



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: June 4, 2024
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) 528-2086 Lisa Plowman
Director(s)
Contact Info: Travis Seawards, Deputy Director (805) 934-6559

Digitally signed by Lisa Plowman
DN: cn=Lisa Plowman, o=County of Santa Barbara,
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Date: 2024.05.21 19:10:04 -0700

SUBJECT: Report on Case No. 24EMP-00004: Emergency Permit to repair an existing creek bank failure at 11180 Calle Real in the Gaviota Coast Plan area, Third Supervisorial District

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. 24EMP-00004, approved by the Director of Planning & Development on April 2, 2024, which authorized the repair of an existing creek bank failure that required placement of large, natural boulders within an approximately 45-foot long scour area along El Capitan Creek; 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 Emergency Permit to repair an existing creek bank failure at the El Capitan Canyon Private Campgrounds in the Gaviota Coast Plan area. Section 35-171 of Article II, the Coastal Zoning Ordinance (Article II) authorizes the Director of the Planning and 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 Section 35-171.6 of Article II, the Director of

P&D is required to provide a written report to the Board of Supervisors describing the nature of the emergency and the work involved. This report satisfies that requirement.

Background:

The project site is located at the El Capitan Canyon Private Campgrounds at 11180 Calle Real in the Gaviota Coast Plan area. El Capitan Creek transects a majority of the project site. A series of heavy storms and atmospheric rivers in the winter of 2023/24 caused widespread flooding and elevated creek levels throughout Santa Barbara County. As a result of the intense rain and storms, an approximately 45-foot long scour to the bank of El Capitan Creek occurred and presented a risk of further slope failure and threatened nearby existing structures. The scoured creek bank was approximately five feet from an existing market building and directly below an existing pedestrian bridge.

The project constitutes an emergency because the risk of slope failure was an immediate threat to property (market building and pedestrian bridge) and to the health and safety of persons that utilize the project site. On February 13, 2024, the applicant notified P&D of the scoured creek bank. A storm with up to five inches of rain was forecasted for February 18 – 20, 2024. On February 15, 2024, Building and Safety inspectors conducted a site visit to evaluate the scoured creek bank and determined that a present danger did exist and the project constitutes an emergency. Building and Safety inspectors confirmed that emergency work to repair the creek bank must commence as soon as possible and prior to the forecasted storm that began February 18, 2024. On February 15, 2024, the Director of Planning and Development provided verbal authorization to complete the emergency work required to repair the slope failure. The applicant completed the emergency work prior to the storm that began February 18, 2024. The applicant repaired the creek bank by placing large, natural boulders within the 45-foot long scour area along El Capitan Creek. Voids between the boulders were filled with a natural stream mix of cobbles and gravel.

Pursuant to Section 35-171.5.1 of Article II, a notice was mailed to surrounding property owners. Additionally, three notice placards were placed 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 Section 35-171.5.3 of Article II, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable planning permit must be submitted within 30 days following the granting of the Emergency Permit. The Emergency Permit application was accepted for processing under Case No. 24EMP-00004 on February 29, 2024. Case No. 24EMP-00004 was issued on April 2, 2024. The applicant submitted a Coastal Development Permit with Hearing (CDH) application to permit the emergency repair work on May 2, 2024.

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 slope failure located approximately five feet from an existing market building and directly under a pedestrian bridge. A copy of the CEQA Exemption is included herein as Attachment 2.

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 \$7,050.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on Page D-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 24EMP-00004
2. CEQA Notice of Exemption - Section 15378(b)(5)

Authored by:

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