

# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
1901 Avenue of the Stars, Suite 1800 | Los Angeles, CA 90067-6019  
Telephone: 310.788.2400 | Facsimile: 310.788.2410  
[www.allenmatkins.com](http://www.allenmatkins.com)

**Spencer B. Kallick**  
E-mail: [skallick@allenmatkins.com](mailto:skallick@allenmatkins.com)  
Direct Dial: 310.788.2417 File Number: 391927.00002/4930-6617-9196.2

December 1, 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 October 15, 2025 second housing development project (the “**Project**”) application resubmittal, and is provided in response to the City’s November 13, 2025 Determination of Application Incompleteness (the “**Incomplete Letter**”). The City previously issued a determination of application incompleteness on July 17, 2025 in connection with Applicant’s prior resubmittal of materials on June 17, 2025.

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. Potential Project Issues**

Applicant notes the City’s position regarding “potential project issues.” Applicant is reviewing the comment letter from the Carpinteria-Summerland Fire Protection District. Applicant is also reviewing applicable access requirements. Applicant notes that the Project does not modify existing public access to beaches or the coastline.

Mindy Fogg  
December 1, 2025  
Page 2

## **B. Required Items for Application Completeness**

### **1. Permits & Entitlements**

The Incomplete Letter again 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 reiterates that local regulations and City precedent, along with state law, all conflict with the City's request. Should the City continue to require a Specific Plan, it risks violating the state Housing Accountability Act ("HAA") and could be cause for Applicant to seek enforcement measures.

#### *Local Regulations Do Not Require a Specific Plan*

As previously noted, 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 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.) The materials attached to the Incomplete Letter establish that the Project area has not been a part of a Specific Plan Overlay since 1981. Subsequent updates to the City's official Zoning Map show the Property is not within a Specific Plan Overlay, and therefore a Specific Plan is not required. Further, Applicant is unaware of any Specific Plans that currently exist within the City. (*Id.*) Similarly, Applicant is unaware of any previous project application for the Property where a Specific Plan was required. 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.

#### *State Law Prohibits Cities from Requiring a Zone Change for Builder's Remedy Projects*

The City cannot require a zone change—such as by requiring a Specific Plan—for a Builder's Remedy Project under the HAA, which the California Department of Housing and Community Development ("HCD") has explicitly confirmed. On June 26, 2024, HCD sent the City

Mindy Fogg  
December 1, 2025  
Page 3

of Beverly Hills a letter related to a Builder's Remedy project for which that city issued an incomplete letter instructing the applicant to pursue a general plan amendment and zone change. In its letter, HCD expressly confirmed that a Builder's Remedy project "may not be disapproved for inconsistency with a jurisdiction's general plan and zoning ordinance" and that "*a jurisdiction that refuses to process or approve a project subject to the Builder's Remedy due to the applicant's refusal to submit a GPA/ZC requested or required by the jurisdiction to resolve such an inconsistency violates the intent of the HAA.*" (Emphasis added.) Further, HCD wrote that "the Permit Streamlining Act (PSA)[] prohibits the City from using the absence of the GPA/ZC application as a reason to determine a project application is incomplete, if the requirement was not on the submittal requirement checklist." As requiring a specific plan would require Applicant to pursue a zone change on its Builder's Remedy Project, it is not allowed here.

Moreover, last year's HAA update under Assembly Bill 1893 ("AB 1893") explicitly codifies this provision by prohibiting cities from requiring a specific plan amendment, rezoning, or other legislative approval on Builder's Remedy projects. (Gov't Code § 65589.5(f)(6)(D).) AB 1893 allows applicants for housing development projects that submitted a complete preliminary application before January 1, 2025, to choose to be subject to "any or all of the provisions of this section applicable as of January 1, 2025" if it meets the new definition of a Builder's Remedy project. (Gov't Code § 65589.5(f).) The Project does meet that definition, and thus can avail itself of its provisions. Specifically, the Project: (1) provides the required amount of affordable units, (2) was submitted when the City did not have a compliant housing element, (3) does not exceed prescribed density maximums or violate any density minimums, and (4) does not abut a site where more than one-third of the square footage has been "used within the past three years" by a heavy industrial use.<sup>1</sup> As such, Applicant opts to apply the provision of AB 1893 that prevents the City from requiring a specific plan amendment, rezoning, or other legislative approval on the Project.

### *Remedies*

Applicant maintains its position 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. However, should the City continue to require a Specific Plan, Applicant reserves all rights and remedies under the HAA.

---

<sup>1</sup> The abutting Chevron facility has not been used for heavy industrial uses for more than seven years and the City is in the process of decommissioning the facility. (See, e.g., Page 8, May 5, 2025 Planning Commission Staff Report for Chevron Carpinteria Oil and Gas Facility Decommissioning (noting that the former Chevron ceased activities around approximately 2017).)

Allen Watkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mindy Fogg  
December 1, 2025  
Page 4

**2. Plans**

a) Tentative Tract Map

Please see maps used in the preparation of the Tentative Tract Map and documentation necessary for the existing right of way included alongside the Project plan set. Additionally, please see the updated Tentative Tract Map, which addresses the minor correction.

b) Photos

Please see updated Project plan set, which includes photos with labels of immediately adjacent properties and photos from the future residential area looking south toward the proposed open space on Pages A0.1 and A0.2.

**3. Water Supply**

Applicant continues its coordination with the Carpinteria Valley Water District (“**Water District**”). Included with this supplemental submission is all items, as of the date of this submission, that the Water District has requested as part of its review.

**4. Story Pole Plan**

Please see revised story pole plan on Pages A0.3-1 through A0.3-5 that reflect proposed changes to finished grade and include proposed pole location and heights for the townhome buildings. Additionally, please see the signed waiver absolving the City of all liability associated with the installation of, or damage by, the temporary story poles included with the updated Project plan set.

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

As this requested information is noted as “recommended,” Applicant understands that City staff may continue reviewing the Project application while responsive documents are being prepared.

**1. Comments from the Public Works Department**

The Erosion and Sediment Control Plan is provided on Page C.600 of the Project plan set.

Mindy Fogg  
December 1, 2025  
Page 5

Additionally, Applicant's transportation engineer has been coordinating with Caltrans District 5 regarding the requested Caltrans review. Applicant will provide written correspondence confirming review of the Project's potential effects on Highway 101.

## **2. Visual Resources Report**

Applicant is preparing this document and will further supplement the Project application when it is complete.

### **3. Plan Set Revisions**

#### **a) Fencing**

The Project plan set has been updated on Page LP-1.0 to show all fencing locations on the plans and provide an elevation and details of the proposed fence style(s).

#### **b) Utility Plan**

As currently designed, the Project does not include changes to existing overhead utilities. The Project plan set has been updated on Pages C.300 through C.302 to show proposed onsite electrical service routing or infrastructure (vaults, transformers, etc.). Applicant will comply with all written policies related to undergrounding overhead utilities.

#### **c) Minor Corrections**

The minor notes and corrections have been addressed in the updated Project plan set. The updated Project plan set addresses the conflicts between Sheet A.03 and the Project Description and the number of parking spaces shown. It also labels streets and pocket parks.

## **D. REVIEWS AND COMMENTS ON STUDIES/PLANS SUBMITTED**

### **1. Plan Set**

#### **a) Renderings**

The Project plan set renderings have been updated on Pages A0.5 through A0.8. View B has been updated to omit the existing trees/vegetation from the Bluffs Preserve. Views C and D have been updated to be set to eye-level. Additionally, renderings have been included from the proposed open space area north of the tracks; view(s) from the trail on the south side of the tracks; and views from the trails in the middle of the Bluffs Preserve.

Mindy Fogg  
December 1, 2025  
Page 6

b) Night Lighting Plan

Applicant is preparing updates to this document and will further supplement the Project application when it is complete.

c) Carpinteria Bluffs Coastal Access, Recreation, and Open Space Master Program

Applicant is reviewing the City's comments and the email from Coastal Commission staff relating to compliance with the Bluffs Coastal Access, Recreation, and Open Space Master Program.

d) Noise

Applicant notes that the City has received and is reviewing the Noise Technical Report, dated October 2025, prepared by Dudek.

e) Biological Resources Assessment Report

Applicant notes that the City has received and has provided comments to the Biological Resources Assessment Report dated May 2025 and prepared by Dudek. Applicant is preparing updates to this document and will further supplement the Project application when it is complete.

f) Traffic

Applicant notes that the City has received and is providing comments to the Transportation Impact Analysis dated May 2025 and prepared by Dudek.

g) Engineering/Technical Documents

Applicant notes that the City has received and is reviewing the Soils Report / Geotechnical Investigation prepared by GEOCON, Stormwater Control Plan prepared by Flowers & Associates, Inc., and Preliminary Drainage Analysis prepared by Flowers & Associates, Inc.

h) Arborist Report

Applicant notes that the City has received and has no further edits to the Arborist Report prepared by Dudek.

Allen Watkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Mindy Fogg  
December 1, 2025  
Page 7

**E. 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"). 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 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.

**F. 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 sections C-E 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,



Spencer B. Kallick

SBK