

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 6/16/03  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** 6/24/03  
**Placement:** Administrative  
**Estimate Time:** 0 mins.  
**Continued Item:** NO  
**If Yes, date from:**  
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**TO:** Board of Supervisors

**FROM:** Valentin Alexeeff, Director  
Planning and Development

**STAFF CONTACT:** Brian R. Baca, Engineering Geologist (568-2004)  
Development Review Division

**SUBJECT:** **Arroyo Quemada Slope Repair, 03EMP-00000-00004:** Notification of the Board of Supervisors of an Emergency Permit granted to Bradford and Joan Jones, Owen and Lili Schafer, and David and Elizabeth Merrill, landowners, for the installation of a retaining wall on the coastal bluff to support three existing residences. The affected properties are identified as 7, 9, and 11 Arroyo Quemada Lane, APNs 081-190-002, -003, -004, located on the coast in the Gaviota area, Third Supervisorial District.

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## Recommendation:

Staff recommends that the Board take the following action:

1. Receive and file this report on Emergency Permit 03EMP-00000-00004.

## Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

## Executive Summary and Discussion:

This Board Agenda Letter is a report to the Board of Supervisors on the emergency work authorized at the Arroyo Quemada Community on June 16, 2003. The authorized work is anticipated to be completed between June 16 and July 16, 2003. The proposed project involves the installation of a bluff face retaining wall to support three existing single family residences threatened by a substantial landslide failure. The work accomplished under the Emergency Permit is only temporarily authorized as a Coastal Development Permit

processed through normal procedures is required to validate the work pursuant to Zoning Ordinance requirements.

**Description of the emergency work authorized:**

The emergency work authorized under this Emergency Permit is limited to the grading of the loose landslide debris present on the bluff face in order to prepare it for use as a temporary construction platform, the drilling of form borings and installation of concrete caisson foundation elements, and the installation of a reinforced retaining wall on the bluff face in conformance with the approved engineering plans. The authorized wall would be located at the top of the bluff face and would extend across the width of the three subject properties. It would serve to structurally support the existing single family dwellings on the project site. The wall and supporting caisson foundation elements would extend at least 10 feet below the failure plane of the recent landslide. Upon completion of wall installation, the landslide debris would be graded into non-structural fill slope and placed against the completed wall. Grading activities on the bluff face would be accomplished through the use of a backhoe or other heavy equipment. Equipment would access the construction area via Arroyo Quemada Lane and a temporary access road through the subject parcels. Equipment may also be driven along the beach from an access point located about 500 feet to the east near the mouth of Arroyo Quemada Creek and the terminus of Arroyo Quemada Lane. The work would be accomplished over a 30-day period.

Conditions of approval of 03EMP-00000-00004 require use of an onsite monitor to assure public safety during construction, facing of the proposed retaining wall to assure visual compatibility with the surrounding area of the coastal bluff, and removal of construction debris upon completion of the work.

**Mandates and Service Levels:**

Pursuant to Section 35-171.6 of the Article II Coastal Zoning Ordinance, the Director of Planning and Development shall report to the Board of Supervisors at its next regular scheduled meeting on any emergency permits granted.

**Fiscal and Facilities Impacts:**

The cost of processing the Emergency Permit application and the required follow-up regular permit applications is being funded by the applicant pursuant to the Board-adopted fee schedule.

**Special Instructions:**

None.

**Concurrence:** County Counsel.

Attachment: Emergency Permit 03EMP-00000-00004

**EMERGENCY PERMIT**

**Arroyo Quemada Slope Repair, 03EMP-00000-00004**

This is to inform you that an Emergency Permit has been approved for the emergency repair of a portion of the coastal bluff located south of the existing single family dwellings at 7, 9 and 11 Arroyo Quemada Lane in the Gaviota area. This section of the coastal bluff suffered a landslide failure on or about May 17, 2003 that resulted in the formation of a new bluff edge (a cliff) immediately adjacent to the three primary residential structures. This geologic event threatens to undermine and potentially destroy these existing dwellings. Therefore, this situation constitutes an emergency in accordance with Section 35-171.2 of the Article II Zoning Ordinance and immediate action is warranted. The emergency work is hereby approved; however, it is to be accomplished subject to the attached conditions. This permit is not valid until issued by Planning and Development staff upon verification that all conditions of approval requiring action prior to permit issuance are satisfied. Please sign and return the attached Acceptance Form.

Sincerely

VALENTIN ALEXEEFF  
Director

OWNERS: Bradford and Joan Jones, 7 Arroyo Quemada Lane, APN: 081-190-002  
Owen and Lili Schafer, 9 Arroyo Quemada Lane, APN 081-190-003  
David and Elizabeth Merrill, 11 Arroyo Quemada Lane, APN 081-190-004

APPROVAL DATE: June 16, 2003

**Emergency Permit Issuance:**

\_\_\_\_\_  
P&D Staff (Name & Signature)

\_\_\_\_\_  
Date

**BACKGROUND:** The project site is located on the coast at the Arroyo Quemada community in the Gaviota area of Santa Barbara County. The proposed project involves the installation of a bluff face retaining wall to support three existing single family residences threatened by a substantial landslide failure.

**EMERGENCY WORK:** The emergency work authorized under this Emergency Permit is limited to the installation of a bluff face retaining wall as described in the approved engineering plans and the associated grading work required to accomplish the authorized construction. The authorized work is described in more detail in Condition of Approval #1 of this Emergency Permit.

#### PROCEDURE FOR OBTAINING AN EMERGENCY PERMIT

1. Verbal or written notification of the type and location of the work undertaken must be given to this Department within a reasonable amount of time.
2. This Department approves and sends out an Emergency Permit with an attached Acceptance Form to the property owner or authorized agent.
3. The property owner or authorized agent shall sign and return the Acceptance Form within seven working days to the Planning and Development Department.

#### EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The emergency work authorized under this Emergency Permit is limited to the grading of the loose landslide debris present on the bluff face in order to prepare it for use as a temporary construction platform, the drilling of form borings and installation of concrete caisson foundation elements, and the installation of a reinforced retaining wall on the bluff face in conformance with the approved engineering plans. The authorized wall would be located at the top of the bluff face and would extend across the width of the three subject properties. It would serve to structurally support the existing single family dwellings on the project site. The wall and supporting caisson foundation elements would extend at least 10 feet below the failure plane of the recent landslide. Upon completion of wall installation, the landslide debris would be graded into non-structural fill slope and placed against the completed wall. Grading activities on the bluff face would be accomplished through the use of a backhoe or other heavy equipment. Equipment would access the construction area via Arroyo Quemada

Lane and a temporary access road through the subject parcels. Equipment may also be driven along the beach from an access point located about 500 feet to the east near the mouth of Arroyo Quemada Creek and the terminus of Arroyo Quemada Lane. The work would be accomplished over a 30-day period.

2. A safety monitor retained by the applicant shall be onsite at all times when equipment is operating on the beach. The safety monitor shall assure the safety of beach users by directing people around the construction site.
3. The retaining wall shall be faced with Monterey Shale rock or other material visually compatible with the adjacent natural areas of the bluff face. Samples of the selected wall facing material shall be provided to P&D staff for review and approval prior to installation.
4. Upon completion of the work, all construction debris shall be removed from the project site.
5. No seawall or other protective device located at or adjacent to the landward edge of the beach is authorized by this permit. The landslide debris shall not be retained through the installation of any wall or similar structural device.
6. The construction or other work temporarily authorized by this Emergency Permit is not authorized as permanent until approval and issuance of the required Coastal Development Permit with Hearing (CDP-H). By acceptance of this Emergency Permit, the applicant agrees to apply for a Coastal Development Permit with Hearing within 30 days and to comply with all conditions of approval included in the CDP-H as approved by the County decision-makers.
7. The enclosed Acceptance Form must be signed by the applicant and returned to Planning and Development within seven working days.
8. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
9. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.

10. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
11. Concrete, wood debris and other materials derived from stairways, decks or other accessory structures damaged by landslide movement shall be removed from the site. Materials that cannot be feasibly or safely removed, as determined by P&D staff, may remain on the site.

#### FINDINGS OF APPROVAL

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:

- a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

The subject properties suffered a landslide failure on or about May 17, 2003. This landslide failure has resulted in the formation of an unstable cliff (a section of the coastal bluff) immediately adjacent to the existing single family dwellings on the three subject parcels. Under this geologic condition, the dwellings are subject to an imminent risk of additional landslide movement and destruction. Therefore, this situation constitutes an emergency in accordance with Section 35-171.2 of the Article II Zoning Ordinance and immediate action is warranted. The proposed actions would be completed within 30 days.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and Coastal Zoning Ordinance.*

The proposed action would be consistent with Coastal Land Use Plan policies that allow for protective devices to be installed along the coast where necessary to protect existing principal structures. The proposed actions would also serve to minimize hazards to public health and safety. A preliminary analysis of consistency with applicable Coastal Land Use Plan policies is presented below.

*Coastal Plan Policy 3-1:*

**Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.**

Analysis: This policy generally prohibits the construction of seawalls except where there are no other “less environmentally damaging alternatives reasonably available for protection of existing principal structures.” Although a “seawall” is not proposed in this case, this policy indicates that the construction of protective devices on the coast is allowed when there is no feasible alternative to protect an existing principal structure. In the current proposed project, the existing principal structures are threatened with imminent collapse and destruction due to the potential expansion of a recent landslide failure. Because of the limited development area of the properties and the unstable geologic conditions, there is no reasonably available alternative to the construction of a bluff-face retaining wall that would save the existing principal structures from destruction. Based on these specific circumstances, the proposed project would be consistent with this policy.

*Coastal Plan Policy 3-2:*

**Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.**

*Coastal Act Policy 30235:*

**Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water**

**stagnation contributing to pollution problems and fish-kills should be phased out or upgraded where feasible.**

Analysis: The proposed bluff-face (cliff) retaining wall would incrementally reduce or eliminate erosion of a small area (about 3,600 square feet) of the coastal bluff. The loss of sand supply from such a small area would be negligible and not result in a measurable loss of local shoreline sand supply. The proposed wall would not have any effect on lateral beach access as it would be located eighty feet from the beach at an elevation of about 30 feet above sea level. The proposed wall is required to protect existing structures as allowed under Policy 30235. Based on these factors, the project would be consistent with these policies.

*Coastal Plan Policy 3-6:*

**Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.**

Analysis: The proposed retaining wall would improve the stability of the bluff face and not contribute to erosion. The wall would not substantially alter site drainage. Thus, the project would be consistent with this policy.

*Coastal Plan Policy 3-7:*

**No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.**

Analysis: This policy generally prohibits development on the bluff face, such as the proposed retaining wall. However, the Coastal Land Use Plan recognizes in Policy 3-1 that structural solutions to coastal erosion problems can be allowed in certain circumstances to protect existing principal structures. “Cliff retaining walls”, such as included in the proposed project, are also allowed under Coastal Act Policy 30235 if required to “protect existing structures.” Thus, in considering the relevant provisions of related Coastal Land Use Plan and Coastal Act policies and the specific physical



circumstances present on the subject properties, the project is considered consistent with this policy.

*c. Public comment on the proposed emergency action has been reviewed if time allows.*

Time does not allow for public comment on the proposed actions as they involve the immediate action to prevent destruction of the affected residences. Staff of the California Coastal Commission have been notified of the pending issuance of this emergency permit.

3. This action is exempt from the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

Attachments:

- A. Acceptance Form
- B. Index Map
- C. CEQA Notice of Exemption
- D. Site Plan
- E. Cross Section B-B' (with proposed slope repair)
- F. Cross Section A-A' (existing conditions)
- G. Cross Section B-B' (existing conditions)
- H. Cross Section C-C' (existing conditions)

cc: Gail Marshall, Third District Supervisor  
Jackie Campbell, P&D  
Brian Baca, P&D  
Shana Gray, Coastal Commission