

# EMERGENCY PERMIT

## 12EMP-00000-00001



### Coastal Zone:

Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

**Case Name:** Murphy Retaining Wall Repair & Replacement  
**Case Number:** 12EMP-00000-00001  
**Site Address:** 239 Ortega Ridge Road  
**APN:** 005-060-009  
**Applicant/Agent Name:** John & Suzanne Murphy  
**Owner Name:** John & Suzanne Murphy

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

ZONING PERMIT  
**ISSUED**  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

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**PERMIT APPROVAL:**

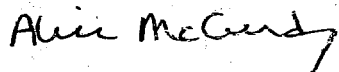
This is to inform you that an Emergency Permit has been approved for:

**The project involves repair of a failing retaining wall approximately 110 feet long. The existing wall is 12 feet in height and will be lowered to 10 feet in height, stepping down to four feet at the north end. The repair consists of constructing an engineered caisson wall to be sistered with the existing retaining wall. Most of the existing retaining wall will remain in place; however, a 36-foot length of wall adjacent to the house will be removed and replaced entirely by the new wall. The new engineered wall is located internally to the site and is not visible from Ortega Ridge Road or other public viewing areas. Less than 50 cubic yards of cut would occur to dig the caisson foundation of the new sistered wall.**

The existing wall was constructed in the 1950s when the original house was built and was 12 feet high. Along with two wings of the house, it forms a courtyard and then continues northward near the walls of the house. The wall is failing and leaning in towards the courtyard and the house. Extra weight (in the form of soil) has been removed from the top of the wall to lighten the load that the wall is supporting; however, the risk of failure remains. The immediate concern is that any further rain or additional pressure would cause the wall to fail entirely and risk serious injury or death to residents or damage to the house.

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



ALICE MCCURDY, Deputy Director, Planning and Development  
for  
GLENN RUSSELL, Ph.D.  
Director, Planning and Development

APPROVAL DATE: January 19, 2012

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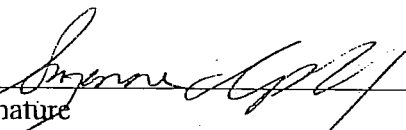
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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Grading or Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Suzanne Murphy  
Print Name

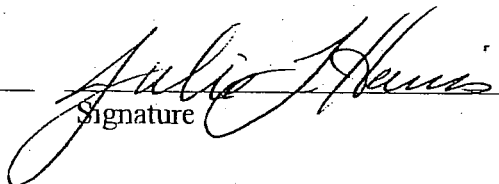
  
Signature

1/19/2012  
Date

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**PERMIT ISSUANCE:**

Julie Harris  
Print Name

  
Signature

1/19/2012  
Date

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## BACKGROUND:

The project site is located at 239 Ortega Ridge Road and the residential development is located west of, and below grade of the roadway. The existing wall was constructed when the single family dwelling was built and is 12 feet high. A subsequent permit was approved in 1951 to allow the addition of a garage. Along with two wings of the house, the retaining wall forms a courtyard and then continues northward near the walls of the house. A portion of the wall is located between the house and the roadway. The wall is failing and leaning in towards the courtyard and the house. Extra weight (in the form of soil) has been removed from the top of the wall to lighten the load that the wall is supporting; however, the risk of failure remains. The immediate concern is that any further rain or additional pressure would cause the wall to fail entirely and risk serious injury or death to residents or damage to the house.

## 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 existing wall was constructed when the single family dwelling was built and is 12 feet high. A subsequent permit was approved in 1951 to allow the addition of a garage. Along with two wings of the house, the retaining wall forms a courtyard and then continues northward near the walls of the house. A portion of the wall is located between the house and the roadway. The wall is failing and leaning in towards the courtyard and the house. Extra weight (in the form of soil) has been removed from the top of the wall to lighten the load that the wall is supporting; however, the risk of failure remains. The immediate concern is that any further rain or additional pressure would cause the wall to fail entirely and risk serious injury or death to residents or damage to the house. The risk is an emergency situation that needs to be addressed immediately and outside of the standard permit processing timeframe that would occur with processing a Coastal Development Permit and follow up Building or Grading Permit. Approval and issuance of this emergency permit will allow construction to begin immediately and would be completed in 30 days; therefore, eliminating the risk to life and property as quickly as possible. Therefore, this finding can be made.

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

The proposed action is consistent with the policies of the Coastal Land Use Plan, the development standards of the Summerland Community Plan, and the requirements of the Article II Coastal Zoning Ordinance. Approval of the emergency permit will allow repair and

reconstruction of an existing retaining wall to commence immediately. Repair and reconstruction of the retaining wall is necessary to allow the existing residential development and use of the property to continue safely. Conditions of approval of the emergency permit require the applicant to submit an application for a Coastal Development Permit to permit the construction to remain permanently.

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

Planning and Development has not received any public comment on the proposed emergency action. However, due to the time sensitive nature of the retaining wall repair as discussed in finding 2a, above, time does not allow for public comment on the Emergency Permit itself since immediate action is warranted to reduce the risk injury to residents or damage to the affected structures. Notice of this Emergency Permit will be mailed to surrounding property owners. Therefore, this finding can be made.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **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. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

**The project involves repair of a failing retaining wall approximately 110 feet long. The existing wall is 12 feet in height and will be lowered to 10 feet in height, stepping down to four feet at the north end. The repair consists of constructing an engineered caisson wall to be sistered with the existing retaining wall. Most of the existing retaining wall will remain in place; however, a 36-foot length of wall adjacent to the house will be removed and replaced entirely by the new wall. The new engineered wall is located internally to the site and is not visible from Ortega Ridge Road or other public viewing areas. Less than 50 cubic yards of cut would occur to dig the caisson foundation of the new sistered wall. Construction shall comply with the plans prepared by Van Sande Engineers and Structural Consultants, stamped "Received Planning & Development January 13, 2012" and approved with this Emergency Permit.**

2. Applications for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed

emergency work include a Minor Conditional Use Permit pursuant to Section 35-123 and a Coastal Development Permit pursuant to Section 35-169 of the Article II Coastal Zoning Ordinance. The Minor Conditional Use Permit is required because it appears that a portion of the wall is located within the front setback (50 ft. from the centerline and 20 from the right-of-way) of Ortega Ridge Road.

3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of application deficiencies is provided to the applicant. This time period may be extended by the Director of Planning and Development.
4. 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.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. 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.
7. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. [8:00 a.m. and 5:00 p.m.], Monday through Friday. No construction shall occur on [WEEKENDS OR] State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.
8. **Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the

County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

9. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
  
10. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

Attachments:

A. Site Plans

- cc: Salud Carbajal, Supervisor, First District  
Glen Russell, P&D Director  
Dianne Black, P&D Director of Development Services  
Alice McCurdy, P&D Deputy Director Development Review South  
Anne Almy, Supervising Planner, P&D  
Tony Bohnett, P&D Grading Inspector  
Julie Harris, P&D Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

