



Board Report

File #: PC 20-020, **Version:** 1

PLN100396 - HELEN M RAISER TR

Follow up Coastal Development Permit to an Emergency Permit PLN10094, allowing an approximately 30 foot -tall, 130 foot long Hilfiker wall (terraced wall) to stabilize and repair a collapsed arroyo bank adjacent to an existing single family dwelling; installation of drainage improvements including a subterranean culvert system, and concrete check dams placed below the bank in the arroyo bottom.

Project Location: 30650 Aurora Del Mar, Carmel (Unincorporated Highlands), Big Sur Coast Land Use Plan

Proposed CEQA Action: Adopt a Mitigated Negative Declaration.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Adopt a Mitigated Negative Declaration;
- b. Approve a Combined Development Permit consisting of:
 1. Coastal Development Permit and Design Approval to allow construction of an approximately 30 foot tall, 130 foot long Hilfiker wall (terraced wall) to stabilize and repair a failing slope supporting an existing single family dwelling;
 2. Coastal Development Permit for the installation of drainage improvements including a drainage inlet, subterranean culvert system, and concrete check dams placed below the bank;
 3. Coastal Development Permit for development within 100 feet of environmentally sensitive habitat;
 4. Coastal Development Permit for development within 50 feet of a Coastal bluff;
 5. Coastal Development Permit for development on slopes exceeding 30 percent;
 6. Coastal Development Permit for development within 750 feet of known archaeological resources; and
- c. Adopt a Mitigation Monitoring and Reporting Plan.

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

Staff recommends approval subject to five (5) conditions.

PROJECT INFORMATION:

Project Owner: Helen M Raiser TR c/o Raiser Organization

APN: 243-341-001-000

Zoning: Rural Density Residential, forty units per acre, Design Control Overlay (Coastal Zone) [RDR/40-D (CZ)]

Parcel Size: 1.1 acres (47,916 square feet)

Flagged and Staked: No

SUMMARY:

The project site is in the Otter Cove area, approximately 1,150 feet south of Malpaso Creek, west of Highway 1. The site is 1.1 acres in size and is developed with a single-family dwelling known as the Otter House. A drainage course ("arroyo") runs along the southern side of the property approximately four (4) feet to 10 feet south of the house. In October 2009, stormwater runoff concentrated within the arroyo leading to the failure of the northern arroyo bank. Failure of the arroyo bank undermined the single-family dwelling, Otter House. The eroded arroyo sidewall exposed the dwelling's shallow conventional foundation and pylons supporting the

residence. The residence was thus “red tagged” by the Monterey County Building Division, which prohibited people from entering the structure because of structural instability and imminent safety concerns for human occupation. On February 10, 2010, an emergency permit (PLN100094) was issued by RMA to allow the owner to mitigate the emergency situation. The permit allowed construction of a Hilfiker wire retaining wall system of approximately 135 lineal feet with a maximum height of approximately 30-feet, and importation of backfill soil materials to repair and stabilize the foundation on the south side of the existing residence. Soils were also imported to restore the arroyo bottom to its approximate historical elevation. Although not within the scope of the approved Emergency Permit, repairs to the arroyo included the installation of a subterranean storm drainage system, restoration of the arroyo bottom, and restoration of the arroyo’s riparian habitat and coastal scrub or upland habitat. The work performed under the Emergency Permit was completed over the course of 2010-2011 and is currently in place on the property as it was completed in 2011. No other development is proposed.

Pursuant to requirements of the Emergency Permit, this permit is a follow-up Coastal Development Permit to authorize work already done at the site to remain. No new work is proposed. After-the-fact review of the permit includes more detailed consideration of soils and geology, biological, hydrological, and archaeological impacts that may have occurred during construction of the Hilfiker retaining wall and improvements to the arroyo/drainage system.

DISCUSSION:

A detailed discussion is attached as **Exhibit A**.

LUAC:

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review (**Exhibit C**). The LUAC, at a duly-noticed public meeting on February 8, 2011, voted unanimously, 6 - 0, to recommend changes to the project to modify the project such that the culvert system inlet be plugged to allow surface flows in the arroyo during storm events. (The applicant modified the inlet in response to California Fish and Game [Wildlife] request that the inlet allow surface water flows up to a two (2) year storm event, with excess waters being diverted to the culvert drainage system).

ENVIRONMENTAL REVIEW:

An Initial Study was prepared and circulated for review from January 3, 2020 through February 3, 2020. The Initial Study reflects the County’s independent judgement. The Initial Study found potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, and hydrology/water quality and Cumulative Impacts (**Exhibit E**). Mitigations have been applied to reduce potential impacts to biological resources and cultural resources to a less than significant level. The arroyo habitat was restored with native riparian plants and upland habitat was planted within the Hilfiker wall. The project will have less than significant impacts on cultural and archaeological resources in that a conservation easement that covers the southeastern portion of the site, which includes the eastern reaches of the arroyo to Aurora Del Mar and the southern bank of the arroyo in this eastern segment, shall be recorded. The conservation easement will prohibit development within the easement area, thus protecting possible cultural and archaeological resources, and biological resources. As designed and conditioned/mitigated the project was found to have less than significant impacts on the environment.

Comments on the Initial Study were received during the public comment period (Exhibit I) from the California State Native American Heritage Commission. Staff has reviewed the comments and counters that Staff held consultations with the OCEN representative on three (3) occasions commencing on June 11, 2018. Staff inadvertently omitted this fact from the Initial Study and regrets this oversight. The tribal representative did not

offer any specific thoughts or recommendations but offered that all the lands of the ancestors are sacred lands. The representative asked if there was a possibility of any artifacts being removed from the site. No soils were removed from the site. Soil was imported to the site to complete the project. The Commission also commented about recommended mitigation measure contained in the archaeological study regarding the possible recovery of any artifacts during the implementation of the project. The project was on the banks of an arroyo and the bottom of the arroyo. The archaeological study conducted for the project recommended radiocarbon dating of any recovered artifacts. However, the survey was done after the construction portion of the project was complete. Soils were imported as fill to backfill the Hilfiker wall and to restore the arroyo bottom. Thus, the soils are not from the site, were placed on top of the native soils, and compacted. Exploration for artifacts within the limits of the project are not practical and will not locate any possible artifacts native to the site.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Carmel Highlands FPD (Fire Protection District)
- Water Resources Agency

Prepared by: R. Craig Smith, Associate Planner, x6408

Reviewed by: Craig Spencer, RMA Planning Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Detailed Project Discussion

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations, and Color/Material Finishes

Exhibit C - Big Sur LUAC Minutes (February 8, 2011)

Exhibit D - Geotechnical Assessment (Miller - LIB130223)

Exhibit E - Initial Study

Exhibit F - Biological Observations May 2019

Exhibit G - Vicinity Map

Exhibit H - Project Data Sheet

Exhibit I - Comments, Native American Commission

cc: Front Counter Copy; Carmel Highlands FPD (Fire Protection District); RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; R. Craig Smith, Associate Planner; Brandon Swanson, RMA Interim Chief of Planning; Phillip Raiser, owner; John Wandke, Rana Creek, agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN100396