



# EMERGENCY PERMIT

## 21EMP-00000-00001



**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:** Bernes Emergency Foundation Repairs  
**Case Number:** 21EMP-00000-00001  
**Site Address:** 6663 Del Playa Drive, Goleta, CA 93117  
**APN:** 075-202-035  
**Agent Name:** Gregory K. Van Sande  
**Owner Name:** M. Bernes Family Trust

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

South County Office  
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

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## PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for:

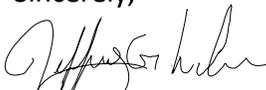
***The project includes adding four reinforced concrete grade beams attached to and extending from the existing building foundation system to fully support the existing reinforced concrete patio slab on grade and to support the existing grade beam at the south end of the patio where it partially extends beyond the face of the bluff. Three new 44 ft. long by 2 ft. wide grade beams will extend south towards the bluff face. Another 47 ft. grade beam will connect the three new grade beams about 13 ft. from the edge of the bluff. In addition, three new 4 ft. long by 5 in. wide steel pipes will connect the new beams to the portion of the patio that overhangs the cliff face. The new grade beams will provide support for the existing overhanging patio slabs. The project is expected to take eight (8) weeks to complete.***

***This situation constitutes an emergency because erosion of the bluff face caused the patio to hang over the edge of the bluff. The existing patio was designed to have support from soil underneath it, not hang over the cliff edge. The unsupported patio or portions of it could fall and potentially injure a person on the beach.***

***The parcel will continue to be served by the Goleta Water District, Goleta Sanitary District, and Santa Barbara County Fire Department. Access will continue to be provided off Del Playa Drive. The property is a 0.25 acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-202-035, located at 6663 Del Playa Drive in the Goleta Community Plan area, 3<sup>rd</sup> 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 27, 2021

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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.

MARSHALL BERNES

Print Name

*MRS*

Signature

6/2/2021

Date

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**PERMIT ISSUANCE:**

Chris Schmuckal

Print Name

*Chris Schmuckal*

Signature

06/07/2021

Date

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## **BACKGROUND:**

The proposed project is located at 6663 Del Playa Drive in the Isla Vista community and in the Coastal Zone Appeals Jurisdiction of the California Coastal Commission. The subject property is developed with a four-unit apartment complex and back patio facing the Pacific Ocean. A permit to reconstruct the back patio was issued on January 25, 2001.

The project is an emergency because erosion of the coastal bluff face caused the existing patio to overhang the edge of the cliff face. The existing patio was designed to be supported by the existing grade. If the proposed project is not approved the patio could potentially fall and injure people on the beach below.

The Building and Safety Staff issued a Notice of Violation letter on November 1, 2019, due to the potential hazard that the unsupported grade beam and patio created. An additional NOV and a Notice of Determination of Fine was issued on January 24, 2020. The NOD was appealed and a hearing occurred on March 30, 2020, and the case was continued until June 19, 2020. Multiple project designs have been discussed with planning and development staff, including one that involved using caissons to support the existing patio, prior to the submittal of the current design.

## **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 proposed project to allow for the installation of new grade beams to support the existing concrete patio does not approve a violation on the property. The proposed project will resolve an existing violation that the Building & Safety Division issued on November 1, 2019, for the hazardous situation that the unsupported grade beam and concrete patio created. Once the proposed project is complete, and the follow-on permit issued, the property will comply with the Article II Coastal Zoning Ordinance and Building Code requirements.

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 proposed project to install a new grade beam system to reinforce the existing concrete patio is an emergency because erosion of the coastal bluff has caused the existing patio to overhang the edge of the cliff. The existing patio was constructed to be supported by soil, not hang over the edge of a cliff. The patio is in danger of falling and potentially injuring people on the beach below. The proposed project is expected to take no more than eight weeks to complete.

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

Noticing letters for the proposed project were sent on May 19, 2021, and three noticing placards were placed onsite on May 26, 2021. As of May 26, 2021 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 proposed project is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance. The existing patio was permitted in 2001, and this proposed work consists of reinforcing the existing development to ensure it does not fall off the cliff. The proposed project will not place any above ground structures on a coastal bluff. Foundation repairs are allowed to occur in the SR-M-8 zone district.

The Coastal Land Use Plan Policy 3-4 and Section 35-67.1 of Article II requires above ground structures be set back a sufficient distance from the bluff edge to be safe from bluff erosion. The proposed project is consistent with this policy because the proposed project is below ground and will support an existing, permitted concrete patio and fence.

The Coastal Land Use Plan Policy 3-5 and Section 35-67.3 of Article II allows for grading and minor improvements to establish proper drainage and ensure that surface water is directed away from the top of the bluff. The proposed project does not include any above ground structures. The proposed grade beams will reinforce the existing, permitted concrete patio and fence. All surface water on the parcel will continue to drain towards Del Playa Drive.

The Coastal Land Use Plan Policy 3-6 and Section 35-67.4 of Article II requires that development be constrained to ensure that drainage shall not contribute to the erosion of the bluff face or the stability of the bluff. The proposed project requires minimal grading, and the proposed grade beams will be at the same depth as the building foundation, approximately 20 inches below grade, and therefore the proposed project will not contribute to drainage issues that will erode or destabilize the existing bluff face.

Article II Section 35-67.2 requires that bluff setbacks be required for oceanfront structures to avoid impacts to views from the beach. The proposed project is consistent with this policy because the grade beams will be below ground, and the proposed project is not visible from the beach.

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.
4. **Additional finding required for sites within the Goleta Community Plan area.** In compliance with Section 35-192.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Emergency Permit on sites within the Goleta Community Plan area, the review authority shall first find that the project meets all the applicable development standards included in the Goleta Community Plan and the Land Use

Element of the Comprehensive Plan.

The proposed project is consistent with the development standards of the Goleta Community Plan area. Policy GEO-GV-1 requires that all new development on a bluff top property be sited to avoid areas subject to erosion, and designed to avoid reliance on future shoreline and/or bluff protection policies. This project is consistent with this policy because the proposed project is below grade, does not contribute to the erosion of the bluff face, and will reinforce existing, permitted development. Policy GEO-GV-3 states *“where feasible and where consistent with Local Coastal Plan Policies, relocation of structures threatened by bluff retreat shall be required for development on existing legal parcel, rather than installation of coastal protection structures.”* This project is consistent with this policy because the project does not require the installation of a coastal protection structure like a seawall. The proposed project will also not affect the erosion of the coastal bluff. Finally, public access and use of the beach below the property will not be affected by the project.

## **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 proposed project includes adding reinforced concrete grade beams attached to and extending from the existing building foundation system to fully support the existing reinforced concrete patio slab on grade and to support the existing grade beam at the south end of the patio where it partially extends beyond the face of the bluff. Three new 44 ft. long by 2 ft. wide grade beams will extend south towards the bluff face. Another 47 ft. grade beam will connect the three new grade beams about 13 ft. from the edge of the bluff. In addition, three new 4 ft. long by 5 in. wide steel pipes will connect the new beams to the portion of the patio that overhangs the cliff face. The new grade beams will provide support for the exiting overhanging patio slabs. The project is expected to take eight (8) weeks to complete.**

**This situation constitutes an emergency because erosion of the bluff face caused the existing grade beam and patio to hang over the edge of the bluff. The existing patio was designed to have support from soil underneath it, not hang over the cliff edge. The unsupported patio or portions of it could fall and potentially injure a pedestrian on the beach.**

**The parcel will continue to be served by the Goleta Water District, Goleta Sanitary District, and Santa Barbara County Fire Department. Access will continue to be provided off Del Playa Drive. The property is a 0.25 acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-202-035, located at 6663 Del Playa Drive in the Goleta Community Plan area, 3<sup>rd</sup> Supervisorial District.**

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
3. **Follow on 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 Coastal Development Permit with a Hearing pursuant to Section 36-169 of the Article II Coastal Zoning Ordinance.
4. **Deadline to Submit Materials.** 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.
5. **Time Limit for Proposed Work.** 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 8 weeks 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.** 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. **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.  
**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.  
**MONITORING:** P&D permit processing planner shall check plans prior to issuance of the Building Permit and P&D enforcement staff shall respond to complaints in the field throughout grading and construction.
8. **Noise-02 Construction Hours.** The Owner/Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 am and 5:00 pm Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.  
**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.  
**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.  
**MONITORING:** Building inspectors and permit compliance staff shall spot check and respond to complaints.
9. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.  
**MONITORING:** P&D zoning enforcement staff and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
10. **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 at least 100 feet from any storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Building Permits.

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

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

11. **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 biweekly. The area shall be located at least 50 feet from any storm drain, waterbody or sensitive biological resources.

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

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

Attachments:

A. Project Plans

cc: Supervisor Hartman, 3<sup>rd</sup> District  
Travis Seawards, P&D Deputy Director  
Tess Harris, Supervising Planner, P&D  
Chris Schmuckal, P&D Planner  
California Coastal Commission, 89 S. California Street, Ventura CA 93001