



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:** May 2, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Lisa Plowman, Director (805) 934-6559  
Director(s)  
Contact Info: Travis Seawards, Deputy Director (805) 934-6559  
**SUBJECT:** Report on Case No. 22EMP-00000-00001: Emergency Permit to repair an existing slope failure at 1297 N. Ontare Road in the Eastern Goleta Valley Community Plan Area, First Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: N/A

**Auditor-Controller Concurrence**

N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 22EMP-00000-00001, approved by the Director of Planning & Development on March 1, 2023, which authorized the repair of an existing slope failure that required installation of a caisson-supported retaining wall spanning approximately 100 feet in length with a maximum height of six feet; 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.

**Summary Text:**

Section 35.82.090 of the Land Use and Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the LUDC and issue an Emergency Permit when an emergency action is warranted. The nature of the emergency in this instance is that erosion of the slope located approximately 12 feet beneath a single-

family dwelling presented a risk of further slope failure. The risk of slope failure was an immediate health and safety risk to persons living in the single-family dwelling.

The Emergency Permit allowed repair to an existing slope failure. The repair required construction of a caisson-supported retaining wall spanning approximately 100 feet in length with a maximum height of six feet. The applicant hired a professional geologist, Doyle-Morgan Structural Engineering, Inc., to evaluate the slope and provide recommendations for the best course of action. Doyle-Morgan determined that the slope failure presented a serious health and safety risk and recommended that the repair occur prior to the 2022-2023 rainy season to avoid further slope failure and damage to the existing single-family residence.

Pursuant to LUDC Section 35.82.090.E.1, a notice was mailed to the surrounding property owners. Additionally, a notice placard was placed on the subject property. Public comment by phone, email, and mail was accepted up until the date of the decision for the Emergency Permit project. P&D did not receive any public comment regarding the issuance of the Emergency Permit.

Pursuant to the LUDC Section 35.82.090.F, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable planning permit must be submitted within 30 days following the granting of the Emergency Permit. A Land Use Permit is required in order to permit the work described in the Emergency Permit. The applicant submitted a Land Use Permit application on January 17, 2023, which is being processed under Case No. 23LUP-00010.

Issuance of the Emergency Permit was consistent with the LUDC, as the action provided an immediate response to an emergency situation in the interest of health, safety, and public welfare. The Department granted the Emergency Permit based on a statutory exemption (CEQA Guidelines Section 15269(c)) due to clear and imminent risk to life and property posed by the slope failure located approximately 12 feet under an existing single-family residence. A copy of the CEQA Exemption is included herein as Attachment 2.

Pursuant to LUDC Section 35.82.090.I, the Director of P&D is required to provide a written report to the Board of Supervisors describing the nature of the emergency and the work involved. This report satisfies that requirement.

**Background:**

The 2021-2022 rain season triggered failure of the slope located approximately 12 feet below the existing single-family dwelling located at 1297 N. Ontare Road. The applicant hired a professional geologist, Doyle-Morgan Structural Engineering, Inc., to evaluate the slope and provide recommendations for the best course of action. Doyle-Morgan determined that the slope failure presented a serious health and safety risk and recommended that the repair occur prior to the 2022-2023 rainy season to avoid further slope failure and damage to the existing single-family residence. County Building and Safety inspectors conducted site visits to evaluate the slope and determined that a present danger did exist and that the project constitutes an emergency.

The Emergency Permit application was accepted for processing on October 10, 2022. On October 21, 2022, Building and Safety staff confirmed that a serious health and safety risk was present and an emergency permit was necessary to repair the slope failure prior to the onset of the 2022-2023 rainy season. On October 27, 2022, the Director of Planning and Development provided verbal authorization to

complete the emergency work required to repair the slope failure. The applicant completed the emergency work prior to the storms and heavy rains that occurred in early January 2023, and submitted the requisite application materials for the follow-up Land Use Permit (Case No. 23LUP-00010) on January 17, 2023.

The applicant repaired the slope failure by constructing a caisson-supported retaining wall spanning approximately 100 feet in length with a maximum height of six feet. Grading included 280 cubic yards of cut and 280 cubic yards of fill, which is the minimum amount of grading required to repair the slope. No trees are proposed for removal.

**Fiscal and Facilities Impacts:**

County staff costs for preparing the Emergency Permit are reimbursed by the applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this Emergency Permit is approximately 20 staff hours, which equates to \$5,060.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget. Future permitting costs associated with this project will be borne completely by the applicant.

**Attachments:**

1. Emergency Permit 22EMP-00000-00001
2. CEQA Notice of Exemption - Section 15378(b)(5)

**Authored by:**

Kevin De Los Santos, Planner (805) 884-8051