

# 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:** 11/30/04  
**Department Name:** Planning and Development  
**Department No.:** 053  
**Agenda Date:** 12/7/04  
**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:** **Gelb Emergency Permit, 04EMP-0000-00004:**  
Informational report on issuance of emergency permit.  
6741 and 6743 Del Playa Drive, Isla Vista (APNs 075-193-042, 075-193-043), Third Supervisorial District

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## **Recommendation(s):**

That the Board of Supervisors:

Receive the Director's report regarding an Emergency Permit issued to James Gelb for the demolition of a portion of two apartment buildings and associated structures located on the coastal bluff at Isla Vista Beach to alleviate an existing hazard to public safety.

## **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 November 30, 2004, authorized the emergency demolition of concrete patios, exposed foundation elements and portions of two existing apartment buildings

located at the edge of the coastal bluff at 6741 and 6743 Del Playa Drive in Isla Vista. This demolition work serves to eliminate potential hazards to public safety identified by the County Building Official.

### **Background Information**

Several buildings located on the coastal bluff south of Del Playa Drive in Isla Vista, including the apartment buildings at 6741 and 6743 Del Playa Drive, were determined, in October 2004 by the County Building Official, to be potentially unsafe. The coastal bluff in this area is a vertical cliff of approximately 35 feet and is actively eroding and retreating landward.

The apartment buildings at 6741 and 6743 Del Playa Drive were constructed in 1967 with a concrete patio supported by underground concrete caisson foundation supports. As a result of ongoing seacliff retreat, all of these caissons have become exposed on the bluff face and are no longer encased in supporting soil. The caissons are also cracked and exhibiting evidence of deterioration of reinforcing steel. This condition has been determined by the County to be potentially unsafe such that an order to end occupancy of the buildings was issued in October 2004 by the County Building Official.

Emergency Permit 04EMP-00000-00004 was issued to authorize the landowner to demolish the potentially unsafe portions of the building to alleviate the identified public safety hazards. As part of the demolition work, the landowner would reconfigure the interior walls of the remaining section of the building and install a small second-floor addition.

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 (04EMP-00000-00004 issued 12/1/04

# EMERGENCY PERMIT

## 04EMP-00000-00004



- 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:** Gelb Demolition  
**Case Number:** 04EMP-00000-00004  
**Site Address:** 6741 and 6743 Del Playa Drive  
**APN:** 075-193-042 and 075-193-043  
**Applicant/Agent Name:** Dawn Sherry  
**Owner Name:** James Gelb

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 the emergency demolition of a portion of the existing apartment buildings located at 6741 and 6743 Del Playa Drive in the Isla Vista area. The work would include the demolition and removal of a 28-foot long section of each building. Demolition and removal of the exposed concrete caisson foundation elements and associated patio decks located along the coastal seacliff or bluff is also included in the project. The remaining buildings would be reconfigured into two single family residences with interior stairways to replace the existing exterior stairways. As part of the reconfiguration of the buildings, a six-foot wide by 15-foot long cantilevered addition would be installed on the second floor of each structure. This addition would be located entirely within the footprint of the section of the buildings proposed to be demolished. The area where the lower floor building sections would be removed would be used as a patio and surfaced with ungrouted concrete paver stones. The approved project is described in detail in the plans dated November 24, 2004 and prepared by Sherry & Associates, Architects.

The exposed concrete foundation elements and associated concrete patios, and the portions of the existing buildings located adjacent to the coastal bluff have been determined to be potentially unsafe by the County Building Official (CBO). The CBO ordered the buildings to be evacuated and to remain unoccupied until demonstrated to be safe or reconfigured. The exposed foundation elements have the potential to fall to the public beach about 35 feet below the site. In its current condition, the building has been determined to be a potential hazard to public health and safety. 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: November 30, 2004

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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 coastal bluff south of Del Playa Drive in the Isla Vista area. The coastal bluff at this location is comprised of a vertical cliff about 35 feet high. This cliff is actively eroding and retreating landward. Caisson foundation supports were installed underground in the 1960s beneath the existing onsite apartment building and the associated concrete patios. Most of these caissons have become exposed on the bluff face and portions of which are now essentially free-standing columns. Continuing wave action has caused ongoing erosion behind the caissons resulting in the identification of a potential hazard by the County Building Official.

The condition of the building was deemed potentially unsafe by the County Building Official and the building was evacuated in October 2004.

### **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 structural stability of deteriorated exposed caissons and patio elements on the bluff face, as well as the portions of the existing buildings adjacent to the edge of the bluff, has not been demonstrated. The potential for structural failure, including the collapse of concrete caissons onto the public beach, is considered an immediate danger to public safety. Thus, an emergency exists and requires action more quickly that provided under the regular permit processing procedures.

- 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 any new structures outside of the existing building footprint and is generally limited to removal of portions of existing permitted buildings and accessory structures. Coastal Act Policy 30253 seeks to “minimize risks to life and property...”. The proposed project would alleviate identified public safety hazards consistent with this policy. Thus, the proposed demolition and removal of unsafe foundation elements and sections of the buildings adjacent to the bluff face 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 exposure of the caissons and the ongoing erosion of the bluff at 6741 and 6743 Del Playa Drive, and similar conditions on several other nearby properties, have been described and illustrated several times in the local news media (newspapers and television). Other emergency actions, such as evacuation of the onsite building, have already occurred. Televised hearings of the County Building Official Appeals Board have been held that describe the situation along the bluff. Substantial opportunity for public comment has been provided on these coastal issues. In the case of the current project, immediate action is required to alleviate an existing hazard to public safety. Thus, time does not allow for additional 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 applicant proposes demolish portions of the existing apartment buildings located on the coastal bluff at 6741 and 6743 Del Playa Drive in the Isla Vista area. The work would include the demolition and removal of a 28-foot long section of each building. Demolition and removal of the exposed concrete caisson foundation elements and associated patio decks located along the coastal seacliff or bluff is also included in the project. The remaining buildings would be reconfigured into two single family residences with interior stairways to replace the existing exterior stairways. As part of the reconfiguration of the buildings, a six-foot wide by 15-foot long cantilevered addition would be installed on the second floor of each structure. This addition would be located entirely within the footprint (and airspace) of the sections of the buildings proposed to be demolished. The area where the lower floor building sections would be removed would be used as a patio and surfaced with ungrouted concrete paver stones. The approved project is described in detail in the plans dated November 24, 2004 and prepared by Sherry & Associates, Architects.**

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. Prior to the initiation of any demolition or construction activities, the applicant shall obtain a Demolition Permit, Building Permit and any other permit required pursuant to the Building Code from the P&D Building Division.
8. The concrete patios and foundation elements exposed along the edge of the coastal bluff shall be demolished and removed. The extent of the removal required as part of the work authorized by this Emergency Permit shall be determined by the County Building Official. A plan and schedule for removal of any patio or foundation elements that remain after the completion of work under the authority of this Emergency Permit shall be included in the required follow-up regular permit (Coastal Development Permit with Hearing).
9. 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.
10. All demolition debris shall be removed from the public beach area and the blufftop portion of the property and disposed in a legal manner. During demolition activities, a monitor shall be stationed on the beach below the exposed patio and foundation structures to direct beach users away from the demolition area.
11. This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.



Attachments:

- A. Index Map
- B. Site Plans (2 pages)

cc: Supervisor, Third District  
P&D Deputy Director  
Supervising Planner, P&D  
P&D Geologist  
P&D Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001 (*Coastal projects only*)

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