



## Board Report

File #: PC 20-046, Version: 1

### **PLN190199/HORVATH LIZA D TR (ESTATE OF JOAN MURRAY)**

Public hearing to consider construction of a 50 linear foot retaining structure with natural stone veneer, including slope stabilization with a cellular vegetation confinement system. This project involves 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:** 243 Highway 1, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone

**Proposed CEQA Action:** Consider an Addendum to a previously-prepared Mitigated Negative Declaration.

#### **RECOMMENDATION:**

It is recommended that the Planning Commission:

- a. Consider an Addendum to a previously-prepared Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan adopted by the Monterey County Planning Commission on July 8, 2009; and
- b. Approve a Combined Development Permit consisting of:
  1. Coastal Development Permit and Design Approval to allow construction of a 50 linear foot pier-supported concrete retaining structure with a natural stone veneer, a slope reinforcement system, and a cellular vegetation confinement system;
  2. Coastal Development Permit to allow development within 50 feet of a coastal bluff;
  3. Coastal Development Permit to allow development on slopes exceeding 30 percent;
  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; and
- c. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan (MMRP).

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to eleven (11) conditions, including two (2) mitigation measures.

#### **PROJECT INFORMATION:**

**Property Owner:** Liza D. Horvath, Trustee of the Joan Murray Trust

**Agent:** Monterey Trust Management

**APN:** 241-182-0-015-000

**Zoning:** Low Density Residential, one unit per acre, with a Design Control overlay, Coastal Zone [LDR/1-D (CZ)]

**Flagged and Staked:** Not required. Applicant submitted photographs of the slope area.

#### **SUMMARY:**

The project site is a heavily sloped 0.65-acre parcel located along the coastal bluffs between State Route 1 and Wildcat Cove in the Carmel Highlands. There is an existing residence located approximately 15 feet at its closest point and approximately 27 feet at its farthest point from the top of the bluff. The slope area below the residence failed, apparently due to a leaking irrigation pipe, resulting in the loss of a stone wall built with the house.

Applicant proposes to construct a concrete retaining structure in the same location as the previous wall, which is 15 feet from the house at the closest point. The new wall is about 10-15 lineal feet longer, and would be faced with natural stone similar to the original wall. The design includes a reinforcement system below the structure comprised of soil nails and cabling with a cover of soil and plants contained in individual plastic cells to ensure they do not slide down the slope. Staff finds that the retaining wall structure and slope stabilization measures are necessary to maintain foundational support for the existing single-family dwelling on the parcel located between the slide area and State Route 1.

In 2009, the Planning Commission adopted a Mitigated Negative Declaration (MND) and approved a Combined Development Permit that allowed for development of the single-family dwelling. Section 15164 CEQA Guidelines allows preparation of an addendum if a project has only minor technical changes and conditions have not changed. The impact area (footprint) for this project is greater but the original project involved a house along a bluff with soil on top of rock that has potential to erode/slide. A proposed retaining wall is located in generally the same location as the original wall that failed. Staff finds that there are no new impacts that would require mitigation beyond what was addressed in the MND. Therefore, staff prepared an Addendum to a previously-adopted Mitigated Negative Declaration for development of the site with a single-family dwelling, and incorporated two mitigation measures from that previously-approved project to prevent impacts to the ocean habitat directly below the site (see ENVIRONMENTAL REVIEW below).

## **DISCUSSION:**

As proposed, the retaining structure piers and wall would be comprised of reinforced concrete. The nine (9) supporting piers would be constructed to a depth of approximately 15 feet below the surface, and the above surface reinforced concrete wall would extend to a maximum height of approximately 7 feet. The visible surface of the wall would be finished with natural stone to match existing stone on the site. The top of the wall would be level with an existing path, and new railing would be installed to match the existing development. The retaining structure would also include a drainage system with a 12 square foot rock energy dissipator. Total grading and/or excavation is estimated at less than 20 cubic yards cut and fill. The proposed slope stabilization measures below the retaining structure would include the following: 1) a stainless steel mesh slope reinforcement system, held in place with approximately 45 grouted rock anchors and spike plates; and 2) a cellular vegetation confinement system comprised of 8-inch deep polyethylene cells filled with top soil and native plants. These slope stabilization measures would cover the approximately 2,000 square feet of surface slide area.

### Development on Slopes Exceeding 30 Percent and Within 50 Feet of a Coastal Bluff

The project includes coastal development permits to allow development on slopes exceeding 30 percent and development within 50 feet of a coastal bluff. Per the geotechnical report prepared for the project (LIB190253; Soil Surveys Group, Inc.), without the retaining wall and slope stabilization measures, the area below the single-family dwelling would continue to be vulnerable to further erosion which could result in serious risk to residents and the existing structure. The retaining wall and slope stabilization measures were engineered to stabilize the bluff, and protect the dwelling and occupants within the dwelling from injury that could result from further erosion and sliding. Based on the submitted plans and a site inspection by staff, there is no feasible alternative which would allow development to occur on slopes of less than 30 percent to protect the residence. Conditions of approval have been recommended to assure compliance with Monterey County Code Section 20.64.230.E.1, which regulates the approval of development on slopes in excess of 30 percent, and to assure stability of the development. Additionally, during the construction permit phase, the contractor will be required to comply 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. Lastly, development of cliff retaining walls is identified as an allowed use pursuant to MCC Section 20.36.050.A, subject to the granting of applicable coastal development permits, and Carmel Area LUP Policy 2.7.4.10 allows retaining walls where required for the protection of existing development.

#### Development within 100 feet of Environmentally Sensitive Habitat Area

The property does not contain any mapped environmentally sensitive habitat areas; however, the parcel is adjacent to the Pacific Ocean and has approximately 200 linear feet of ocean frontage. The proposed project area is located on a steep slope approximately 35 - 80 feet above the ocean water. However, the construction process has the potential to impact the ocean habitat and its sensitive species unless precautions are taken. Implementation of two mitigation measures, which were required as part approval for construction of the single family dwelling (PLN070388 - Mitigation Measure Nos. 1 and 3) would address the potential impacts to marine habitat associated with project construction. Mitigation Measure No. 1 would require the contractor to construct a barrier below the building site to prevent debris from entering the inter-tidal area or ocean, thereby limiting potential impacts from dust, dirt, trash, liquids, water, and/or construction materials during the construction process. Mitigation Measure No. 3 would require weekly inspections to ensure effectiveness, as well as and monthly reporting to RMA-Planning.

#### Archaeological Resources

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; therefore, the project includes a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources. Although located in an area of high sensitivity and known resources, the proposed area of development has been disturbed by erosion and landslide activity, and there is no evidence that any cultural resources would be disturbed (Carmel Area Land Use Plan Policy 2.8.2). Additionally, the archaeologist who monitored the demolition of the previous residence on the parcel, as well as the excavation for the new residence, reported that no cultural materials were encountered and that further archaeological studies would not be required for this parcel (LIB190252; Susan Morley, RPA). Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction.

#### Design Review & Viewshed

Pursuant to Section 20.44, Title 20 (Coastal Zoning Ordinance) of the Monterey County Code (MCC), the proposed project site and surrounding area are designated as a Design Control Combining District (D District), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The exposed surfaces of the proposed retaining wall will use natural rock material to match the natural slope and blend with the surrounding environment. Therefore, the design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.

The project site is not located within, nor visible from, the Carmel General Viewshed (Map A of the Carmel Area Land Use Plan). Although the site is in an area designated in County records as visually sensitive, the proposed project is not visible from Highway 1 or any turnouts along Highway 1, public lands, or any common public viewing area. The topography of the surrounding area screens the site entirely from Highway 1, and access to the site is via a private driveway. County staff conducted a site inspection on July 15, 2019, to confirm that the proposed project would not result in any visual impacts, and that the project is consistent with applicable visual resource policies of the Carmel Area Land Use Plan.

## **ENVIRONMENTAL REVIEW:**

The County prepared, circulated, considered, and adopted a Mitigated Negative Declaration (MND) (**Exhibit G**) for the original Combined Development Permit that allowed for development of the single-family dwelling (RMA-Planning File No. PLN070388; adopted by the Planning Commission on July 8, 2009; Resolution No. 09034). The MND concluded that the project as designed and mitigated had reduced potential impacts to a less than significant level.

The current proposal does not alter the analysis or conclusions reached by this MND. A new 50-foot long retaining structure is located in generally the same location as an original stone wall. Slope stabilization measures do not raise any new potential significant impacts that were not previously analyzed and/or mitigated under the original permit and MND.

An Addendum (**Exhibit F**) has been prepared for RMA-Planning File No. PLN190199 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted. The project, as proposed, is consistent with applicable policies regarding hazards and protection of environmental resources. Best management practices and technical recommendations (Condition Nos. 3, 8, and 9) will be applied to ensure protection of natural resources. Additionally, two of the original mitigation measures have been carried forward to address the potential impacts to marine habitat associated with project construction.

The biological report prepared for the project identified the potential for construction-related impacts to the rocky inter-tidal area or ocean with dust, dirt, trash, liquids, water, construction materials etc., created during the construction process. To keep these potential impacts to a level of less than significant, the applicant shall be required to construct a barrier below the building site to prevent debris from entering the inter-tidal area or ocean. These measures shall be inspected weekly and reported to RMA-Planning on a monthly basis to ensure effectiveness.

## **OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau  
RMA-Public Works  
RMA-Environmental Services  
Carmel Highlands Fire Protection District

## Land Use Advisory Committee (LUAC)

County staff referred the project to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at two duly-noticed public meetings on October 7, 2019, and June 15, 2020.

At the LUAC meeting on October 7, 2019, LUAC members and interested members of the public expressed concerns related to the design proposed for the retaining wall finish (i.e., faux stone veneer), slope stabilization material (i.e., stainless steel mesh), and ground cover. The LUAC voted 4 - 1 to support the project with recommended changes to require a description of the ground cover vegetation and a monitoring plan to ensure

success of the ground cover.

Based on these recommendations, the Applicant submitted revised plans to address the concerns raised at the first LUAC meeting. The changes replace the faux stone veneer with natural stone, and incorporate into the plans the proposed ground cover vegetation comprised of native species. The Applicant also added a cellular vegetation confinement system (GeoWeb) to assist the establishment and survivability of the proposed ground cover. Given the amount of changes that were done to the project, the applicant chose to return to the LUAC for local input. At the LUAC meeting on June 15, 2020, the LUAC voted 7 - 0 to support the project with a recommended condition to require monitoring of the ground cover (Condition No. 9).

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Brandon Swanson, RMA Planning Services Manager

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

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plans

Exhibit B - Vicinity Map

Exhibit C - Land Use Advisory Committee Minutes, October 7, 2019

Exhibit D - Land Use Advisory Committee Minutes, June 15, 2020

Exhibit E - Correspondence

Exhibit F - Addendum

Exhibit G - Mitigated Negative Declaration for PLN070388

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA-Planning Services Manager; Joseph Sidor, Project Planner; RMA-Public Works and Facilities; Environmental Health Bureau; RMA-Environmental Services; Carmel Highlands Fire Protection District; Horvath Liza D TR, Owner/Applicant; Monterey Trust Management, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN190199