



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: February 27, 2024
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
Contact Info: Travis Seawards, Deputy Director, (805) 934-6559

SUBJECT: Report on Case No. 23EMP-00016: Freston Road Repair Emergency Permit, 2300 Bella Vista Drive, Montecito Community Plan Area, 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-00016, approved by the Director of Planning and Development on November 29, 2023, which authorized the replacement and reinforcement of an existing concrete swale and asphalt concrete driveway on a residential property; 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 Freston Road Repair Emergency Permit for work to repair access to a residential property in the Montecito Community Plan area following the 2023 winter storms. Section 35.472.090 of the Santa Barbara County Montecito Land Use & Development Code (MLUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the MLUDC and issue an Emergency Permit when an emergency action is warranted.

Pursuant to MLUDC Section 35.472.090.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 damaged a portion of an asphalt concrete driveway used to access a residential property located at 2300 Bella Vista Road in Montecito, as well as a concrete swale on the parcel, resulting in numerous erosion issues and surficial slope failures of the steep slopes on the parcel. Without reinforcement, the slopes were at risk of further failure, threatening to cut off access to the parcel.

The Emergency Permit application, filed by Jennifer Siemens, was approved by Planning and Development on November 29, 2023. The repair work is being completed by Kenney Construction. Repairs to the driveway and swale are in progress and are expected to be completed within five months of permit approval.

The permit allowed the replacement and reinforcement of an existing concrete swale and asphalt concrete driveway. The driveway segment is located near the west property line and is approximately 140 feet long. The concrete swale is located near the existing residence and is approximately 190 feet long. The permit also allowed the driveway and swale to each be reinforced by a secant pile wall embedded below grade a minimum of 27 feet. The permit authorized grading for the driveway replacement, including approximately 20 cubic yards of cut and 20 cubic yards of fill. The conditions of approval require that a qualified biologist monitor all construction activities within 100 feet of the top of bank of Buena Vista Creek and provide a report to accompany the required follow-on permit application. The driveway and swale replacement and reinforcement will stabilize the steep slopes on the parcel and maintain safe access to the parcel.

Pursuant to Montecito Land Use and Development Code (MLUDC) Section 35.472.090.E, a notice was mailed to the surrounding property owners and residents. Additionally, notice placards were placed in three locations 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 issuance of the Emergency Permit.

Pursuant to MLUDC Section 35.472.090.G, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable follow-on planning permit is required. In this case, a Development Plan is required in order to permit the work described in the Emergency Permit. The applicant submitted the required follow-on application on January 10, 2024.

Issuance of the Emergency Permit was consistent with the MLUDC, 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 driveway and concrete swale. A copy of the filed CEQA Notice of Exemption is included herein as Attachment 2. The Board's receiving and filing of this report on Emergency Permit Case No. 23EMP-00016 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:

Budgeted: Yes 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 30 staff hours, which equates to \$8,460.00. 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-00016
2. CEQA Notice of Exemption - Section 15269(c)

Authored by:

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