

# EMERGENCY PERMIT

## 24EMP-00006

**Countywide:**

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

**Montecito:**

Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

**Case Name:** Narholz – Emergency Slope Repair  
**Case Number:** 24EMP-00006  
**Site Address:** 1051 Palomino Road, Santa Barbara, CA 93105  
**APN:** 023-300-006  
**Applicant/Agent Name:** Walter Winitzky  
**Owner Name:** Gregor Narholz

---

**PERMIT APPROVAL:**

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

*The proposed project is for the repair and stabilization of a slope damaged in the 2023/24 winter storms. The slope stabilization will be done through reinforced concrete cap beam and drilled pier system. There will be a total of 12, 30-inch diameter drilled piers connected by an 86-foot-long by five-foot-wide by three-foot-deep reinforced concrete cap beam constructed entirely in compacted fill. The first 22 feet of the pier will be in re-compacted fill/landslide debris and the bottom eight feet of the pier will be in competent Rincon Formation. Grading for the project will include 922 cubic yards of cut and 922 cubic yards of fill. Four non-native trees will be removed within the grading perimeter. The parcel will continue to be served by the City of Santa Barbara Water District, Mission Canyon County Service Area 12, and the Santa Barbara County Fire Department. Access will continue to be provided off of Palomino Road. The property is a 1.00-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 023-300-006, located at 1051 Palomino Road in the Mission Canyon Community Plan area, First Supervisorial District.*

The Director has determined 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.



\_\_\_\_\_  
Lisa Plowman, Director

3/29/24  
\_\_\_\_\_  
Date



## BACKGROUND:

The proposed project is located at 1051 Palomino Road in the Mission Canyon Community Plan area. The subject property is currently developed with an 1,800-square-foot single-family dwelling approved under Land Use Rider 11,933. In 1998, a Building Permit, Case No. 265487, was issued for a slide repair on-site. On February 24, 2005, following another slope failure that resulted in a five-foot vertical slide face immediately adjacent to the rear of the residence, a Notice of Noncompliance Due to Change in Soil Conditions was issued in association with Building Violation Case No. 05BDV-00000-00038. In 2007, an Emergency Permit was issued to allow grading of approximately 180 cubic yards of cut and fill and the construction of a system of retaining walls in order to stabilize failed slopes adjacent to the rear of the residence.

In the winter of 2023/24, a series of heavy storms and atmospheric rivers caused widespread flooding and elevated creek levels throughout Santa Barbara County area. The project will address the emergency situation created by the winter 2023/24 storms, which caused a landslide and damaged the existing deck. The slopes are at risk of further failure, jeopardizing the foundation of the existing single-family dwelling. The project will allow stabilization of the slope through a reinforced concrete cap beam and drilled pier system. Stabilization of the slope is necessary to repair damages to the existing deck and protect the existing single-family dwelling on the parcel. As designed by the project engineer, the bottom eight feet of the pier will be placed in competent Rincon Formation to ensure the slope repair is anchored to reduce the future potential for further slope failure.

## 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 Director finds that an emergency exists and requires action more quickly than provided for by the procedures for permit processing. The 2023/24 winter storms caused significant erosion, resulting in slope failures that damaged the deck adjacent to the single-family dwelling. The slopes are at risk of further failure, jeopardizing the foundation of the single-family dwelling.

**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 Director finds that the proposed project is consistent with all applicable policies of the Comprehensive Plan, including the Mission Canyon Community Plan, and the County Land Use and Development Code (LUDC). Selected policies are discussed in detail below.

***LUDC Section 35.23.020.B Intent of the R-1/E-1 (Single Family Residential) Zone:*** *The R-1 and E-1 zones are applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area to promote a suitable environment for family life.*

**Consistent.** The project is consistent with the intent of the Single Family Residential Zone because the work will serve the existing residential development on the parcel. The slope stabilization will prevent further erosion and slope failure on the parcel, ensuring that the single-family dwelling foundation is no longer at risk.

***Land Use Development Policy 4:*** *Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*

**Consistent.** The proposed project is consistent with the policy requirement to have adequate services and resources to serve the proposed development because the project is for slope stabilization and will not increase the demand for services on site. The parcel will continue to be served by the City of Santa Barbara Water District, Mission Canyon County Service Area 12, and the Santa Barbara County Fire Department.

***Land Use Element Hillside and Watershed Protection Policy 1:*** *Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.*

***Land Use Element Hillside and Watershed Protection Policy 2:*** *All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site, which are not, suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.*

**Consistent.** The proposed project is consistent with the policy requirements to minimize grading and fit the site topography because grading for the project will be limited to the area of slope failure and will be limited to the quantity required to stabilize the slope. Proposed grading consists of 922 cubic yards of cut and 922 cubic yards of fill, and will be balanced on site.

***Noise Element Policy 1:*** *In the planning of land use, 65dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with*

*noise-sensitive uses unless noise mitigation features are included in the project design.*

**Consistent.** The proposed project is consistent with the policy requirement to limit the noise exposure to 65 dB because the project will be completed in conformance with Condition of Approval Noise-02, which requires that noise generating construction activity is limited to the hours of 7:00 am and 4:00 pm on weekdays, and prohibited on weekends and state holidays. No noise generation beyond the maximum exterior noise exposure compatible with noise-sensitive uses is expected from the continued residential use of the parcel.

***DevStd BIO-MC-8.1:*** *Development shall be setback a minimum 50 feet from the geologic top of bank of any stream or creek or outside edge of riparian vegetation, whichever is greater. Buffer areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by the County.*

**Consistent:** The proposed project is consistent with the policy requirement to establish a 50-foot buffer from the bank of any stream or creek or outside edge of riparian vegetation, whichever is greater, because there are no streams or creeks within 50 feet of the project site. The closest creek is Mission Creek, which is approximately 2,000 feet from the project site.

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

The Director finds that 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 on March 18, 2024. Three notice placards for the proposed development have been posted onsite.

## **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 Planning Commission.

The project description is as follows:

***The proposed project is for the repair and stabilization of a slope damaged in the 2023/24 winter storms. The slope stabilization will be done through reinforced concrete cap beam and drilled pier system. There will be a total of 12, 30-inch diameter drilled piers connected by an 86-foot-long by five-foot-wide by three-foot-deep reinforced concrete cap beam constructed entirely in compacted fill. The first 22 feet of the pier will be in re-compacted fill/landslide***

***debris and the bottom eight feet of the pier will be in competent Rincon Formation. Grading for the project will include 922 cubic yards of cut and 922 cubic yards of fill. Four non-native trees will be removed within the grading perimeter. The parcel will continue to be served by private water sources, Mission Canyon CSA, and the Santa Barbara County Fire Department. Access will continue to be provided off of Palomino Road. The property is a 1.00-acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 023-300-006, located at 1051 Palomino Road in the Mission Canyon Community Plan area, First Supervisorial District.***

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
3. **Follow Up Permit Required.** 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 Land Use Permit pursuant to Section 35.82.110 of the County Land Use Development Code. If the follow up permit is denied, the Emergency Permit shall be valid only until a final decision is made on the follow up permit, at which point the Emergency Permit shall expire.
3. **Completeness Items.** Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition No. 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. **Authorized Work Only.** 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. **Stop Work Order.** 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.
6. **Not Valid Until Signed.** This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.
7. **Additional Permits Required.** This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.

9. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.  
**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.  
**MONITORING:** P&D permit processing planner shall check plans prior to issuance of the Building Permit and P&D enforcement staff shall respond to complaints in the field throughout grading and construction.
  
10. **Noise-02 Construction Hours.** Noise-02 Construction Hours. The Owner/Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 am and 4:00 pm Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.  
**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.  
**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.  
**MONITORING:** Building inspectors shall spot check and respond to complaints.
  
11. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up 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 P&D approved location on all Building Permits.  
**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.  
**MONITORING:** Building and Safety staff shall ensure compliance prior to and throughout construction.
  
12. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) 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 this area and removed



from the site as needed. The area shall be located at least 50 feet from any storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Building Permits.

**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D zoning enforcement shall ensure compliance prior to and throughout construction.

13. **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.
14. **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.
16. **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.

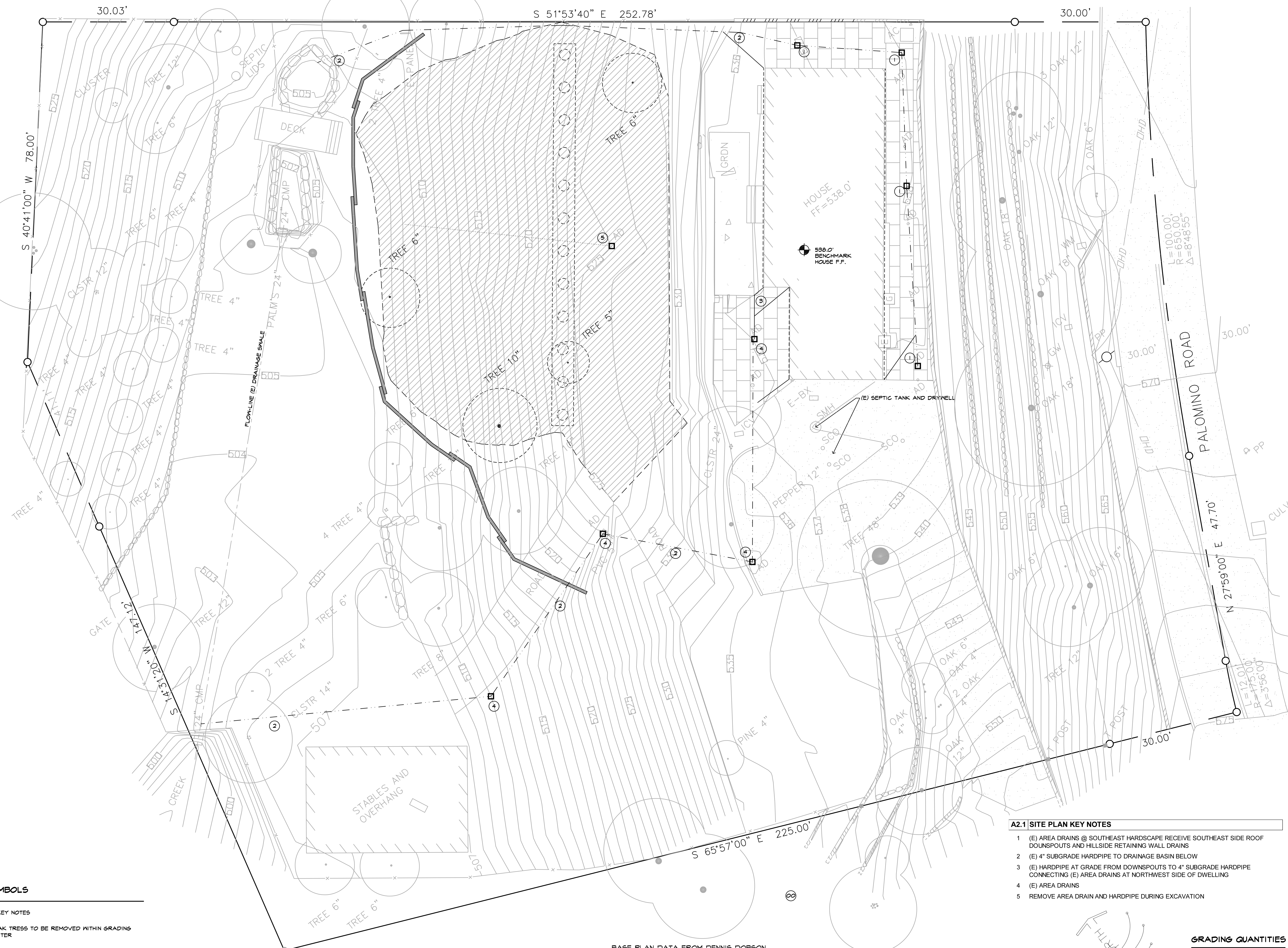
Attachments:

- A. Project Plans
- B. CEQA Exemption

cc: Supervisor Williams, First District  
Travis Seawards, P&D Deputy Director  
Joe Dargel, Supervising Planner, P&D  
Willow Brown, P&D Planner



THIS INFORMATION SHALL NOT BE USED FOR DESIGN OR CONSTRUCTION EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT. THE ARCHITECT RETAINS ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHT FOR DESIGN AND DRAWINGS.



**PLAN KEY SYMBOLS**

	PLAN KEY NOTES
	NON-OAK TREES TO BE REMOVED WITHIN GRADING PERIMETER
	GRADING AREA: CUT AND FILL SEE G-1 PROPOSED CUT AND FILL DETAILS
	FIBER ROLL (STRAW MATTLE) STAKED SEDIMENT CONTROL BARRIER

- A2.1 SITE PLAN KEY NOTES**
- (E) AREA DRAINS @ SOUTHEAST HARDSCAPE RECEIVE SOUTHEAST SIDE ROOF DOWNSPOUTS AND HILLSIDE RETAINING WALL DRAINS
  - (E) 4" SUBGRADE HARDPIPE TO DRAINAGE BASIN BELOW
  - (E) HARDPIPE AT GRADE FROM DOWNSPOUTS TO 4" SUBGRADE HARDPIPE CONNECTING (E) AREA DRAINS AT NORTHWEST SIDE OF DWELLING
  - (E) AREA DRAINS
  - REMOVE AREA DRAIN AND HARDPIPE DURING EXCAVATION

**GRADING QUANTITIES**

CUT	922 CY
FILL	922 CY
IMPORT	0.00
EXPORT	0.00

BASE PLAN DATA FROM DENNIS DOBSON TOPOGRAPHIC SURVEY DATED 01/25/2021

**SITE & GRADING PLAN**  
SCALE: 1"=10'-0"

Revisions

1	3/7/2024

Approvals

**GRADING**

W. DAVID WINITZKY, A.I.A.  
ARCHITECT  
3463 STATE STREET, PMB 508  
SANTA BARBARA, CA. 93105  
(805) 569-2435 FAX: (805) 569-0378  
DAVID@WINITZYAIA.COM



**GRADING FOR SLOPE STABILIZATION & SLIDE REPAIR @ 1051 PALOMINO RD**  
SANTA BARBARA, CA. 93105

OWNER: ANJA AND GREGO NARHOLZ  
8093 W SUNSET BLVD, SUITE 1061  
WEST HOLLYWOOD, CA 90046

**SITE PLAN**

Date: 3/1/2024

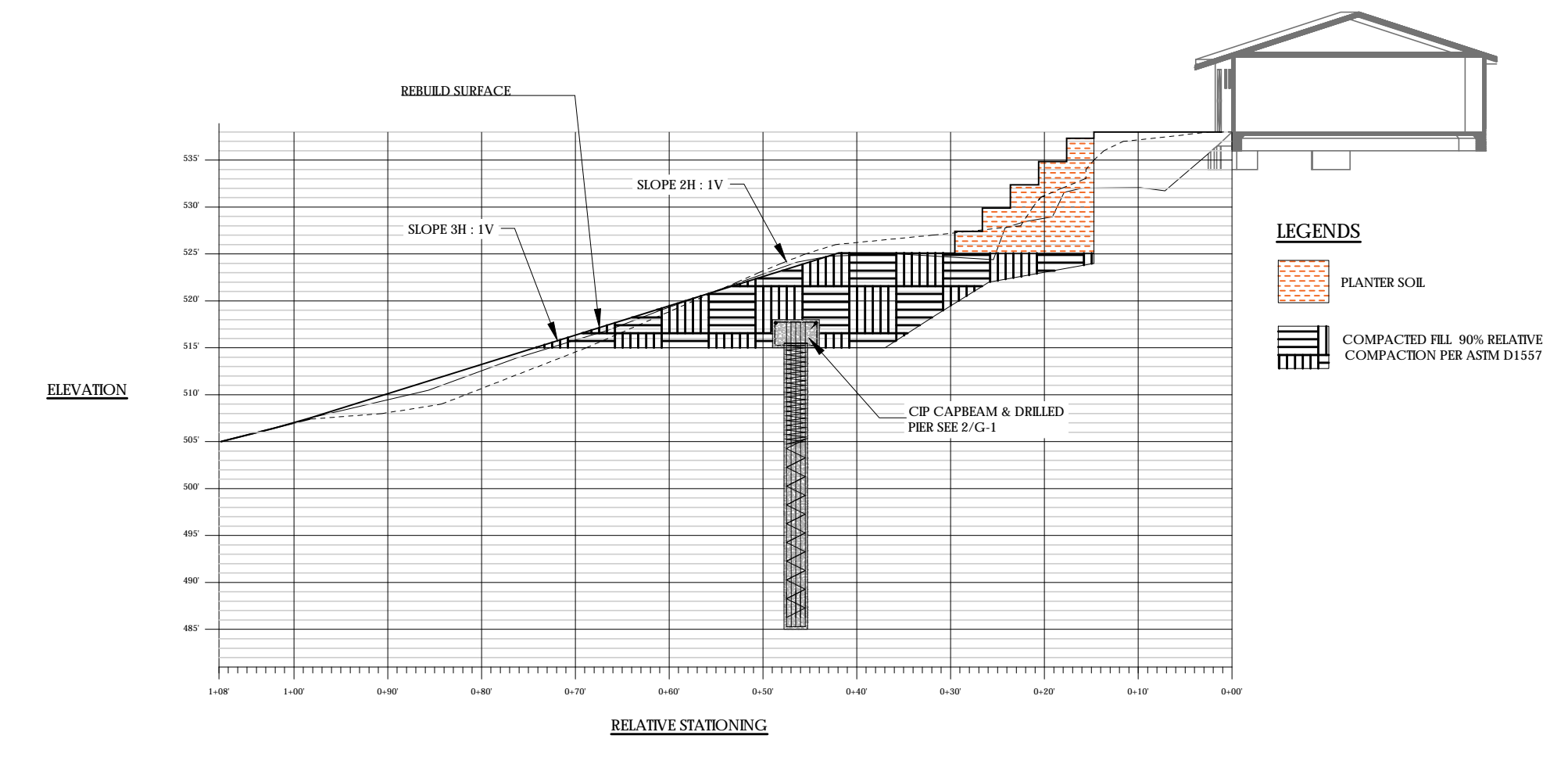
Drawn: RDY

Sheet Number: **A2.1**

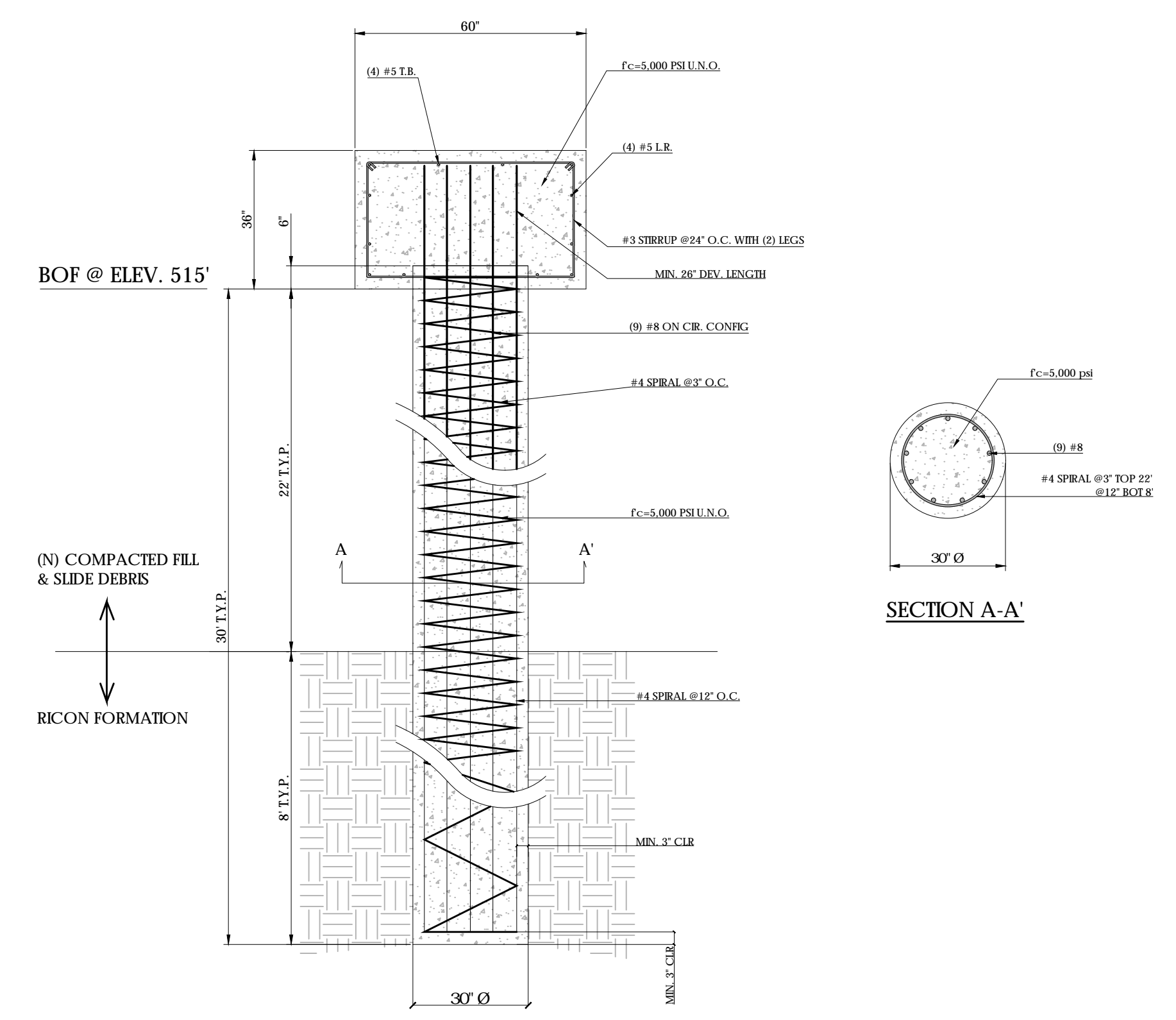




**PROPOSED CIDH SITE LAYOUT**  
1/16" = 1'-0"



**1 PROPOSED CROSS SECTION**  
1/16" = 1'-0"



**2 DRILLED PIER DETAIL**  
3/8" = 1'-0"

REVISIONS:	DATE:



115 Acacia Lane  
Newbury Park, CA 91320  
(805) 400-5324  
www.advgeodesign.com  
contact@advgeodesign.com

**AdvGeoDesign**  
"WITH US, YOU CAN TRUST THE GROUND BENEATH YOUR FEET"

**PROPOSED DRILLED PIER SITE LAYOUT & DETAILS**

N/A

**Narholz's Residence  
Slide Repair**

1051 Palomino Rd, Santa Barbara, CA 93105

DATE: 11/03/2023  
DRAWN: TVN  
PM: TVN  
CAD FILE:

**ATTACHMENT B  
NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Willow Brown, Planner, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** 023-300-0006                      **Case No.:** 24EMP-00006

**Location:** 1051 Palomino Road, Santa Barbara, CA 93105

**Project Title:** Narholz – Emergency Slope Repair

**Project Applicant:** Gregor Narholz

**Project Description:** The proposed project is for the repair and stabilization of a slope damaged in the winter rains. The slope stabilization will be done through reinforced concrete cap beam and drilled pier system. Grading for the project will include 922 cubic yards of cut and 922 cubic yards of fill. The parcel will continue to be served by private water sources, Mission Canyon CSA, and the Santa Barbara County Fire Department. Access will continue to be provided off of Palomino Road. The property is a 1.00-acre parcel zoned 1-E-1 and shown as Assessor’s Parcel Number 023-300-006, located at 1051 Palomino Road in the Mission Canyon Community Plan area, First Supervisorial District.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** Walter Winitzky

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** Section 15269(c), Emergency Projects

**Reasons to support exemption findings:** *CEQA Guidelines* Section 15269(c) exempts “specific actions necessary to prevent or mitigate an emergency.” Emergency action is warranted in this

Narholz – Emergency Slope Repair, Case No. 24EMP-00006

April 1, 2024

Attachment C – 2

case because winter rains caused significant erosion, resulting in slope failures that damaged the patio adjacent to the single-family dwelling. The slopes are at risk of further failure, jeopardizing the foundation of the single-family dwelling. Therefore, this statutory exemption applies to the proposed project.

**Lead Agency Contact Person:** Willow Brown, Planner

**Phone #:** (805) 568-2040      **Department/Division Representative:** \_\_\_\_\_

**Date:** April 1, 2024

**Acceptance Date:** \_\_\_\_\_

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:** \_\_\_\_\_