

# EMERGENCY PERMIT

## 23EMP-00018

**Countywide:**

Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

**Montecito:**

Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

**Case Name:** Doubleday Emergency Permit  
**Case Number:** 23EMP-00018  
**Site Address:** 840 & 894 Toro Canyon Road  
**APN:** 155-040-040 & 155-240-012  
**Applicant/Agent Name:** Hillary Doubleday  
**Owner Name:** FCM 1999, LLC & Linda Vaintrub

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**PERMIT APPROVAL:**

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

***The proposed project is to repair a private access road and construct a new soldier pile retaining wall (maximum 10-foot height) to retain a portion of the existing roadway serving 840 & 894 Toro Canyon Rd. and adjacent properties. The area was washed out and the road damaged as a result of heavy rains in January 2023. This resulted in sections of the roadway failing and narrowing the roadway below the required access width making it difficult for residents and emergency personnel to access the parcels. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Braun & Associates, Inc., dated August 10, 2023, and September 7, 2023, respectively. Proposed grading includes 415 cubic yards of over-excavation and 475 cubic yards of fill to repair the failed slope and infrastructure. Temporary erosion control measures will be implemented during construction, including the use of fiber rolls, silt fences, and silt dams as noted on Page C5 of the project plans. No trees are proposed for removal and no Environmentally Sensitive Habitat is located within the project area. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Toro Canyon Estates Mutual Water Company, a private septic system, and the Carpinteria/Summerland Fire Protection District. Access will continue to be taken from an existing private easement and driveway off Toro Canyon Road. The application involves Assessor's Parcel Numbers 155-040-040 & 155-240-012. The properties are zoned RR-20 and located at 840 & 894 Toro Canyon Road in the Toro Canyon Community Plan area, First Supervisorial District.***

Therefore, this situation constitutes an emergency in accordance with the applicable Development Code 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. The project is exempt from environmental review pursuant to CEQA Guidelines Section 15269(c), which exempts "specific actions necessary to prevent or mitigate an emergency" (see Attachment C). This permit is not valid until signed by the owner/applicant and subsequently issued by the Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



Lisa Plowman, Director

APPROVAL DATE:

December 20, <sup>2023</sup> 200

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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, 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 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 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.

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Print Name

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Signature

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Date

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**PERMIT ISSUANCE:**

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Print Name

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Signature

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Date

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## **BACKGROUND:**

The proposed project is located on portions of both 840 and 894 Toro Canyon Road in the Toro Canyon Community Plan Area. The subject properties are both developed with a single-family dwelling and various accessory structures. The dwelling at 840 Toro Canyon Road was permitted under 87-LUS-034, while the dwelling at 894 Toro Canyon Road was permitted under 89-LUS-494. In 2005, an Emergency Permit (05EMP-00000-00020) was granted for both 840 and 894 Toro Canyon Road to install three retaining walls due to a slope failure which also threatened the access road.

The proposed project will address the emergency situation created by the winter storms in early 2023, which resulted in the area being washed out and the road heavily damaged. This resulted in sections of the roadway failing and narrowing the roadway below the required access width making it difficult for residents and emergency personnel to access the parcels.

The project will repair a private road and stabilize both the road and slope with a soldier pile retaining wall.

## **FINDINGS OF APPROVAL:**

**A. Findings required for all Emergency Permits.** In compliance with Subsection 35.82.090.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings:

- a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.*

The proposed project to repair a private access road and construct a new soldier pile retaining wall to retain the existing road is an emergency because the area was washed out as a result of heavy rains and uncontrolled drainage. This resulted in sections of the roadway failing and narrowing the roadway below the required access width making it difficult for residents and emergency personnel to access the parcels.

- b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of this Development Code.*

The proposed project is consistent with all applicable policies of the Comprehensive Plan, including the Toro Canyon Community Plan and the requirements of the County Land Use and Development Code. Applicable policies regarding geology/grading, and aesthetics are discussed in detail below.

### **Geology and Grading Policies**

***Toro Canyon Plan Policy GEO-TC-1: Hillside and watershed areas shall be protected to***

*the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function.*

***Toro Canyon Plan Policy GEO-TC-2:*** *Grading shall be designed to minimize scars in topography and avoid the potential for earth slippage, erosion, and other safety risks.*

***Toro Canyon Plan Policy GEO-TC-3:*** *Development shall be sited and designed to minimize the potential for geologic hazards, including but not limited to seismic, soil, or slope hazards.*

***Land Use Element Hillside and Watershed Protection Policy 1:*** *Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.*

***Land Use Element Hillside and Watershed Protection Policy 2:*** *All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.*

**Consistent:** The proposed project is consistent with the policy requirements regarding hillside and watershed protection because the proposed grading and retention structures will stabilize a failed slope that has created hazardous emergency conditions. Proposed grading includes 415 cubic yards of over-excavation and 475 cubic yards of fill. Hillside and watershed areas will be protected to the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function because the proposed project will stabilize a failed slope and provide adequate drainage infrastructure to prevent similar emergencies in the future. The potential for earth slippage, erosion, and other safety risks will be reduced upon completion of this project because the hillside will be stabilized, the infrastructure will be repaired, and temporary erosion control measures will be implemented during construction. Natural features, landforms, and trees, will be preserved to the maximum extent feasible because the proposed development is sited in the location of an existing roadway and no trees are proposed to be removed.

### **Visual Resource Policies**

***Toro Canyon Plan Policy VIS-TC-2:*** *Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.*

***Land Use Element Visual Resource Policy 2:*** *In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the*

*character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

**Consistent:** The proposed project is consistent with policies pertaining to the protection of public views and compatibility with the character of the area. It is located on a private road easement that is accessed from Toro Canyon Road and will not negatively impact public views due to screening from existing topography. The proposed retaining wall will be subordinate in appearance to natural landforms, will follow the natural contours of the existing hillside and is sited to not intrude into the skyline as seen from public viewing places.

### **Stormwater & Erosion Policies**

***Toro Canyon Plan Policy FLD-TC-2:*** *Short-term and long-term erosion associated with development shall be minimized.*

***Land Use Element Hillside and Watershed Protection Policy 3:*** *For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.*

***Land Use Element Hillside and Watershed Protection Policy 5:*** *Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.*

**Consistent:** The proposed project is consistent with the policy requirements regarding erosion and watershed protection because the proposed grading and retention structures will stabilize a failed slope that has created hazardous emergency conditions. Proposed grading includes 415 cubic yards of over-excavation and 475 cubic yards of fill to repair the failed slope and infrastructure. Temporary erosion control measures will be implemented during construction, including the use of fiber rolls, silt fences, and silt dams as noted on Page C5 of the project plans. Provisions will be made to conduct surface water to storm drains and suitable watercourses by implementing drainage features, including a catch basin, debris wall and bench drains. These drainage provisions will be better equipped to manage heavy stormwater runoff than the previous infrastructure.

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

No Public comment on the proposed emergency action has been received.

## 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 may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Commission/Montecito Commission.

The project description is as follows:

***The proposed project is to repair a private access road and construct a new soldier pile retaining wall (maximum 10-foot height) to retain a portion of the existing roadway serving 840 & 894 Toro Canyon Rd. and adjacent properties. The area was washed out and the road damaged as a result of heavy rains in January 2023. This resulted in sections of the roadway failing and narrowing the roadway below the required access width making it difficult for residents and emergency personnel to access the parcels. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Braun & Associates, Inc., dated August 10, 2023 and September 7, 2023 respectively. Proposed grading includes 415 cubic yards of over-excavation and 475 cubic yards of fill to repair the failed slope and infrastructure. Temporary erosion control measures will be implemented during construction, including the use of fiber rolls, silt fences, and silt dams as noted on Page C5 of the project plans. No trees are proposed for removal and no Environmentally Sensitive Habitat is located within the project area. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Toro Canyon Estates Mutual Water Company, a private septic system, and the Carpinteria/Summerland Fire Protection District. Access will continue to be taken from an existing private easement and driveway off Toro Canyon Road. The application involves Assessor's Parcel Numbers 155-040-040 & 155-240-012. The properties are zoned RR-20 and located at 840 & 894 Toro Canyon Road in the Toro Canyon Community Plan area, First Supervisorial District.***

2. An application(s) for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Land Use Permit pursuant to Section 35.82.110 of the County Land Use Development Code or Conditional Use Permit pursuant to Section 35.82.060.

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 the application deficiencies is provided to the applicant. This time period may be extended by the Director.
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. The work authorized by this permit must be commenced within 30 days of the date of issuance of the emergency permit.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. The Director 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. **SolidW-03 Solid Waste-Construction Site.** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete. PLAN REQUIREMENTS: The site is to remain trash-free throughout construction.
8. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. PLAN REQUIREMENTS: The Owner/Applicant shall designate the storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.
9. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The Owner/Applicant shall designate the storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.
10. **Aest-06 Building Materials.** Natural building materials/colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. PLAN REQUIREMENT: Materials shall be denoted



on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.

11. **Aest-07 Understories and Retaining Walls.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted. **PLAN REQUIREMENTS:** The Owner/Applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **TIMING:** Plans shall be submitted prior to approval of Land Use Permit or Conditional Use Permit; vegetation shall be installed prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall check plans and ensure installation prior to Final Building Inspection Clearance.
12. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
13. **Rules-23 Processing Fees Required.** Prior to issuance of Emergency, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
14. **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.

Attachments:

- A. Site Plan
- B. CEQA Exemption