

# EMERGENCY PERMIT

## 23EMP-00003

**Countywide:**

Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

**Case Name:** Santa Barbara Botanic Garden Emergency Permit  
**Case Number:** 23EMP-00003  
**Site Address:** 1212 Mission Canyon Road  
**APN:** 023-340-013 and 023-340-015  
**Applicant/Agent Name:** Steve Windhager  
**Owner Name:** Santa Barbara Botanic Garden

ZONING PERMIT  
**ISSUED**  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy and Minerals Division  
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

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**PERMIT APPROVAL:**

This is to inform you that an Emergency Permit has been approved for:

***The proposed project is for replacement of components of an existing bridge over Mission Dam that were damaged during the January 2023 storm. The January 2023 storm event washed away the bridge railing and walking surface, creating dangerous emergency conditions for Botanic Garden guests and staff. Components to be replaced include decking, handrails, and safety cables. The wood decking will be integrally reinforced with steel. All work will be conducted in conformance with the recommendations of Archaeologist Mike Imwalle as outlined in his letter, dated February 25, 2023, including use of lime cement. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Van Sande Structural Consultants, Inc., dated January 23, 2023. No grading or tree removal is proposed. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Santa Barbara City Water and Sanitation Districts and the Santa Barbara County Fire Department. Access will continue to be provided off of Mission Canyon Road. The application involves Assessor's Parcel Numbers 023-340-013 and 023-340-015. The property is zoned REC and located at 1212 Mission Canyon Road in the Mission Canyon Community Plan area, First Supervisorial District.***

Therefore, this situation constitutes an emergency in accordance with the applicable Development Code indicated above 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 Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



Lisa Plowman, Director

APPROVAL DATE: March 1, 2023

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**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, Coastal Development Permit, Land Use Permit, 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 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 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.

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Steve Windhager, Ph.D., Executive Director		3/01/2023
Print Name	Signature	Date

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**PERMIT ISSUANCE:**

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Kylie Brown		3/1/2023
Print Name	Signature	Date

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## BACKGROUND:

*The proposed project is located at 1212 Mission Canyon Road in the Mission Canyon community and in the inland area of the County. The subject property is developed as the Santa Barbara Botanic Garden. On March 6, 2019, Case No. 17RVP-00000-00008 was approved to allow revisions to Conditional Use Permit (CUP) Case No. 72-CP-116 RV01 and Development Plan (DVP) Case No. 99-DP-043 to permit changes to the Santa Barbara Botanic Garden's operations regarding special events, classes, and fire protection procedures.*

*The project would address the emergency situation created by the January 2023 storm event which washed away the bridge railing and walking surface of the existing bridge over Mission Dam, resulting in dangerous emergency conditions for Botanic Garden guests and staff utilizing the area.*

## FINDINGS OF APPROVAL:

**A. Findings required for all Emergency Permits.** In compliance with Subsection 35.82.090.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings:

- a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.*

The proposed project to replace components of an existing bridge over Mission Dam is an emergency because the 2023 storm event washed away the bridge railing and walking surface, creating dangerous emergency conditions for Botanic Garden guests and staff.

- b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of this Development Code.*

The proposed project is consistent with all applicable policies of the Comprehensive Plan, including the Mission Canyon Community Plan and the requirements of the County Land Use and Development Code. Selected policies are discussed in detail below.

***Land Use Element Historical and Archaeological Sites Policy 2:*** *When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

***MCCP Policy HA-MC-2:*** *Historical resources shall be protected and preserved to the maximum extent feasible.*

**Consistent.** The proposed project is consistent with the policy requirements to avoid impacts to archeological sites and to protect and preserve historical resources because there is no grading or vegetation removal proposed and the work will be

completed in conformance with the recommendations of Archaeologist Mike Imwalle as outlined in his letter dated February 25, 2023. In addition, the work will be monitored by a Native American representative.

***Land Use Element Hillside and Watershed Protection Policy 7:*** *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

***Land Use Element Streams & Creeks Policy 1:*** *All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.*

**Consistent.** The proposed project is consistent with the policy requirements to maintain water quality and protect banks of stream corridors from erosion because no grading or vegetation removal is proposed as part of the project and the project will be completed in conformance with conditions of approval Bio-20 and Bio-20a, which require that the owner designate construction equipment filling and storage areas and washout areas to prevent pollutants from discharging to the storm drains, street, drainage ditches, and creeks.

c. *Public comment on the proposed emergency action has been reviewed.*

No public comment on the proposed emergency action has been received.

## **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 may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Commission/Montecito Commission.

The project description is as follows:

***The proposed project is for replacement of components of an existing bridge over Mission Dam that were damaged during the 2023 storm. The 2023 storm event washed away the bridge railing and walking surface, creating dangerous emergency conditions for Botanic Garden guests and staff. Components to be replaced include decking, handrails, and safety cables. The wood decking will be integrally reinforced with steel. All work will be conducted in conformance with the recommendations of Archaeologist Mike Imwalle as outlined in his***

***letter, dated February 25, 2023, including use of lime cement. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Van Sande Structural Consultants, Inc., dated January 23, 2023. No grading or tree removal is proposed. The work is expected to be completed within 30 days of permit issuance. The parcel will continue to be served by the Santa Barbara City Water and Sanitation Districts and the Santa Barbara County Fire Department. Access will continue to be provided off of Mission Canyon Road. The application involves Assessor's Parcel Numbers 023-340-013 and 023-340-015. The property is zoned REC and located at 1212 Mission Canyon Road in the Mission Canyon Community Plan area, First Supervisorial District.***

2. An application(s) for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Substantial Conformity Determination and follow-on Land Use Permit pursuant to Section 35.84.040.C of the County Land Use Development Code.
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.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director. The work authorized by this permit must be commenced within 30 days of the date of issuance of the emergency permit.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. The Director 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.
7. Bio-20 Equipment Storage-Construction. The Owner/Applicant shall designate one or more construction equipment filling and storage areas to contain spills, facilitate cleanup and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. PLAN REQUIREMENTS: The Owner/Applicant shall designate the storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.
8. Bio-20a Equipment Washout-Construction. The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or

wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. PLAN REQUIREMENTS: The Owner/Applicant shall designate the storage locations on-site in accordance with this condition. TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

9. SolidW-03 Solid Waste-Construction Site. The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete. PLAN REQUIREMENTS: The site is to remain trash-free throughout construction.
10. Rules-05 Acceptance of Conditions. The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
11. Rules-23 Processing Fees Required. Prior to issuance of Emergency, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
12. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.

Attachments:

- A. Structural Calculations and Drawings
- B. Letter from Archaeologist Mike Imwalle

cc: Supervisor Das Williams, First District  
P&D Deputy Director  
Nicole Lieu, Supervising Planner, P&D  
Kylie Brown, P&D Planner