



**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

2007 JUN 10 PM 4:01
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: Planning & Development
Department No.: 053
For Agenda Of: February 6, 2007
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, 568-2085
Director
Contact Info: Dianne Black, 568-2086

SUBJECT: Public Works Bridge Repair

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors receive and file this report on Emergency Permit 06EMP-00000-00009 (180 Sheffield Drive, APN 005-560-005, First Supervisorial District).

Summary Text:

Pursuant to Section 35-171 of Article II of the County Coastal Zoning Ordinance, when an Emergency Permit is issued, the Director of Planning and Development is required to provide a written report to the Board of Supervisors regarding the nature of the emergency and the work involved. This notification fulfills the ordinance requirements.

An Emergency Permit has been approved (December 27, 2006) for repair of a bridge (Bridge 51C-048) over Picay Creek at 180 Sheffield Drive in the Montecito area. The bridge abutments have suffered extensive scour and consequent undermining, and require the installation of new supporting concrete around the abutments. The work would involve diversion of the creek and pouring of concrete to fill the scoured portions. A single row of un-grouted 2 ton rock would be placed alongside each abutment to protect them from future scour. The project has been conditioned to protect the sensitive species and surrounding habitat, and to protect the water quality of Picay Creek through implementation of appropriate sedimentation and erosion controls.

Background:

The project site is located approximately 466 feet northeast of Highway 101. The County Public Works Department conducted a field inspection on November 6, 2006 and determined that the abutments were substantially undermined and could suffer further scour and/or failure during a major rain event.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative: County costs for the preparation of the Emergency Permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. Permit revenues are budgeted in the Permitting and Compliance Division of the Development Review South Division, on page D-290 of the adopted 2006-2007 fiscal year budget.

Special Instructions:

None.

Attachments:

Emergency Permit (06EMP-00000-00009)

Authored by:

Mark Walter, X2852

cc:

Mike Cooney, First District Planning Commissioner
John Baker, Director, Planning and Development
Dianne Black, Assistant Director, Planning and Development
Anne Almy, Supervising Planner, Planning and Development
Mark Walter, Planner, Planning and Development



EMERGENCY PERMIT

6EMP-00000-00009

- Coastal Zone:**
Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.
- Inland Area:**
Subject to the requirements of Section 35-486B of the Article IV Montecito Zoning Ordinance and the policies of the County Comprehensive Plan.

Case Name: Public Works Bridge Repair
Case Number: 06EMP-00000-00009
Site Address: 180 Sheffield Drive
APNs: 005-560-005
Applicants/Owners: County of Santa Barbara Public Works Dept
Agent: Morgan Jones

South County Office
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 emergency repair of a bridge (Bridge 51C-048) over Picay Creek at 180 Sheffield Drive that has suffered extensive scour and consequent undermining of the bridge abutments:

The proposed project would involve excavation of the creek bed adjacent to the undermined abutments; construction of concrete forms within the excavated area at the base of each abutment; and pouring of concrete within the forms that would fill the scour void at the base of each abutment. The creek would be dewatered during the repair activities, and all sensitive species relocated prior to dewatering. Without prompt action, the bridge abutments could suffer further undermining or failure during the upcoming rainy season, resulting in extended closure of the bridge and major traffic disruption. Failure during public use of the bridge could result in loss of property, injury or death. This represents a potential public safety hazard and a threat to onsite and offsite property.

Therefore, this situation constitutes an emergency in accordance with Section 35-171.2 of the Article II Coastal Zoning Ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,


JOHN BAKER
Director

APPROVAL DATE: December 27 , 2006

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, Land Use Permit, Grading Permit or 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 of Santa Barbara 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 of Santa Barbara 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.

Dace Morgan
Print Name

Dace Morgan
Signature

12/27/06
Date

PERMIT ISSUANCE:

MARK WALTER
Print Name

Mark Walter
Signature

12/27/06
Date

BACKGROUND:

The project site is located approximately 466 feet northeast of Highway 101 where Picay Creek crosses under Sheffield Drive. The undermined abutments were discovered during field surveys, unrelated to this project, conducted by a private engineering firm (Penfield and Smith, November 1, 2006). The County Public Works Department conducted a field inspection on November 6, 2006 and determined that the abutments were substantially undermined and could suffer further scour and/or failure during a major rain event.

FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.2 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:

- a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing; and the action will be completed within 30 days unless otherwise specified by the terms of the permit; and*

The abutments of the subject bridge have been shown to be substantially undermined, and further scour during a rain event could result in bridge failure. Such failure would result in bridge closure and major traffic disruption, and could result in the loss of property, injury or death. Therefore, this situation constitutes an emergency in accordance with Section 35-171.2 of the Article II Zoning Ordinance and immediate action is warranted.

- b. *Public comment on the proposed emergency has been reviewed; and*

No public comment was received and therefore none was reviewed;

- c. *The action proposed is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.*

The proposed action would be consistent with the Coastal Plan and the Coastal Zoning Ordinance. The project would be consistent with Policies 3-13 and 3-14 of the Coastal Plan, which call for minimization of grading and. The proposed excavation is the absolute minimum required to place the concrete forms, would not result in substantial alteration of a natural landform, and no additional grading is proposed. The project is designed to prevent introduction of wet concrete or fuels, lubricants or other pollutants, into Picay Creek, and is therefore consistent with Policy 3-19. The project is also consistent with policies 9-38, 9-40, and 9-41 since the subject bridge currently exists, no alternative route is feasible, and the proposed grading and construction will minimize runoff and sedimentation.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

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 of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

The proposed project involves the repair of the bridge abutments for Bridge 51C-048 which traverses Picay Creek at 180 Sheffield Drive. Prior to project initiation, the creek bed and banks would be surveyed for sensitive species (California Red-Legged Frog, Southern Steelhead, Tidewater Gobies, Southwest Pond Turtle) by County-approved biologists and any individuals re-located out of the work area by biologists with appropriate handling permits granted by the United States Fish and Wildlife Service and/or NOAA Fisheries. Exclusion fencing would be erected around the project site to prevent re-entry of sensitive species. After biological surveys and species re-location activities, the creek would be dewatered in order to conduct the project. Temporary cofferdams would be constructed of sandbags (and/or clean river gravel) and plastic sheeting, and would be located a minimum of 50 feet upstream and 30 feet downstream of the project boundaries. Flow within the creek would be diverted into plastic pipe, and would be conducted into the creek bed downstream of the downstream cofferdam. After dewatering, the creek bed would be excavated parallel to the existing abutments in order to construct concrete forms. The excavations would extend approximately one foot into the creek from the toes of the abutments. The wood forms would be backed with plastic sheeting (Visquine), and wet concrete would be poured to fill the scour void beneath the bridge abutments. The installation of the new concrete would permanently impact approximately .01 acres of waters of the U.S./creek channel. A single row (i.e. single rocks placed end to end) approximately 24 feet in length, of un-grouted 2-ton rock would be placed immediately alongside (parallel) the new concrete fill at the toe of each abutment. The placement of this rock would permanently impact approximately .01 acres of waters of the U.S./creek channel. In addition, approximately 10 linear feet of grouted rock riprap bank protection, located immediately downstream of the southern wing wall on the southern bank, would be removed using air hammers. The majority of the broken concrete would be removed from the creek, and either the remaining rock or imported un-grouted rock (2 ton) would be installed in the same location. The cofferdams and water diversion would remain in place for a minimum of five days after pouring of the concrete, and would be removed within 15 days after pouring of the concrete. All work would be conducted using equipment operating from the top of the bank or the bridge, and/or using hand-operated machinery within the bed of the creek. The area disturbed by the excavation and installation of

concrete would be approximately 400 square feet, and would require no more than 5 cubic yards of grading.

2. The construction or other work temporarily authorized by this Emergency Permit is not validated as permanent until approval and issuance of the required Coastal Development Permit with Hearing (CDH) pursuant to Sections 35-171.5 and 35-147 of the Article II Coastal Zoning Ordinance. By acceptance of this Emergency Permit, the applicant agrees to submit an application for the CDH necessary to validate the emergency work within 30 days following the issuance of this Emergency Permit and to comply with all conditions of approval included in the CDH as approved by the Director of Planning and Development.
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 of Planning and Development.
4. Only that emergency work specifically requested and deemed an emergency for the specific site described in the project description is authorized by this permit. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit shall be commenced and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to be completed after 30 days, separate authorization by the Director of P&D is required.
5. The applicant shall obtain all needed permits from other agencies, including the Army Corps of Engineers (ACOE), NOAA Fisheries, United States Fish and Wildlife Service (USFWS), Regional Water Quality Control Board and California Department of Fish and Game (CDFG). Copies of all permits, biological opinions, and/or letters shall be provided to Planning and Development prior to approval of the required follow-on CDH. Where project conditions imposed by these agencies conflict with the conditions of approval of this permit, the more restrictive conditions shall apply.
6. A County-approved biologist/s, with appropriate handling permits granted by USFWS and/or NOAA Fisheries, shall survey the work site within two weeks of the onset of construction activities for the presence of any listed or sensitive species, including, but not limited to, Southern steelhead/rainbow trout (*Oncorhynchus mykiss*), tidewater gobies (*Eucyclogobius newberryi*), California Red-Legged Frog (CRLF, *Rana aurora draytonii*) and Southwestern Pond Turtle (*Clemmys marmorata pallida*). If adults, tadpoles or eggs are found, the approved biologist shall contact the County, ACOE, CDFG, USFWS and NOAA Fisheries. Any and all life-stages of these species shall be re-located out of the work area in consultation with, and with the approval of, these agencies. At the direction of the biologist/s and/or the responsible agencies, activities at the work site may be suspended to allow re-location of these species. The approved biologist/s shall have the authority to halt any action that might result in the loss of any steelhead, gobies, pond turtle, CRLF or its habitat. If work is stopped, the approved biologist/s shall immediately notify the County, ACOE, USFWS, NOAA Fisheries and CDFG. The County-approved biologist/s shall be present at the work site during the installation (and removal) of cofferdams, and throughout the grading, excavation, and concrete pouring activities. The biologist/s shall conduct periodic visits during the concrete curing phase to

ensure that all protection measures are in place and to assess any unintended damage to vegetation, habitat and/or wildlife.

7. After survey and re-location of sensitive species, exclusion fencing shall be erected around the perimeter of the work site to prevent re-entry of CRLF, pond turtles and other sensitive species. Such fencing shall be erected prior to the start of any and all construction activities, and the installation of such fencing shall occur under the direction of the County-approved biologist/s. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance
8. The County-approved biologist/s shall provide to CDFG, and to Santa Barbara County Planning and Development, a list of the exclusion measures used at the work site to prevent take or injury to CRLF.
9. The applicant and the contractor shall ensure that the approved wildlife exclusion measures are in place prior to any and all construction activities. Any CRLF found within the exclusion zone during construction shall be moved to a safe location upstream or downstream of the work site in accordance with condition # 6 above. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance
10. If any wildlife other than sensitive species is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed, and shall be flushed, hazed or herded in a safe direction away from the project site. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance
11. Upon completion of the work, the applicant shall prepare a restoration plan that identifies and quantifies all vegetation and/or riparian or aquatic habitat removed or disturbed as part of the project activities. Such plan shall also provide recommendations for mitigation of the project effects through replacement plantings, seeding, and/or erosion control mitigations. Such plan shall be provided as part of the application for the follow-on CDH.
12. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.

13. No construction activities shall occur during periods of rain, and construction shall not be initiated if the local forecast for rain within the five days following the potential date of initiation is greater than a 50% chance as given by the National Weather Service. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
14. Staging, storage and maintenance/fueling areas for equipment, vehicles, materials, fuels, lubricants and solvents shall be located a minimum of 20 meters from the creek and associated riparian area. Stationary equipment such as motors, pumps, generators, compressors and welders located within the dry portion of the creek channel or adjacent to the creek shall be positioned over drip-pans and adsorbent material. The applicant shall ensure that contamination of habitat does not occur. Prior to the onset of work, the applicant shall ensure that a plan to allow a prompt and effective response to any accidental spills has been prepared and that any materials needed to effectuate the accident response are in place and available for use. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
15. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. The wash off area shall be designated on all plans and shall be in place throughout construction. **Plan Requirements** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall ensure compliance.
16. Best available erosion and sediment control measures shall be implemented during grading and construction activities. Best available erosion and sediment control measures may include but are not limited to use of: sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
17. All grading, trenching, ground disturbance, construction activities and structural development shall occur outside of the critical root zone of all native and specimen trees. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

Monitoring: County staff shall be on site through out all construction activities and shall ensure compliance.

18. All native and specimen trees within 25 feet of ground disturbance shall be temporarily fenced. Fencing shall be installed outside the drip line of each designated tree, shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The applicant shall place signs stating “tree protection area” at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
19. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
20. In the event archaeological remains are encountered during grading or any other construction activity, work shall be stopped immediately or redirected until a qualified, County-approved archaeologist or Native American representative as applicable are retained by the applicant to evaluate the significance of the find based on a Phase II study consistent with County guidelines. If the County determines that remains found on the site are significant, the remains shall be subject to a Phase III mitigation program consistent with County Archaeological Guidelines, or other recommendations of the archaeologist, and funded by the applicant. Alternatively, if possible, the project may be revised to avoid this impact, subject to County P&D review procedures. If human remains are uncovered, the County Coroner must be notified and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be notified and permitted to identify the Most Likely Descendant (MLD). The disposition of the remains will be coordinated between the Coroner, NAHC, MLD, and archaeological consultant. All materials recovered from this property must be curated in a federally recognized repository. The project applicant shall be responsible for the curation costs. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.
21. Upon completion of the work, all construction debris shall be removed from the project site within one week. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans. **Timing:** Condition shall be adhered to throughout all grading

and construction periods. **Monitoring:** County staff shall be on site through out all construction activities and shall ensure compliance.

22. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
23. The Director of Planning and Development 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.

Attachments:

- A. Index Map
- B. Site Plan

cc: Salud Carbajal, First District Supervisor
John Baker, Director, P&D
Dianne Black, Assistant Director, P&D
Anne Almy, P&D
Mark Walter, P&D

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