



City of Santa Barbara California

PROPOSED DEVELOPMENT ALONG MISSION CREEK STAFF MEMO

DATE: December 2, 2022
PROJECT ADDRESS: 515 W. Los Olivos Street (PLN2020-00372)
TO: Elias Isaacson, Community Development Director
FROM: Planning Division, (805) 564-5509
Allison DeBusk, Senior Planner

I. PROJECT DESCRIPTION

The project proposal is to demolish the existing residence and construct a six-unit residential development, consisting of a two-story duplex, and a three-story fourplex, with eight covered parking spaces on a 12,585-square-foot lot (refer to Exhibit A, Project Plans). The project is subject to the City's Ordinance regulating development along Mission Creek due to the site's proximity to Mission Creek. The proposed project includes development within the required Development Limitation Area, and an exception to that requirement is being requested.

II. SITE DESCRIPTION

The project site (515 W. Los Olivos; APN 025-210-003) is a 12,585-square-foot lot located near the western end of W. Los Olivos Street, between Oak Park Lane and Highway 101 (refer to Figures 1 and 2 below). Mission Creek runs along the eastern side of Highway 101 in this location, and the southwest corner of the subject parcel is clipped by the County Flood Control Easement along this portion of Mission Creek. Both sides of this section of Mission Creek have a concrete-lined channel bank. On the east side of the creek, there is a concrete wall that extends above the concrete-lined channel bed. The wall slopes at a 45-degree angle and is maintained by County Flood Control. Beyond this wall, the ground has a 30% slope for approximately 2.25 feet and then the grade becomes a slope of approximately 7.7% as it approaches the project site (refer to Exhibit B, Top of Bank Exhibit).

III. DEVELOPMENT ALONG MISSION CREEK

Per Santa Barbara Municipal Code (SBMC) §30.140.050 (Development Along Mission Creek), no development is permitted within 25 feet of the top-of-bank of Mission Creek. Per SBMC §30.140.050.C, the area within 25 feet of the top-of-bank is defined as the "Development Limitation Area." The purpose is to prevent undue damage or destruction of developments by flood waters; prevent development on one parcel from causing undue detrimental impact on adjacent or down-stream properties in the event of flood waters; and to protect the public health, safety and welfare. Refer to Exhibit C for the complete language of this code section.

However, the municipal code does provide for relief from this 25-foot Development Limitation Area if certain findings are met, including whether or not the proposed development will significantly reduce existing floodways, realign stream beds or otherwise adversely affect other properties by increasing

stream velocities or depths or by diverting the flow, and whether or not the proposed development will be reasonably safe from flow-related erosion or if it will cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

The Mission Creek top-of-bank is calculated per SBMC §30.15.040.A. For the subject site, the top-of-bank of Mission Creek is illustrated on Exhibit C. It should be noted that the site plan (Exhibit B, Sheet S-2) does not identify the top of bank. Rather, it identifies the top of channel as referenced on Exhibit C. Therefore, the associated 25-foot Development Limitation Area (“Channel Setback” on the site plan) is not accurate. The 25-foot Development Limitation Area would extend approximately 2.25 feet farther into the project site than what is shown on the plans.

For purposes of this Mission Creek-specific code section, development is defined as “any structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.” The portion of the proposed project encroaching within the Development Limitation Area is utility closet/ support structure for the second floor balcony and small portion of a patio (pavers).

In accordance with the procedures identified in SBMC §30.140.050.G, this application was referred to the City Parks and Recreation Department Creeks Division, the Building & Safety Division, and the Santa Barbara County Flood Control District for feedback. No issues were raised by these entities.

Per SBMC §30.140.050.F.2, the Community Development Director may consider the following factors as mitigating possible hazards which might otherwise result from such development:

- a. Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.
- b. Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.
- c. Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.
- d. Where the ground level floor of the development is not used for human occupancy and has no solid walls.
- e. Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.

The project site is protected from flooding by the existing flood control facilities within the creek bed and bank. Staff has confirmed with Santa Barbara County Flood Control that they intend to maintain the concrete creek bank in perpetuity. Additionally, no development is proposed within the 100-year flood zone, and the portion of the development within the Development Limitation Area has no solid walls.

Staff finds that allowing the proposed development within the Development Limitation Area will not result in damage or destruction of developments by flood waters, will not impact development on an adjacent or downstream parcel and will protect the public health, safety and welfare because the proposed development would not reduce existing floodways; would not re-align stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow; and the proposed new development would be safe from flow-related erosion and would not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

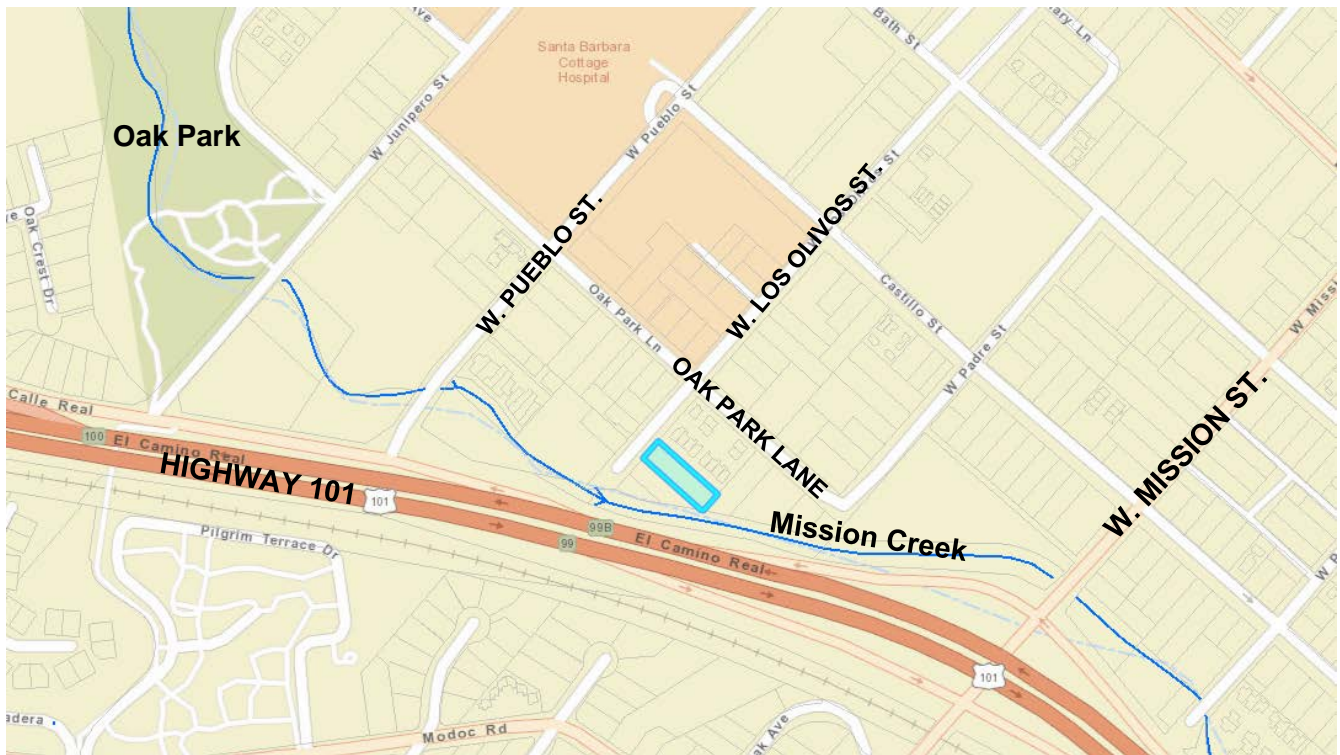


Figure 1: Project Location – 515 W. Los Olivos St.



Figure 1: Aerial of Project Location – 515 W. Los Olivos St.

IV. ENVIRONMENTAL REVIEW

Below is a discussion of key environmental issue areas that were evaluated during project review.

Flood Hazards. The project site is located in FEMA Flood Zone X (0.2 percent annual chance flood hazard), which means that the project is not subject to the City's Floodplain Management Ordinance (SBMC Chapter 22.24).

Biology. The Master Environmental Assessment (MEA) for the property indicates the creek bank is primarily unvegetated; however, there are pockets of ruderal, coast live oak woodland and riparian and wetland riparian woodland or forest in the vicinity above the concrete bank (outside of the subject parcel). However, no changes or alterations to the existing creek bank or creek bed are proposed. There are no identified biological resources on the project site. Therefore, a biological survey was not required and no adverse effects to biological resources are anticipated.

Archaeology. Based on a review of the City's Master Environmental Assessment, the project site is located in areas that have the potential to contain archaeological resources (Prehistoric Watercourse Buffer, American City Archaeological, and Early 20th Century Archaeological). A Phase 1 Archaeological Report was prepared and accepted by the Historic Landmarks Commission, which determined that the area has a very low potential for unrecorded archaeological resources, and neither monitoring nor additional testing were recommended. Nevertheless, the project is subject to the City's Archaeological and Paleontological Resources Ordinance should unanticipated archaeological or paleontological resources be discovered during project implementation (SBMC Chapter 22.12).

Conclusion: Staff has determined that the project qualifies for an exemption from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, §15303 (New Construction and Conversion of Small Structures). Additionally, none of the exceptions to the exemption under CEQA Guidelines §15300.2 apply.

V. RECOMMENDATION

As outlined above, the project can be approved because it can be found consistent with the purpose of the Ordinance (Subsection 30.140.050.A), in that it will not significantly reduce existing floodways; realign stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow; and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

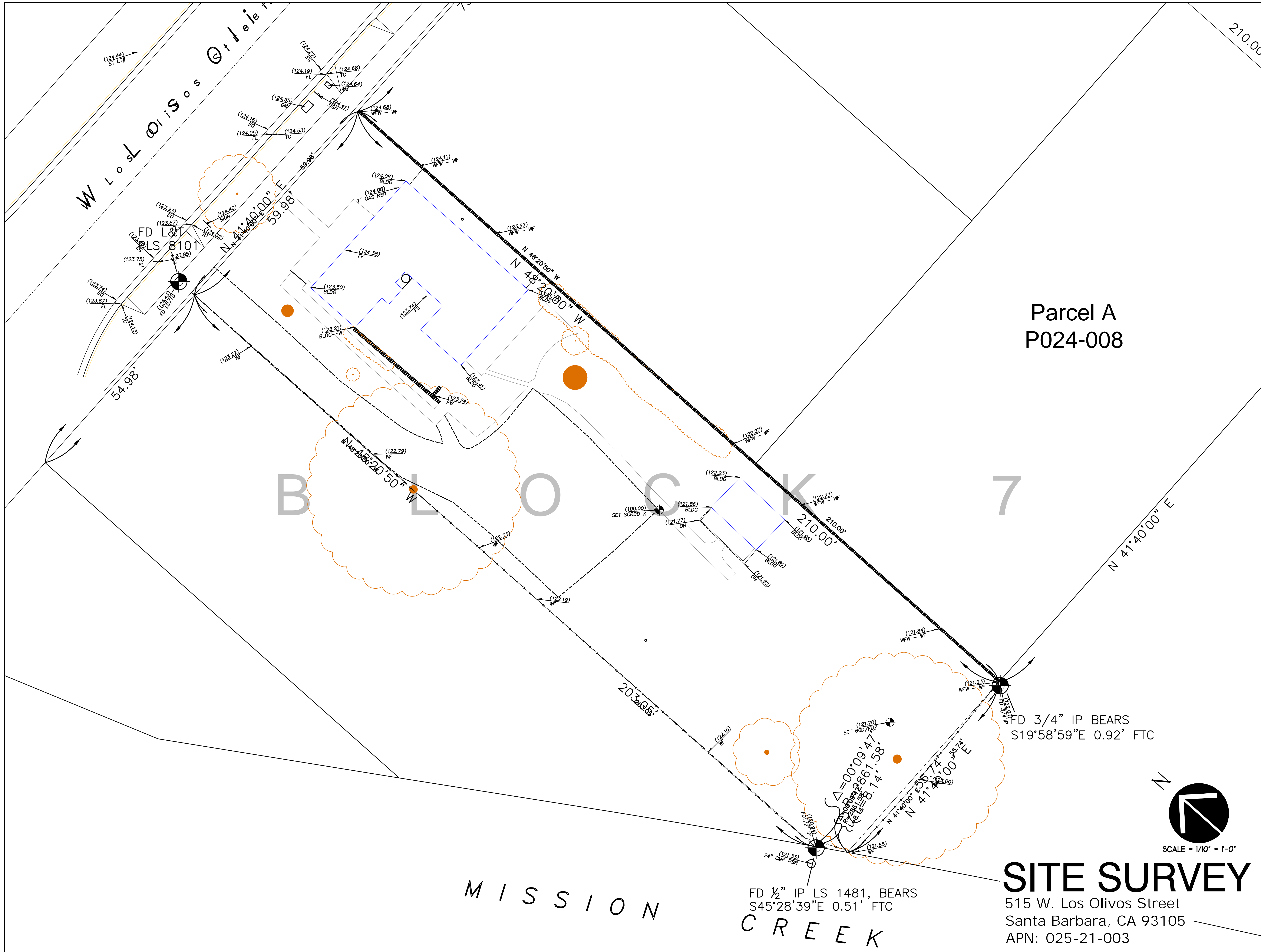
VI. NEXT STEPS

On December 14, 2022, the Community Development Director will make a decision on the proposed encroachment into the Mission Creek Development Limitation Area. Oral or written comments may be provided to the Director during the 10-day comment period. The decision of the Community Development Director shall be final unless appealed by the applicant or any interested person to the Planning Commission within 10 days of the decision by the filing of a written appeal with the Community Development Department.

Exhibits:

- A. Project Plans
- B. Top of Bank Exhibit
- C. SBMC §30.140.050 (Development Along Mission Creek)

EXHIBIT A



Ceballos
ASSOCIATES

515 W. Los Olivos Apartments
Steve Johnson
314 W. Cota Street
Santa Barbara
CA 93201

REVISIONS

JOB #
DATE: 2005.06.18
SHEET NO.
S-1

CEBULLA ASSOCIATES

P.O. BOX 42
PISMO BEACH, CA 93448
PH. (805) 473-1298
FAX (805) 473-8203
www.cebullaassociates.com

Architect: CHARLES CEBULLA
Designer: MATT CEBULLA

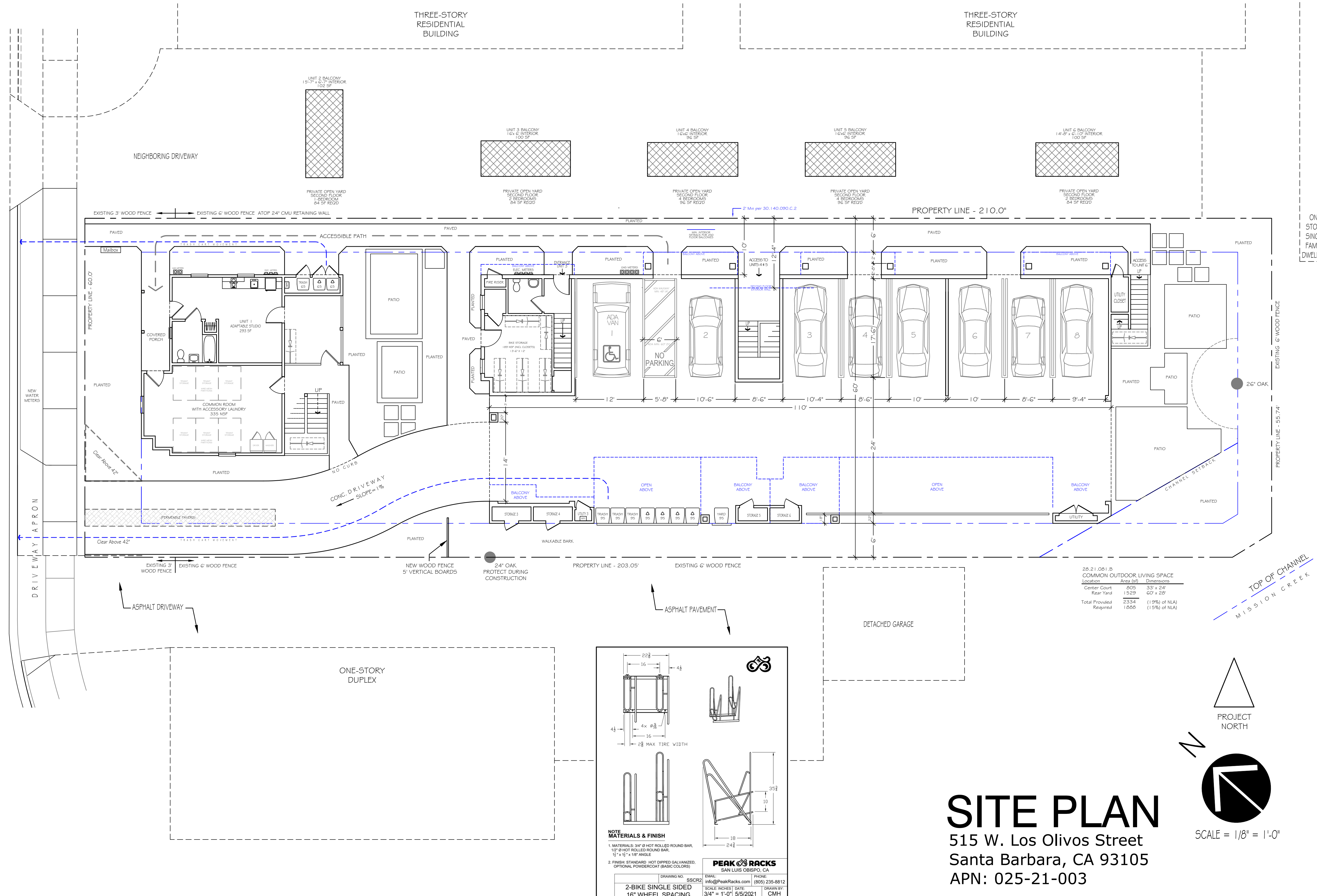
PROJECT:
515 Los Olivos St
Apartments

OWNER
Steve Johnson
314 W. Cota Street
Santa Barbara
CA 93201

REVISIONS
06-JUL-2022

JOB #
DATE: 21-Jan-2022
SHEET NO.

S-2





ADJACENT PROPERTY + FRONT OF EXISTING DWELLING



FRONT OF EXISTING DWELLING



FRONT OF EXISTING DWELLING



DRIVEWAY AND SW SIDE EXISTING DWELLING



SW SIDE OF EXISTING DWELLING



REAR OF EXISTING DWELLING



REAR EXISTING DWELLING, PARKING AND GARDEN SHED



NW SIDE OF EXISTING DWELLING,
SEEN FROM ADJACENT PROPERTY

Cebulla
ASSOCIATES

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Architect: CHARLES CEBULLA
Designer: MATT CEBULLA

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515 W. Los Olivos Apartments

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314 W. Cota Street
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CA 93201

REVISIONS

JOB #
DATE:
SHEET NO.

P-1



ADJCENT DWELLING TO SW OF PROPERTY



VIEW OF LOS OLIVOS STREET FROM PROPERTY, LOOKING NW



VIEW OF LOS OLIVOS STREET FROM FRONT OF PROPERTY

Cebulla
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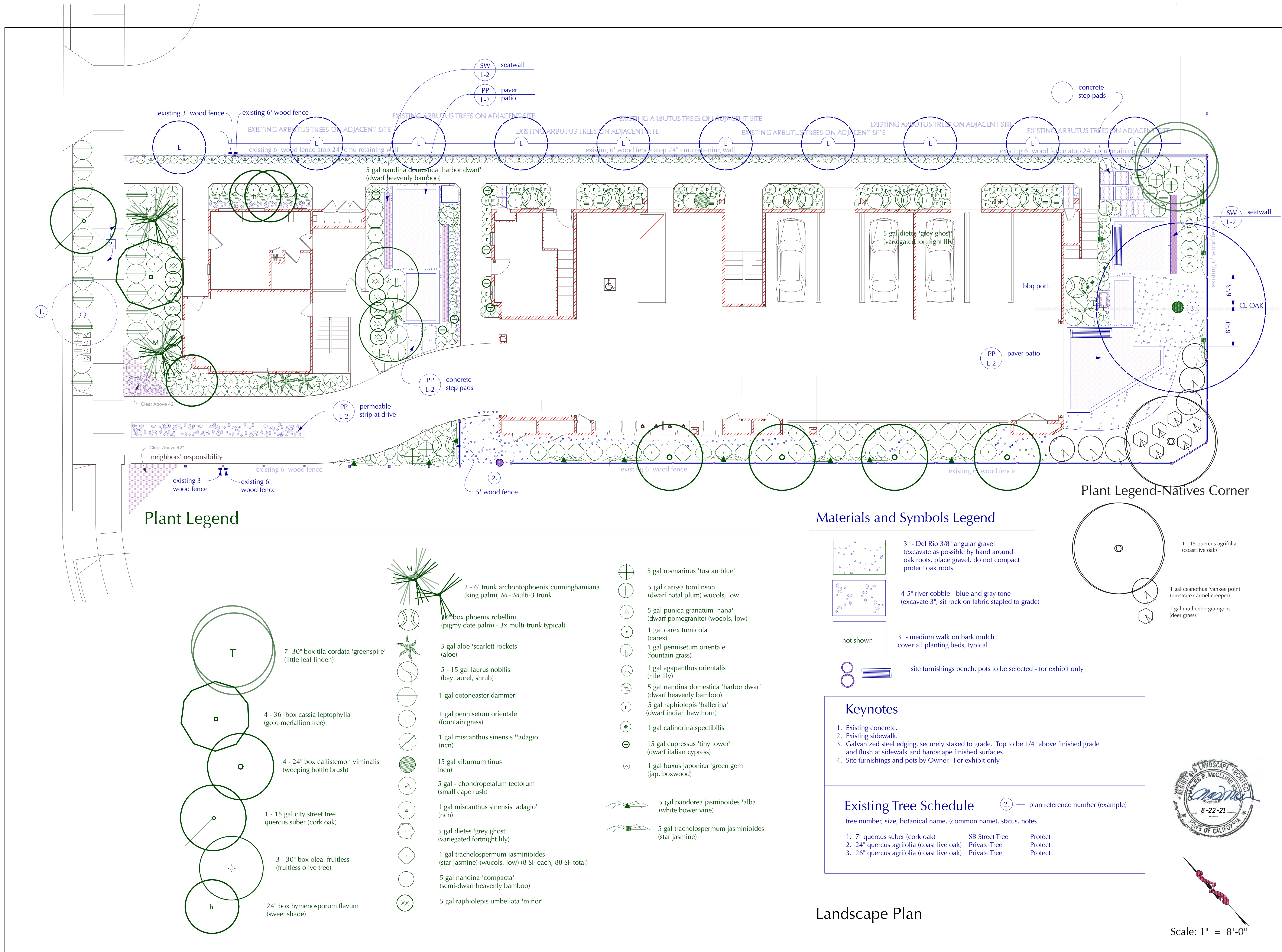
Architect: CHARLES CEBULLA
Designer: MATT CEBULLA

PROJECT:
515 W. Los Olivos Apartments
OWNER
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314 W. Cota Street
Santa Barbara
CA 93201

REVISIONS

JOB #
DATE:
SHEET NO.

P-2



CM+LA

Charles McClure + Landscape Architect

SANTA BARBARA CALIFORNIA

Ph: (805) 729 1179
cmla3114@gmail.com
web: cmla5b.com
Ca. License No. 3114 since 1989

what can be conceived can be created

landscape planning for:

New Housing

515 West Los Olivos Street
Santa Barbara, California

REVISION :

August 26, 2019

November 24, 2021

SHEET TITLE :
Planting Plan

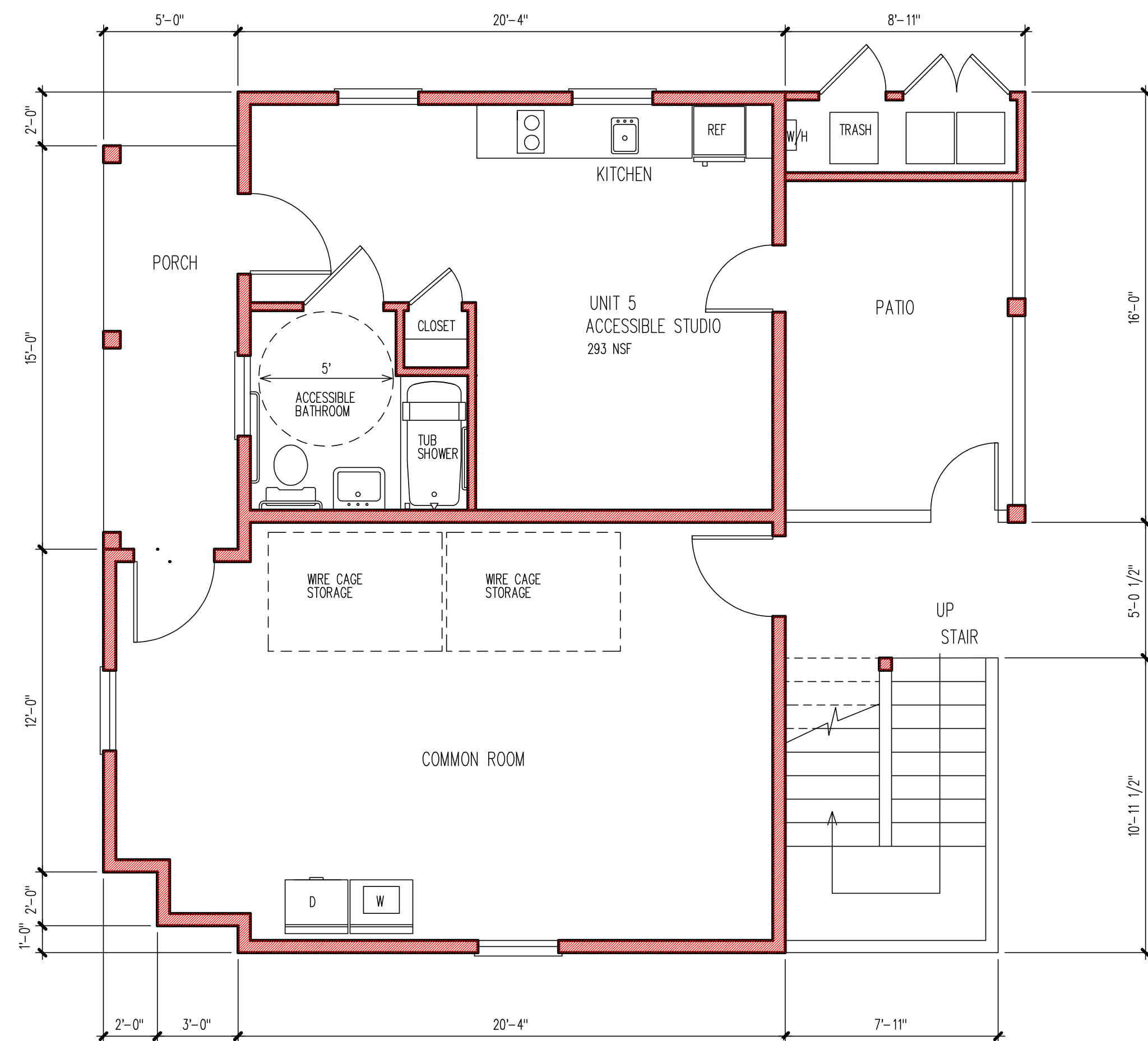
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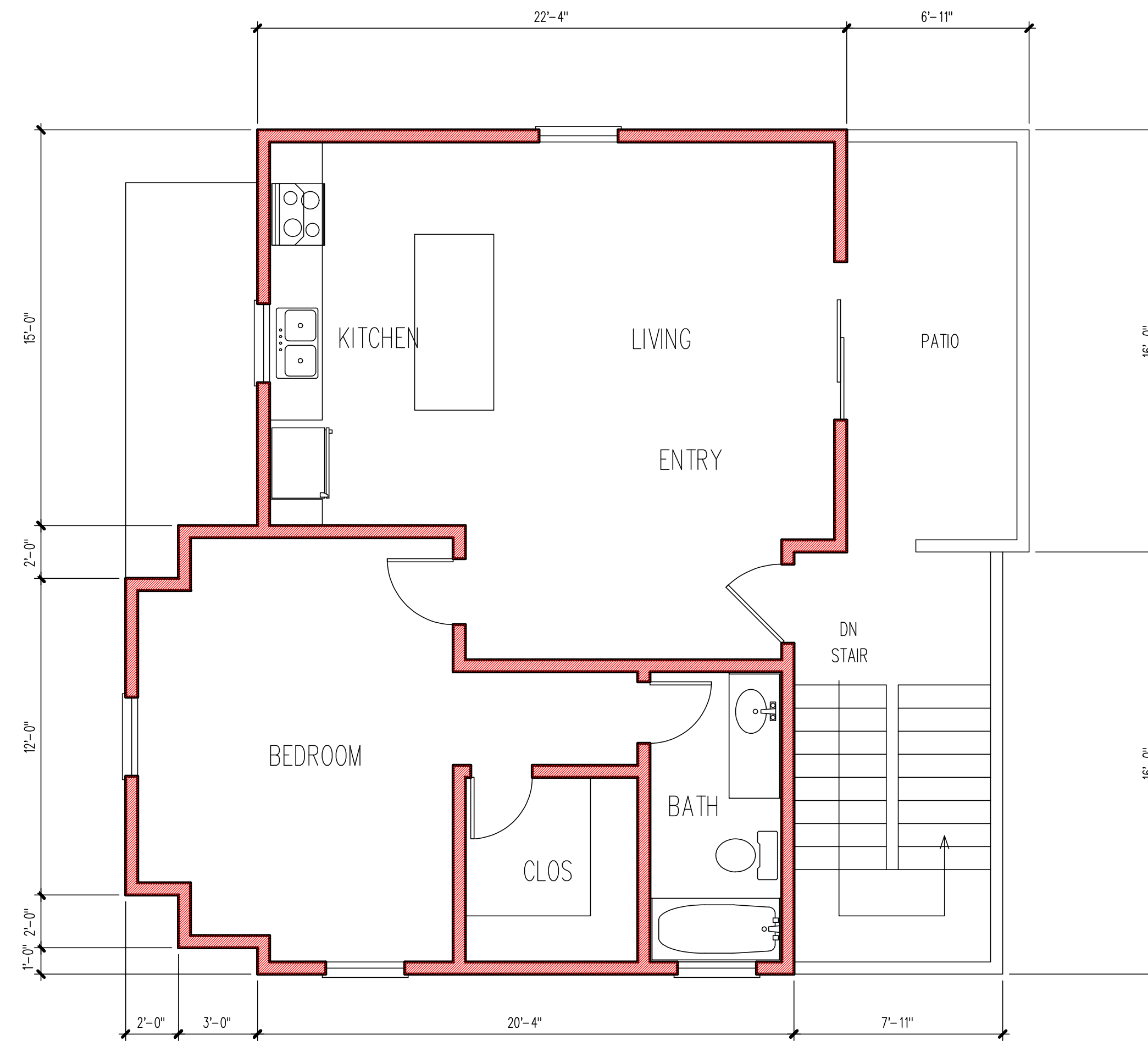
DRAWN : C.M.

SHEET :
L-1

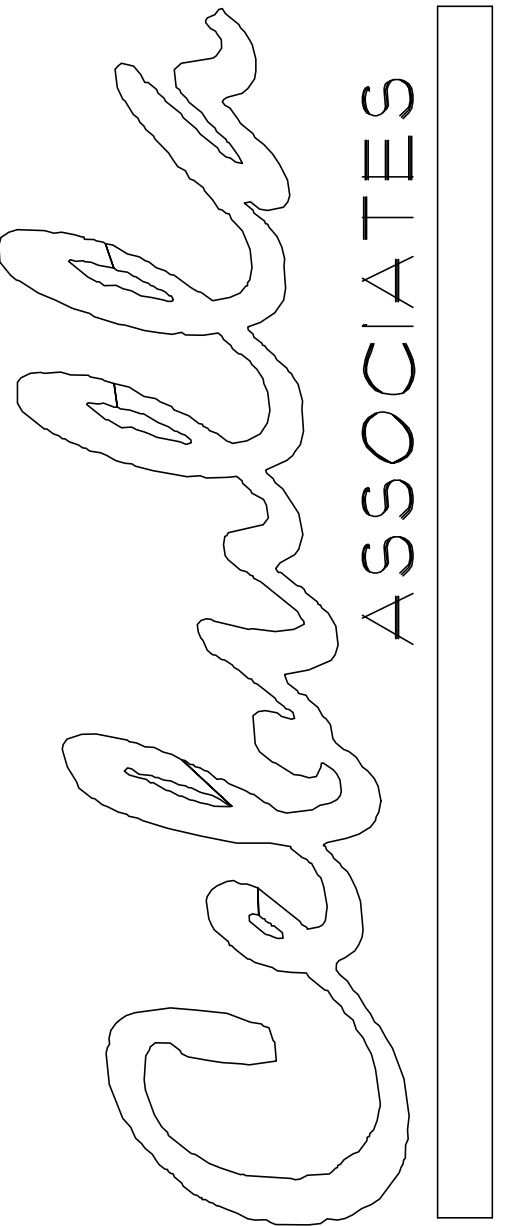
OF 1 SHEETS



FIRST FLOOR PLAN



SECOND FLOOR PLAN



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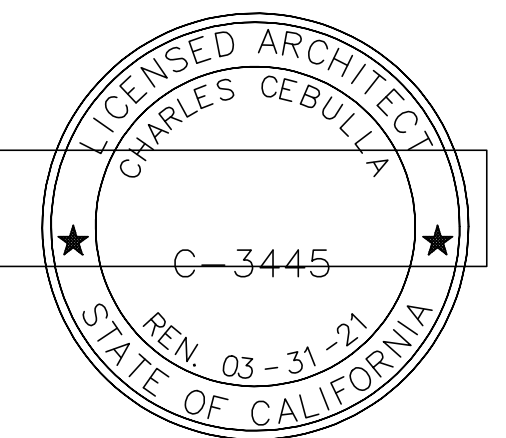
www.cebullaassociates.com

PROJECT:

515 LOS OLIVOS APARTMENTS

OWNER

STEVE JOHNSON
314 WEST COTA STREET
SANTA BARBARA, CA.
93201

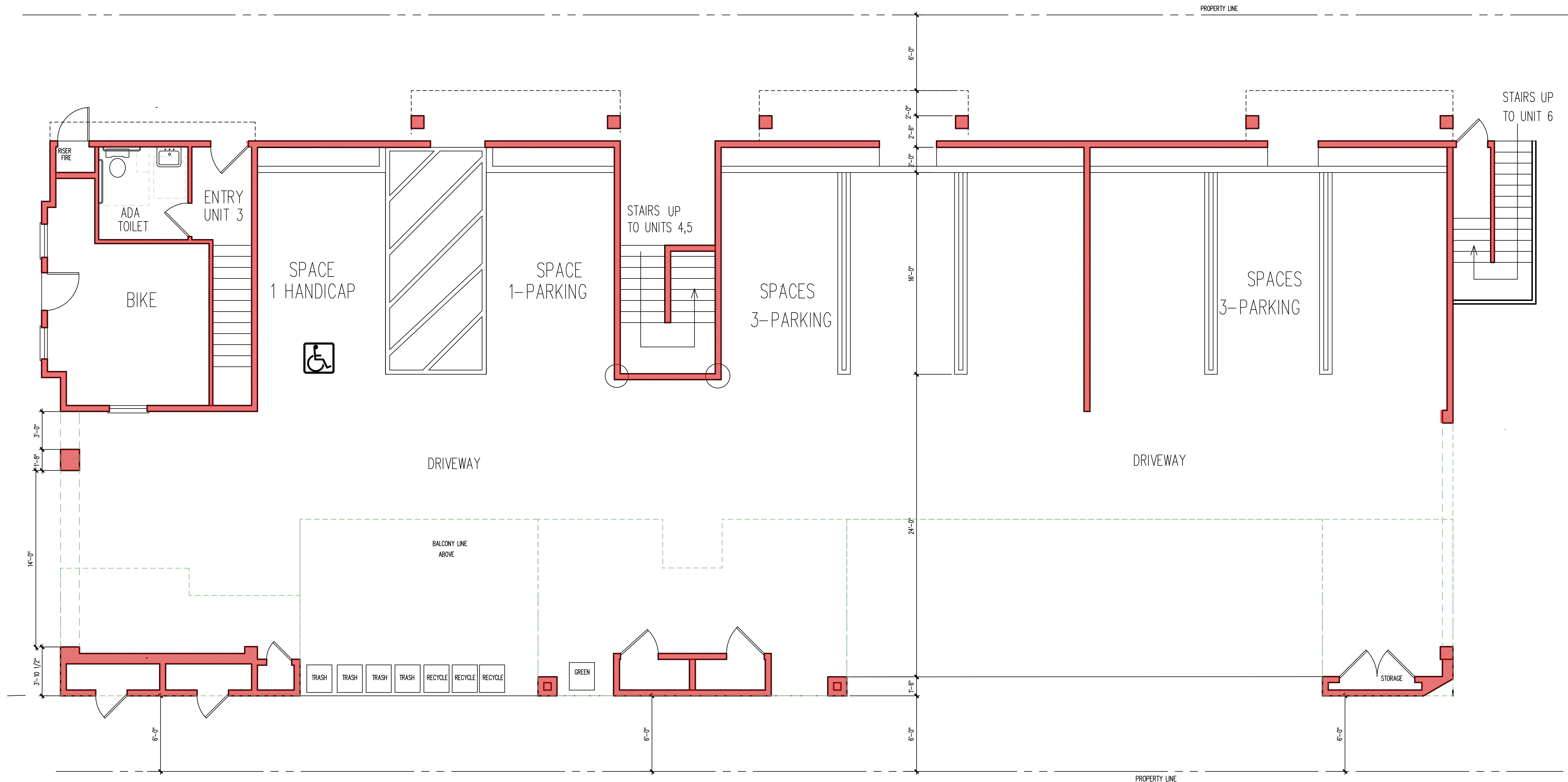


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JOB # 20111

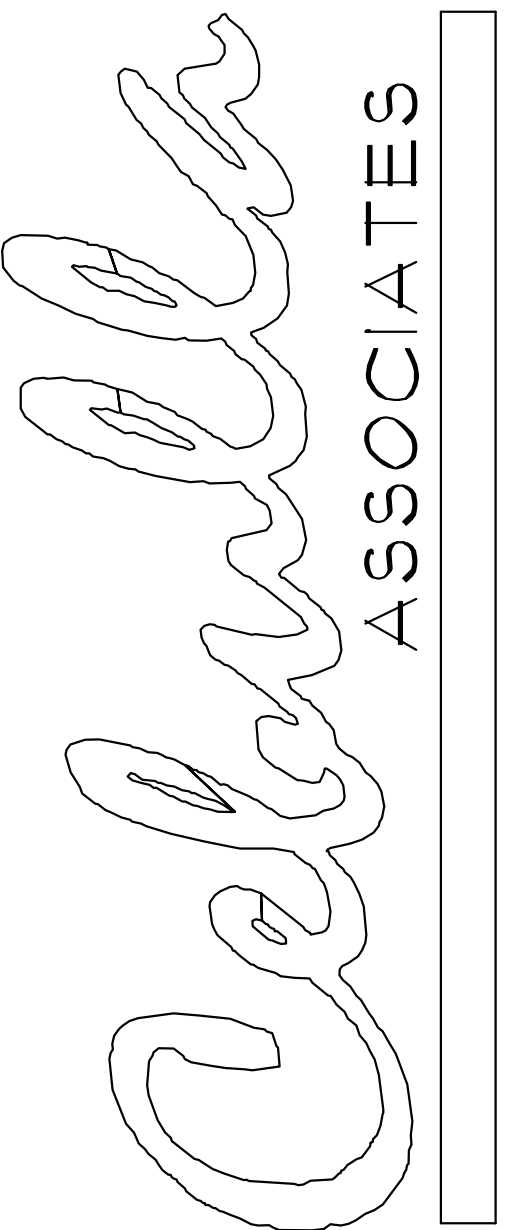
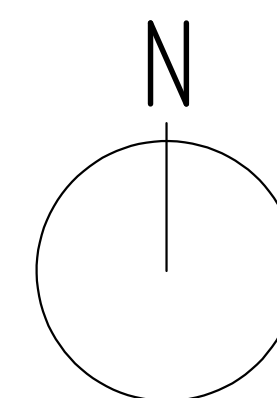
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SHEET



FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"



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PH: (805) 473-1298
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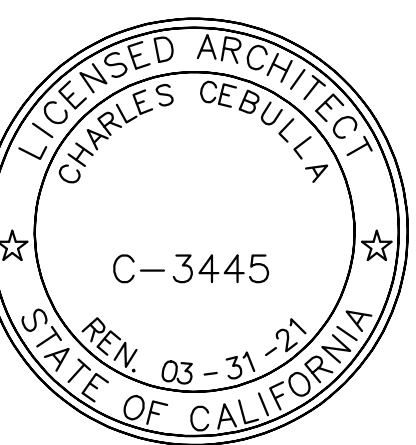
www.cebullaassociates.com

PROJECT:

515 LOS OLIVOS APARTMENTS

OWNER:

STEVE JOHNSON
314 WEST COTA STREET
SANTA BARBARA, CA.
93201

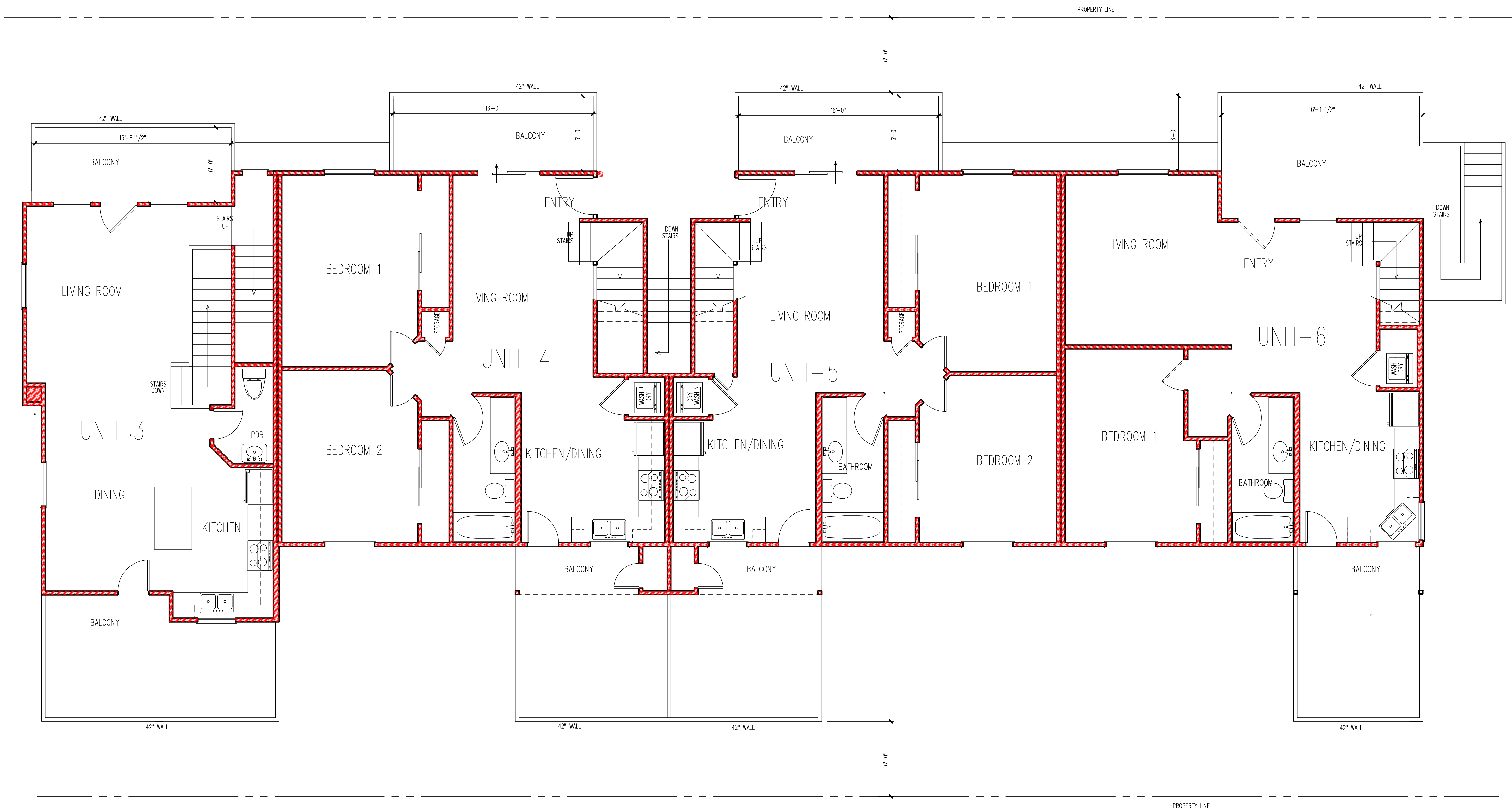


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JOB # 20111

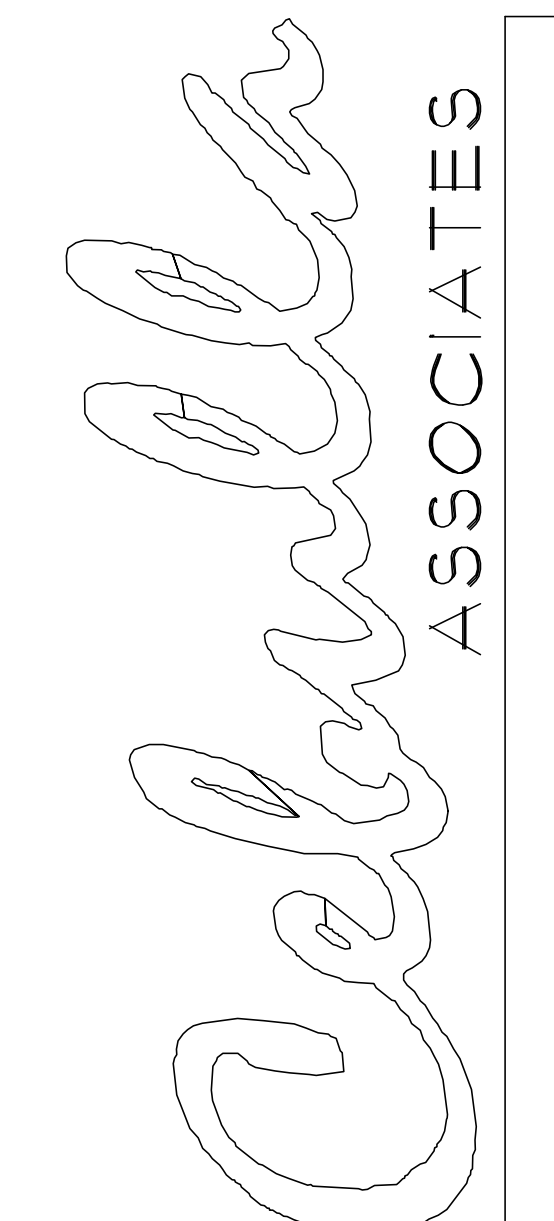
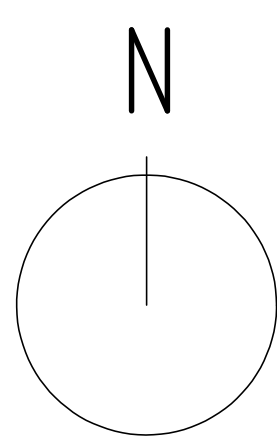
DATE: 02-21-2020

SHEET



SECOND FLOOR PLAN

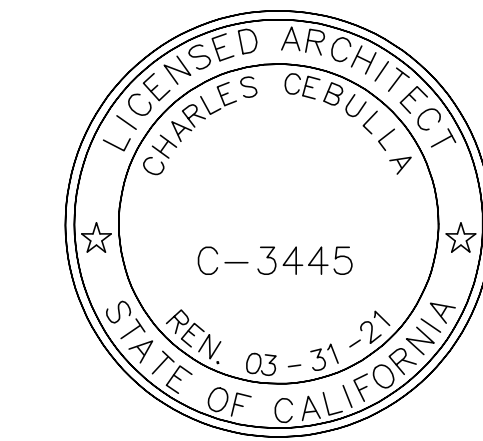
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PROJECT:
515 LOS OLIVOS APARTMENTS

OWNER
STEVE JOHNSON
314 WEST COTA STREET
SANTA BARBARA, CA.
93201

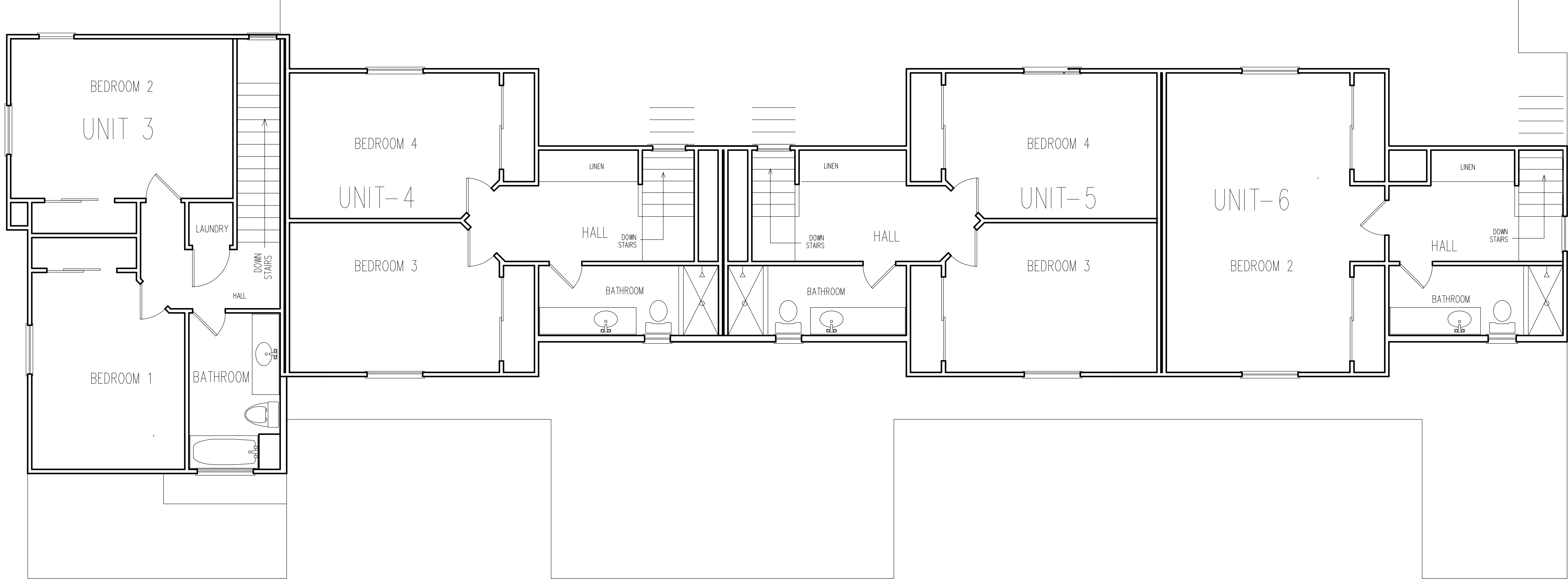


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JOB # 20111

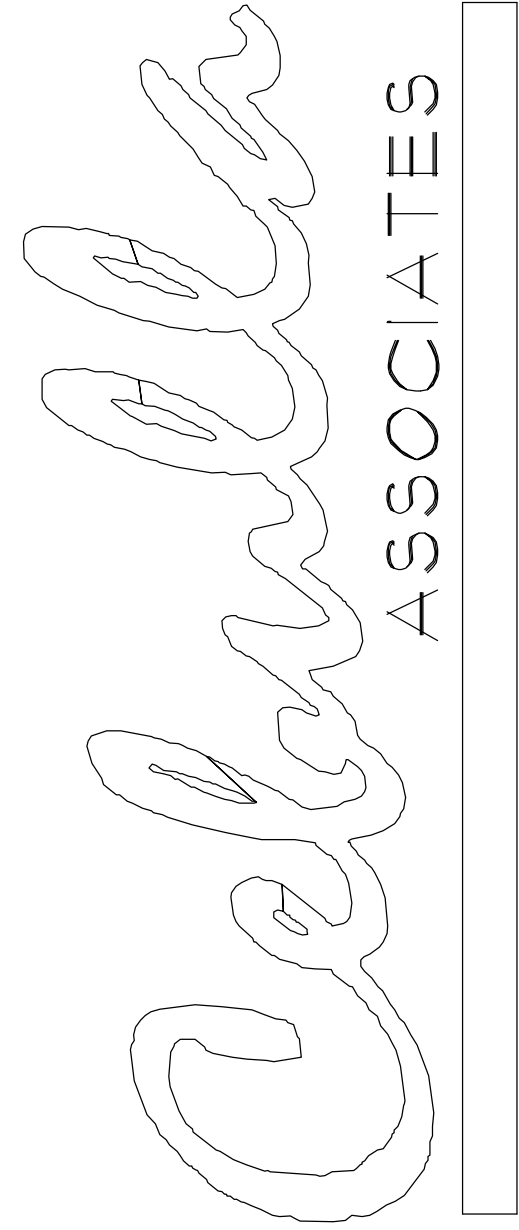
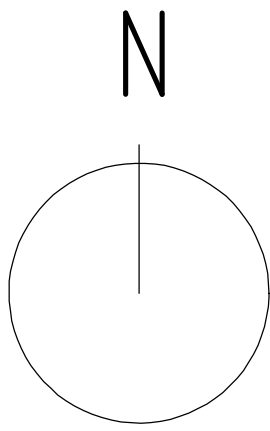
DATE: 02-21-2020

SHEET



THIRD FLOOR PLAN

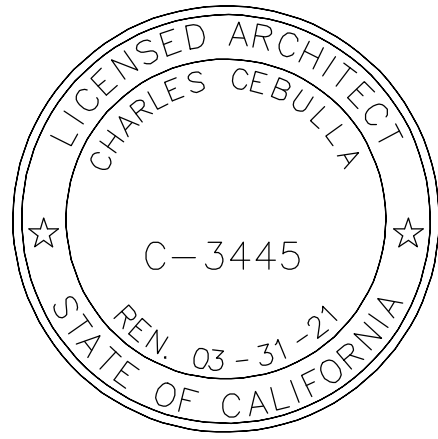
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PROJECT:
515 LOS OLIVOS APARTMENTS

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93201



REVISIONS:

JOB # 2011
DATE: 02-21-2020



FRONT ELEVATION
SCALE 1/8" = 1'-0"



BACK ELEVATION
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

Front Duplex

Cebulda
ASSOCIATES

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PROJECT:
515 LOS OLIVOS APARTMENTS

OWNER
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314 WEST COTA STREET
SANTA BARBARA, CA.
93201



REVISIONS:

JOB # 19133

DATE: 02-20-20

SHEET



BACK ELEVATION

SCALE 1/8" = 1'-0"

Rear 4plex



FRONT ELEVATION

SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE 1/8" = 1'-0"

Cebulla
ASSOCIATES

CEBULLA ASSOCIATES

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PISMO BEACH, CA 93448
PH(805) 440-5016

PROJECT:

515 LOS OLIVOS APARTMENTS

OWNER:

STEVE JOHNSON
314 WEST COTA STREET
SANTA BARBARA, CA.
93201



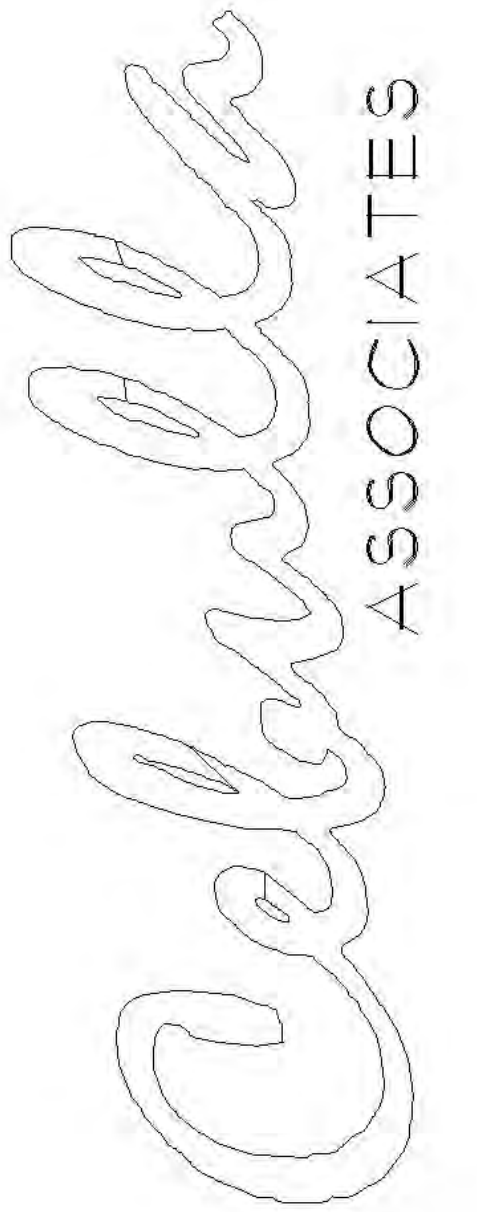
REVISIONS:

JOB # 19133

DATE: 02-20-20

SHEET

6



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PROJECT:
515 LOS OLIVOS APARTMENTS

OWNER
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SANTA BARBARA, CA.
93201



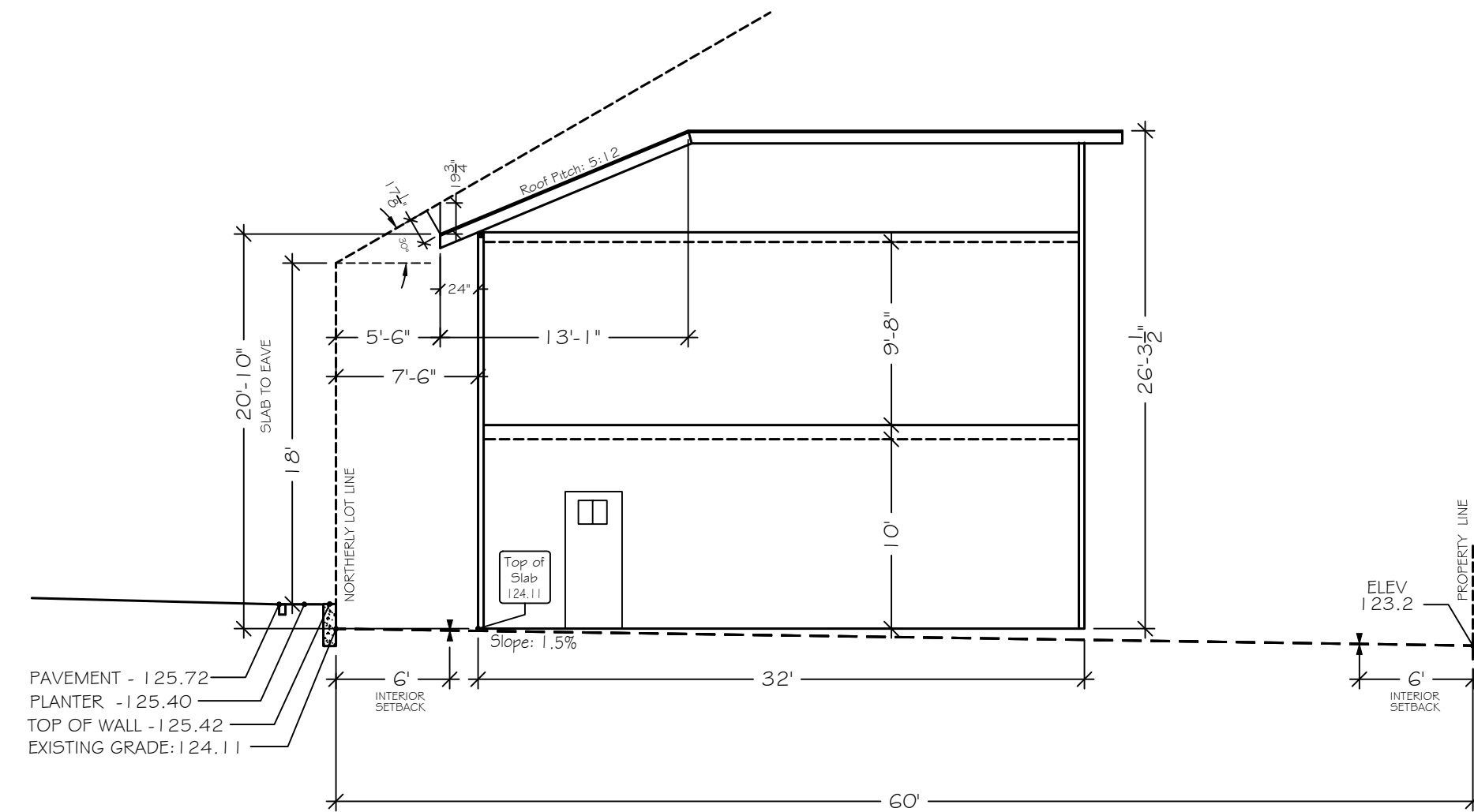
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JOB # 19133

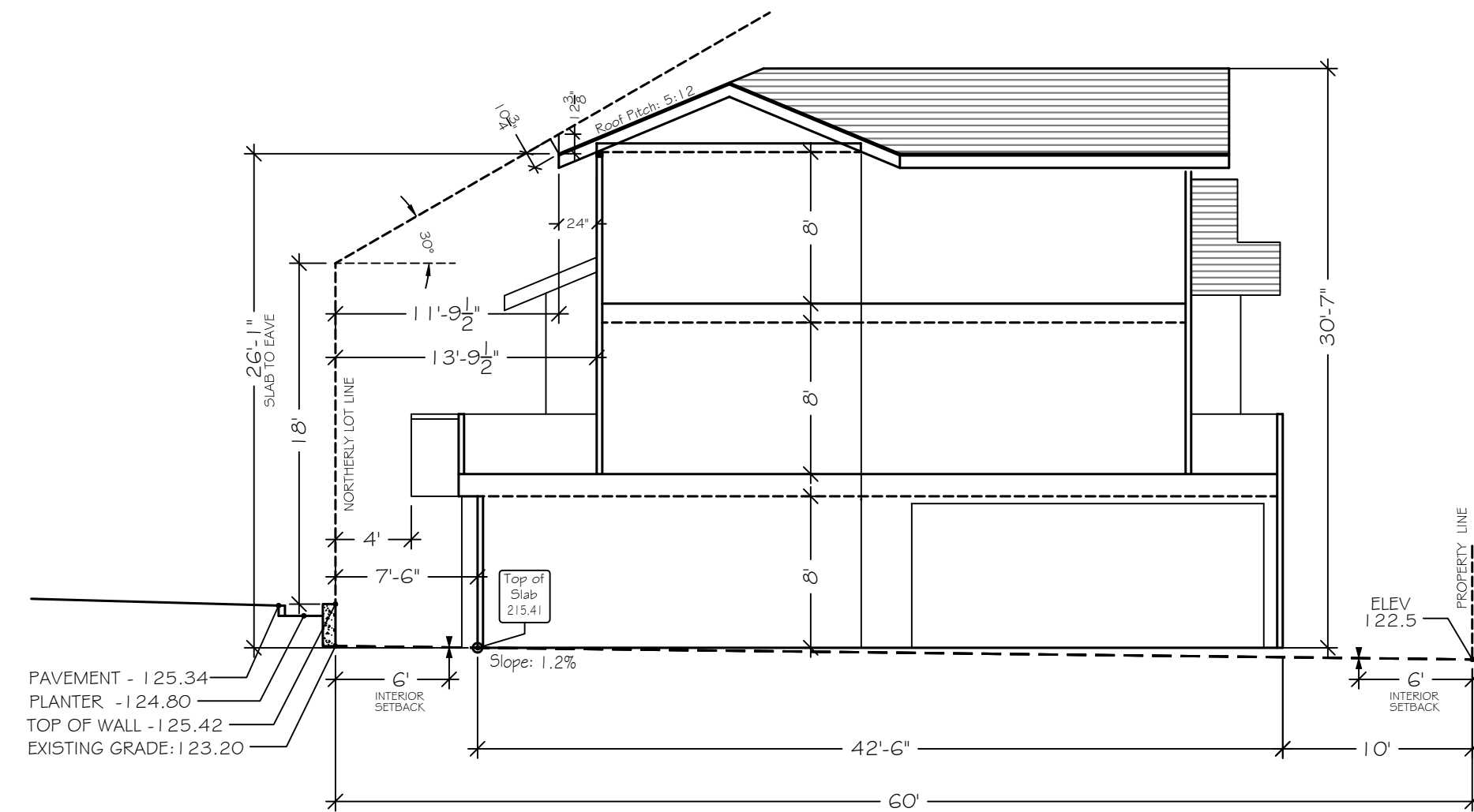
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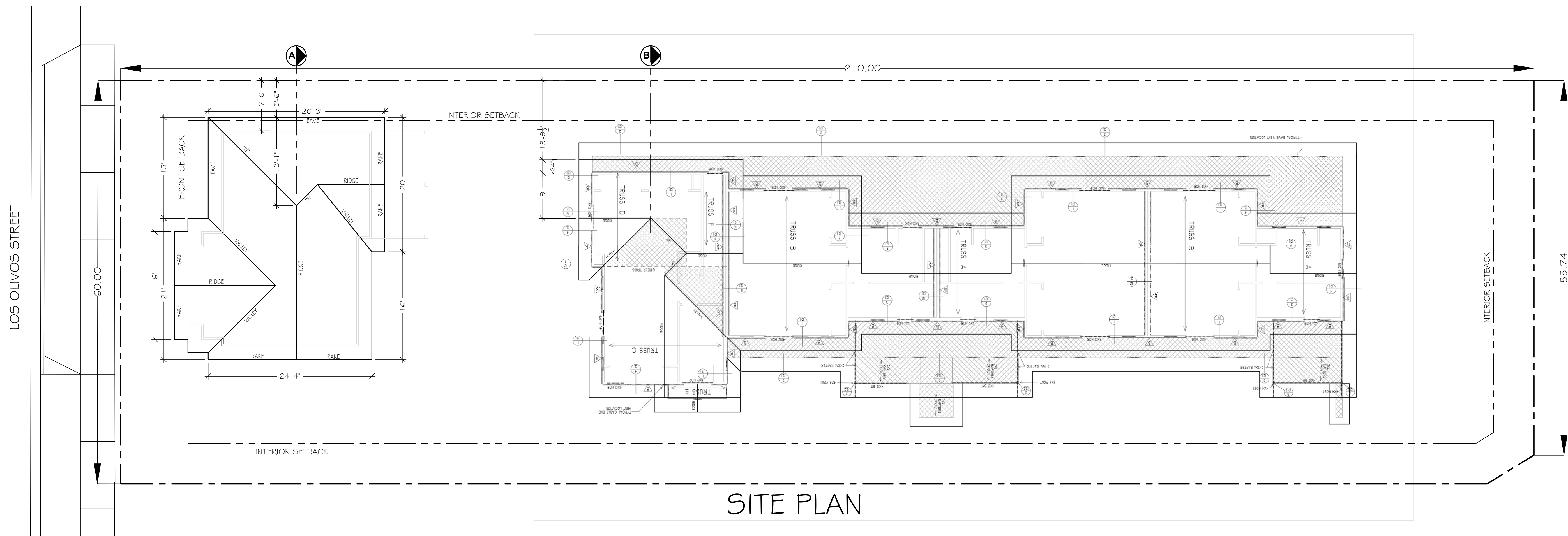
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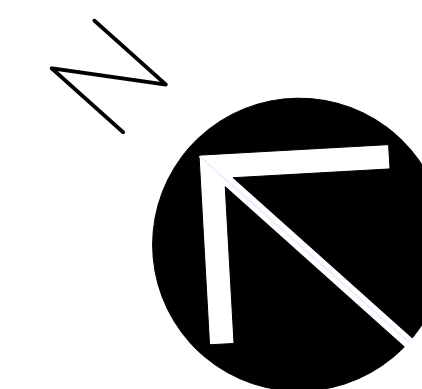
SOLAR ACCESS ANALYSIS
(PER SBMC Chapter 28.11)
DUPLEX SECTION AT "A"
515 LOS OLIVOS STREET
SANTA BARBARA



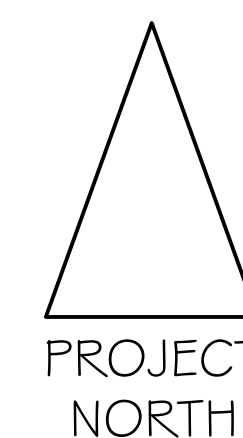
SOLAR ACCESS ANALYSIS
(PER SBMC Chapter 28.11)
FOURPLEX AT SECTION "B"
515 LOS OLIVOS STREET
SANTA BARBARA



Solar Access
515 W. Los Olivos Street
Santa Barbara, CA 93105
APN: 025-21-003



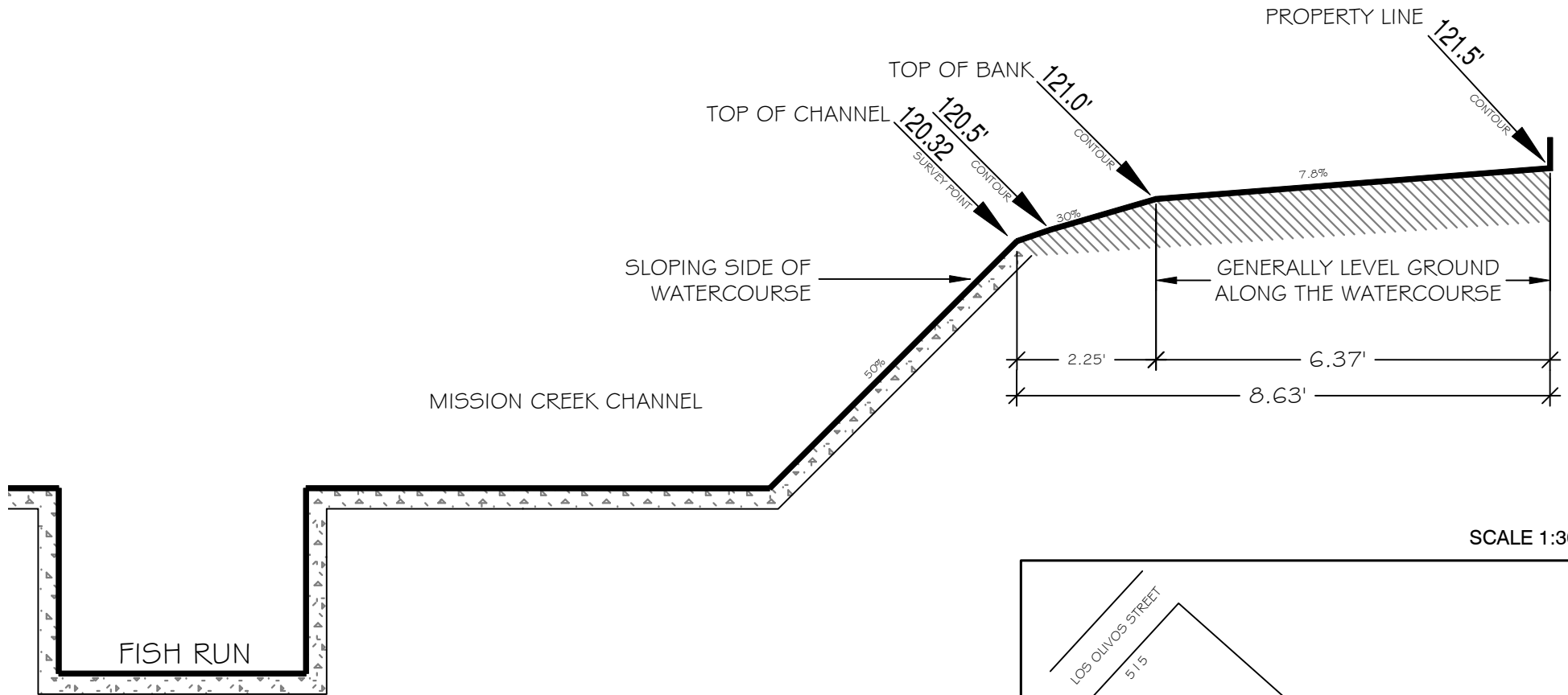
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Longitude: 119° 43' 23.74" W



515 W. Los Olivos
Apartments
OWNER
Steve Johnson
314 W. Cota Street
Santa Barbara
CA 93201

REVISIONS

JOB #
DATE: 4-28-21
SHEET NO.
Solar Access

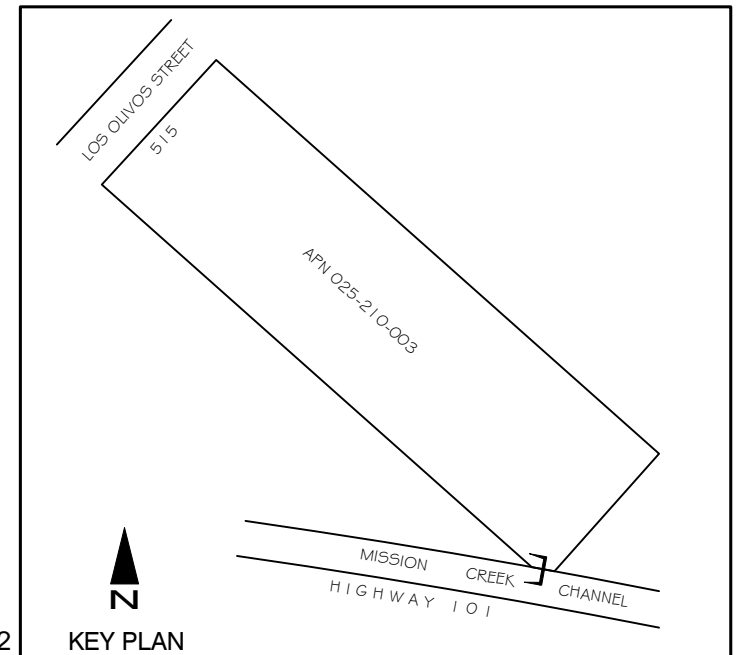


SCALE 1:30

**SECTION THROUGH MISSION CREEK
AT 515 LOS OLIVOS STREET, SANTA BARBARA**
BASED ON SURVEY BY LES EVERARD LLS, APRIL 2020

EXHIBIT B

11/18/22



KEY PLAN

Santa Barbara Municipal Code

Section 30.140.050 Development Along Mission Creek.

A. **Purpose.** The purpose of this section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara. These controls are necessary:

1. To prevent undue damage or destruction of developments by flood waters;
2. To prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters; and
3. To protect the public health, safety and welfare.

B. **Applicability.** No person may construct, build, or place a development within the area described in Subsection 30.140.050.C, Development Limitation Area, unless said development has been previously approved as provided in Subsection 30.140.050.E, Approval Required. The development must also comply with the City of Santa Barbara's adopted Floodplain Management regulations.

C. **Development Limitation Area.** The limitations of this section shall apply to all land within the area of the Mission Creek watercourse pursuant to Section [30.15.040](#), Determining Area of a Watercourse, and all land located within 25 feet of the top of either bank of Mission Creek within the City of Santa Barbara.

D. **Development Defined.** Development, for the purposes of this section, shall include any structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.

E. **Approval Required.** Prior to construction of a development in the area described in Subsection 30.140.050.C, Development Limitation Area, the property owner shall obtain approvals as follow:

1. Any development subject to the requirement for a building permit shall be reviewed and approved by the Community Development Director or the Planning Commission on appeal, prior to the issuance of a building permit.
2. Any development not requiring a building permit shall be reviewed and approved by the Community Development Director, or the Planning Commission on appeal. A description of the development shall be submitted showing the use of intended development, its location, size and manner of construction.

F. **Development Standards.** No development in the area subject to this section shall be approved unless it is found that it will be consistent with the purposes set forth in Subsection 30.140.050.A, Purpose.

1. The Community Development Director, or the Planning Commission on appeal, shall consider the following in determining whether the development is consistent with Subsection 30.140.050.A, Purpose:

- a. That the proposed new development, additions, alterations, and improvements, will not significantly reduce existing floodways, realign stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow, and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.
- b. That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with Subparagraph 1.a above, or be less nonconforming than the original structure and will not adversely affect other properties.
- c. The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.
- d. Whether denial of approval would cause severe hardship or prohibit the reasonable development and use of the property.

2. The Community Development Director, or the Planning Commission on appeal, may consider the following factors as mitigating possible hazards which might otherwise result from such development:

- a. Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.
- b. Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.
- c. Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.
- d. Where the ground level floor of the development is not used for human occupancy and has no solid walls.
- e. Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.

3. The Staff Hearing Officer, or the Planning Commission on appeal, may grant a Modification to required Open Yards or setbacks required by the applicable zone, pursuant to Chapter [30.250](#), Modifications, in order to enable a structure to comply with the Development Limitation Area in Subsection 30.140.050.C, or to be relocated to a safer or more appropriate location on the lot.

G. **Procedures.** The following procedures shall apply to developments in the area defined in Subsection 30.140.050.C, Development Limitation Area:

1. All applicants shall receive an environmental assessment.
2. All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District and the City Parks and Recreation Department Creeks Division for review and comment.
3. Upon completion of the above review and comment, the proposed development shall be reviewed by the Community Development Director as provided in Subsection 30.140.050.E, Approval Required. The Community Development Director shall give the applicant and any other person requesting to be heard, an opportunity to submit oral or written comments prior to a decision. The Community Development Director shall send by mail notice of the decision to the applicant. The decision of the Community Development Director shall be final unless appealed by the applicant or any interested person to the Planning Commission within 10 days by the filing of a written appeal with the Community Development Department. The Community Development Department shall schedule the matter for a noticed public hearing by the Planning Commission pursuant to 30.205, Common Procedures. The decision of the Planning Commission shall be final.