



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

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. 20EMP-00000-00001: Emergency Permit to allow repair work on Tunnel Trail following unpermitted grading Mission Canyon Community Plan Area, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: 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. 20EMP-00000-00001, approved by the Director of Planning & Development on March 24, 2020, which authorized the installation of k-rail barriers with a chain link fence along sections of the Tunnel Trail access road to protect the public from hazardous rock falls, the removal of rocks and debris that were precariously placed above the Jesusita Trail and repairs to drainage devices that were damaged during unpermitted work; 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:

Section 35.82.090 of the Land Use and Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the LUDC and issue an Emergency Permit when an emergency action is warranted. The nature of the emergency in this instance is that Southern California Edison (SCE) began unpermitted grading work

along Tunnel Trail to widen an existing access road in Mission Canyon. Rocks and debris were left in hazardous locations overlooking the popular hiking trail when they stopped work midway through the project after being contacted by the City of Santa Barbara (the owner of the property) regarding the work being conducted. P&D received a complaint on January 6th, 2020 regarding the unpermitted work and issued a Notice of Violation Letter on January 16th, 2020. SCE halted work which left materials precariously located above the hiking trail that were in danger of falling and potentially injuring hikers. Vegetation and material were also removed from sections of the access road which left vertical rock walls and made the rock fall danger more likely. The rock walls also posed a hazard to the public from falling debris.

On February 3, 2020, Southern California Edison submitted an application for an Emergency Permit to permit the removal of rocks, debris, and other hazards from the access road on the slopes above the Jesusita Trail and install Erosion and Sediment Control BMPs to prevent additional erosion into Mission Creek. This work was completed on February 5, 2020. This plan was revised on February 18, 2020 and again on March 11, 2020 to allow for the installation of k-rails and fences along the section of the trail where the vertical rock walls are located and allow for the removal of a steel plate that was placed over the existing bridge so that the bridge could be assessed by an architectural historian. This work was done on March 20, 2020 and March 21, 2020. As allowed by the Land Use & Development Code, work was completed in consultation with P&D prior to the formal approval of the Emergency Permit because an incoming storm would have potentially caused more damage to the roadway, trail, and existing environmental resources onsite if the work described in the Emergency Permit was not complete before the storm arrived.

The Emergency Permit was approved on March 24, 2020 which included rock and debris removal, installation of k-rails and fencing, cleaning of drains, and inspection of the bridge.

Pursuant to the LUDC, Section 35.82.090 a notice was mailed to surrounding property owners and the Mission Canyon Association. Additionally, three notices were placed on the subject property. Public comment by phone, email, and mail was accepted up until the date of a decision for the Emergency Permit project. The Planning and Development Department did not receive public comment regarding the issuance of the Emergency Permit, but many neighbors and members of the public who use the trail were interested in the project itself.

Pursuant to the LUDC Section 35.82.090.G, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable planning permit must be made within 30 days following the granting of the Emergency Permit. The Land Use Permit application was submitted on April 20, 2020. The Land Use Permit, which permitted the emergency work along with additional improvements to the access road, the installation of a rock fall drapery net, the removal of rocks and material up against protected trees, and a reduction in the size of the existing berms, was issued on September 16, 2020. The additional work was completed in accordance with this Land Use Permit in the Fall of 2020.

Issuance of the Emergency Permit was consistent with the LUDC, 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(a)) due to clear and imminent risk to life and property posed by the threat of rock fall hazards. A copy of the CEQA Exemption is included herein as Attachment 2.

Background:

Southern California Edison (SCE) started a road widening project along an existing access road that also serves as the start of the Tunnel Trail in Mission Canyon. After receiving a stop work order by the City of Santa Barbara in December 2019, SCE stopped working on the project and added Erosion Control BMPs to prevent erosion into Mission Creek. Planning and Development opened up a zoning violation case on January 6th, 2020 in response to a complaint from a member of the public. After conducting an investigation, a Notice of Violation letter was issued for the unpermitted grading work on January 16th, 2020. Since then, SCE has worked with the proper agencies on this project to resolve the violation in its entirety, including the County of Santa Barbara, City of Santa Barbara, California Department of Fish and Wildlife, Army Corps of Engineers, and the Central Coast Regional Water Quality Control Board. This includes restoration of Mission Creek, which was impacted by the unpermitted activities, along with revegetation of disturbed areas.

Section 35.82.090.I.1 of the Land Use and Development Code requires the Director to submit a written report describing the nature of the emergency and the work involved to the Board of Supervisors after issuing an Emergency Permit. This Board letter fulfills the ordinance requirement.

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 25 staff hours, which equates to \$6,225.00. Funding for this project is budgeted in Planning & Development's Permitting Budget Program, as shown on page D-294 of the adopted 2021 fiscal year budget. Future permitting costs associated with this project will be borne completely by the applicant.

Attachments:

1. Emergency Permit 20EMP-00000-00001
2. CEQA Notice of Exemption

Authored by:

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