



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 and
Development
Department No.: 053
For Agenda Of: 4/11/17
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director (805) 568- 2085
Director(s)
Contact Info: Jeff Wilson, Deputy Director (805) 568-2518
SUBJECT: Emergency Slope Stabilization-Giefer Grading, Emergency Permit
Case No. 17EMP-00000-00002, Toro Canyon Area, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit 17EMP-00000-00002, which authorized the removal and replacement of a failed drainage culvert and the associated grading required to stabilize a failed slope and driveway at 883 Toro Canyon Road. A copy of the Emergency Permit is included herein as Attachment A;
- b) Determine that issuance of the emergency permit is exempt from the California Environmental Quality Act (CEQA) pursuant CEQA Guidelines section 15269(c), as this action was necessary to prevent or mitigate an emergency as specified in Attachment B of this Board Letter; and
- c) 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.

Background

The subject property is zoned 10-E-1, shown as Assessor's Parcel Number 155-240-019 and located at 883 Toro Canyon Road in the Toro Canyon Area, First Supervisorial District. The parcel is developed

with a single family dwelling and guest house. The driveway, which services the subject property and an adjacent parcel to the north, crosses a natural drainage feature. Storm water from the natural drainage feature is routed beneath the driveway through an existing drainage culvert.

On February 17, 2017, a strong winter storm caused severe soil loss along the drainage culvert and 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 was lost until the slope could be stabilized and the driveway rebuilt. Emergency action was required to stabilize the failed slope and prevent further mudslides that could further damage property or endanger nearby residents, and to restore vehicular and emergency access to affected properties.

On March 7, 2017, the County issued an Emergency Permit to Sebastian Griefer, the property owner, to allow for the excavation and repair of the slope, drainage culvert and driveway. This Board letter reports on the Emergency Permit.

Summary Text

Section 35.82.090 of the County Land Use & Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the Development Code and issue an Emergency Permit when emergency action is warranted. Section 35.82.090(I)(1) of the LUDC 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 notification fulfills the ordinance requirements.

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. The failed drainage culvert and subsequent mudslide created an unstable slope above neighboring property. The instability of the severely eroded slope and undercut driveway, paired with the loss of emergency access to two residences and additional impending storms in the forecast, created an emergency situation requiring more immediate action than the customary permit procedures would accommodate.

P&D issued the subject Emergency Permit on March 7, 2017. Emergency Permit 17EMP-00000-00002, authorized the removal and replacement of the failed drainage culvert and associated grading required to stabilize the failed slope and driveway at 883 Toro Canyon Road. Pursuant to the LUDC, Section 35-106.070, a notice was mailed to surrounding property owners and residents, and three (3) notices were posted at the subject property.

Pursuant to LUDC Section 35.82.090(G), an Emergency Permit does not constitute an entitlement to the erection of permanent structures. Section 35.82.090(G) requires an application for a Land Use Permit and any discretionary permit no later than 30 days following the granting of an Emergency Permit. The follow-on Land Use Permit is due to be submitted by April 6, 2017. As of the date of this letter, an application has not yet been submitted nor a time extension request received.

Issuance of the Emergency Permit is consistent with the County Land Use Element and the LUDC, as the action provides an immediate response to an emergency situation in the interest of health, safety, and public welfare. P&D granted the Emergency Permit based on a statutory exemption (CEQA Guidelines

Section 15269(c)) due to the need to restore vehicular and emergency equipment access to properties serviced by the failed driveway and to prevent or mitigate the potential emergency of further slope failure that could endanger people in the vicinity and cause further damage to down-gradient neighboring properties. A copy of the CEQA Exemption is included herein as Attachment B.

Fiscal and Facilities Impacts:

County costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. Permit revenues are budgeted in the Permitting budget program on page D-289 of the adopted 2016-2018 fiscal year budget. The fixed fee for an Emergency Permit is \$2,673.24. Future permitting costs will be paid by the applicant.

Attachments:

Attachment A: Emergency Permit 17EMP-00000-00007 (with Site Plans)

Attachment B: CEQA Exemption Supporting Emergency Permit

Attachment C: CEQA Exemption Supporting Board Receipt and File of Report

Authored by: Joseph Dargel