



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: June 4, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director (805) 934-6559
Director(s)
Contact Info: Travis Seawards, Deputy Director (805) 568-2518

SUBJECT: **Report on Case No. 23EMP-00018: Doubleday Emergency Permit Slope and Road Repair, 840 and 894 Toro Canyon Road, Toro Canyon Area, First 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. 23EMP-00018, approved by the Director of Planning & Development on December 21, 2023, which authorized the repair of an existing slope failure that occurred during the January 2023 storm; 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 Doubleday Slope and Road Repair Emergency Permit for work in the Toro Canyon area following the 2023 winter storms. 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. Pursuant to LUDC Section 35.82.090.I, 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 January 2023 storm event washed out the area and the road was damaged as a result of heavy rains. This resulted in sections of the roadway failing, and the roadway becoming narrower than the required access width making it difficult for residents and emergency personnel to access adjacent parcels.

The Emergency Permit was issued on December 21, 2023. The permit allowed for the repair of a private access road and construction of new soldier pile retaining walls (maximum 10-foot height) to retain a portion of the existing roadway serving 840 and 894 Toro Canyon Road and adjacent properties. All work was completed per the specifications outlined in the structural calculations and drawings prepared by Braun and Associates, Inc., dated September 2, 2023.

Pursuant to LUDC Section 35.82.090.E.1, a notice was mailed to the 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 the LUDC Section 35.82.090.F, the granting of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for a planning permit customarily required by this Development Code shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the approval of the Emergency Permit, unless this time period is extended by the Director. The applicant submitted a completed application and associated materials for a Minor Conditional Use Permit and follow on Zoning Clearance on March 14, 2024, which are being processed under Case Numbers 24CUP-000015 and 24ZCI-00018. The Director authorized the delay in permit submittal, as additional time was required to prepare the technical reports and plans for this project.

Issuance of the Emergency Permit was consistent with the LUDC, as the action provided an immediate response to an emergency in the interest of health, safety, and public welfare. As previously stated, the road and slope were damaged in the January 2023 storms and the erosion become progressively worse resulting in the need to apply for an Emergency Permit. 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 damage to the road and slope on Toro Canyon Road. 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 15 staff hours, which equates to \$4,230.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on Page D-310 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-00018
2. CEQA Notice of Exemption - Section 15269(c)

Authored by:

Alejandro Jimenez, Planner (805) 568-3559