



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &  
Development  
Department No.: 053  
For Agenda Of: 3/6/2012  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from: N/A  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell, Ph.D. Director, Planning and Development  
Director(s) (805) 568-2085  
Contact Info: Alice McCurdy, Deputy Director, Development Review South  
(805) 568-2518  
**SUBJECT: Murphy Retaining Wall Repair & Replacement Emergency Permit  
Case No. 12EMP-00000-00001, First Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

Receive and file this report on Emergency Permit 12EMP-00000-00001, which authorized the repair and partial replacement of a failing retaining wall, approximately 110 feet long (Assessor Parcel Number 005-060-009), located at 239 Ortega Ridge Road, Summerland Community Plan area, First Supervisorial District.

**Summary Text:**

Section 35-171 of the Coastal Zoning Ordinance (Article II) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer the permit requirements of Article II and issue an Emergency Permit when emergency action is warranted by a person or public agency. Section 35-171.6 of Article II requires the Director to submit a written report describing the emergency action to the Board of Supervisors and the California Coastal Commission after issuing an Emergency Permit. Public notice of the emergency work was provided in accordance with Section 35-171.5.1

P&D issued an Emergency Permit to the property owners, John and Suzanne Murphy, on January 19, 2012, to repair a failing retaining wall approximately 110 feet long. The existing wall was 12 feet high but will be lowered to 10 feet; the wall steps down to four feet in height at its north end. The repair consisted of constructing an engineered wall with caisson footings sistered to the existing wall, most of which was not removed. A subsection of the wall, approximately 36 feet long, was approved to be

removed and replaced with a new wall. The wall is located internally to the site and is not visible from Ortega Ridge Road or other public viewing areas.

Construction of a new retaining wall normally requires a Coastal Development Permit. Processing this permit would take at least one month including noticing requirements and the appeal period. The Emergency Permit allowed the applicant to immediately begin construction of the new engineered retaining wall that when sistered to the existing wall results in its repair, thereby reducing the hazard and minimizing risks to health, safety and property posed by the possible total failure of the wall. The Emergency Permit is conditioned to complete the work within 30 days of issuance. In addition, pursuant to Article II Section 35-171.3.3 an emergency permit does not constitute an entitlement; thus, emergency permit conditions require the owner submit an application for the Coastal Development Permit within 30 days of issuance of the emergency permit to complete permitting. The owner plans to submit the application on February 23, 2012.

The project is consistent with the Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan, and Article II. In addition, the Emergency Permit includes conditions to ensure that the project complies with policies regarding noise and erosion and sediment control.

**Background:**

The project site is located at 239 Ortega Ridge Road and the residential development is located west of, and below the 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 was 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 was supporting; however, the risk of failure remained. The concern at the time of the approval of the Emergency Permit was 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.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

County costs for preparing the Emergency Permit are reimbursed by the applicant pursuant to the current Board-approved fee resolution. Permit revenues are budgeted in Departmental Revenues of the Development Review South Division on page D-314 of the adopted 2011-2012 fiscal year budget. Processing of this Emergency Permit, including preparation of this Board Letter, required approximately 10 staff hours at a rate of \$184.53 per hour, for a cost of \$1,845.30 to the project applicant.

**Attachments:**

Emergency Permit 12EMP-00000-00001

**Authored by:**

Julie Harris (805) 568-3518

**cc:**

Anne Almy