



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: July 13, 2021
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) 568-2086
Director(s)
Contact Info: Travis Seawards, Deputy Director (805) 934-6559
SUBJECT: Report on Case No. 21EMP-00000-00001: Emergency Permit to allow the installation of grade beams to support an existing patio on 6663 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: 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. 20EMP-00000-00001, approved by the Director of Planning & Development on June 7, 2021, which authorized the installation of three grade beams to support an existing patio that was in danger of falling onto the beach; 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:

Section 35-171 of the Article II Coastal Zoning Ordinance (CZO) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the CZO and issue an Emergency Permit when an emergency action is warranted. The nature of the emergency in this instance is that erosion of the coastal bluff face at 6663 Del Playa Drive caused an existing, permitted patio to hang over the bluff edge, and the unsupported patio could fall and potentially injure a person on the beach below creating an immediate threat to the health, safety, and public welfare for both the residents and the public.

The Emergency Permit was issued on June 7, 2021. The proposed project includes the installation of four subsurface reinforced concrete grade beams that will be attached to and extend from the existing building foundation system. The proposed grade beams will fully support the existing concrete patio slab at the south end of the patio that partially extends beyond the bluff face. The project is expected to take approximately 8 weeks to complete.

Pursuant to Article II Section 35-171.5.1, a notice was mailed to the surrounding property owners and residents. Additionally, three placard notices 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 Article II Section 35-171.5.3, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable planning permit must be submitted within 30 days following the granting of the Emergency Permit. A Coastal Development Permit with a public hearing (CDH) is required in order to permit the work described in the Emergency Permit. The deadline for the applicant to submit the CDH application is on July 7, 2021.

Issuance of the Emergency Permit was consistent with Article II, 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(a)) due to clear and imminent risk to life and property posed by the threat of the unsupported concrete patio due to coastal erosion and potential for the patio to fall injuring occupants or members of the public. A copy of the CEQA Exemption is included herein as Attachment 2.

Pursuant to Article II Section 35-171.6, the Director of P&D is required to report in writing to the Board of Supervisors and the California Coastal Commission the nature of the emergency and the work involved. This report satisfies that requirement.

Background:

The P&D Building and Safety (B&S) Division inspects cliff-side development in Isla Vista that overhangs the edge of the bluff and may pose a safety hazard to the public. P&D issued a Notice of Violation (NOV) on November 1, 2019 to the property owner of 6663 Del Playa Drive due to the existing dangerous condition created by the unsupported concrete patio. An additional NOV letter and a Notice of Determination of Fine (NOD) was sent on January 24, 2020 because the property owner did not address the violation.

The property owner has proposed the installation of the four reinforced concrete grade beams, which involves minimal ground disturbance and does not include the placement of any new structures on the bluff face. B&S reviewed the application and confirmed the need for the proposed work to occur quickly due to the imminent risk to life and property posed by the threat of collapse of the patio. This project was submitted as an Emergency Permit because of the imminent danger that the unsupported patio created. The Emergency Permit application was accepted by P&D on May 13, 2021 and the permit was issued on June 7, 2021. The Building Permit (Case No. 21BDP-00000-00484) was issued on June 8, 2021.

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 \$4,980.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget. Future permitting costs associate with this project will be borne completely by the applicant.

Attachments:

1. Emergency Permit 21EMP-00000-00001
2. CEQA Notice of Exemption

Authored by:

Chris Schmuckal, Planner (805) 568-3510