

January 20, 2025

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**RE: Richards Ranch, LLC Mixed-Use Project at Key Site 26
County Case Nos. 24TRM-00003, 24DVP-00018, and 24CUP-00033
APNs 107-250-019, -020, -021, and -022**

Dear Ms. Vosburg:

We are in receipt of your October 23, 2024 Determination of Application Incompleteness letter ("Incomplete Letter") for the subject project.

This letter and the enclosed materials respond to the items identified in the Incomplete Letter that are required for application completeness in accordance with applicable law. This submittal is timely filed within 90 days of the Incomplete Letter, thereby preserving our vesting under the SB 330 preliminary application originally submitted in December 2023, a time at which the County did not have a substantially compliant Housing Element.

I. Contrary to the County's stated position, the applicant does have additional opportunities to be determined to be complete.

This submittal is timely filed within 90 days of the Incomplete Letter thereby maintaining the project's vested rights and protections of the Housing Accountability Act (HAA), including the Builder's Remedy, from the Senate Bill (SB) 330 Preliminary Application ("Pre-application") submittal in December 2023, a time where the County's Housing Element was out of compliance with state Housing Element Law.

We continue to disagree with County Planning and Development's (P&D) interpretation that this is the last chance to be deemed complete without affecting our currently vested rights described above.¹ The County's interpretation is not consistent with a Department of Housing and Community Development (HCD) Notice of Violation issued in August 2024 to Beverly Hills on the topic, which

¹ See, e.g., Incomplete Letter, p. 1. County staff also have previously stated that any SB 330 preliminary application that has not been determined to be complete within two resubmittals shall forfeit the rights associated with its application.

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indicates that numerous 90-day response periods are allowed pursuant to the PSA.² The County's interpretation also is inconsistent with HCD's later Notice of Violation issued to Beverly Hills in December 2024 that amplifies the existence of numerous rounds of incompleteness review with the following³:

"If the City determines that the application for a development project is not complete pursuant to Government Code section 65943, the development proponent is required to submit the specific information needed to complete the application within 90 days of receiving the agency's written identification of the necessary information⁴. If the applicant does not submit the information within the 90-day period, the preliminary application expires⁵. However, this 90-day deadline resets after each incompleteness determination. A project with multiple incompleteness letters and responses may have multiple 90-day periods.

In the recent case of Jha v. City of Los Angeles, the Superior Court held that multiple 90-day submission periods are permitted under the PSA:

Section 65941.1(d)(2) expressly refers to completeness pursuant to section 65943. In turn, section 65943(a) refers to "any subsequent review of the application determined to be incomplete", "any resubmittal of the application", and "a new 30-day period." The use of the words "any" and "new" in section 65943(a) indicate that multiple resubmissions of an application may be made. This statute supports [the developer's] reading that the submission and completeness evaluation for an application is an iterative process with no limit on the number of submissions.⁶

This same topic is one of a handful outlined in a Technical Assistance request submitted by our firm to HCD in November 2024 regarding the County's position. That letter is enclosed herewith; its analysis incorporated by reference. Therefore, we remind the County that the Project retains certain rights, including the Builder's Remedy, under the Pre-application, even if the County finds this application

² HCD letter to Beverly Hills dated August 22, 2024 RE: 125-129 Linden Drive, Beverly Hills – Notice of Violation. "HCD reminds the City however that the 90-day deadline resets after each incompleteness determination. A project with multiple incompleteness letters and responses may have multiple 90-day periods" Available: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/beverly-hills-hau-1071-nov-082224.pdf>

³ HCD letter to Beverly Hills dated December 2, 2024 RE: Beverly Hills Builder's Remedy Applications – Notice of Violation

⁴ Gov. Code, § 65941.1(d)(2).

⁵ *Ibid.*

⁶ *Jha v. City of Los Angeles*, Decision on Petition for Writ of Mandate (July 24, 2024, Los Angeles Superior Court Case No. 23STCP03499), p. 23.

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resubmittal incomplete.⁷ An unlawful determination that the Pre-application has lost vested rights also triggers liability for the County under the Housing Accountability Act.⁸

II. The County's Incomplete Letter incorrectly identifies numerous items as being required for completeness.

The Permit Streamlining Act (PSA) and Housing Accountability Act establish certain procedural requirements and restrictions on how the County reviews proposed project applications to determine their completeness.⁹ California Department of Housing and Community Development (HCD) guidance dated July 23, 2024 provided to the City of Gilroy¹⁰ and dated August 22, 2024 to the City of Beverly Hills include helpful discussion of the PSA and the HAA that outline the following points:

- 1) An agency's review for completeness "shall be limited to those items actually required on the lead agency's submittal requirement checklist."¹¹

Here, the County's applicable checklists in this case are the Tentative Tract Map, Development Plan, and Conditional Use Permit checklists dated May 2023, and the Site Plan and Topographic Requirements checklist as it existed prior to the County's November 2024 update. The County appears to have studied their checklists, and uploaded a new "Plan Set Checklist" during the week of Thanksgiving 2024 with a revision date of "2024.11", and a second updated checklist, with a revision date of December 19, 2024. Neither of these updates, nor the Supplemental Application Materials Checklist¹² created in September 2024 would be applicable to this project, as they were all created after both the date of the SB 330 Preliminary Application ("SB 330 Pre-App") which froze the rules in effect as of December 2023, as well as the subsequent May 2024 submittal which was timely filed within 180 days of the SB 330 Pre-App.¹³

To our knowledge, none of the County's Departments outside of P&D have submittal checklists for Tentative Maps, Development Plans, or CUPs. To this point, we audited both the Transportation Division and the Flood Control Division's websites again on January 16, 2025 and did not find any

⁷ See Gov. Code, §§ 65943, 65589.5(h)(6)(H).

⁸ See Gov. Code, § 65589.5(h)(6)(F), (H).

⁹ See, e.g., Gov. Code §§ 65920 et seq., 65589.5(o).

¹⁰ HCD, Gilroy 315 Las Animas Ave. Project – Letter of Technical Assistance (July 23, 2024) available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/gilroy-ta-hau856-072324.pdf>.

¹¹ Gov. Code §§, 65940, 65943(a).

¹² This Supplemental Checklist is not referenced on the applicable checklists, nor in either of the County's Incomplete Letters from June or October 2024.

¹³ Gov. Code §§ 65589.5(o), 65942.

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application checklist, nor were any referenced in their incomplete letters. Notwithstanding, numerous items requested by these Departments have been added to the plans, and revised in this submittal.

For example, both a Stormwater Control Plan and a Drainage Study have been prepared and are provided herewith. As well, a technical memo¹⁴ discussing the project's traffic impacts as compared to the thorough analysis prepared in the City of Santa Maria's Annexation EIR ("Santa Maria EIR") is also being supplied with this submittal. We also point to the grading and drainage plans that include the proposed layout of both onsite and adjacent public streets, including referencing and depicting the approved plans for the full build out of Union Valley Parkway ("UVP").

We are aware that the Fire Department is in the process of creating a checklist, but similarly did not have one in December 2023 or May 2024. Nevertheless, the enclosed preliminary grading and drainage plans depict project access to-scale, with driveway locations, drive aisles varying between 26- and 33- feet wide, proposed utilities locations including fire hydrants, and have been updated to provide additional dimensions of roads throughout.

- 2) Any item that is not identified in the initial incomplete letter cannot be requested in a subsequent incomplete letter.¹⁵

We are noting here that the Plan Set Checklist linked in the June 2024 Incomplete letter for this project now connects to the December 19, 2024 revision date of the checklist. Under the PSA, the County cannot "request the applicant to provide any new information that was not stated in the initial list of items that were not complete."¹⁶ Items now required by the checklist, that are absent from the applicable version of the checklist include things like identifying the zone district setbacks on the plans, and the addition of details to lighting such as "details demonstrating the fixtures are dark-sky compliant" and cut sheets of exterior fixtures. This later-established checklist also moves "Landscape Plans" so that they are not listed after the header "Additional BAR Requirements."

The County cannot move the goal post in this way -- doing so is a violation of the requirements of the PSA and HAA.¹⁷

- 3) Consistency items cannot be held as completeness items. Consistency review is a second effort, after application completeness.

¹⁴ See the Trip Generation Comparison, Site Access and VMT Analysis for the Richards Ranch Project, Santa Barbara County dated January 20, 2025 by ATE enclosed herewith.

¹⁵ Gov. Code, § 65943(a).

¹⁶ *Ibid.*

¹⁷ Gov. Code, §§ 65943, 65589.5(h)(6)(F).

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HCD guidance to the City of Beverly Hills dated August 22, 2024¹⁸ states “the HAA suggests that a determination of consistency may not be permitted during the application completeness determination phase, but must instead occur after the application completeness determination.”

The previously referenced HCD guidance to Gilroy puts a finer point on it. In the letter, HCD explains a situation much like the one we’re experiencing regarding consistency. It states

“One example of an inconsistency determination comes from the City’s first incompleteness letter on January 11, 2024, which states “[p]roposed utility locations are not consistent with City Standards.” It appears that the City has conflated this HAA consistency review item and others with the PSA completeness review. When a local jurisdiction improperly characterizes comments as incomplete items, the jurisdiction impermissibly raises the bar to achieving a complete application, in violation of the PSA.”

Similarly, and as written in HCD’s letter to the City of Fillmore¹⁹, “[W]hen a local jurisdiction improperly characterizes comments as incomplete items, the jurisdiction impermissibly raises the bar to achieving a complete application, in violation of the PSA. That violation also becomes an undue constraint on the Project.”

Here, we highlight Public Works Flood Control and Water Conservation District’s October 4, 2024 letter which requires, under a heading of incomplete items, a preliminary Drainage Report “showing how post-development Q2-Q100 flows will be reduced to pre-development runoff. See below conditions for more requirement details... If underground detention is proposed then the design must comply with every applicable underground detention element listed in the Standard Conditions.”

Here, Flood Control is saying that the Drainage Report will be incomplete until the design complies with every applicable element and Condition. Flood Control’s review of the Drainage Report for consistency with conditions is a *consistency* effort to be undertaken after the application is deemed complete. This is exactly the scenario HCD is writing about in its guidance letter quoted above - that comments and conditions are not to be held as completeness items. Notwithstanding, this submittal

¹⁸ HCD, 125-129 Linden Drive, Beverly Hills – Notice of Violation (Aug. 22, 2024) available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/beverly-hills-hau-1071-nov-082224.pdf> (“However, the HAA suggests that a determination of consistency may not be permitted during the application completeness determination phase but must instead occur after the application completeness determination. (Gov. Code, § 65589.5, subds. (j)(2)(A), (h)(10).)”)

¹⁹ HCD, Fillmore Terrace Project – Letter of Technical Assistance (August 24, 2022) available online at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/fillmore-attachments-TA-082422.pdf>.

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includes a Drainage Study, Tier 4 Stormwater Control Plan, and associated grading and drainage plans that depict the proposed drainage and stormwater features of the project.

- 4) County Department's requests for a Traffic Study, Air Quality and Greenhouse Gas Report, Health Risk Assessment are CEQA environmental review items, not completeness items.

We understand that there have been discussions at the County attempting to clarify for staff the extent to which technical analyses (e.g. an Air Quality and Greenhouse Gas Report, Health Risk Assessment, or any technical report covering any other Appendix G topic, including but not limited to Hydrology and Transportation) are required to be provided in order for an application be determined to be complete. These types of analyses are frequently, routinely, and appropriately prepared as part of a California Environmental Quality Act (CEQA) document, which again happens after being deemed complete. Importantly, no specific technical studies are listed in the County's applicable checklists for a Conditional Use Permit (CUP), Development Plan (DP), or Tentative Tract Map (TTM) or the applicable Site Plan & Topographic requirements.

Government Code section 65944(b) clarifies that an application submittal "shall not be construed as requiring an applicant to submit with an initial application the entirety of the information which a public agency may require in order to take final action on the application." Moreover, Government Code section 65944(c) discusses processing after an application is deemed complete, indicating that the public agency continues to have the ability to "request and obtain information which may be needed in order to comply with the provisions of [the California Environmental Quality Act (CEQA)]."

Notwithstanding, we are again highlighting that full development of this site with residential and commercial uses has now been analyzed in three separate certified environmental documents.²⁰ It is unclear that it is possible to generate any additional data regarding the resources on site—or the nature and type of impacts full development of the site will have.

The entirety of the most recent EIR, certified two months ago by the City of Santa Maria, continues to be available on their website, and is being supplied herewith. The EIR was prepared based on a host of recent technical documents scrutinizing this specific property, and the impacts related to full buildout. To the extent the applicable checklist might require information regarding all resources on site, we point out that the plan set includes a sheet showing the existing site condition (Sheet A2 ALTA), as well as the location of all trees on site (Sheet A3). Additional mapping of resources can be found in the technical documents and analysis of the EIR which are now provided herewith for ease of review. We are also providing a compiled version of the available information for certain CEQA topics such as

²⁰ Orcutt Community Plan EIR, Santa Barbara County Housing Element EIR, Santa Maria EIR

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biology and traffic and circulation to aide staff's review; And, the Biological Resources Figures²¹ are provided as a stand-alone attachment.

An incomplete list of technical documents available (and provided herewith in the volumes of the Santa Maria EIR) that disclose in words and pictures, the existing condition of the site, and/or the potential impacts of its development include:

- Biological Resources Assessment, Waters of the US/State Jurisdictional Determination, California Tiger Salamander Site Assessment
- Crotch's Bumble Bee (*Bombus crotchii*) Habitat Assessment and Impact Analysis
- Updated Traffic and Circulation Study
- Supplemental Traffic Mitigation Analysis for the Union Valley Parkway and Hummel Drive Intersection
- Air Quality and Greenhouse Gas Impact Assessment
- Energy Impact Assessment
- Geotechnical Engineering Report
- Phase I Environmental Site Assessment
- Noise and Groundborne Vibration Impact Assessment
- Water Supply Assessment

Notwithstanding the County's inability to require most, if not all, of the remaining items to be addressed to find the project's application complete, our team has prepared numerous revisions and supplied these revisions with this submittal as outlined in Section V herein.

III. AB 1893 (2024) changes the Builder's Remedy in a number of ways important to note for this and other qualifying housing projects.

In 2024, the Legislature adopted AB 1893, which took effect on January 1, 2025 and amends the Housing Accountability Act, including the Builder's Remedy. AB 1893, among other things, reduced the affordability requirements needed to achieve the protections of the Builder's Remedy. These reduced percentage options include providing one of the following: 7% to extremely low-income households, or 10% to very low-income households, or 13% to lower-income households.²²

²¹ Figures from the Biological Resources Assessment, Waters of the US/State Jurisdictional Determination, California Tiger Salamander Site Assessment dated July 8 2022 by David Wolff Environmental LLC

²² Gov. Code, § 65589.5(h)(3)(C).

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While the project does not presently contemplate reducing the proposed percentage of affordable units, the applicant team reserves the right to do so for any reason. Such a reason may stem from costly delays associated with application processing.

Separately, AB 1893 clarifies that projects approved with the Builder's Remedy cannot be considered inconsistent with the general plan and zoning absent specific findings. This means that the project application does not need to include a request for a rezone (as previously acknowledged), nor will it need to in the future.

Lastly, AB 1893 expanded the definition of actions involving disapproval of a housing project, including a Builder's Remedy project, to include, among other things, (1) taking final administrative action to disapprove the project; (2) unnecessarily delay or increase the costs of a project; (3) improperly determining an application incomplete; or (4) making an impermissible determination that a SB 330 application has lost vested status.²³

IV. Summary of Changes

The project continues to propose residential and commercial uses consistent with the project as defined in the SB 330 Pre-Application, and the subsequent May 2024 submittal. No changes to square footage or units have been made, rather the accompanying plans put additional details to the same project.

V. Response to incomplete letter

Please review Section II of this letter as it discusses the County's ability to hold certain items as completeness items. Starting with item 1 below, we maintain the numbering from your Incomplete Letter for cross-referencing purposes.

1. Revised Plan Set.

a. Cover Sheet/Title Sheet.

- 1) A table of all proposed structures that identifies the maximum height (as measured from existing grade) of each structure has been added to sheet A1. The gross floor area for each residential structure is listed under Building Sizes on Sheet A1, and the square footages listed under Project Statistics for the commercial components on that same plan sheet are gross floor areas.

²³ Gov. Code, § 65589.5(h)(6)(A), (D), (F), (H).

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- 2) As provided in the accompanying Drainage Study, the proposed area of impermeable surfaces total 24.59 acres or 54 percent of the site, less impervious than that which was analyzed in the Santa Maria EIR. The total impermeable is broken down in the "Surface Breakdown" table on sheet A1. Adding structures and hardscape yields 24.59 acres. The remaining area (19.16 acres) is proposed landscape (pervious) area. The Drainage Study for the project includes an exhibit that depicts pervious and impervious areas, and the proposed basin to which various areas of the project will drain. A Tier 4 Stormwater Control Plan is also enclosed herewith for your use.

b. Site Plans.

The existing site condition is provided on sheet A2, the ALTA. The Trees on site are depicted on sheet A3. As previously discussed, additional mapping of resources can be found in the technical documents and analysis of the EIR which are now provided herewith for ease of review as discussed in Section II item 4 of this letter. The Biological Resources Figures²⁴ are provided as a stand-alone attachment. We are also providing a compiled version of the available information for certain CEQA topics such as biology and traffic and circulation to aide staff's review.

The master site plan is provided on Sheet A4, and shows and labels the proposed development on the site. The site plan was further detailed on sheets A5 and A6, with match lines roughly matching the match lines of the grading and drainage plans C1 through C7. Project data and scope of work can be found on Sheets A1 and C1. For example, grading quantities are noted on C1, and specifics such as impervious surfaces, gross floor areas, and parking statistics are found on A1.

c. Floor Plans.

Preliminary floor plans for the convenience store, car washes, and drive through restaurant have been added to the plan set as requested. See sheets A7, A8, and A9.

d. Elevations.

- 1) Elevations have been added for the clubhouse, bike barn, and game room. See sheets A11 (clubhouse elevation), and A13 (bike barn, game room).
- 2) The existing and proposed grade for the site are shown on the grading and drainage plans, and the height of buildings is shown in elevations. The maximum height of each structure, as measured from existing grade to highest element, have been calculated in a table which is provided on sheet A1 of the architectural plan, and C2 of the grading and drainage plans.

²⁴ Figures from the Biological Resources Assessment, Waters of the US/State Jurisdictional Determination, California Tiger Salamander Site Assessment dated July 8 2022 by David Wolff Environmental LLC

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2. Flood Control Incompleteness Items.

Please see the discussion in Section II which outlines the County's ability to require certain items as completeness items, particularly the discussion regarding the difference between consistency and completeness.

Notwithstanding, we are providing herewith 1) Drainage Study prepared by Bethel Engineering which identifies how the site drainage is designed to meet the Flood Control District's detention and outflow requirements. The Drainage Study corresponds to the 2) updated grading and drainage plans by Bethel which depict and label the basins and their outlet details, and the 3) updated Tentative Tract Map also by Bethel which are being provided herewith.

With regard to the existing flood control structure labeled with "Existing Headwall" located adjacent to UVP nearest the entry to the Mini-Storage portion of the project, the project will remove the existing headwall and extend the box culvert through (under) the project site as shown on plan sheet C3. This effectively bypasses the run-on storm water flows coming from the southeast. The route for the box culvert would be generally north to the north past the proposed basin on Lot 2, then west, across the site, under Orcutt Road and outletting west of consistent with the existing headwalls west of Orcutt Road but east of Highway 135 in that same area.

3. Project Clean Water Incompleteness Items

Please see the discussion in Section II which outlines the County's ability to require certain items as completeness items. Notwithstanding, a Tier 4 Preliminary Stormwater Control Plan prepared by Bethel Engineering is included herewith, which corresponds to the updated grading and drainage plans by Bethel Engineering.

4. Transportation Division Incompleteness Items

Please see the discussion in Section II which outlines the County's ability to require certain items as completeness items. Notwithstanding, additional details have been added to the plans, and a Trip Generation Comparison, Site Access and VMT Analysis for the Richards Ranch Project has been prepared by ATE and is enclosed herewith. Also enclosed are a Drainage Study, and Stormwater Control Plan by Bethel Engineering.

- a) The full width of the County Right of Way

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The full width of County Right of Way of Union Valley Parkway and Orcutt Road is shown on Sheet C-1 and C-2. Light poles, sidewalks, stormdrains, traffic signals, hydrants, utility boxes are shown, as are the proposed turnouts, turn lanes, and striping.

b) Drainage Study

The enclosed Drainage Study prepared by Bethel Engineering shows that drainage from the development, including onsite roadways will be directed toward the proposed basins rather than public rights of way. The ultimate buildout of Union Valley Parkway and Orcutt Road was previously approved as a separate project.²⁵ See sheets C5 and C6 for the City of Santa Maria Department of Public Works drawings for the Union Valley Parkway (UVP) Extension from SR135 to Hummel Drive typical cross sections for both UVP and Orcutt Road.

c) Traffic Study

Traffic and Circulation Impacts from full development of the site with commercial and residential uses is fully analyzed in a number of Traffic and Circulation Studies contained within the EIR Appendices. These include an Updated Traffic & Circulation Study by ATE dated October 7, 2022²⁶ along with subsequent memoranda in response to comments received throughout the EIR's consideration by the public and the City of Santa Maria. Importantly, we note these studies include discussion of Santa Barbara County Standards, such as Orcutt Community Plan policy CIRC-O-3. The available analyses are included in the accompanying EIR documents, as well as compiled and organized into a discrete package on this topic and provided herewith as attachment 10d.

The studies analyze the existing conditions, existing + project, cumulative conditions, along with traffic volumes, signal warrant analysis, VMT, accident and queuing, roadway segment operations, and the like. In sum, the analysis is thorough and will serve as a comprehensive package from which the County can tier additional analysis and consider mitigation measures and VMT reduction strategies such as those contained in the CAPCOA guidelines. Identification of mitigation measures is not a completeness item.

Insofar as the proposed project differs from the precise mix of residential and commercial analyzed in the Santa Maria EIR and County's Housing Element Programmatic EIR, a Trip Generation Comparison, Site Access and VMT Analysis for the Richards Ranch Project by ATE is provided herewith that compares a number of key data points from the proposed project to the scenarios already analyzed.

²⁵ We understand from the Record Drawings provided herewith on sheets C5 and C6 that the UVP extension was a project of the City of Santa Maria Department of Public Works.

²⁶ See Richards Ranch , Appendix C Updated Traffic and Circulation Study.

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Notably, the ATE memo concludes 1) the ADT, AM Peak, and PM Peak trips are significantly less than the project analyzed in the EIR, 2) the restaurant/retail component of the project would have a less than significant impact based on County thresholds, 3) the mini-storage component of the project is expected to significantly reduce the VMT within the County and Orcutt area, and 4) the residential portion of the Project would generate an average of 14.4 VMT per resident with the mixed-use adjustments, which would not exceed the County's threshold of 14.9 VMT per resident (as shown on the VMT Calculator worksheet). The residential portion of the Project would therefore have a less than significant impact based on County Thresholds.

d) Full Roadway Public Improvement Plans (PIPs)

As described in the response to item a) above, the full width of County Right of Way of Union Valley Parkway and Orcutt Road is shown on Sheet C-1 and C-2. Light poles, sidewalks, stormdrains, traffic signals, hydrants, utility boxes are shown, as are the proposed turnouts, turn lanes, and striping. The project plans C-1 through C-7 reflect the proposed condition of the public roads adjacent to the project, and includes road sections for both Union Valley Parkway and Orcutt Road. The layout is consistent with that identified for the project analyzed in the Santa Maria EIR. "Full roadway PIPs" are not a reasonable completeness item as these constitute a significant effort and should not be prepared until roadway alignments and details are approved as part of the overall project.

Notwithstanding, the layout for streets shown on Sheet C1 matches the layout of the approved Plans for the full buildout of UVP along our project frontage. Sheets C5 & C6 include the road sections from the approved UVP/Orcutt Rd plans pertaining to the roads adjacent to our project. The full set of approved plans for UVP/Orcutt Rd is included with this submittal for reference.

e) Driveway profiles

See accompanying Grading & Drainage Plans which include driveway locations on sheets C3 and C4 with County standard details for driveways and sidewalks, including plates 4-040, 4-050, 4-060, and 5-040 provided on sheet C7.

5. Air Pollution Control District (APCD) Incompleteness Items.

Please see the discussion in Section II which outlines the County's ability to require certain items as completeness items.

APCD's letter dated June 27, 2024, requests a list of combustion equipment, a traffic study, an air quality and greenhouse gas report, and a health risk assessment in order to deem the application complete. We understand APCD's position on these items has changed since October 2024; on another Builder's Remedy project—at the same point in its processing as this project—APCD has

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agreed that the Air Quality & Greenhouse Gas, and Health Risk Assessment are not completeness items.²⁷

As the list of combustion equipment with their BTU rating, fuel type, and manufacturer specifications are assumed to be requested in support of these studies, they are also not required for completeness. Identification of specific mechanical equipment does not occur until building permit stage, however, assumptions are regularly made for the purposes of air impact modeling.

Notwithstanding, we point APCD to the extensive environmental analysis conducted for development of this property with residential and commercial uses, including an Air Quality and Greenhouse Gas Assessment by Ambient Air Quality & Noise Consulting²⁸ and Supplemental CalEEMod Analysis also by Ambient Air Quality & Noise Consulting²⁹. The air quality assessments prepared as part of the EIR for the Richards Ranch Annexation project are enclosed herewith as attachment 10a.

Last, APCD's letter asks for a traffic study. An assortment of traffic analyses were prepared as part of the Santa Maria EIR which are enclosed herewith as attachment 10e. In addition, this submittal includes a Trip Generation Comparison, Site Access and VMT Analysis for the Richards Ranch Project dated January 20, 2025 by ATE. This analysis discloses how the proposed project differs in key ways from the project thoroughly analyzed in the certified EIR for development of the site.

As discussed in the response to Transportation comments above, the ATE memo concludes 1) the ADT, AM Peak, and PM Peak trips are significantly less than the project analyzed in the EIR, 2) the restaurant/retail component of the project would have a less than significant impact based on County thresholds, 3) the mini-storage component of the project is expected to significantly reduce the VMT within the County and Orcutt area, and 4) the residential portion of the Project would generate an average of 14.4 VMT per resident with the mixed-use adjustments, which would not exceed the County's threshold of 14.9 VMT per resident (as shown on the VMT Calculator worksheet). The residential portion of the Project would therefore have a less than significant impact based on County Thresholds.

6. Resource Recovery & Waste Management Division (RRWMD) Incompleteness Items.

Please see the discussion in Section II which outlines the County's ability to require certain items as completeness items. Specific to the RRWMD's area of interest, the applicable checklist does not

²⁷ Email dated November 20, 2024 from APCD staff to BHFS which can be supplied upon request.

²⁸ See Richards Ranch Annexation Final EIR Volume 1: Final Environmental Impact Report Volume 1.2 Final EIR Appendices dated July 2024 Appendix

²⁹ See Richards Ranch Annexation Final EIR Volume 2: 2022 Draft EIR Response to Comments Appendices dated July 2024, Appendix E Supplemental CalEEMod Analysis

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require any information to be provided regarding solid waste collection, except that the checklist requires the location of proposed development to be shown on the plans. Here, the locations for proposed trash enclosures are shown on the accompanying plans (C1, C2), as they were in the September 2024 submittal, with trash enclosure details shown in plan view and elevation on sheet A10 of the RRM plans.

To the extent the RRWMD determines additional enclosures may be needed beyond those that are shown, this is a consistency item, not a completeness item. The sizing of the bins within the enclosures, and frequency of trash collection will be determined at a later phase such as building permit plan check or prior to occupancy.

VI. Next Steps

We appreciate staff's recognition in the Incomplete Letter that a number of topics and various reports are advisories³⁰ and therefore do not need to be addressed prior to deeming the application complete.

We are confident that the County will find Submittal 3 application is now **complete** and the County's next step is consistency review.

To aid in analysis of the project's general consistency with Santa Barbara County policy, we direct County's attention to Appendix D of the Santa Maria EIR (Richards Ranch Annexation Final EIR Volume 2: 2022 Draft EIR Response to Comments Appendices dated July 2024) which includes this analysis.

VII. Enclosures

Enclosed herewith, please find the following items as referenced herein:

1. Project Plans prepared by RRM Design Group dated January 2025
2. Preliminary Grading & Drainage and Tentative Map by Bethel Engineering dated January 10, 2025
3. Drainage Study prepared by Bethel Engineering dated January 8, 2025
4. Preliminary Stormwater Control Plan (Tier 4) prepared by Bethel Engineering dated January 8, 2025
5. Trip Generation Comparison, Site Access and VMT Analysis for the Richards Ranch Project dated January 20, 2025 by ATE

³⁰ Starting on the top of Page 5 of the Incomplete letter is a list of Advisories. These are listed after the resubmittal instructions, as a separate category of items, and are not listed under the "Additional Information Required" section of the letter.

INCLUDE DELIVERY PHRASES IN HEADER

January 20, 2025

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6. As-Built drawings of Union Valley Parkway and Orcutt Road between Highway 135 and Hummel Drive
7. Applicable County checklists described herein
8. BHFS Letter to HCD dated November 12, 2024
9. Biological Resources Mapping from the Biological Resources Assessment, Waters of the US/State Jurisdictional Determination, California Tiger Salamander Site Assessment dated July 8 2022 by David Wolff Environmental LLC
10. Compilation of Select Santa Maria EIR topics Table Of Contents
 - 10.a Air Quality & Greenhouse Gasses
 - 10.b Biological Resources
 - 10.c Cultural Resources
 - 10.d Traffic & Circulation
11. Santa Maria EIR Volumes:
 - Richards Ranch Annexation Draft EIR Volume 1: Draft EIR
 - Richards Ranch Annexation Draft EIR Volume 2: Appendices
 - Richards Ranch Final EIR Volume 1.1 Final EIR
 - Richards Ranch Final EIR Volume 1.2 Appendices
 - Richards Ranch Final EIR Volume 2.1 Draft EIR Response to Comments
 - Richards Ranch Final EIR Volume 2.2 Draft Response to Comments Appendices
 - Richards Ranch Annexation Partially Recirculated Draft EIR
 - Richards Ranch Final EIR Volume 3 2024 PRDEIR Response to Comments

If you have any questions or would like to discuss further please call or email at 805.260.8392 or gandersen@bhfs.com. We thank you again for your efforts on processing this mixed-use application. We look forward to providing the County with much-needed commercial uses and residential units (750 units with 20% lower income affordable) and associated amenities.

Sincerely,

Ginger C. Andersen
Senior Land Use Project Manager

Haley D. Kolosieke
Land Use Planner