

1688 West Garvey Residential Project History and FAQ

The City is currently processing an application for a residential development proposed for 1688 West Garvey (the “Project”). Public hearings before the City Council are tentatively scheduled for June 2, 2021. Since release of the draft environmental impact report (“DEIR”) regarding the Project, the City received numerous letters and public comments. The City is releasing this brief history and FAQ to help reduce confusion regarding the Project.

Brief History

The Project site was originally approved for development in 1978 and 1979 for 31 residential dwelling units. That original project was developed by the Good Views Land Development Company. Consequently, during the 40 years since that time, the Project site is commonly referenced as the “Good Views” property.

The Good Views property is historically unstable. In 1983, Garvey Avenue was damaged, and blocked, by a slope failure resulting in the City taking emergency action to construct various soil stabilization and drainage infrastructure improvements (the debris wall that is in place along Garvey is an example). In 1986, the City entered into an agreement with the Good Views developer to construct permanent structures intended to stabilize the hillside that was to be completed by December 5, 1986. In 1987, 1988, and 1989, a number of City consultants advised the City regarding what measures were required to stabilize the hillside. The Good Views property owner failed to implement any of those recommendations. As a result, the City in 1991 issued a notice of violation to Good Views that the Project site constituted a public nuisance requiring abatement.

After providing notice on an annual basis, the City in 1994 was unable to contact Good Views representatives. It is unclear what happened to the Good Views developer by that time. In 1997, the City Council declared the property to be a public nuisance and commenced abating the property. Among other things, it installed a gate on the abandoned private road. The City took additional abatement action in 2000 and 2002. In sum, the City expended an estimated \$200,000 to \$300,000 to abate nuisances on the property in the years before 2013.

Starting in 2013, the City again undertook various Code enforcement actions against the new property owner¹ of 1600-1688 West Garvey Avenue. Among other things, the City directed the property owner to submit an erosion plan; remove trash, junk and debris; abate weeds and overgrown vegetation; and maintain slope drainage. Between 2013 and 2015, the City issued six different administrative citations in response to various issues related to the property including, without limitation, a tree that fell onto West Garvey Avenue in 2014 that both blocked the street and brought down power lines owned by Southern California Edison.

¹ Center International Investments, Inc. or “CII.”

Concerned that the El Niño storms in 2015 would result in significant slope failure at the property, the City filed a civil lawsuit against the property owners to abate the nuisances on the property.² That lawsuit allowed the City to immediately take action to temporarily stabilize the hillside. Those efforts, however, did not constitute a permanent solution to the overall issue of hillside stability.

On April 25, 2017,³ the City entered into a settlement agreement with the property owner which includes a plan for a long-term solution to the hillside. In short, the Settlement Agreement requires the property owner to stabilize the hillside through a series of retaining walls and other geotechnical solutions. This can be accomplished in one of two ways. “Plan A” is for the hillside stabilization to occur via developing the site with residential homes. Under Plan A, the hillside stabilization would be incorporated into the overall design and construction of that residential development. Any such development, however, requires the discretionary approval of the City Council.

“Plan B” is the hillside stabilization project without the residential development. This must be accomplished regardless of whether the City Council approves the Plan A residential project and must be completed in 2022. If the property owner fails to complete Plan B voluntarily, then the City will complete that project at the property owner’s cost; the City secured \$6,800,000 from the property owner to ensure the City is reimbursed.

Recognizing that both Plan A and Plan B needed time for completion, the Settlement Agreement also requires that the property owner construct and maintain temporary erosion control and slope stabilization plans in the period until the permanent improvements are constructed. Those were completed at the property owner’s cost and are monitored by the City and maintained by the property owner.

Public hearings regarding the Plan A proposal are tentatively scheduled for June 2, 2021. The comment period for the DEIR ends on April 26, 2021.

FAQs

Is 1688 West Garvey Residential Project a City project?

No. This project is a private residential development proposed by a private property owner.

Was this Project already approved?

² *People ex rel. Mark D. Hensley, City Attorney v. Center International Investments, Inc.* (filed December 31, 2015) LASC Case No. BC605788.

³ This was amended on March 22, 2019 and again on June 8, 2020.

No. The City Council will consider this project at a noticed public hearing on or about June 2, 2021.

Why is the City considering this project?

The City is obligated to consider all applications for development of private property. This project will be considered by the City Council. There is no legal obligation, however, for the City Council to approve the development portion of this project.

What happens if the City Council denies this project?

If the City Council denies this project, then the residential development cannot occur. However, the property owner is still legally obligated based on the conditions of the Settlement Agreement to complete construction of among other things, a retaining wall and geotechnical improvements to stabilize the hillside at the Project site.

What does the retaining wall look like?

Since the City Council has not yet considered this project, a design is not yet selected. It is anticipated, however, that the City Council will select one or more of these designs:



Option 1 - Rock Finish 1



Option 2 - Rock Finish 2



Option 3 - Quarry Finish



Option 4 - Landscaped Finish

What happens if the property owner does not construct the hillside stabilization improvements?

If the property owner does not voluntarily comply with the Settlement Agreement, the City will construct the hillside stabilization improvements at the property owner's cost.

What can I do to let the City Council know about the residential development?

Submit a comment letter to the City (see www.montereypark.ca.gov/241/Planning for more information; look for the “Goodviews Residential Development”) and appear at the public hearing regarding the project.