



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: June 25, 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(s)
Contact Info: Travis Seawards, Deputy Director (805) 934-6559

SUBJECT: Report on Case No. 24EMP-00003: Wolf Trust Slope Repair and Retaining Walls, 337 Hot Springs Road, 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. 24EMP-00003, approved by the Director of Planning & Development on May 7, 2024, which authorized construction of soldier pile retaining walls varying from 6-ft. to 8-ft.-tall to repair and stabilize slope failure 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 Wolf Trust Slope Repair and Retaining Walls Emergency Permit for work in the Montecito Community Plan area following the January to March 2024 winter rainstorms. Section 35.472.090.B of the Montecito Land Use and Development Code (MLUDC) authorizes the Director of the Planning & Development Department (P&D) to temporarily defer standard permit

requirements of 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.

Background: The winter rainstorms from January to March 2024 damaged the steep slope on the property located at 337 Hot Springs Road in Montecito, leaving the slope unstable and jeopardizing the existing residence and outdoor HVAC equipment. The 2023 winter rainstorms contributed to the unstable slope condition. The Emergency Permit application, filed by Wolf, Richard 2003 Trust, was accepted for processing on February 14, 2024, and was approved by the Director on May 7, 2024. The Emergency Permit allowed construction of an upper and lower soldier pile retaining wall totaling 160-ft.-long and varying from 6-ft. to 8-ft. in height. The proposed retaining walls will repair and stabilize slope failure and erosion resulting from the January to March 2024 winter rainstorms, adjacent to the existing single-family dwelling and outdoor HVAC equipment area. The Emergency Permit specified that work would be completed per the structural calculations and drawings prepared by Doyle-Morgan Structural Engineering, Inc., dated March 8, 2024. Construction commenced on April 1, 2024, and is expected to be completed by June 3, 2024.

Pursuant to MLUDC Section 35.472.090.E.1, a notice was mailed to the surrounding property owners and residents. Additionally, notice placards were posted at 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 the 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 a follow-on application for the applicable planning permit is required. For this project, a follow-on Land Use Permit is required in order to permit the work described in the Emergency Permit. The applicant submitted a preliminary application for a Land Use Permit on May 23, 2024. 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 MLUDC ordinance requirements and can pursue corrective actions as needed.

Issuance of the Emergency Permit was consistent with MLUDC, as the action provided an immediate response to an emergency 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 slope failure. A copy of the filed CEQA Notice of Exemption is included 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:

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 25 staff hours, or approximately \$7,050.00.

Fiscal Analysis:

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 24EMP-00003
2. Site Plans
3. CEQA Notice of Exemption- Section 15269(c)
4. Preliminary Geologic Investigation Report

Authored by:

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