



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 and
Development
Department No.: 053
For Agenda Of: July 7, 2020
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. 20EMP-00000-00001: Montecito Sanitary District Emergency Trailers
Montecito Community Plan Area, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: 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 and Development on May 21, 2020, which authorized the placement of four (4) emergency trailers at the Montecito Sanitary District (MSD), located at 910 Channel Drive in coastal Montecito; 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.

Background:

On May 21, 2020, the Planning and Development Department (P&D) issued an Emergency Permit to the Montecito Sanitary District (MSD) to allow for the onsite placement of four (4) emergency trailers to provide additional space to ensure adequate physical distancing for MSD employees in order to limit the spread of the COVID-19 virus. P&D determined that due to the ongoing public health emergency caused by the COVID-19 virus, emergency permitting action was warranted because of the need to provide appropriate facilities to allow for physical distancing for the District's essential workers. The emergency

trailers facilitate an immediate response to the emergency as they include changing rooms, washrooms, shower rooms, designated food preparation facilities, and individual data entry/mandatory reporting workstations. The trailers require a Minor Conditional Use Permit (MCUP) pursuant to Section 35-132.6 of the Coastal Zoning Ordinance and if approved, would be allowed to remain on the property for a maximum of two years.

The MCUP, 20CUP-00000-00006, was submitted on April 27, 2020. The decision-making body for the MCUP is the Montecito Planning Commission. The MCUP will be processed concurrently with an already submitted application for a Development Plan that is requesting approval of a new Essential Services Building (ESB).

Section 35-472.090(I) of the Montecito Land Use and Development Code (MLUDC) requires the Director to submit a written report to the Board of Supervisors after issuing an Emergency Permit describing the nature of the emergency and the work involved. This Board Letter fulfills the ordinance requirement.

Summary Text:

Section 35.472.090 of the MLUDC authorizes the Director of P&D to temporarily defer standard permit requirements of the MLUDC and issue an Emergency Permit when emergency action is warranted. Under MLUDC Section 35.472.090.E(2), emergency permitting action is authorized where an emergency exists that requires action more quickly than provided for by the customary procedures for permit processing, the proposed action is consistent with the Comprehensive Plan, Montecito Community Plan, MLUDC, and public comment on the proposed emergency permit has been reviewed.

In this case, issuance of the Emergency Permit is consistent with the Comprehensive Plan, Montecito Community Plan, and MLUDC, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. P&D determined that due to the ongoing public health emergency caused by the COVID-19 virus, emergency action was warranted because of the need to provide appropriate facilities to allow for physical distancing for the District's essential workers. The emergency trailers facilitate an immediate response to the emergency as they include changing rooms, washrooms, shower rooms, designated food preparation facilities, and individual data entry/mandatory reporting workstations. P&D granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(c)), which exempts specific actions necessary to prevent or mitigate an emergency, due to the clear and imminent risk to life and property posed by the threat of COVID-19 to the daily operations of the Sanitary District and the safety of their employees. A copy of the CEQA Exemption is included herein as Attachment 3.

The MSD site is located in coastal Montecito and is developed to serve the community of Montecito's wastewater needs. Uninterrupted MSD operations are critical to maintain existing wastewater service to the community of Montecito. The threat of Coronavirus (COVID-19) has presented new and time-sensitive challenges to MSD and therefore, additional levels of protection for existing MSD staff are required. The District submitted a separate permit application to construct a new ESB and a recycled water treatment system, 20DVP-00000-00003. This permit is currently in process and is not yet approved. Although the proposed ESB would provide the needed protection for staff, it cannot be constructed in time to respond to the immediate emergency need of the District. In accordance with

Emergency Permit, Case No. 20EMP-00000-00001, four trailers have been placed on the property and did not require grading or tree removal.

Pursuant to the MLUDC, Section 35-496, a notice was mailed to surrounding property owners, and three notices were posted at the subject properties. Public comment by phone, email, and mail was monitored prior to the decision for the Emergency Permit project. The Planning and Development Department received no public comment on the project.

Pursuant to the MLUDC Section 35-472.090(G), an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable planning permit shall be made within 30 days following the granting of the Emergency Permit. An application for a MCUP (20CUP-00000-00006) was submitted on April 27, 2020 and was deemed complete on April 30, 2020. In the MCUP application, MSD has requested that the trailers remain in place for two years.

Fiscal and Facilities Impacts:

The costs for processing the Emergency Permit were reimbursed by the applicant per the Planning and Development Department's adopted fee schedule. Processing of the application required a total of approximately 12 staff hours, which equates to \$2,892 in staff fees based on P&D's current fee schedule. This work is funded in the Planning and Development Department Permitting Budget Program, as shown on page D-269 of the Fiscal Year 2019-20 budget. Future permitting costs associated with the follow-on permit will be paid by the applicant.

There are no fiscal impacts to the County other than the staff hours to process the permit.

Attachments:

Attachment 1: Emergency Permit 20EMP-00000-00001

Attachment 2: Emergency Permit Site Plans

Attachment 3: CEQA Exemption Supporting Emergency Permit

Attachment 4: Montecito Sanitary District Project Letter, dated April 16, 2020

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