



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: August 22, 2017
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department of Glenn Russell, Ph.D. Director, (805) 568-2085
Director(s)
Contact Info: Jeff Wilson, Deputy Director, (805) 568-2518
SUBJECT: Alta Community Investment Patio Cutback – 6757 Del Playa Patio Cutback
Emergency Permit, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit 17EMP-00000-00007, which authorized the demolition of portions of an existing rear patio that cantilevered over the bluff face to ensure public safety at 6757 Del Playa Drive in Isla Vista. A copy of the Emergency Permit is included herein as Attachment A; and
- b) Determine that issuance of the Emergency Permit is exempt from the California Environmental Quality Act (CEQA) pursuant CEQA Guideline section 15269(c), as this action was necessary to prevent or mitigate an emergency, as specified in Attachment B of this Board Letter; and
- c) Determine that receiving and filing this report is not a project pursuant to CEQA Guideline section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment, as specified in Attachment C of this Board Letter.

Background:

The subject property is located at 6757 Del Playa Drive, in Isla Vista. The property is currently developed with an existing legal, non-conforming, multi-family dwelling. Coastal bluff erosion during the winter storms of 2017 resulted in portions of the existing rear patio to cantilever over the top of the bluff face and the exposure of guardrail footings without the support of earth below.

On March 29, 2017, the Planning and Development Department (P&D) issued an Emergency Permit, Case No. 17EMP-00000-00005, for the emergency demolition (cutback) of portions of the existing rear patio (seaward) of the existing multi-family residence and the demolition of unpermitted lower level bedroom and laundry room additions to the south elevation of the existing building. 17EMP-00000-00005 expired without the work commencing within 30 days as required by the terms of the Emergency Permit, due to the unavailability of contractors to perform the work. The expired Emergency Permit was reported to the Board of Supervisors on June 20, 2017.

On June 2, 2017, the applicant submitted a new Emergency Permit application, Case No. 17EMP-00000-00007, requesting to perform the same scope of work previously approved under 17EMP-00000-00005.

On June 13, 2017, P&D issued 17EMP-00000-00007 for the cutback of the patio only, given the existing patio was at continued risk of failure. The Emergency Permit did not include the demolition of the unpermitted lower level additions, as allowed under the previous Emergency Permit, because access to the portions of the structure closest to the bluff face have been blocked, temporarily abating the safety hazard on the property until a permit to demolish can be obtained through the regular permit process.

The follow-on Coastal Development Permit, Case No. 17CDH-00000-00016, to the issued Emergency Permit application was approved by Planning & Development (P&D) on July 5, 2017. The demolition of the unpermitted lower level additions and additional structural cutbacks to the existing building was included in the follow-on Coastal Development Permit is being processed under 17CDH-00000-00016.

Summary Text:

Section 35-171.2 of the Article II Coastal Zoning Ordinance authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the Coastal Zoning Ordinance and issue an Emergency Permit when emergency action is warranted. Section 35-171.6 of the Article II Coastal Zoning Ordinance requires the Director to submit a written report describing the nature of the emergency and the work involved to the Board of Supervisors after issuing an Emergency Permit. This notification fulfills the ordinance requirements.

The Emergency Permit, Case No. 17EMP-00000-00007, authorized the demolition of portions of an existing rear patio that cantilevered over the bluff face. The proposed cutback included the removal of fencing, patio and guardrail footings that was at immediate risk of failure. A new 60" guardrail would be installed approximately 5' from the closest portion of the bluff face.

Issuance of the Emergency Permit was consistent with the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. P&D granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(c)) due to the imminent risk of patio failure and the need to prevent or mitigate the potential safety hazard to residents, on-site property and the public beach area below. A copy of the CEQA Exemption is included herein as Attachment B.

Pursuant to Article II Coastal Zoning Ordinance Section 35-171.5 and Condition of Approval No. 4, work must be commenced within 30 days of the issuance of the Emergency Permit and completed within 30 days after the beginning of construction. The work authorized by the Emergency Permit has been completed.

Pursuant to Article II Coastal Zoning Ordinance Section 35-171.5.3, an Emergency Permit does not constitute an entitlement to development. Section 35-171.5.3 requires an application for a Coastal Development Permit and any discretionary permit no later than 30 days following the granting of an Emergency Permit. The follow-on Coastal Development Permit for 17EMP-00000-00005 was submitted on April 27, 2017, and approved by the Director of P&D on July 5, 2017.

Fiscal and Facilities Impacts:

County costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. Permit revenues are budgeted in the Permitting budget program on page D-289 of the adopted 2017-2018 fiscal year budget. The fixed fee for an Emergency Permit is \$2,673.74. Future permitting costs will be paid by the applicants.

Attachments:

Attachment A: Emergency Permit 17EMP-00000-00007 (with Site Plans)

Attachment B: CEQA Exemption Supporting Emergency Permit

Attachment C: CEQA Exemption Supporting Board Receipt and File of Report

Authored by: Mark Friedlander, Planner (805) 568-2046

cc:

Coastal Program Analyst, California Coastal Commission, 89 S. California St #200, Ventura, CA 93001