

EMERGENCY PERMIT

20EMP-00000-00002



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: Montecito Sanitary District Emergency Trailers
Case Number: 20EMP-00000-00002
Site Address: 1042 Monte Cristo Road/910 Channel Drive
APN: 009-282-001
Applicant/Agent Name: Montecito Sanitary District

ZONING PERMIT
I S S U E D
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

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 Montecito Sanitary District ("District") has requested and been granted an Emergency Permit pursuant to Section 35-171.5.2 of the Article II Zoning Ordinance to place four (4) emergency trailers onsite to assist staff in having adequate facilities for physical protection, proper hygiene and workplace distancing during the current COVID-19 emergency. The trailers are immediately needed onsite to provide additional protection to the staff in order to allow for the essential operations of the District to continue during the COVID-19 emergency.

The total square footage of the four trailers is 1,344 sf. Two of the trailers measure 12'x44' and two measure 8'x18'. The trailers will be accessed from the existing driveway off of Channel Drive. The trailers require a Minor Conditional Use Permit (MCUP) pursuant to Section 35-132.6 of the Coastal Zoning Ordinance and upon approval, would be allowed to remain on the property for a maximum of two years. The approval body for the MCUP is the Montecito Planning Commission. The MCUP is required to be in conformance with the already submitted application for a Development Plan that is requesting to authorize a new Essential Services Building. The trailers may be removed earlier if the additional protective measures related to COVID19 are no longer necessary and/or the Essential Services Building is constructed.

The project site is a 6.3 acre parcel zoned PU, shown as APN 009-282-001, located at 1042 Monte Cristo Lane/910 Channel Drive, in the Montecito Community Plan Area, First Supervisorial District.

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance 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 Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



Lisa Plowman
Director

APPROVAL DATE: May 21, 2020

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.

Diane Gabriel  6/2/2020
Print Name Signature Date

PERMIT ISSUANCE:

Ciara Ristig  6/3/2020
Print Name Signature Date

BACKGROUND:

The Montecito Sanitary District (MSD) site is located in coastal Montecito and is developed to serve the community of Montecito's wastewater needs. Uninterrupted operations onsite 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 has submitted a permit application to construct a new Essential Services Building (ESB) and a recycled water treatment system. This permit is currently in process and 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. The four trailers will be placed close to the existing entrance to the site off of Channel Drive and will not require grading or tree removal.

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 there are no violations that will be approved as part of this project, and the project will be in full compliance with all County ordinances and State law. The temporary trailers are to provide adequate facilities to Montecito Sanitary District staff for physical protection, proper hygiene and workplace distancing during the current COVID-19 emergency. The approval of this Emergency Permit is consistent with the requirements of the Comprehensive Plan, including the Montecito Community Plan, as well as the Montecito Land Use and Development Code (MLUDC). Pursuant to MLUDC Section 35.472.090, the granting of this emergency permit shall not constitute an entitlement to the erection of permanent structures. The applicant submitted an application for a Minor Conditional Use Permit for the trailers on April 27, 2020, within the required 30 days following the granting of an Emergency Permit, and any materials required for a completed application shall be submitted within 90 days after granting of the Emergency Permit, unless the time period is extended by the Director.

As specified in Condition No. 5 of the Emergency Permit, the permittee is required to obtain and maintain all necessary authorizations and/or permits from other Departments and state and federal agencies. Therefore, approval of this project would not permit or approve a violation of any provision of any County Ordinance or State Law, and this finding can be made.

- 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.***

As defined by the Coastal Zoning Ordinance, an emergency is:

A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

The Director finds that an emergency exists because the present health and safety crisis resulting from the COVID-19 pandemic substantiates the need to prevent damage to and protect essential public services. Placement of temporary trailers at the Montecito Sanitary District will provide adequate facilities to District staff for physical protection, proper hygiene and workplace distancing during the current COVID-19 emergency. The Director has determined that the emergency deployment of temporary trailers would allow action more quickly than provided for by the customary procedures for permit processing.

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

The Director finds that public comment on the proposed emergency action has been reviewed. Public comments were received on a previous Emergency permit proposal, however, no comments were received on the project as currently proposed. On May 11, 2020, the Planning and Development Department mailed notices of the Emergency Permit application to property owners and occupants within 300 feet of the project site. Staff monitored public comments by phone, email, and mail. All public comments received regarding the proposed emergency permit were reviewed, consistent with this finding.

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

The Director finds that the project is consistent with the requirements of the Coastal Land Use Plan and the Coastal Zoning Ordinance (Article II). The proposed project is a request to allow temporary trailers to provide adequate facilities to Montecito Sanitary District staff for physical protection, proper hygiene and workplace distancing during the current COVID-19 emergency and constitutes a temporary use, with no proposed grading or tree removal, and will allow the essential operations of the Sanitary District to continue. Temporary trailers are authorized under Article II Section 35-132.6 (*Use of Trailers for Various Purposes in all Zone District*) with a Minor Conditional Use Permit (MCUP). Section 35.171 of Article II allows the customary permit requirements to be temporarily by-passed in the case of an emergency. An application for the requisite MCUP has been timely submitted. Any materials required to complete the MCUP application shall be submitted within 90 days after the granting of an Emergency Permit, unless the Director extends the time period for good cause. The trailers will

comply with site setbacks and existing landscaping along Channel Drive will screen them from public view.

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.**

Please refer to Attachment E for the CEQA Notice of Exemption associated with this Emergency Permit project.

4. **Additional findings required for sites within the Montecito Community Plan area.** In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Emergency Permit on sites within the Montecito Community Plan area the review authority shall first make all of the following findings:

a. That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

The Director finds that the project complies with all development standards included in the Montecito Community Plan and that the Plan also encourages cooperation between the County and the District to ensure a high level of treatment to best serve public health and welfare. This goal will be ensured with the placement of the proposed trailers onsite.

b. That the development will not adversely impact recreational facilities and uses.

The Director finds that there are no existing or proposed recreational facilities on site and therefore the development will not adversely impact recreational facilities and uses. All work being approved by this Emergency Permit is located on the site of the existing Montecito Sanitary District.

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 Montecito Sanitary District (“District”) has requested and been granted an Emergency Permit pursuant to Section 35-171.5.2 of the Article II Zoning Ordinance to place four (4)

emergency trailers onsite to assist staff in having adequate facilities for physical protection, proper hygiene and workplace distancing during the current COVID-19 emergency. The trailers are immediately needed onsite to provide additional protection to the staff in order to allow for the essential operations of the District to continue during the COVID-19 emergency.

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The project site is a 6.3 acre parcel zoned PU, shown as APN 009-282-001, located at 1042 Monte Cristo Lane/910 Channel Drive, in the Montecito Community Plan Area, First Supervisorial District.

2. 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 Minor Conditional Use Permit and Coastal Development Permit pursuant to Section 35-132.6 of the Article II Coastal Zoning Ordinance.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 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.
4. 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.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. 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. **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.
8. **Rules-23 Processing Fees Required.** Prior to issuance of an Emergency Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
9. **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. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Attachments:

- A. Site Plan and Photos
- B. CEQA Notice of Exemption

cc: Supervisor Das Williams, First District
P&D Deputy Director
Supervising Planner, P&D
P&D Planner
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001