

EMERGENCY PERMIT

23EMP-00012



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.

Case Name: Luria Budgor Emergency Permit Retaining Wall
Case Number: 23EMP-00012
Site Address: 1264 Coast Village Road, Santa Barbara, CA 93108
APN: 009-230-021
Applicant/Agent Name: Karen Luria Budgor
Owner Name: Karen Luria Budgor

ZONING PERMIT
ISSUED

SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

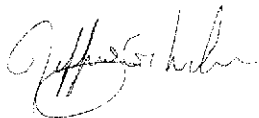
PERMIT APPROVAL:

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

The proposed project is for demolition of an existing 4-foot-tall retaining wall and construction of a new 6-foot-tall retaining wall within the same footprint. The 2023 storms damaged the existing retaining wall, leaving the slope unstable and jeopardizing the existing residence on the parcel. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Van Sande Structural Consultants, Inc., dated April 12, 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 Montecito Water District, Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of Coast Village Road. The application involves Assessor's Parcel Number 009-230-021. The property is zoned 20-R-1 and located at 1264 Coast Village Road in the Montecito 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. The project is exempt from environmental review pursuant to CEQA Guidelines Section 15269(c), which exempts "specific actions necessary to prevent or mitigate an emergency" (see Attachment C). 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,



Jeffrey G. Wilson, Assistant Director

For Lisa Plowman, Director

APPROVAL DATE: July 10, 2023

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 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.

KAREN LURIA BUDGOR Karen Luria Budgor July 13, 2023
Print Name Signature Date

PERMIT ISSUANCE:

Kylie Brown _____ 7/13/2023
Print Name Signature Date

BACKGROUND:

The proposed project is located at 1264 Coast Village Road in the Montecito Community Plan area. The subject property is developed with a single-family dwelling, which was built in 1946 (Case No. 406). The project would address the emergency situation created by the 2023 storms which damaged the existing retaining wall, leaving the slope unstable and jeopardizing the existing residence on the parcel. The project would allow replacement of a failing 4 ft retaining wall with a new 6 ft retaining wall. Reconstruction of the retaining wall is necessary to prevent damage to the existing residence.

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.**

The approval of this Emergency Permit will not permit or approve any violation of County Ordinance or State Law. Condition of Approval 2 requires that an application for the required permits necessary to validate the emergency work as permanent be submitted by the applicant no later than 30 days following the issuance of the Emergency Permit. Processing of the required follow-on permit will ensure that the project is reviewed for, and completed in compliance with, applicable regulations.

2. **In compliance with Section 35-171.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Emergency Permit the Director shall first make all of the following findings, as applicable:**

- 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 proposed project to replace the existing retaining wall is an emergency because the 2023 storm event damaged the existing retaining wall and destabilized the slope, jeopardizing the existing residence on the parcel.

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

No public comment on the proposed emergency action has been received. A mailed notice was sent to all owners within 300 feet of the parcel and all occupants within 100 feet of the parcel on July 5, 2023. Three notice placards for the proposed development have been posted onsite.

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

and Coastal Zoning Ordinance.

The proposed project is consistent with all applicable policies of the Comprehensive Plan, including the Montecito Community Plan and the Coastal Land Use Plan, and Coastal Zoning Ordinance. Selected policies are discussed in detail below.

Article II Section 35-71.1 Purpose and Intent of the R-1/E-1 Zone: *The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.*

Consistent. The project is consistent with the purpose of the district because it is for residential development that is compatible with the residential character of the area. The replacement of the retaining wall will protect the existing residence on the parcel and its occupants. The continued residential use of the parcel will be consistent with the standards for public health, welfare, and safety.

Coastal Land Use Plan Policy 3-19: *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.*

Consistent. The proposed project is consistent with the policy requirement to maintain water quality 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.

Montecito Community Plan Development Standard AQ-M-1.3.2: *The applicant shall minimize the generation of fugitive dust during construction activities by observing the following:*

- a. Minimize the amount of disturbed area;*
- b. Utilize water and or dust palliatives; and*
- c. Revegetate/stabilize disturbed area as soon as possible.*

Consistent. The proposed project is consistent with the policy requirement to minimize the amount of disturbed area and generation of fugitive dust because no grading or vegetation removal is proposed as part of the project and the project will be completed in conformance with condition of approval Air-01, which requires that the owner comply with dust control measures.

Montecito Community Plan Policy GEO-M-1.2: *Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion, and other safety risks.*

Consistent. The proposed project is consistent with the policy requirement to minimize grading and the potential for earth slippage and erosion because no grading is proposed as a part of the project. The replacement of the retaining wall will prevent earth slippage and erosion and will protect the existing residence.

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, which exempts “specific actions necessary to prevent or mitigate an emergency.” Emergency action is warranted in this case because the 2023 storms damaged the existing retaining wall, endangering the existing residence and its occupants. Therefore, this statutory exemption applies to the proposed project.
4. **Additional findings required for sites within the Montecito Community Plan area.** In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Emergency Permit on sites within the Montecito Community Plan area the review authority shall first make all of the following findings:
 - a. *That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.*

The project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan as detailed in finding 2c.
 - b. *That the development will not adversely impact recreational facilities and uses.*

The proposed project is located on private property that is zoned for residential use and therefore will not impact recreational facilities or uses.

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 is for demolition of an existing 4-foot-tall retaining wall and construction of a new 6-foot-tall retaining wall within the same footprint. The 2023 storms damaged the existing retaining wall, leaving the slope unstable and jeopardizing the existing residence on the parcel. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Van Sande Structural Consultants, Inc., dated April 12, 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 Montecito Water District, Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of Coast Village Road. The application involves Assessor's Parcel Number 009-230-021. The property is zoned 20-R-1 and located at 1264 Coast Village Road in the Montecito 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 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 pursuant to Section 35-169 of the Article II Coastal Zoning Ordinance and, if required for proof of lot legality, a Conditional Certificate of Compliance.
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. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.
- TIMING:** The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.
8. **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.
9. **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.

10. 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.
11. 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.
12. 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.
13. 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. Site Plan
- B. CEQA Exemption

cc: P&D Deputy Director
Nicole Lieu, Supervising Planner, P&D
Kylie Brown, P&D Planner
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001