

From: Carpinteria Group <carpinteriagroup@gmail.com>
Date: August 4, 2025 at 6:32:36 PM PDT
To: Nick Bobroff <nickb@carpinteriaca.gov>, Bret McNulty <bretm@carpinteriaca.gov>
Cc: richardjacobslaw@gmail.com, Eilenberglegal@gmail.com
Subject: Re: 5115 Ogan Rd Multifamily Residential Project- Determination of Application Incompleteness

****EXTERNAL EMAIL****

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Bret/Nick, we have reviewed your incomplete letter dated July 18, 2025 and there are multiple items that need to be addressed while we work on our resubmittal.

Currently, we are only addressing the completeness items set forth on pages 2 through 5 which are delineated as items A(1)-(10) in your letter. There are a number of additional items in the consistency items in sections B and C that also violate the Housing Accountability Act, Housing Crisis Act, and Permit Streamlining Act [collectively "the State Housing Laws"], but those can be dealt with when we reach that point.

Within items A(1)-(10), the following items violate the State Housing Laws as set forth below:

Violative Requests That Will Not Be Addressed In Our Revised Submission

A(1)(a) - Local Coastal Plan Amendment. As per your letter, this project will require a Local Coastal Plan Amendment as it is inconsistent with the Local Coastal Plan. This is an incorrect statement. As per Government Code Section 65589.5(f)(6)(D)(iii), once the application is deemed complete it is also "deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, redevelopment plan, and implementing instruments, or other similar provision for all purposes, and shall not be considered or treated as a nonconforming lot, use or structure for any purpose." Therefore, no Local Coastal Plan Amendment is necessary.

A(2)(d) - Utility Plan. Under Government Code Sections 65940, 65941, and 65941.5, each local government shall compile a comprehensive submittal checklist that applicants for housing development projects may use for a submittal of a full planning application. Under Government Code Section 65943, the local government cannot determine that an application is incomplete if the requested information is not part of the submittal checklist.

Item A(2)(d) requests a Utility Plan. The submittal checklist does include a request for a Utility Plan on page 12 under Section B. However, the term is undefined both in the submittal checklist and the California Building Code. As such, it is limited.

Your request asks for many items well beyond the scope of a general Utility Plan, including but not limited to: (1) solar panel locations; (2) proposed charging stations; (3) equipment box locations; (4) sewage calculations; (5) upgrades to the sewage system.

While these items will presumably be addressed during the building permit stage, at this point they are improper to include for a completeness determination due to the fact that none of them are part of the submittal checklist.

A(5) - Easements. Once again, this item is one where the requested information in the incomplete letter goes well beyond what is requested in the submittal checklist. The submittal checklist does not, in fact, mention easements at all.

However, assuming that the submittal checklist were to incorporate the planning application (although that is not what is allowed under Government Code Sections 65940, 65941, and 65941.5), the entire request regarding easements is on page 5 as item B(5) and reads: "Are there any restrictions (deed restriction, easements, etc.) that affect the property? If so, what are they?"

Your incomplete letter goes well beyond this question, requiring letters be sent to SoCal Edison, SoCal Gas, Frontier, and Cox for them to send information to the City. While the City may request this information itself, it is not part of the submittal checklist (or even the application) and therefore is not a proper completeness item.

Violative Requests That We Will Address As A Courtesy To The City In Our Upcoming Submission

A(1)(b) - Coastal Development Permit (CDP). We want to confirm that this is solely for a local Coastal Development Permit through Carpinteria and not through the California Coastal Commission. Assuming this is the case, we will apply for the local Coastal Development Permit subject to the restrictions on Carpinteria set forth above in our responses to A(1)(a).

A(6) - Adjacent Uses. We already provided the adjacent uses, but your letter seeks the uses beyond the adjacent uses. While not required, we will include the residential single-family homes to the north and east and Highway 101 to the south as requested by the City.

Response To Question From The City Regarding Tentative Parcel Map

A(1)(d) - Tentative Parcel Map (TPM). You have requested a clarification on whether the parcel map process will be addressed via the currently pending TPM application (case no. 24-2317 CDP/TPM) or through this application. We are currently willing to allow the parcel map process to continue through the currently pending application, but are reserving the right to perform the TPM through this application if the current process gets derailed or denied for any reason.

Government Code Section 65589.5(f)(6)

Please confirm in writing by Friday, August 8, 2025 that you will come into compliance with the State Housing Laws as set forth above. If not, please consider this our notice that we are invoking Government Code Section 65589.5(h)(6)(D) as of today. Note, I have cc:ed our attorney as he helped with the legal analysis.

Thank you in advance.

Ben Eilenberg
Carpinteria Group LLC