

# EMERGENCY PERMIT

## Case No. 24EMP-00004



**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:** Cima Del Mundo, LLC - Creek Bank Emergency Repair  
**Case Number:** 24EMP-00004  
**Site Address:** 11180 Calle Real, Goleta, CA 93117  
**APN:** 081-250-014  
**Applicant/Agent Name:** April Winecki  
**Owner Name:** Cima Del Mundo, LLC

ZONING PERMIT  
**ISSUED**  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT




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**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 of Santa Barbara 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 of Santa Barbara 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.



<u>Amber Geraghty</u>	<u></u>	<u>4/2/24</u>
Print Name	Signature	Date

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**PERMIT ISSUANCE:**

<u>Kevin De Los Santos</u>	<u></u>	<u>4/2/2024</u>
Planner Name	Signature	Date

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## **BACKGROUND:**

The project site is located at the El Capitan Canyon Private Campgrounds at 11180 Calle Real in the Gaviota Coast Plan area. El Capitan Creek transects a majority of the project site. A series of heavy storms and atmospheric rivers caused widespread flooding and elevated creek levels throughout Santa Barbara County area. As a result of the intense rains and storms, an approximately 45-foot long scour to the bank of El Capitan Creek presents a risk of slope failure and threatens nearby existing structures. The scoured creek bank is approximately five feet from an existing market building and directly below an existing pedestrian bridge.

The project constitutes an emergency because the risk of slope failure is an immediate threat to property (market building & pedestrian bridge) and to the health and safety of persons that utilize the project site. On February 13, 2024, the Applicant notified P&D of the scoured creek bank. A storm with up to five inches of rain was forecasted for February 18 – 20, 2024. On February 15, 2024, Building and Safety inspectors conducted a site visit to evaluate the scoured creek bank and determined that a present danger does exist and the project constitutes an emergency. Building and Safety inspectors confirmed that emergency work to repair the creek bank must commence as soon as possible and prior to the forecasted storm beginning February 18, 2024.

The proposed emergency repair of the creek bank requires the placement of large, natural boulders within the 45-foot long scour area along El Capitan Creek. Voids between the boulders will be filled with a natural stream mix of cobbles and gravel. An access ramp will be installed along the west bank in order to access the east bank for placement of the boulders. A biological monitor will be on-site for all construction activities.

## **FINDINGS OF APPROVAL:**

- 1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.**

The Director finds that approval of this Emergency Permit will not permit or approve any violation of County Ordinance or State Law. Condition of Approval No. 2 requires that an application for the required permits necessary to validate the emergency work as permanent be submitted by the applicant no later than 30 days following the issuance of the Emergency Permit. Processing of the required follow-on permit will ensure that the project is reviewed for, and completed in compliance with, applicable regulations.

- 2. In compliance with Section 35-171.5.2 of the Article II 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, as applicable:**

- a. An emergency exists and requires action more quickly than provided for by the 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. After recent storm events, the Applicant identified a scoured creek bank with the potential for slope failure near existing structures. Building and Safety inspectors conducted a site visit to evaluate the scoured creek bank and determined that a present danger does exist and the project constitutes an emergency.

**b. Public comment on the proposed emergency action has been reviewed.**

The Director finds no public comment on the proposed emergency action has been received. Noticing letters for the project were sent on March 7, 2024, three noticing placards were placed on-site on March 8, 2024. As of March 21, 2024, no public comment letters have 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 emergency action is consistent with the Comprehensive Plan as described below with reference to applicable policies:

**Water Quality Policies**

**Coastal Act Policy 30231:** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**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 project is consistent with the policies that require protection of water resources and water quality. The project is a request for an emergency repair of a scoured creek bank with risk of slope failure near an existing building and bridge. The only development proposed is the placement of large, natural boulders within an approximately 45-foot long scour area along the creek bank to prevent slope failure. No permanent structures are proposed. The project is conditioned to designate a washout area for the washing of construction trucks, equipment, or similar activities to prevent wash water from discharging

into the creek (Condition No. 15). The project is also conditioned so that the Applicant will prevent water contamination during construction (Condition No. 13) and to designate a construction equipment filling and storage area(s) to contain spills and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands (Condition No. 14). The project is also conditioned to require the Applicant to coordinate with and receive clearances from all applicable resource agencies, including the US Army Corps of Engineers, the Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and National Oceanic and Atmospheric Administration (NOAA) for protection of water quality and sensitive species habitat.

### **Riparian Corridor Policies**

**Coastal Plan Policy 9-37:** The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams 1) soil type and stability of stream corridors; 2) how surface water filters into the ground; 3) slope of the land on either side of the stream; and 4) location of the 100-year flood plain boundary. Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

**Coastal Plan Policy 9-38:** No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

**Coastal Plan Policy 9-40:** All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.

**Consistent:** The project is consistent with the policies that require protection of riparian corridors because the only development proposed is an emergency repair that requires placement of large, natural boulders within an approximately 45-foot long scour area along the creek bank to prevent slope failure. No permanent structures are proposed within the stream corridor. Consistent with Coastal Plan Policy 9-38, the emergency repair is necessary for public safety and protection of existing development. The scoured creek bank presents a risk of slope

failure and is approximately five feet from an existing market building and directly below an existing pedestrian bridge. Building and Safety inspectors conducted a site visit to evaluate the scoured creek bank and determined that a present danger does exist and confirmed that emergency work to repair the creek bank must commence as soon as possible.

### **Wildlife Policies**

**Coastal Plan Policy 9-39:** Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.

**Consistent:** The project is consistent with the policies that require protection of fish because no dams or structures that would prevent upstream migration of fish are proposed. The only development proposed is an emergency repair that requires placement of large, natural boulders within an approximately 45-foot long scour area along the creek bank to prevent slope failure.

### **Article II, Section 35-97.19 Development Standards for Stream Habitats**

1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

- a. Soil type and stability of stream corridors.
- b. How surface water filters into the ground.
- c. Slope of land on either side of the stream.
- d. Location of the 100-year flood plain boundary.

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.

2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.

4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.

5. 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.

6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of Public Resources Code Section 30236 of the Coastal Act.

**Consistent:** The project complies with the development standards for stream habitats. As discussed above, the project is a request for an emergency repair of a scoured creek bank with risk of slope failure near an existing building and bridge. The only development proposed is the placement of large, natural boulders within an approximately 45-foot long scour area along the creek bank to prevent slope failure. No permanent structures are proposed. As conditioned, the project will be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

- 3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.**



## 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 of Planning and Development 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 project is a request for an Emergency Permit to repair a creek bank failure near an existing building and bridge. The creek bank repair requires the placement of large, natural boulders within an approximately 45-foot long scour area along El Capitan Creek. Voids between the boulders will be filled with a natural stream mix of cobbles and gravel. An access ramp will be installed along the west bank in order to access the east bank for placement of the boulders. A biological monitor will be on-site for all construction activities. No trees are proposed for removal. The parcel is served by the El Capitan Mutual Water Company, an existing septic system, and the Santa Barbara County Fire Department. Access is provided from a private driveway from Calle Real. The property is a 196.31-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 081-250-014, located at 11180 Calle Real in the Gaviota Coast Plan area, Third 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 must be submitted for review and approval and shall be implemented as approved by the County.
3. **Follow Up Permit Required.** An application(s) 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 Substantial Conformity Determination and Land Use Permit pursuant to Section 35-172.11 of Article II, the Coastal Zoning Ordinance.
4. **Completeness Items.** Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #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.** Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
- 6. Additional Permits Required.** This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
- 7. 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.
- 8. Not Valid Until Signed.** This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.
- 9. Other Departments/Agencies.** This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
- 10. Bio-03 Onsite Arborist/Biologist.** The Owner/Applicant shall designate a P&D-approved biologist to be onsite throughout all grading and construction activities.  
MONITORING: The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved biologist. P&D staff shall site inspect as appropriate.
- 11. Bio-12 Habitat Restoration.** The Owner/Applicant shall submit for P&D approval a creek/riparian area Restoration Plan prepared by a P&D-approved biologist that is designed to restore creek/riparian habitat in the construction area. The Restoration Plan will be submitted to P&D for review as part of the follow-up permit required to validate this Emergency Permit.  
TIMING: Plans shall be submitted prior to approval of the follow-up permit required to validate this Emergency Permit.  
MONITORING: The Owner/Applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance.
- 12. 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.

**13. WaterConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

- a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans.

**TIMING:** Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate compliance with these measures to P&D staff as requested during construction.

**14. 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 in area to prevent contact with storm drain, waterbody or sensitive biological resources.

**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D staff shall ensure compliance prior to and throughout construction.

**15. 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 in an area to prevent contact with any storm drain, waterbody or sensitive biological resources.

**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D staff shall ensure compliance prior to and throughout construction.

**16. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

**17. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.

Attachments:

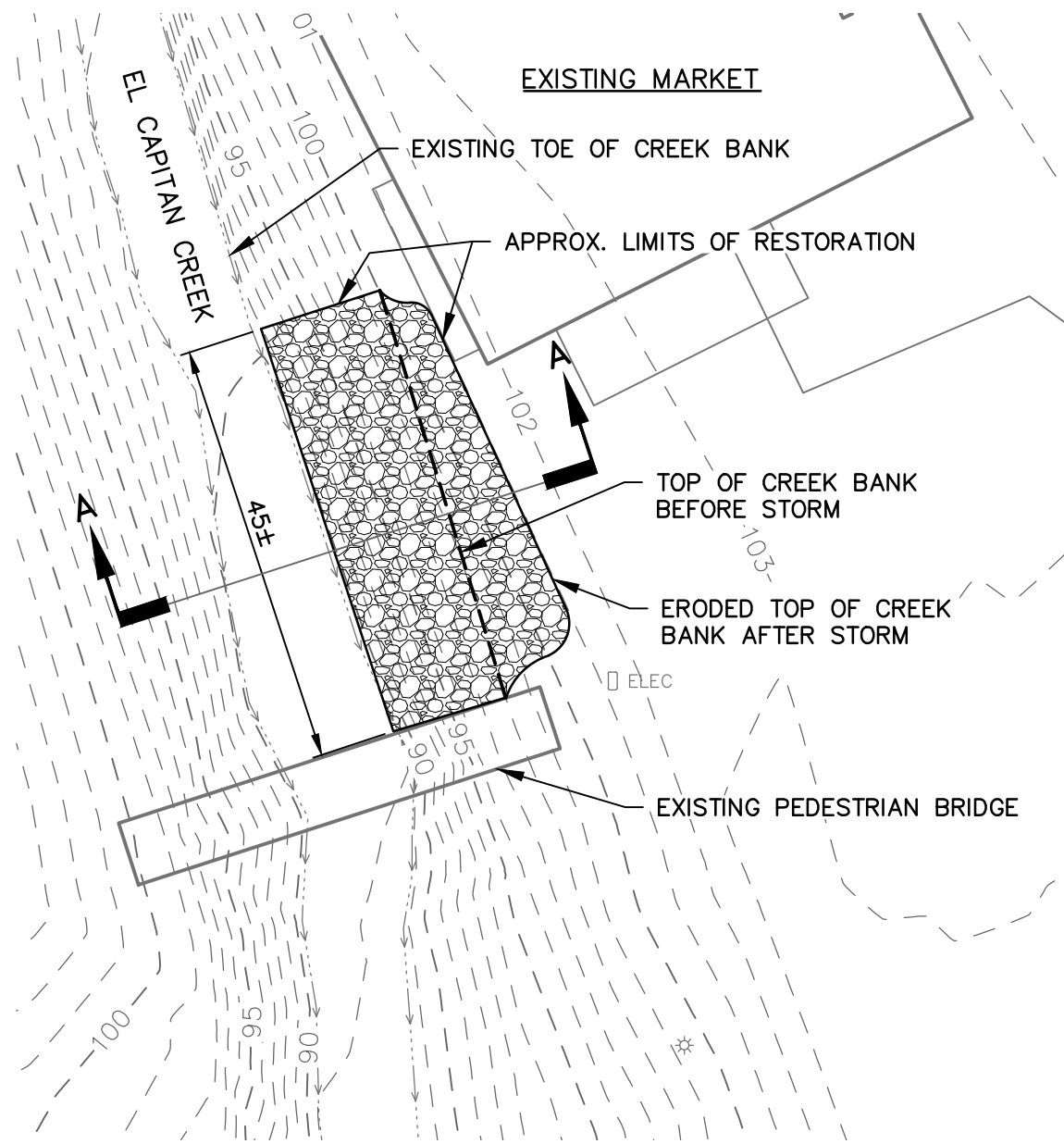
A. Site Plan

B. CEQA Exemption

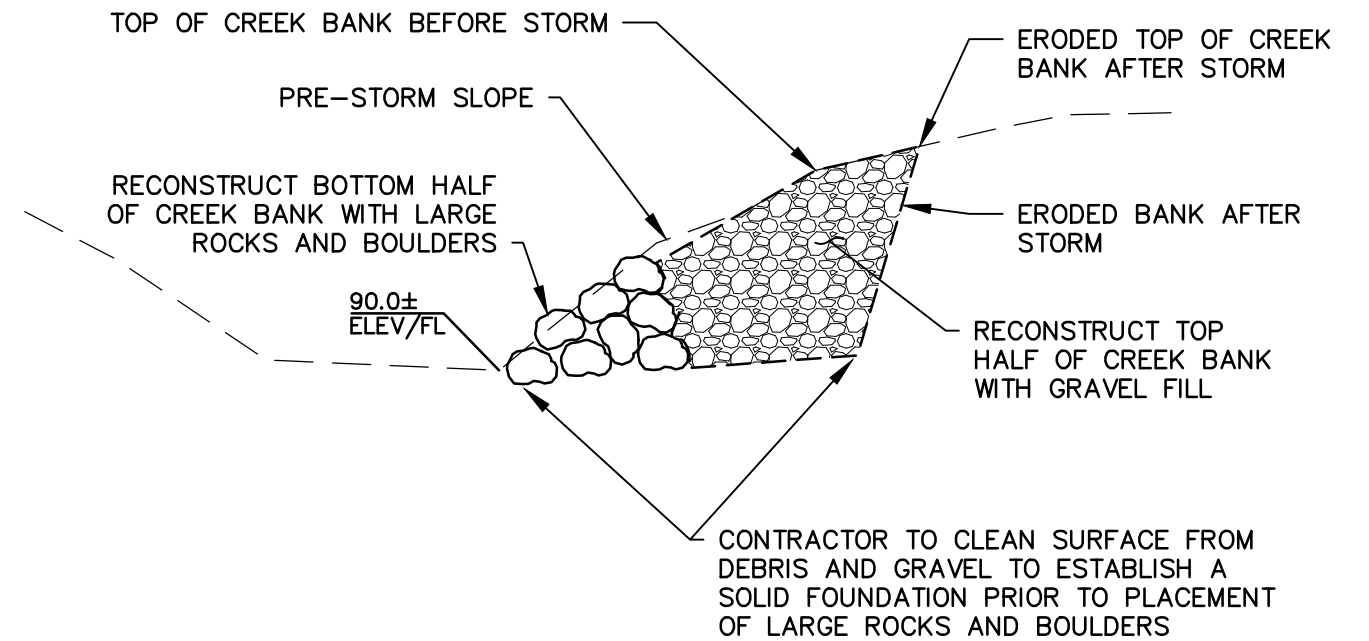
cc: P&D Deputy Director  
Supervising Planner, P&D  
P&D Planner

Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001

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**CREEK PLAN VIEW**  
SCALE: 1"=20'



**A-A CREEK BANK RESTORATION**  
NOT TO SCALE

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Kevin De Los Santos, Planner, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** 081-250-014                      **Case No.:** 24EMP-00004

**Location:** 11180 Calle Real

**Project Title:** Cima Del Mundo, LLC - Creek Bank Emergency Repair

**Project Applicant:** Cima Del Mundo, LLC

**Project Description:** The project is a request for an Emergency Permit to repair a creek bank failure near an existing building and bridge. The creek bank repair requires the placement of large, natural boulders within an approximately 45-foot long scour area along El Capitan Creek. Voids between the boulders will be filled with a natural stream mix of cobbles and gravel. An access ramp will be installed along the west bank in order to access the east bank for placement of the boulders. A biological monitor will be on-site for all construction activities. No trees are proposed for removal. The parcel is served by the El Capitan Mutual Water Company, an existing septic system, and the Santa Barbara County Fire Department. Access is provided via a private driveway from Calle Real. The property is a 196.31-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 081-250-014, located at 11180 Calle Real in the Gaviota Coast Plan area, Third Supervisorial District.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** Cima Del Mundo, LLC

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** Section 15269(c), Emergency Projects

Cima Del Mundo, LLC – Creek Bank Emergency Repair  
Case No. 24EMP-00004  
March 15, 2024

**Reasons to support exemption findings:** CEQA Guidelines Section 15269(c) exempts “specific actions necessary to prevent or mitigate an emergency.” As a result of the intense rains and storms, an approximately 45-foot long scour to the bank of El Capitan Creek presents a risk of slope failure and threatens nearby existing structures. The scoured creek bank is approximately five feet from an existing market building and five feet from an existing pedestrian bridge. Emergency action is warranted in this case because the risk of slope failure is an immediate threat to property (market building & pedestrian bridge) and a threat to the health and safety of persons that utilize the project site. Building and Safety inspectors conducted a site visit to evaluate the scoured creek bank and determined that a present danger does exist and the project constitutes an emergency. Building and Safety inspectors confirmed that emergency work to repair the creek bank should commence as soon as possible and prior to the forecasted storm beginning February 18, 2024. Therefore, this statutory exemption applies to the proposed project.

**Lead Agency Contact Person:** Kevin De Los Santos, Planner

**Phone #:** (805) 884-8051      **Department/Division Representative:** 

**Date:** March 15, 2024

**Acceptance Date:** \_\_\_\_\_

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:** \_\_\_\_\_