



**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

Submitted on:
(COB Stamp)

Department Name: Planning and Development
Department No.: 053
Agenda Date: February 24, 2026
Placement: Departmental Agenda
Estimated Time:
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors *Lisa Plowman*
FROM: Department Director: Lisa Plowman, Director, Planning and Development
Contact: Travis Seawards, Deputy Director, Planning and Development
SUBJECT: Hearing to Consider Araya & Hayduk Appeals, Case Nos. 25APL-00019 & 25APL-00020, of the Montecito Planning Commission Approval of the Promise Land LLC – As-Built Wall, Case No. 23CDH-00027, Montecito Community Plan area, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On February 24, 2026, staff recommends that the Board of Supervisors take the following actions:

- a) Deny the appeals, Case Nos. 25APL-00019 & 25APL-00020;
- b) Make the required findings for approval of the project, Case No. 23CDH-00027, including CEQA findings (Attachment A);
- c) Determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302 (Attachment C); and
- d) Grant *de novo* approval of the project, Case No. 23CDH-00027, subject to the conditions of approval (Attachment B).

Summary Text:

This item is a hearing on an appeal (Case Nos. 25APL-00019 & 25APL-00020), filed by Carlos Araya and Martha Hayduk, respectively, (hereinafter Appellants) of the Montecito Planning Commission’s decision to approve the Promise Land LLC – As-Built Wall project, Case No. 23CDH-00027 (Project). The Project validates an as-built grouted sandstone boulder wall located within San Ysidro Creek. On

September 29, 2025, the Appellants filed a timely appeal of the Montecito Planning Commission's decision to approve the Project in compliance with Section 35-182 of Article II, stating the as-built boulder wall has changed the flow of water within the creek and is causing flooding on neighboring properties during rain events. No evidence has been provided to substantiate these claims, and Staff recommends the Board deny the appeal and approve the Project.

Discussion:

Planning & Development (P&D) recommends that the Board of Supervisors deny the appeals, because staff find the appeal issues are without merit. Public Works Flood Control has reviewed the Project for compliance with County Code Chapter 15A and accepted a no-rise analysis and report that determined the wall does not cause an increase in water surface elevations consistent with "no-rise" requirements for development in the floodway. in Article II. Findings for approval of the project application can be made (Attachment A), the project will not have an adverse impact on public health or safety, and the project is consistent with all Public Works Flood Control requirements, Comprehensive Plan policies, including the Montecito Community Plan, and the Coastal Land use Plan, and Article II.

The Appellants cited the following issue as the basis of the appeal:

1. The Project fails to provide adequate evidence that the as-built grouted sandstone boulder wall within San Ysidro Creek has not changed the flow of water within the creek. Rain events in the past years have produced flooding of the creek within the area of the as-built wall.

Section A of this Board Agenda Letter contains background details related to the project, Section B contains a description of the project scope, and Section C contains the appeal issues and staff's responses.

A. Background:

The subject property was impacted by the Montecito debris flow of January 2018. The repair work proposed to be validated with this permit includes the rebuild of a portion of an existing grouted sandstone boulder wall within the San Ysidro Creek that was damaged during the debris flow. The exact date of the original rock wall construction remains unknown, though historic aerial photographs found within the UCSB Map and Imagery Library show the wall was in place in 1954 and 1972.

During February and March of 2018, following the January 2018 debris flow, major cleanup efforts were completed by County Flood Control and the U.S. Army Corps of Engineers (ACOE) throughout the disaster area within San Ysidro Creek and in the vicinity of the project site. Concurrently, cleanup efforts were being completed by individual property owners, including the subject parcel property owner, affected by the debris flow. The property owner obtained a building permit for like-for-like repairs of an existing on-site carriage house damaged during the 2018 debris flow. While repairs were being carried out on the carriage house the owner also conducted repairs to the damaged grouted sandstone boulder wall within the San Ysidro Creek. The repairs for the wall were not included in issued building permit obtained by the owner. In 2023, a complaint was filed and a violation was opened for the unpermitted repairs to the grouted sandstone boulder wall under Case No. 23ZEV-00044.

B. Project Scope:

The Project is a request to legalize the like-for-like, rebuilt portion of an existing grouted sandstone boulder wall within the San Ysidro Creek that was damaged during the 2018 debris flow. The repair was conducted on a 110-foot-long portion of an existing grouted sandstone boulder wall that connects into the undamaged portion of the existing grouted sandstone boulder wall. The rebuilt wall ranges in height and width from 2 to 12 feet tall and 7.5 to 15 feet wide. No grading or tree removal occurred. The parcel is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire District. Access is provided from San Leandro Lane. The property is a 4.01-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 007-280-012, located at 1690 San Leandro Lane in the Montecito Community Plan area, First Supervisorial District.

C. Appeal Issues:

The appeal applications (Attachment D) identify one issue as the basis for the appeal. This appeal issue and Staff's analysis are provided in the following paragraphs.

Appeal Issue: Changes to water flow because of creek wall and potential result of flooding on neighboring properties

The Appellants assert that San Ysidro Creek water conveyance has changed due to repairs to the existing sandstone boulder wall within San Ysidro Creek that has resulted in flooding on neighboring properties during rain events.

Staff Response:

The Project does not change the flow conveyance capacity of San Ysidro Creek, as demonstrated by a technical analysis, prepared by a licensed engineer, that was reviewed by the County Public Works Flood Control District.

The project consists of validation of repairs conducted on a 110-foot-long portion of an existing grouted sandstone boulder wall. Based on historic photographs, the wall has been at this location since at least 1954. The Project site is located within the San Ysidro Creek and within a FEMA-designated regulatory floodplain, including the floodway, and was within the FEMA Recovery Map High Hazard Area. Therefore, the Project required a review and clearance by the County Public Works Flood Control Department, and the US Army Corps of Engineers (ACOE).

Pursuant to the requirements of the County Public Works Flood Control Department, the Project was required to demonstrate compliance with all applicable County floodplain and floodway development standards including maintaining pre-existing flood flow conveyance capacity, and to obtain review by the ACOE, including Section 404 permitting if required. The Applicant submitted a technical study, prepared by a licensed engineer, demonstrating that the Project does not reduce the conveyance capacity of the creek, a no-rise certification, and cross-sectional drawings illustrating the relationship between the base flood elevation and the proposed wall height and wall slope to the County. This information was also provided to the ACOE for review and is included as Attachment I.

The County Public Works Flood Control District reviewed the Project materials, including the engineered plans with a no-rise certification and cross-sectional drawings, and determined the Project is compliant with all applicable County floodplain and floodway development standards. The Project was submitted to ACOE for a Section 404 permit, and no Section 404 permit is required (Attachment H). Based on the review and approval by the County Public Works Flood Control District

and ACOE’s documented findings that no Section 404 permit is required, it was determined that the project is compliant with all required federal, state, and local floodplain and floodway regulations. The Project has adequately demonstrated that it does not adversely affect flood conveyance, water surface elevations, or flood hazards associated with San Ysidro Creek. The County Public Works Flood Control Department condition letter dated January 3, 2024, is included as Attachment E.

Fiscal and Facilities Impacts:

Budgeted: Yes

The total cost for processing the Project is approximately \$29,596.00 (98 hours of staff time). The total cost charged to the Applicant to process the zoning permit prior to filing the appeal was \$23,556.00 (78 hours of staff time). Planning and Development staff fees to process the appeals to the Board of Supervisors are approximately \$7,000.00 (20 hours of staff time). The appeal fees are paid by a General Fund subsidy in Planning and Development’s Adopted Budget (Page 307). There is no appeal fee cost to the Appellant, because the property is located in the California Coastal Commission’s appeal jurisdiction.

| Funding Source | FY 2025-26 | Total |
|-----------------------|-------------------|------------------|
| General Fund | 6,040.00 | 6,040.00 |
| State | | |
| Federal | | |
| Fees | 23,556.00 | |
| Total | | 29,596.00 |

Special Instructions:

The Planning and Development Department shall publish a legal notice in the *Montecito Record* at least 10 days prior to the hearing of February 24, 2026. The Clerk of the Board shall forward the minute order of the to the Planning and Development Department, Hearing Support, Attention: Kathleen Volpi.

Attachments:

- Attachment A – Findings for Approval**
- Attachment B – Conditions of Approval**
- Attachment C – CEQA Exemption Notice**
- Attachment D – Appeal Applications**
- Attachment E – Montecito Planning Commission Action Letter**
- Attachment F – Montecito Planning Commission Staff Report**

Attachment G – Public Works Flood Control Letter

Attachment H – US Army Corps of Engineers Email Correspondence

Attachment I – California Fish and Wildlife Letter

Attachment J – No-Rise Certification Memo and Study

Attachment K – Biological Report

Attachment L – Project Plans

Attachment M – Facilitation Report

Contact Information:

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