

EMERGENCY PERMIT

11EMP-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.

Case Name: Kingsbury Deck Removal and SFD Cutback
Case Number: 11EMP-00000-00001
Site Address: 6563 Del Playa Drive, Isla Vista, CA 93117
APN: 075-213-010
Applicant/Agent Name: Anthony Guerra
Owner Name: John H. Kingsbury

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

BACKGROUND:

This property is located at 6563 Del Playa Drive, in Isla Vista. The property currently has an existing legal non-conforming dwelling. Non-conformance of the existing structure is in relation to bluff top setback. The applicant has been working with both the Building & Safety and the Development Review Division of the Planning Department to find a solution to mitigate the hazardous portion of the structure that overhangs the bluff and beach below. On February 14, 2011, the property owner submitted an application for an Emergency Permit for the removal of the hazardous patio and deck. On April 13, 2011, a Notice of Violation was sent to the property owner indicating that continued bluff erosion had extended past the supporting members of the wood deck and was now impacting the foundation of the primary dwelling and required demolition and cutback in order to comply with the minimum bluff setback requirements.

PERMIT APPROVAL:

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

The project involves only the emergency removal of the following: 1) approximately 527 square feet of existing single-family dwelling that is nearest to the eroding bluff-face, 2) removal of approximately 300 sq. ft. of unpermitted deck/patio at or near the bluff top, and 3) removal of any exposed concrete footings and/or caissons presenting a hazard to the beach area below. No new construction or development is permitted as a part of this Emergency Permit. An application for a Coastal Development Permit to validate the work authorized under this permit as well as any proposed new development must be submitted within 30 days of issuance of the Emergency Permit. The parcel will continue to be served by the Goleta Water District, the Goleta-West Sanitary District, and the Santa Barbara County Fire District. Access will continue to be provided off of Del Playa Drive. The property is a 0.13-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-213-010, located at 6563 Del Playa Drive in the Isla Vista/Goleta Area, Third Supervisorial District.

On April 13, 2011 a Notice of Noncompliance Due to Change in Soil Conditions was issued noting changes in soil conditions which left the decking/patio area on the south end of the residence at 6563 Del Playa overhanging the bluff edge. The Building and Safety Division has deemed the patio structure substandard based upon endangerment to the safety and welfare to the public and occupants. Without prompt action, the bluff could suffer substantial erosion during the upcoming winter rainy season that could further undermine portions of the existing concrete patio. This represents a potential public safety hazard and a threat to both onsite property as well as the beach area below. 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,

GLENN RUSSELL, Ph.D.
Director, Planning and Development

APPROVAL DATE: June 7, 2011

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, 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.*

As evaluated and determined by County Building & Safety staff, the current geologic condition of the bluff has created an imminent risk of additional erosion and damage. Therefore, this situation constitutes an emergency in accordance with Section 35-171.5 of the Article II Zoning Ordinance and immediate action is warranted. The proposed actions would be completed within 30 days of commencement.

- 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.*

The project does not involve the construction of any new structure and is limited to removal of a portion of the existing SFD and existing patio/deck area currently located at the edge of the bluff-top. Coastal Act Policy 30253 requires new development to “minimize risks to life and property in areas of high geologic . . . hazard” and “assure stability and structural integrity. . .” 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)*

Time does not allow for public comment on the proposed actions since immediate action is warranted to prevent damage to the affected structures. Notice of this permit will be mailed to surrounding property owners. Processing of the Coastal Development Permit with Hearing required to validate the proposed wall as a permanent structure will provide opportunity for public review and appeal.

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 only the emergency removal of the following: 1) approximately 527 square feet of existing single-family dwelling that is nearest to the eroding bluff-face, 2) removal of approximately 300 sq. ft. of unpermitted deck/patio at or near the bluff top, and 3) removal of any exposed concrete footings and/or caissons presenting a hazard to the beach area below. No new construction or development is permitted as a part of this Emergency Permit. An application for a Coastal Development Permit to validate the work authorized under this permit as well as any proposed new development must be submitted within 30 days of issuance of the Emergency Permit. The parcel will continue to be served by the Goleta Water District, the Goleta-West Sanitary District, and the Santa Barbara County Fire District. Access will continue to be provided off of Del Playa Drive. The property is a 0.13-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-213-010, located at 6563 Del Playa Drive in the Isla Vista/Goleta Area, Third 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 Demolition Permit and a Coastal Development Permit (*w/Hearing*) pursuant to Section 35-171.5.3 of the Article II, Coastal 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. All demolition debris shall be removed from the public beach area and the bluff-top 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.
9. This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.
10. 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.

Attachments:

- A. Index Map
- B. Proposed Site Plan

Cc: Doreen Farr, Third District Supervisor
Glenn Russell, Ph.D., Director, Planning and Development
Dianne Black, Director of Development Services, Planning and Development
Alice McCurdy, Supervising Planner, Planning and Development
Philip Oates, Building and Safety Supervisor
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