exempts projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act. The County, as Lead Agency, applied a statutory exemption to the Emergency Coastal Development Permit project (RMA-Planning File No. PLN170607), which involved an emergency repair to the slope below an existing single-family dwelling. All physical improvements were completed under the Emergency Coastal Development Permit and associated construction permit, and this action qualifies as a statutory exemption per Section 15269 of the CEQA Guidelines because all work has been performed and no additional work is required. In addition, on January 23, 2017, Governor Brown issued an emergency proclamation (Executive Order B-38-17), which included Monterey County, to address the damage caused by severe storms in January 2017. This proclamation included provision for continuing emergency response, including significant repair and reconstruction work. Therefore, this project is consistent with the requirements of CEQA Guidelines Section 15269, and no additional CEQA action is required by the County.

OTHER AGENCY INVOLVEMENT:



The following County agencies or departments reviewed this project:

RMA-Public Works

RMA-Environmental Services

Carmel Highlands Fire Protection District
Environmental Health Bureau
Water Resources Agency

The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly-noticed public meeting on February 4, 2019, and voted 4 - 0 to support the project with a recommendation for additional landscaping.

Prepared by: Joe Sidor, Associate Planner, x5262 
Reviewed by: Craig Spencer, Interim RMA Services Manager
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Development Services 

The following attachments are on file with the RMA:

Exhibit A Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan and Elevations

Exhibit B Vicinity Map

Exhibit C Emergency Permit (ZA Resolution 17-065, 10/18/17; PLN170607)

cc: Front Counter Copy; California Coastal Commission; Carmel Highlands Fire Protection District; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Joseph Sidor, Associate Planner; Brandon Swanson, RMA Chief of Planning; Craig Spencer, Interim RMA Services Manager; Gazarian Properties LLC, Property Owner; John Bridges, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN180072