



EMERGENCY PERMIT

23EMP-00002

**Coastal Zone:**

Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

Case Name: Sixty Four Sixty LLC – Emergency Permit – Slope Protection

Case Number: 23EMP-00002

Site Address: 6460 Casitas Pass Road

APN: 001-090-002

Applicant/Owner: Zachary Stengel, Sixty Four Sixty LLC

Agent: Eva Turenchalk and Carly Earnest

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

Energy and Minerals Division
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

North County Office
624 W. Foster Road
Santa Maria, CA 93454
(805) 934-6250

PERMIT APPROVAL:

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

The proposed project is for the repair of an existing slope failure that occurred during the 2023 winter storm season. The repair requires placement of approximately 300 linear feet of rock slope protection along the left bank (looking downstream) of Gobernador Creek, as necessary to arrest ongoing bank erosion that threatens to undermine several structures, including the existing residence at 6460 Casitas Pass Road. The newly constructed slope will attempt to reconstruct the pre-disturbance stream bank geometry, and will result in a cross section approximately matching the width of the channel immediately upstream and downstream of the proposed work, outside of the effects of recent erosion. The rock will be placed at a slope of 1.5H:1V. The base will be keyed six feet below the bed of the creek and the top rock will be extended up to the 100-year flood elevation. Live willow stakes will be planted into the interstitial spaces of the rock as it is placed and then native streambed materials (alluvial sands, gravel, and cobble) will be used to fill all remaining voids. The work is expected to be completed within approximately four weeks of permit issuance. The parcel is served by the Carpinteria Valley Water District, an existing septic system and drywell, and the Carpinteria-Summerland Fire District. Access is provided off of Casitas Pass Road. The property is a 6.13-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 001-090-002, located at 6460 Casitas Pass Road within the Carpinteria area, First Supervisorial District.

The Director has determined that the 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. 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.

Sincerely,




Lisa Plowman
Director

APPROVAL DATE: April 28, 2023

OWNER/APPLICANT AGREEMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Eva Turenchalk		5/4/2023
Print Name	Signature	Date

PERMIT ISSUANCE:

Willow Brown		5/4/23
Print Name	Signature	Date

BACKGROUND:

The project site is located at 6460 Casitas Pass Road in the coastal area of the Carp Ag Overlay area. The project site is currently developed with a 1,450 square-foot primary residence, 1,520 square-foot legal, nonconforming residence, 635 square-foot Agricultural Employee Dwelling, 367 square-foot storage and washroom accessory structure, 265 square-foot barn, 3,009 square-foot greenhouse, 120 square-foot greenhouse, and 1,410 square-foot cultivation and processing facility. The property is zoned AG-I-10. The project is the request for an Emergency Permit to allow repair of an existing slope failure along the creek bank. The repair requires placement of approximately 300 linear feet of rock slope protection along the left bank (looking downstream) of Gobernador Creek.

The project would address the emergency situation created by the January 2023 storm event which caused bank erosion and a power pole and portion of the driveway to fall into the creek, and continues to threaten several structures including the existing residence.

FINDINGS OF APPROVAL:

A. Findings required for all Emergency Permits. In compliance with Subsection 35-171.5.2 of the Article II Coastal Zoning Ordinance, 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, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.

The Director finds that an emergency exists and requires action more quickly than provided for by the procedures for permit processing. The January 2023 storm caused significant erosion and scouring of the Gobernador Creek bank, which caused a power pole and portion of the driveway to fall into the creek and continues to threaten several structures, including a residence.

b. 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.

c. The action proposed is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.

The Director finds that the proposed project, as described below, is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.

Coastal Plan Policy 10-2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

Coastal Plan Policy 10-3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Consistent. The proposed project is consistent with policies regarding protection of cultural resources because there are no known cultural resources in the creek and there is no new ground disturbance proposed. Additionally, Condition 9 requires work to stop immediately in the event that archaeological remains are encountered during any construction-related activity and a P&D approved archaeologist and Native American representative to be retained to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation.

Coastal Plan Policy 3-19: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Coastal Plan Policy 9-41: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

Consistent. The proposed project is consistent with the policy requirements to maintain water quality and protect banks of stream corridors from erosion because the newly constructed slope will attempt to reconstruct the pre-disturbance stream bank geometry, and will result in a cross section approximately matching the width of the channel immediately upstream and downstream of the proposed work, outside of the effects of recent erosion. Additionally, the project will be completed in conformance with conditions of approval WatConv-04 and WatConv-05, which require that the owner designate construction equipment filling and storage areas and washout areas to prevent pollutants from discharging to the storm drains, street, drainage ditches, and creeks.

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 of an existing slope failure that occurred during the 2023 winter storm season. The repair requires placement of approximately 300 linear feet of rock slope protection along the left bank (looking downstream) of Gobernador Creek, as necessary to arrest ongoing bank erosion that threatens to undermine several structures, including the existing residence. The newly constructed slope will attempt to reconstruct the pre-disturbance stream bank geometry, and will result in a cross section approximately matching the width of the channel immediately upstream and downstream of the proposed work, outside of the effects of recent erosion. The rock will be placed at a slope of 1.5H:1V. The base will be keyed six feet below the bed of the creek and the top rock will be extended up to the 100-year flood elevation. Live willow stakes will be planted into the interstitial spaces of the rock as it is placed and then native streambed materials (alluvial sands, gravel, and cobble) will be used to fill all remaining voids. The work is expected to be completed within approximately four weeks of permit issuance. The parcel is served by the Carpinteria Valley Water District, an existing septic system and drywell, and the Carpinteria-Summerland Fire District. Access is provided off of Casitas Pass. The property is a 6.13-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 001-090-002, located at 6460 Casitas Pass Road within the Carpinteria Agricultural Overlay, Area B, within the 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 for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Coastal Development Permit with a Hearing pursuant to Section 36-169 of the Article II Coastal Zoning Ordinance. 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.

4. **Completeness Items.** Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition No. 3 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.
5. **Authorized Work Only.** This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. **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.
7. **Not Valid Until Signed.** This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.
8. **Additional Permits Required.** This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other 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.

Attachments:

A. Site Plans

cc: Das Williams, First District
Travis Seawards, P&D Deputy Director
Joe Dargel, Supervising Planner, P&D
Willow Brown, P&D Planner
California Coastal Commission, 89 S. California Street, Ventura CA 93001