ATTACHMENT A

EMERGENCY PERMIT
17EMP-00000-00002

☒ **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:	Emergency Slope Stabilization - Giefer Grading
Case Number:	17EMP-00000-00002
Site Address:	883 Toro Canyon Road, Santa Barbara
APN:	155-240-019
Applicant/Agent Name:	Geo Solutions, Jeff Pfost & Rusty Best
Owner Name:	Sebastian Giefer

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

Energy and Minerals Division
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

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

PERMIT APPROVAL:

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

The applicant will stabilize an eroded slope and rebuild an existing driveway that was partially destroyed in a mud slide caused by a recent storm. The driveway was designed with a drainage culvert to route storm water below the driveway. The drainage culvert failed and a portion of the driveway washed away. The applicant will remove the failed drainage culvert, re-grade the slope to closely match the previous grade and replace the failed culvert with a redesigned culvert to route water through the existing drainage basin. Riprap will be placed down-gradient of the culvert to dissipate storm water energy and reduce the potential for scour during storm events. The soil will be seeded and planted and storm water best management practices used where necessary to prevent erosion.

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. 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,

Jeff Wilson
Deputy Director

APPROVAL DATE: March 6, 2017

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.

SEBASTIAN GIEFER		3/6/17
Print Name	Signature	Date

PERMIT ISSUANCE:

Joseph Dargel		3/7/2017
Print Name	Signature	Date

BACKGROUND:

On February 23, 2017, an application for an emergency permit was submitted to stabilize an eroded slope and rebuild an existing driveway that was partially destroyed in a mud slide caused by a recent storm. Severe soil loss along a drainage culvert resulted in a mud slide that routed debris onto a neighboring property, washed away a portion of the driveway, and damaged a structure below. Vehicular access to two single family residences serviced by the driveway has been lost until the slope is stabilized and the driveway is rebuilt.

The current area of concern is approximately 100 feet long and 50 feet wide. The slide area is roughly 150 feet above a neighboring residence and 450 feet above Toro Canyon Road. Until the culvert is replaced and the slope stabilized, further mud slides are possible and have the potential to further impact the below residence and vehicular access on Toro Canyon Road.

FINDINGS OF APPROVAL:

A. 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 failed drainage culvert and subsequent mudslide has created an unstable slope above a neighboring property. The drainage culvert replacement and slope stabilization must be completed timely to avoid further potential damage to neighboring properties. Additionally, the sole access road to the two properties serviced by the driveway has become impassible and hinders the access of vehicles and emergency equipment.

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.

Comprehensive Plan Hillside and Watershed Protection Policies	
POLICY	**DISCUSSION**
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 project will stabilize a currently unstable mud slide area. Condition 7 of this permit requires the implementation of an erosion and sediment control plan for the duration of construction. Thus the project is consistent with this policy.
Policy 6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from	**Consistent:** The existing drainage culvert will be replaced with a new culvert, however, the flow of drainage will remain the same. The existing drainage pattern is the suitable watercourse to prevent further

modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.	down-gradient erosion. As such, the project is consistent with this policy.
Policy 7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.	**Consistent:** Condition 8 of this permit requires the Owner/Applicant to designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal, and prevent contamination from discharging off-site. The project is consistent with this policy.
Toro Canyon Plan Policies	
POLICY	**DISCUSSION**
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. **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. **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.	**Consistent:** The Owner/Applicant has hired a professional geologist, soils engineer, and civil engineer to design the drainage culvert and stabilize the slope with imported backfill material suitable for the slope topography. The design will limit unnecessary topographic scars, incorporate appropriate measures to preserve watershed function, and minimize the potential for future geologic hazards. The project is consistent with these policies.
Policy GEO-TC-5: Grading shall be carried out in a manner that minimizes air pollution.	**Consistent:** Conditions 2 and 9 of this permit require a grading permit and implementation of dust control measures for all earth work conducted at the site.

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

The Public has been noticed by both mail and posted placards. No comments were 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 County Planning Commission.

The project description is as follows:

The applicant will stabilize an eroded slope and rebuild an existing driveway that was partially destroyed in a mud slide caused by a recent storm. The driveway was designed with a drainage culvert to route storm water below the driveway. The drainage culvert failed and a portion of the driveway washed away. The applicant will remove the failed drainage culvert, re-grade the slope to closely match the previous grade and replace the failed culvert with a redesigned culvert to route water through the existing drainage basin. Riprap will be placed down-gradient of the culvert to dissipate storm water energy and reduce the potential for scour during storm events. The soil will be seeded and planted and storm water best management practices used where necessary to prevent erosion.

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 and a Grading Permit pursuant to Section 14-10 of the County Grading Code.

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. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. The ESCP shall incorporate Best Management Practices, be designed to minimize erosion during construction, protect natural watercourses/creeks, and convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The ESCP shall be implemented for the duration of construction.
PLAN REQUIREMENTS: The ESCP shall be depicted on construction plans.
TIMING: The Owner/Applicant shall implement the ESCP prior to commencement of construction.

8. **Bio-20 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 should be located at least 100 feet from any storm drain, waterbody or sensitive biological resources, unless otherwise approved by P&D.
PLAN REQUIREMENTS: The Owner/Applicant shall designate storage area(s) on construction plans.
TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

9. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

    a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
    b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
    c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
    d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
    e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
    f. Order increased watering as necessary to prevent transport of dust off-site.
    g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
    h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

        (i) Seed and water to re-vegetate graded areas; and/or
        (ii) Spread soil binders; and/or;
        (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

a. Assure all dust control requirements are complied with including those covering weekends and holidays.
b. Order increased watering as necessary to prevent transport of dust offsite.
c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to grading permit. The dust control components apply from the beginning of any grading or construction throughout all

development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. **MONITORING**: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

10. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** Compliance monitoring staff shall spot check in the field throughout grading and construction.

11. **Bio-01c Tree Protection Plan-Unexpected Damage and Mitigation.** In the event of unexpected damage or removal, this mitigation shall include but is not limited to posting of a performance security and hiring an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance.

    Damaged oak trees shall be mitigated on a minimum 10:1 ratio. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If a P&D approved arborist certifies that it is not feasible to replant the tree, it shall be replaced on a 10:1 basis (15:1 for Blue or Valley Oaks) with trees with 10-gallon or larger size saplings grown from locally obtained seed. If replacement trees cannot all be accommodated on site, a plan must be approved by P&D for replacement trees to be planted off site.

Attachments:

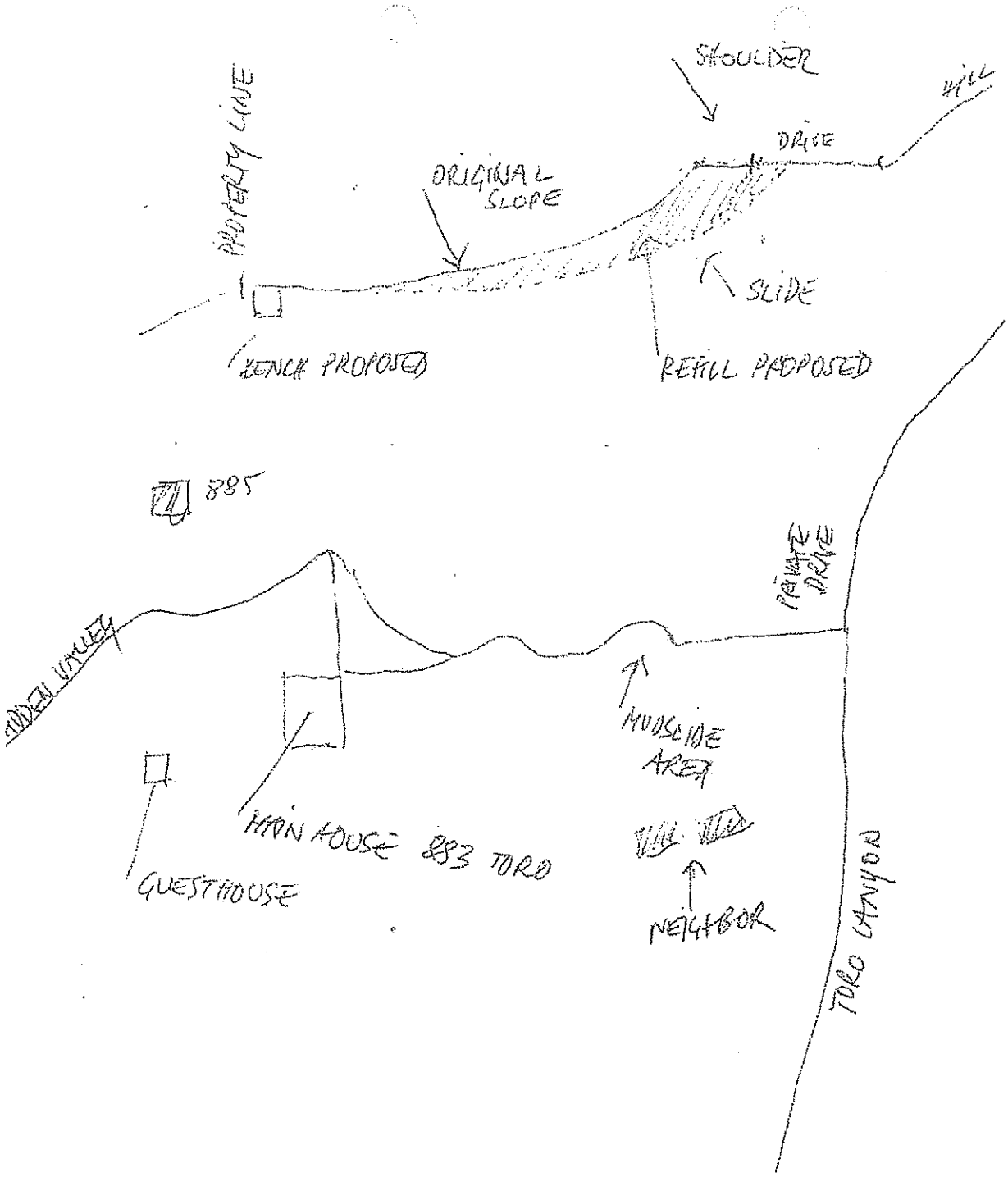
A. Site Plan
B. CEQA Exemption

cc: Das Williams, First District Supervisor
Jeff Wilson, Deputy Director, Development Review Division, Planning & Development
Dianne Black, Assistant Director, Planning & Development

G:\GROUP\PERMITTING\Case Files\EMP\2017\17EMP-00000-00002 Giefer Grading

Attachment A

Site Plan


SHOULDER
HILL
DRIVE
PROPERTY LINE
ORIGINAL SLOPE
SLIDE
FENCE PROPOSED
FILL PROPOSED
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PRIVATE DRIVE
MUDSLIDE AREA
MAIN HOUSE 883 TORO
GUESTHOUSE
NEIGHBOR
TORO CANYON