



City of Carmel-by-the-Sea  
Building Safety Division  
Standard Operating Guidance

## 17-18 Retaining Wall Permit Requirements

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### Background

Retaining walls are common on properties in the City of Carmel. They range from low, landscaping features to significant structural elements. Depending on the purpose of the wall, its location on the property, and the hazards resulting from its failure, retaining walls may require Planning Department approval and/or Building Permits for their construction. This Standard Operating Guidance provides information on review and permit requirements for retaining walls constructed in the City.

### Citations

Carmel Municipal Code Title 15, Buildings and Construction  
Carmel Municipal Code Title 17, Zoning  
2019 CA Building Code

### Guidance

#### *Planning Division Requirements (Carmel Municipal Code Title 17)*

#### **Definitions:**

Title 17.70, List of Terms and Definitions describes two types of walls, Garden Walls and Retaining Walls. Garden Walls are defined as “A linear, masonry structure used within a landscape to define a boundary, path, planting area or other design feature. Garden walls are exposed on both sides and do not retain soil, slopes or terraces. Retaining Walls on the other hand are defined as “A wall or similar structural device used at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling.”(emphasis added)

#### **Zoning Districts:**

Depending on the zoning district, wall type, design and location on the property, varying tracks of design review may be required.

Within Commercial Zoning Districts (CC, SC, RC, and R-4), Chapter 17.58.030 describes two possible tracks of design review applicable to the construction of garden and retaining walls. Track 1 design review allows for the Director of the Community Planning and Building Department to approve the project upon his/her determination that the project complies with the Zoning Ordinance and all applicable commercial design guidelines and public way design guidelines. Included in the commercial Track 1 projects are public way improvements and landscaping work, including retaining/garden walls.

Track 2 design review involves the review and approval of the project by the Planning Commission. Track 2 design review in commercial districts is required for construction of retaining/garden walls related to construction of new buildings; additions to existing buildings; and new parking facilities.

Similarly, the Zoning Code prescribes two tracks of design review for projects in residential districts. Track 1 review is conducted at the staff level for projects that are exempt from coastal development permit and public hearing requirements. Planning staff reviews Track 1 projects for compliance with all applicable zoning regulations and the residential design guidelines. Projects eligible for Track 1 review include retaining/garden walls related to projects involving alterations or additions to structures, changes in site landscaping, and similar, relatively minor, projects.

Track 2 reviews within the residential districts are conducted for projects requiring a public hearing with the Planning Commission. Retaining/garden walls related to the construction of new dwellings, rebuilds, substantial alterations and other projects that comply with the applicable zoning standards and design review guidelines but do not qualify for Track 1 processing.

**Specific Requirements - General:**

Chapter 17.110.030 (E), Fences and Walls provides guidance on the location and design of garden/retaining walls. Table 17.10-G prescribes the requirements for fences and walls eligible for Track 1 review.

<b>Table 17.10-G: Maximum Track One Fence and Wall Heights</b>				
<b>Design Element</b>	<b>Setback Location</b>			
	<b>Front Setback</b>	<b>Side Setback</b>	<b>Side Setback Facing Street</b>	<b>Rear Setback</b>
Fence	4 feet*	6 feet	4 feet*	6 feet
Garden Wall	3 feet*	6 feet	3 feet*	6 feet
Retaining Wall	3 feet**	6 feet	3 feet**	6 feet
Pillars and Gates	6 feet	N/A	6 feet	N/A
Arbor/Trellis	7 feet	7 feet	7 feet	7 feet

\* These limits shall not be altered through Design Review by the Planning Commission.

\*\* Up to six feet may be allowed for retaining walls that are not visible from the street. See CMC [17.10.030\(E\)\(4\)](#).

Reconstruction of non-conforming walls is allowed if damaged or deteriorated without conforming to current height limits upon submittal of plans and photographs documenting existing heights and materials prior to demolition. The director may approve the rebuilding as long as heights are not increased. (CMC 17.10.030.E.2)

Furthermore, the Zoning Code stipulates that new fences or walls on corner lots must be reviewed by the Building Official and Police Chief to ensure a safe line of sight for intersecting traffic.

**Specific Requirements - Retaining Walls:**

Chapter 17.110.030 (E)(4) provides additional guidance on Zoning Code requirements specific to retaining walls stating “Retaining walls in front setbacks or side setbacks facing a street are permitted as follows:

- A. Retaining walls with the exposed face visible from the street shall have a maximum height of three feet.
- B. Retaining walls with the exposed face parallel to the street and facing the interior of the property site shall have a maximum height of six feet.
- C. Exceptions to these height limits shall require Planning Commission approval.

Figure 1 provides further details on these requirements.

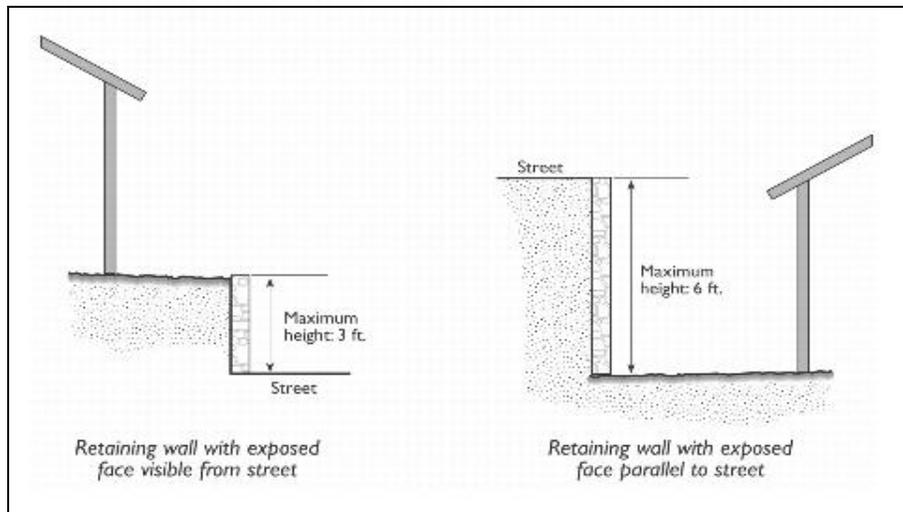


Figure 1 – Retaining Walls

Once Planning Division approval is granted, garden/retaining walls will be considered for building permit requirements.

**Building Safety Division Requirements (Chapter 15.08, Building Code)**

Unlike the Zoning Code, the Carmel Building Code does not differentiate between garden and retaining walls. All such walls require a permit unless exempt from permit requirements as described in Section 105.2 (4) of the Building Code which describes exempt retaining walls as follows:

“Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids”. Surcharges may be imposed on the wall by earth or by nearby structures, parking, or roadways. Impounding of liquids occurs when a retaining wall is used as secondary containment surrounding flammable/combustible liquid storage tanks or facilities.

Figure 2 - 5 provides additional details on permit exempt retaining/garden walls.

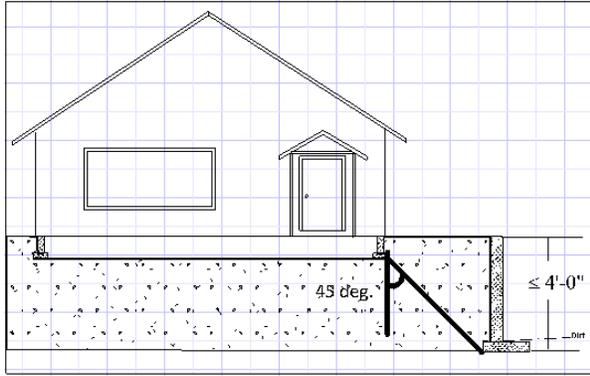


Figure 1 – No permit required

The retaining wall in Figure 1 is less than or equal to 4' high measured from the bottom of the footing. There are no surcharges from earth, structures, or vehicles imposed on it and it doesn't impound flammable or combustible liquids. If the wall exceeded 4' in height, a permit would be required.

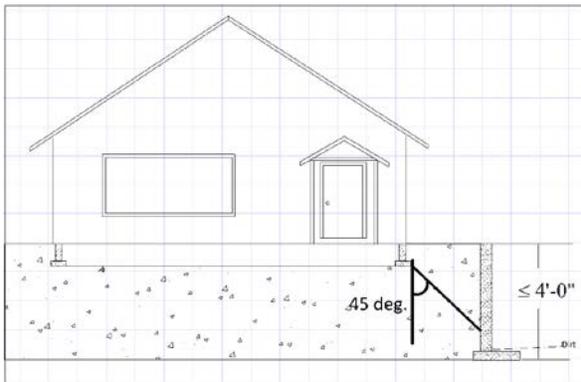


Figure 2 – Permit Required

The retaining wall in Figure 2 is less than or equal to 4' high measured from the bottom of the footing; however the adjacent house, due to its proximity to the wall, imposes a surcharge on the wall. The weight of the house on the supporting earth is illustrated by the 45° angle line drawn from the base of the footing. The line intersects the wall meaning a surcharge from the structure is imposed on the wall.

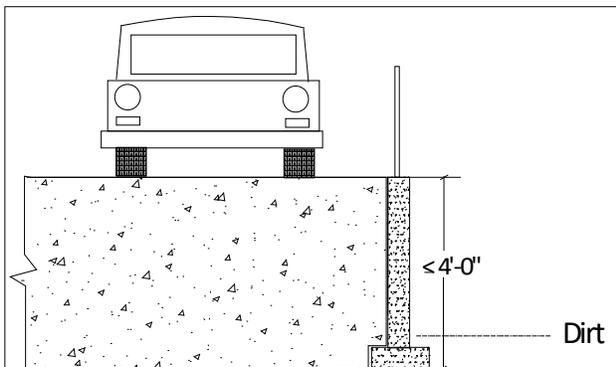


Figure 3 – Permit Required

The retaining wall in Figure 3 is less than or equal to 4' in height measured from the bottom of the footing; however, the adjacent vehicle, whether moving or parked, imposes a surcharge on the wall.

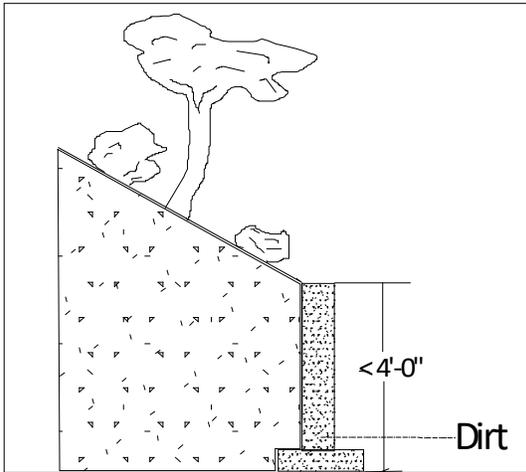


Figure 4 – Permit Required

The retaining wall in Figure 4 is less than 4' in height measured from the bottom of the footing; however, the earth and vegetation on the hillside above imposes a surcharge on the wall.

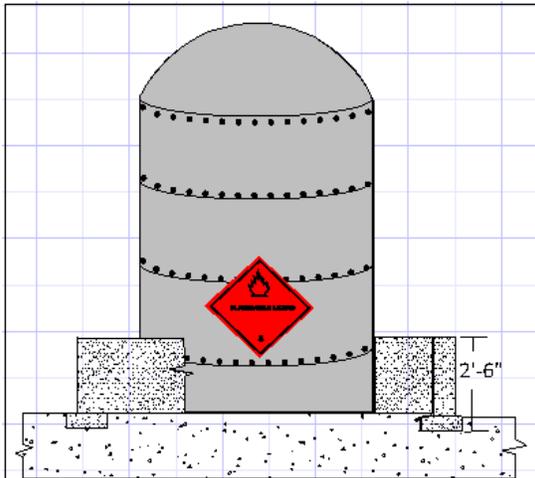


Figure 5 – Permit Required

The retaining wall in Figure 5 is only 2'-6" high measured from the bottom of the footing. It serves as secondary containment for the flammable liquid tank within the walls, impounding any spilled flammable liquids.

When a permit is required under the Building Code for construction of a garden/retaining wall, the wall must be designed by a State registered structural or civil engineer. The following are required for a complete permit application

- A completed building permit application and related forms
- A site plan showing:
  - The location of the proposed wall
  - All nearby structures and parking areas
  - Any adjacent public right-of-way
  - Any nearby private or public easements
- Plans, calculations and specifications prepared by a State registered structural or civil engineer
- A copy of the approved design study Conditions of Approval