



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: June 25, 2024
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. 23EMP-00019: Robles Trust Driveway Repair Emergency Permit, 1170 Palomino Road, Mission Canyon Community Plan Area, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 23EMP-00019, approved by the Director of Planning and Development on March 19, 2024, which authorized the construction of a retaining wall to reinforce the existing driveway on a residential property; 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:

This Board item is a report on the Robles Trust Driveway Repair Emergency Permit for work to repair access to a residential property in the Mission Canyon Community Plan area following the 2023 and 2024 winter storms. Section 35.82.090 of the Santa Barbara County Land Use & 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. Pursuant to LUDC Section 35.82.090.I, the Director of P&D is required to report in writing to the Board of Supervisors the nature of the emergency and the work involved. This report satisfies that requirement.

Discussion:

The 2023 and 2024 winter storms damaged an existing driveway used to access 1170 Palomino Road in Mission Canyon, resulting in slope failures of the steep slopes on the subject parcel and removing driveway access to the parcel. Without reinforcement, the slopes were at risk of further failure, jeopardizing the existing development on the parcel, including the existing single-family dwelling.

The Director of Planning and Development verified the facts, including the existence and nature of the emergency (per LUDC Section 35.82.090.D), and, on February 22, 2024, gave verbal authorization for the emergency work. The Emergency Permit application, filed by Natalie Ochsner, was approved by Planning and Development on March 19, 2024. The repair work is being completed by John C. Carter. Repairs to the driveway and the slope reinforcement are in progress and are expected to be completed within six months of permit approval.

The permit allowed the repair of an existing driveway and the construction of a retaining wall to reinforce the existing driveway and restore access to the residence. The retaining wall is approximately 263 feet long and varies in height from 4 feet to 16 feet tall. Twenty-four-inch diameter caissons extend approximately 30 to 50 feet below existing grade to support the retaining wall and reinforce the existing driveway. The permit authorized grading for the repair and reinforcement of the driveway, including approximately 500 cubic yards of cut and 500 cubic yards of fill. The conditions of approval require that a qualified biologist monitor all construction activities and provide a report to accompany the required follow-on permit application.

Pursuant to LUDC Section 35.82.090.E.1, a notice was mailed to the surrounding property owners. Additionally, notice placards were placed in three locations on the subject property. P&D received two public comment letters regarding issuance of the Emergency Permit, and both were in support of the project.

Pursuant to LUDC Section 35.82.090.G, an Emergency Permit does not constitute an entitlement to erect permanent structures, and an application for the applicable follow-on planning permit is required. In this case, a Minor Conditional Use Permit and Zoning Clearance are required in order to permit the work described in the Emergency Permit. The applicant submitted the required follow-on application on May 1, 2024.

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 for emergency situations (CEQA Guidelines Section 15269(c)) due to clear and imminent risk to life and property posed by slope failures on the subject property. A copy of the filed CEQA Notice of Exemption is included herein as Attachment B to Attachment 1. The Board's receiving and filing of this report on Emergency Permit Case No. 23EMP-00019 is an administrative action under State CEQA Guidelines Section 15378(b)(5) that does not constitute a separate project for purposes of environmental review.

Fiscal and Facilities Impacts:

Budgeted: Yes

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 22 staff hours, which equates to \$6,204.00. Funding for this project is budgeted in the Planning & Development's Permitting Budget Program, on Page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 Adopted Budget. Future permitting costs associated with this project will be borne completely by the applicant.

Attachments:

1. Emergency Permit 23EMP-00019

Authored by:

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