



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:** October 17, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Lisa Plowman, Director (805) 568-2086  
Director(s)  
Contact Info: Travis Seawards, Deputy Director (805) 934-6559

**SUBJECT:** Report on Case No. 23EMP-00012: Luria Budgor Emergency Permit Retaining Wall, 1264 Coast Village Road, Montecito Community Plan area, First Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 23EMP-00012, approved by the Director of Planning & Development on July 10, 2023, which authorized the replacement of a 4-foot-tall retaining wall with a 6-foot-tall retaining wall on a residential property; and,
- b) Determine that receiving and filing this report is not a project pursuant to CEQA Guidelines Section 15378(b)(5) as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

This Board item is a report on the Luria Budgor Retaining Wall Emergency Permit for work in the Montecito Community Plan area following the 2023 winter storms. Section 35-171 of the Article II Coastal Zoning Ordinance authorizes the Director of the Planning & Development Department (P&D) to temporarily defer standard permit requirements of Article II and issue an Emergency Permit when an emergency action is warranted. Pursuant to Article II Section 35-171.6, the Director of P&D is required

to report in writing to the Board of Supervisors the nature of the emergency and the work involved. This report satisfies that requirement.

### **Discussion**

The 2023 storms damaged an existing retaining wall on a property located at 1264 Coast Village Road in Montecito, leaving the slope unstable and jeopardizing the existing residence on the parcel.

The Emergency Permit application, filed by Karen Luria Budgor, was accepted for processing on June 23, 2023, and was approved by the Director on July 10, 2023. The work will be completed by Frank Schipper Construction in conjunction with KCI Construction. The permit allowed the replacement of a 4-foot-tall retaining wall with a 6-foot-tall retaining wall within the same footprint as the existing wall. The Emergency Permit specified that work would be completed per the recommendations outlined in the structural calculations and drawings prepared by Van Sande Structural Consultants, Inc., dated April 12, 2023. Construction commenced on July 10, 2023, and is expected to be completed by September 18, 2023.

Pursuant to Article II Section 35-171.5.1, a notice was mailed to the surrounding property owners and residents. Additionally, notice placards were posted at three locations on the subject property. Public comment by phone, email, and mail was accepted up until the date of the decision for the Emergency Permit project. P&D did not receive any public comment regarding the issuance of the Emergency Permit.

Pursuant to Article II Section 35-171.5.3, an Emergency Permit does not constitute an entitlement to erect permanent structures, and a follow-on application for the applicable planning permit is required. For this project, a follow-on Coastal Development Permit is required in order to permit the work described in the Emergency Permit. The applicant submitted a preliminary application for a Coastal Development Permit on September 13, 2023, and payment of application fees is in process. In the event that the applicant does not follow through with processing the required planning permit, Planning and Development has the authority to find the applicant out of conformance with Article II ordinance requirements and pursue corrective actions as needed.

Issuance of the Emergency Permit was consistent with Article II, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. The Department granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(c)) due to clear and imminent risk to life and property posed by the unstable slope. A copy of the filed CEQA Notice of Exemption is included as Attachment 2. The Board's receiving and filing of this report is an administrative action under State CEQA Guidelines Section 15378(b)(5) that does not constitute a separate project for purposes of environmental review.

### **Fiscal and Facilities Impacts:**

County staff costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this Emergency Permit is approximately 20 staff hours, which equates to \$5,640.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 adopted budget. Future permitting costs associated with this project will be borne completely by the applicant.

**Attachments:**

1. Emergency Permit 23EMP-00012
2. CEQA Notice of Exemption - Section 15269(c)

**Authored by:**

Kylie Brown, Planner (805) 568-2507