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October 15, 2025

Mindy Fogg
Principal Planner
City of Carpinteria
Community Development Department
5775 Carpinteria Avenue
Carpinteria, CA 93013

Re: 5885 Carpinteria - Submittal of Additional Application Materials

Dear Ms. Fogg,

This letter accompanies the submission of additional materials by Central Coast CA Ventures, LLC (“Applicant”) in connection with its June 17, 2025 housing development project application, and is provided in response to the City’s July 17, 2025 Determination of Application Incompleteness (the “Incomplete Letter”).

The Incomplete Letter provides a list of items required to deem the application complete as well as additional information that the City asserts is necessary to accurately assess the Project’s consistency with various State and local laws. As requested in the Incomplete Letter, below is a response to each item from the Incomplete Letter with appropriate references.

I. Applicant’s Response to Incomplete Letter Request for Information

A. Required Items for Application Completeness

1. Permits & Entitlements

The Incomplete Letter includes a request to amend the Project application and plan set to include a request for a Specific Plan and payment of a \$15,000 fee. Applicant’s understanding, and City precedent, conflict with the City’s request.

The City recently allowed a prior entitlement application for a mixed-use development project on the Property, to move forward without a Specific Plan. The project’s application was deemed complete on November 21, 2023 (Project No. 23-2207-DP/LCPA/TPM/CDP), indicating that the City did not require approval of Specific Plan to allow development in the PUD zone. Applicant

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understands that at no point during that project's application process, did the City require a Specific Plan. This precedent is consistent with the City's code ("CMC").

Indeed, consistent with the City's prior practices, the municipal code does not state that the PUD zone requires a Specific Plan. Instead, the CMC states that applications should include submission of a development plan as provided in chapter 14.68. (CMC § 14.16.030 *referring to* CMC § 14.68.) The PUD zoning code states that "for areas subject to the specific plan overlay," a specific plan shall be filed and approved prior to submittal of a development plan. (CMC § 14.16.030.) Per the City's Specific Plan Overlay District, parcels subject to this District shall be indicated on the City's zoning map. (CMC § 14.46.020.) However, the City's official zoning map makes no reference to a Specific Plan Overlay area. (City 2025 Zoning Districts Map.) Further, Applicant is unaware of any Specific Plans that currently exist within the City. (*Id.*) As a result, the City's own land use regulations do not demonstrate a Specific Plan requirement to develop the Property. When combined with the City's past practices, it is unclear why the City is asserting a need for a Specific Plan now.

Applicant's position is that a Specific Plan and the related \$15,000 fee are inapplicable to the Project and inconsistent with the City's own regulations. This supplemental submission proceeds under this position with the understanding that Applicant will cooperate with the City during its review of the housing development project application, and pursuant to prior vesting under the Project's preliminary application.

2. Plans

a. Tentative Tract Map

- i. Please see the tentative tract map included with the updated Project plan set.
- ii. Please see included request for service letters included with this Application submission.

b. Drainage Patterns

Please see the drainage analysis included with this Application submission.

c. Renderings

Sheets A0.5 through A0.8 of the Project plan set provide the requested renderings with views from all four corners of the proposed development.

d. Elevations

The scale for elevations are provided in the lower lefthand corner of each applicable sheet. The locations of proposed solar panels are shown on sheets A1.04, A1.09, A1.14, A1.19, A2.08, A2.12, A2.14, A2.16, A2.20, A2.22, and A2.24. Please note, that per the City guidance and forms, the solar access guidelines apply only in residential zones within existing developed neighborhoods. (See instructions from determining solar impacts.) As the Project site is zoned PUD and does not contain an existing developed neighborhood, Applicant understands that the solar access guidelines do not apply. Notwithstanding that context, Applicant has included sheet A2.25 which provides a solar impact study for typical lot conditions.

e. Photos

Please see updated photos with labels attached to this application submission.

f. Proposed Solar Panel Locations

Please see the response to subsection d above for the Project's proposed location of solar panels.

3. Soils Report

Included with these supplemental materials is a soils report prepared by Geocon West, Inc. and its registered professionals engineer and certified engineering geologist.

4. Story Pole Plan

A story pole plan has been prepared after consultation with City staff regarding plan requirements. The story pole plan is a part of this submission.

5. Water Supply

Applicant has submitted an intent to serve application to the Carpinteria Valley Water District.

6. Fire Protection Certificate Application

The Applicant paid the Carpinteria-Summerland Fire Protection District fee. Attached, please find the receipt confirming payment.

**B. RECOMMENDED INFORMATION / ITEMS NECESSARY TO REVIEW
PROJECT FOR CONSISTENCY WITH LOCAL, STATE, AND FEDERAL
REGULATIONS**

1. Comments from the Public Works Department

With respect to items 1.a through 1.d, Applicant has included a Stormwater Control Plan which discusses Low Impact Development design strategies, drainage design, source control best management practices, stormwater facility maintenance, and the stormwater control plan. In addition, Applicant's civil engineering team has discussed items 1.a through 1.d with the City's Public Works Department ("Public Works"). Per discussions with Public Works, items 1a through 1.c. are not needed immediately. Instead, Public Works has advised that such items will be required prior to Project construction.

With respect to items 1.e and 1.f, Applicant has prepared a transportation impact analysis which has been included with this submission. The Applicant's transportation engineer has been coordinating with Caltrans District 5 regarding the requested Caltrans review. Per recent discussions, Caltrans requires an additional 3 to 4 weeks to review the Project's transportation impact analysis.

2. Biological Resources Report

A biological resources assessment prepared by Dudek has been included with the supplemental application materials.

3. Visual Resources Report

The Applicant is preparing this document and will further supplement the Project application when it is complete. As the requested information was noted as "recommended," Applicant understands that City staff may continue reviewing the Project application while this document is being prepared.

4. Compliance with the Carpinteria Bluffs Open Space Master Program

Prior to Applicant's supplemental submission, the City attorney provided the Applicant team with a matrix of purported objective requirements found in the Carpinteria Bluffs Open Space Master Program ("Open Space Master Program"). Applicant has reviewed and augmented this matrix with an additional column which provides the Project's compliance with each matter. As demonstrated in that document, the Project complies with the stated items in the Open Space Master Program, as identified by the City attorney.

5. Night Lighting Plan

The Project Plan set has been updated to include a night lighting plan.

6. Noise Study

A noise study prepared by Dudek has been included with the supplemental application materials.

7. Preliminary Grading Plans

Please see the updated grading plans, drainage report, and stormwater control plan which address drainage and stormwater control systems.

8. Additional Comments or Questions

a. Off-site Road Widening

Applicant's understanding is that the Project plans conform to the City's circulation element. Applicant will continue to work with Public Works on any required off-site improvements.

b. Utility Plan

Sheets C.300 through C.302 have been updated to show utility routing.

c. Waivers

At the outset, Applicant notes that the waivers requested in the Project application were requested based on a conservative analysis. Per Applicant's review of the City's General Plan, Open Space Master Program, and the CMC, the Project should not require waivers because the requested "standards" to be waived are not applicable or required for the Project or the Property.

Further, Applicant is unaware of any portion of the Housing Accountability Act, density bonus law, or other state housing laws that require an Applicant to provide a justification for a waiver request. As the City is aware, established case law makes clear that before a waiver can be denied, the burden is on the City to provide evidence that the waiver would have a specific, adverse impact upon health or safety that could not be mitigated. (*Bankers Hills 150 v. City of San Diego*, (2022) 74 Cal. App. 5th 755, 774-775.) Additionally, the California Department of Housing and Community Development ("HCD") has discouraged local agencies from attempting to improperly condition projects that have requested waivers, as such actions violate state housing laws, including the Housing Accountability Act. (See HCD Letter to City and County of San Francisco, August 11, 2022; *see also* HCD Letter to Watsonville, December 15, 2022.)

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With that precedent, and in the spirit of cooperation, Applicant provides the following analysis of each proposed waiver. To begin, Applicant states that it is withdrawing its request for a height waiver as the Project has been revised to bring maximum heights within the CMC's height limit.

Waiver 1 (*withdrawn*): As noted in the attached plan set, Applicant has reduced maximum heights to below 30 feet in keeping with the City's height limits. As a result, Applicant is no longer requesting this height waiver. This waiver request is withdrawn.

Waiver 2: As provided above, the development setback from the Carpinteria Oil and Gas Processing Facility is not applicable, and therefore a waiver should not be required. The Applicant is requesting that staff confirm this setback no longer applies given the oil processing facility is not operational and is in the process of being decommissioned.

The specific setback language states: "A development setback of 300 feet shall be established from the perimeter of the Carpinteria Oil and Gas Processing Facility ***unless it can be demonstrated that a lesser setback will not result in exposure of the public to health and safety risks related to plant activities.***" (Gen. Plan, pg. 164-165, emphasis added.)

Because the facility is not in service and is being decommissioned, this setback should not be required. Plant activities are no longer occurring. The facility has been inactive since at least 2017. On May 5, 2025, the City's Planning Commission approved the proposed decommissioning and remediation plan for the site. (See Resolution No. PC-25-001.) As noted in that project's approvals, the City found the development would avoid risks to life and property and would not be detrimental to the peace, health, safety, comfort, convenience, property values, or general welfare of the neighborhood. (*Id.*) In short, there are no longer any plant activities that could pose a health and safety risk, and the City's recent actions confirm this. Accordingly, this setback should no longer apply.

To the extent the City contends that the setback does apply, a waiver of the setback is required to allow the physical construction of the Project as proposed. The Property is approximately 750 feet in width, which means that a 300 foot setback requirement from the western edge would encompass nearly half of the Property's width. The Project has been designed to allow for 191 dwelling units, appropriate circulation, and in consideration of setback requirements of the bluff edge and railroad. In consideration of these elements, certain townhouse and single family residences would be constructed within 300 feet of the Property's boundary western boundary with the prior oil and gas processing facility. The proposed density and scale of the Project is physically infeasible if this setback is imposed.

Waiver 3: In its formal application submittal, Applicant conservatively requested a waiver from a suggested 300-foot view corridor requirement that is identified in the Open Space Master Program. (Open Space Master Program, pg. 17.) As noted in the previously submitted Project Description, this view corridor is not described as a requirement, and the Open Space Master Program does not align with the City's General Plan. Similar to the setback from the oil processing facility,

this view corridor is not a requirement and is not applicable to the Property. Additionally, views along the bluff have been preserved just east of the Project site where the Bluff preserve includes over 1,600 horizontal feet of ocean views preserved into perpetuity. Accordingly, this view corridor is not applicable, is not a requirement, and view corridors have already been established.

To the extent the City contends otherwise, a waiver is required to allow the physical construction of the Project. As noted above, a 300-foot view corridor would encompass nearly half of the Project site's width. The Project has been designed to allow for 191 dwelling units, appropriate circulation, and in consideration of setback requirements of the bluff edge and railroad. In consideration of these elements, certain townhouse and single family residences would be constructed within 300 feet of the Property's boundary western boundary. The proposed density and scale of the Project is physically infeasible if the City does not waive this view corridor suggestion.

d. Fencing Locations

Applicant's landscaping team is updating the proposed landscaping plans to show fencing locations and elevations. Applicant will supplement the Project Application with this information.

e. Sewer Tie In

Applicant's understanding is that only one sewer tie in is required. Please refer to sheet C.300 for utility information.

f. Inclusionary Housing Requirements

The Project proposes allocating 20 percent of the total 191 residential dwelling units to lower income households. The Project's affordable housing component complies with state housing laws including the Housing Accountability Act and state density bonus laws. The City's inclusionary housing requirement requires that 12 percent of the total number of market-rate units be sold to prices affordable to households earning 121 percent of the area median income. (CMC § 14.75.040.) This inclusionary housing requirement may also be satisfied by paying an in-lieu fee. (CMC § 14.75.090.)

As the City is aware, local regulations that have the effect of chilling development or which negatively affect the economic feasibility of a Project are discouraged and preempted. HCD has guided against inclusionary requirements that hinder, rather than facilitate, the production of affordable housing because of the negative impact to a project's economic feasibility. (See HCD Letter to West Hollywood, September 2, 2022, pg. 2.) In those instances, HCD has recommended to local agencies that they allow more deeply affordable units to substitute for less deeply affordable units. (*Id.*, pg. 5.) For example, a low income unit should substitute for an above moderate income unit. HCD and state courts have also cautioned local jurisdictions against implementing inclusionary ordinances that have the practical effect of requiring a developer to dedicate a larger percentage of its units to affordable housing than required by state density bonus law. (*Id.*, pgs. 3-4; *see also Latinos*

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Unidos Del Valle De Napa Y Solano v. County of Napa, (2013) 217 Cal. App. 4th 1160, 1169; *Schreiber v. City of Los Angeles*, (2021) 69 Cal. App. 5th, 549, 558 ([a] local ordinance is preempted if it conflicts with the density bonus law by increasing the requirements to obtain its benefits.”).

Given the above context, the Applicant understands that the Project’s proposed 20 percent low income housing satisfies the City’s inclusionary housing requirements as the Project provides a percentage of affordable housing that is in line with the City’s requirement while also maintaining compliance with state housing laws and providing a deeper level of affordability.

g. Gate

The Project does not include a gated entry. Access to the Project site remains open via ingress along Carpinteria Avenue.

h. Overhead Utilities

Please refer to the preliminary utility plan on sheets C.300 through C.302. As currently designed, the Project does not include changes to existing overhead utilities.

i. Cut/Fill Map

Sheet C.400 has been updated to include numbers of the zone on the cut/fill map.

j. Minor Notes/Corrections

The minor notes and corrections have been addressed in the updated Project plan set. The Project consists of 191 dwelling units, composed of 97 single family dwellings and 94 townhomes. The Project includes 45 uncovered vehicle parking spaces and 9 accessible spaces as noted on the Project Plan set, with 489 parking spaces total.

C. ADVISORY INFORMATION

Applicant acknowledges receipt of the City’s advisory information. Our understanding, based on discussions with the City attorney, is that this information is indeed advisory and that no response is required at this time.

Please note that, as proposed, the Project remains fully consistent with the City’s General Plan/Local Coast Plan (“LCP”). As noted above, the identified waivers were requested conservatively. Applicant has provided substantial evidence that the view corridor and setback are not applicable to the Project and not required. To the extent the above setbacks and view corridors remain relevant, state law permits concessions and waivers to reduce those setbacks and view corridor requirements without requiring an LCP Amendment. (Gov. Code 65915(j)(1).) Applicant has

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analyzed the City's LCP and understands the LCP consists of subjective policies rather than objective standards. Regardless, the Project is consistent with the LCP including policies LU-1, LU-2, LU-3, LU-5, CD-1, CD-2, CD-12, CD-13, and CD-14.

D. NEXT STEPS

Applicant and the Project team look forward to the City's continued review of the Project. The Applicant team will further supplement this application with materials listed in section B above as they are completed. If City staff has any questions regarding this supplement submission, or any item relating to the City's review of the Project, please do not hesitate to reach out. We look forward to continuing to work collaboratively with the City on this process.

Very truly yours,

/s/ *Spencer B. Kallick*

Spencer B. Kallick

SBK