

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 1/11/05  
**Department Name:** Planning and Development  
**Department No.:** 053  
**Agenda Date:** 1/18/05  
**Placement:** Administrative  
**Estimate Time:** N/A  
**Continued Item:** NO  
**If Yes, date from:** N/A

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**TO:** Board of Supervisors

**FROM:** Valentin Alexeeff, Director of Planning and Development

**STAFF CONTACT:** Brian R. Baca  
Engineering Geologist 568-2004

**SUBJECT:** **Biltmore Seawall Emergency Permit, 05EMP-0000-00001:**  
Informational report on issuance of emergency permit.  
1281 Channel Drive, Montecito (APN 009-353-015, First Supervisorial District)

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**Recommendation(s):**

That the Board of Supervisors:

Receive the Director's report regarding an Emergency Permit issued to Jennifer Foster, agent for the landowner, to authorize temporary actions to prevent further undermining of the existing Biltmore Seawall to alleviate an existing hazards to public safety and to prevent the loss of public facilities.

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2., A Safe and Healthy Community in Which to Live, Work and Visit.

**Executive Summary and Discussion:**

Pursuant to Section 35-171 of Article II of the County's Zoning Ordinance, when an Emergency Permit is issued, the Director of the Planning and Development Department must report the nature of the emergency and the work involved to the Board of Supervisors in writing. This notification fulfills the ordinance requirement. The California Coastal Commission has also been notified of the issuance of this emergency permit.

The subject emergency permit, approved and issued on January 11, 2005, authorized the emergency placement of concrete in a void created by ocean wave erosion behind (landward) of the existing Biltmore Seawall and the placement of concrete "K-Rail" at the base of the seawall to limit the flow of water below the seawall foundation.

### **Background Information**

The project site is located on the coast just south of Channel Drive in the Montecito area. Channel Drive and the adjacent public coastal walkway in this location have been protected by various forms of a seawall since 1918. The concrete seawall at the current site of the severe erosion was constructed several decades ago. In 1993, a 300-foot long segment of this old seawall just east of the current project site was replaced with a new concrete wall under a Conditional Use Permit granted by the County of Santa Barbara. The remaining section of the older concrete seawall is being undermined by ocean wave action. The proposed work is intended as a temporary measure to limit the damage to the seawall, public walkway and Channel Drive during the current winter storms. A proposal to replace or permanently repair this wall is anticipated after this winter season.

For more information on the specifics of the emergency work, please refer to the attached permit.

### **Mandates and Service Levels:**

None

### **Fiscal and Facilities Impacts:**

County costs for the preparation of the emergency permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. The project causes no fiscal or facilities impacts to the County.

### **Special Instructions:**

None

### **Concurrence:**

County Counsel

### **Attachments:**

Emergency Permit (05EMP-00000-00001 issued 1/11/05)

# EMERGENCY PERMIT

## 05EMP-00000-00001



- 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 35-322 of the Article III Inland Zoning Ordinance and the policies of the County Comprehensive Plan.

**Case Name:** **Biltmore Seawall Temporary Shoring**

**Case Number:** 05EMP-00000-00001

**Site Address:** 1281 Channel Drive

**APN:** 009-353-015

**Applicant/Agent Name:** Jennifer Foster

**Owner Name:** Ty Warner

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

Energy Division  
30 E. Figueroa St.  
Santa Barbara, CA 93101  
(805) 568-2040

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 emergency actions to temporarily support a section of the Biltmore Seawall located along Channel Drive in the Montecito area. The work would include the following two components:

1. Placement of concrete to a depth of approximately three feet in a void located behind (landward) of the existing seawall. In this area, the public sidewalk, the edge of the public roadway, and the seawall have been undermined by ocean water flowing under the seawall footing. After placement of the concrete to plug the hole, the undermined sidewalk would be broken up and used a rubble backfill. An area about 30-feet long has been undermined and would be the subject of the proposed emergency work.
2. Approximately 220 feet of pre-cast concrete "K-rail" would be placed in front of the toe of the seawall in order to limit the flow of water and resulting erosion beneath the seawall foundation. The K-rails would be placed on their side with the bottom face toward the seawall. The K-rail sections would be tied together with chain or steel rods with the space between the K-rail and the seawall backfilled with imported cobble-sized (about 6-inch diameter) rocks.

The approved project is described in detail in the attached project description prepared by Penfield & Smith (Sickafoose, 1-10-05).

The erosion occurring behind the seawall has undermined public walkways and threatens to undermine a public road (Channel Drive). Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,

VALENTIN ALEXEEFF  
Director

APPROVAL DATE: January 11, 2005

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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) 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.

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Print Name

Signature

Date

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**PERMIT ISSUANCE:**

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Print Name

Signature

Date

(For Valentin Alexeeff, Director)

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**BACKGROUND:**

The project site is located on the coast just south of Channel Drive in the Montecito area. Channel Drive and the adjacent public coastal walkway in this location have been protected by various forms of a seawall since 1918. The concrete seawall at the current site of the severe erosion was constructed several decades ago. In 1993, a 300-foot long segment of this old seawall just east of the current project site was replaced with a new concrete wall under a Conditional Use Permit granted by the County of Santa Barbara. The remaining section of the older concrete seawall is being undermined by ocean wave action. The proposed work is intended as a temporary measure to limit the damage to the seawall, public walkway and Channel Drive during the current winter storms. A proposal to replace or permanently repair this wall is anticipated after this winter season.

## **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 35-171.5 of Article II (for projects in the Coastal Zone) or Section 35-322.5.2 of Article III (for projects in the Inland Area) , 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.*

The erosion occurring behind the seawall has undermined public walkways and threatens to undermine a public road (Channel Drive). Without the proposed emergency work, ocean water would further undermine the seawall and threaten a larger area of public facilities. Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance (for projects in the Coastal Zone), or the action is consistent with the policies of the Comprehensive Plan and the requirements of the Article III Zoning Ordinance (for projects in the Inland Area).*

The project does not involve the construction of a new seawall or any permanent facility extending further seaward than the existing historic seawall. Coastal Act Policy 30253 seeks to “minimize risks to life and property...”. The proposed project would alleviate identified public safety hazards and potential loss of public facilities consistent with this policy. Thus, the proposed work is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.

- c. Public comment on the proposed emergency action has been reviewed if time allows. (Coastal Zone only)*

The undermining of the Biltmore Seawall occurred suddenly during a major winter storm period declared as a local state of emergency. In the case of the current project, immediate action is required to alleviate an existing hazard to public safety and to prevent further loss of public facilities. Thus, time does not allow for public comment prior to taking action.

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 project involves temporary actions to support a section of the Biltmore Seawall located along Channel Drive in the Montecito area. The work would include the following two components:**

- 1. Placement of concrete to a depth of approximately three feet in a void located behind (landward) of the existing seawall. In this area, the public sidewalk, the edge of the public roadway, and the seawall have been undermined by ocean water flowing under the seawall footing. After placement of the concrete to plug the hole under the seawall, the undermined sidewalk would be broken up and used as a rubble backfill. An area about 30-feet long has been undermined and would be the subject of the proposed emergency work.**
- 2. Approximately 220 feet of pre-cast concrete “K-rail” would be placed in front of the toe of the seawall in order to limit the flow of water and resulting erosion beneath the seawall foundation. The K-rails would be placed on their side with the bottom face toward the seawall. The K-rail sections would be tied together with chain or steel rods with the space between the K-rail and the seawall backfilled with imported cobble-sized (about 6-inch diameter) rocks.**

**The approved project is described in detail in the attached project description prepared by Penfield & Smith (Sickafoose, 1-10-05).**



2. An application(s) for the required permits necessary to validate any portion of the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Coastal Development Permit with Hearing pursuant to Section 5-169.5 of the Article II Zoning Ordinance.
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 property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. 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.
7. A Coastal Development Permit issued by the California Coastal Commission is required for any demolition or construction activity located below the mean high tide line.
8. Any demolition debris, waste concrete, or other such material shall be removed from the public beach area and the Channel Drive area and disposed in a legal manner. During installation of the K-rail, a monitor shall be stationed on the beach to direct beach users away from the construction area.
9. This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.

Attachments:

- A. Index Map
- B. Project Description by Penfield & Smith

cc: Salud Carbajal, First District Supervisor  
Dianne Meester, P&D  
Jackie Campbell, P&D  
Mike Zimmer, P&D  
Shana Gray, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

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# BILTMORE SEAWALL TEMPORARY SHORING

Photographs taken January 10, 2005

