



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: December 5, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, (805) 934-6559
Director(s)
Contact Info: Travis Seawards, Deputy Director, (805) 568-2518

SUBJECT: Report on Case No. 23EMP-00013: Sheridan Family Trust - Emergency Permit,
892 Toro Canyon Road, Santa Barbara, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 23EMP-00013, approved by the Director of Planning and Development on September 27, 2023, which authorized the repair and replacement of existing roadway infrastructure to stabilize a private roadway off Toro Canyon Road; and,
- b) Determine that receiving and filing this report is not a project pursuant to CEQA Guidelines Section 15378(b)(5) as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

Summary Text:

This Board item is a report on the Sheridan Family Trust Emergency Permit for the repair of a private roadway in the Toro Canyon Community Plan Area that was damaged during the 2023 winter storms. Section 35.82.090 of the County Land Use and Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the LUDC and issue an Emergency Permit when an emergency action is warranted. Pursuant to LUDC Section

35.82.090.I, the Director of P&D is required to report in writing to the Board of Supervisors the nature of the emergency and the work involved. This report satisfies that requirement.

Discussion:

The 2023 winter storms washed out and undermined an existing private roadway off of Toro Canyon Road, creating potentially dangerous emergency conditions for residents in the area. The Emergency Permit, filed by Mark Braun, agent for the property owner, was approved and issued on September 27, 2023. The permit allows the repair of a private roadway, embankment, and drainage swale, and the addition of a new soldier pile retaining wall (maximum 10-foot height) to retain a portion of a private roadway serving 892 Toro Canyon Road and adjacent properties. All work will be completed to the specifications outlined in the structural calculations and drawings prepared by Braun & Associates, Inc., dated February 27, 2023, and March 3, 2023, respectively. Construction will be carried out by Lynch Construction. The work is expected to be completed within 60 days of permit issuance.

Pursuant to LUDC Section 35.82.090.E.1, a notice was mailed to the surrounding property owners. Additionally, three notice placards were placed on the subject property. Public comment by phone, email, and mail was accepted up until the date of the decision for the Emergency Permit project. P&D did not receive any public comment regarding the issuance of the Emergency Permit.

Pursuant to the LUDC Section 35.82.090.F, an Emergency Permit does not constitute an entitlement to erect permanent structures, and a follow-on application for the applicable planning permit is required. For this project, a follow-on Minor Conditional Use Permit is required in order to permit the work described in the Emergency Permit. In the event that the applicant does not follow through with processing the required planning permit, Planning and Development has the authority to find the applicant out of conformance with LUDC ordinance requirements and pursue corrective actions as needed.

Issuance of the Emergency Permit was consistent with the LUDC, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. The Department granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(c)) due to clear and imminent risk to life and property posed by the damage to the private roadway. A copy of the CEQA Exemption is included herein as Attachment 2. The Board's receiving and filing of this report is an administrative action under State CEQA Guidelines Section 15378(b)(5) that does not constitute a separate project for purposes of environmental review.

Fiscal and Facilities Impacts:

County staff costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this Emergency Permit is approximately 20 staff hours, which equates to \$5,640.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 Adopted Budget. Future permitting costs associated with this project will be borne completely by the applicant.

Attachments:

1. Emergency Permit (23EMP-00013)
2. CEQA Notice of Exemption – Section 15269(c)

Authored by:

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