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**Sheila de la Guerra**

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**From:** Andersen, Ginger C. <gandersen@bhfs.com>  
**Sent:** Monday, April 7, 2025 4:35 PM  
**To:** sbcob; Roy Lee; Laura Capps; Joan Hartmann; Steve Lavagnino; Supervisor Nelson  
**Cc:** Collins, Beth A.; Carlson, Mack  
**Subject:** HCD Letter - Richards Ranch BOS Appeal April 8 2025  
**Attachments:** SantaBarbaraCo-HAU 1423-TA-04072025.pdf

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Board of Supervisors,

We just received the attached letter from HCD and wanted to make sure to send it along ASAP for tomorrow.

Sincerely,

***Ginger C. Andersen***

Senior Land Use Project Manager  
**Brownstein Hyatt Farber Schreck, LLP**  
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***Brownstein - we're all in.***

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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April 7, 2025

Lisa Plowman, Director of Planning and Development  
County of Santa Barbara County  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

Dear Lisa Plowman:

**RE: Richards Ranch – Letter of Technical Assistance**

The California Department of Housing and Community Development (HCD) received a request from the applicant for the proposed Richards Ranch project located in Orcutt, Santa Barbara County (Project). Specifically, the applicant had concerns about the Project's vesting under the Housing Accountability Act (HAA) and Permit Streamlining Act (PSA).

HCD understands that the Project proposes 750 units, with 156 units (20 percent of units) restricted to lower-income households. A preliminary application, pursuant to Government Code section 65941.1, was filed on December 5, 2023. At the time of submittal, the County did not have a compliant housing element. HCD did not certify that the City's housing element was substantially compliant with state law until January 22, 2024. Therefore, at the time the Project's preliminary application was filed, the County would not have been able to make the finding in Government Code section 65589.5, subdivision (d)(6), to deny the Project. The preliminary application vested the County's noncompliant status at the time of submittal in December 2023.

On March 1, 2024, the County issued a letter deeming all items required for the preliminary application were present. The full housing development project application was submitted by the applicant on May 31, 2024. The County provided an incomplete letter on June 28, 2024. A second submittal of the housing development project application occurred on September 23, 2024 with a subsequent incompleteness letter issued by the County on October 23, 2024. A third submittal of the housing development project application then occurred on January 20, 2025, with the third incomplete letter issued by the County on February 20, 2025.

### **Vesting under Government Code section 65941.1**

Under the HAA, a preliminary application remains vested unless the number of residential units or square footage of construction proposed in the full application changes from the preliminary application by 20 percent or more (subject to certain conditions as listed in the statute).<sup>1</sup> HCD understands that the cover letter for the preliminary application stated 761,365 square-feet of construction<sup>2</sup> and the full development application showed 1,191,596 square feet of construction.<sup>3</sup> This would be an increase of over 70 percent. However, it is reasonable to assume this was a typographical error on the cover sheet and does not represent the project submitted at the time of the preliminary application. This is evident because the site plan submitted with the preliminary application is identical to that of full application submittal. Additionally, the full application contains no stated increase in the number of units.

HCD finds that the project has not lost its vesting under Government Code section 65941.1 because the preliminary application and the full application depict essentially the same project, with no difference in the size or configuration of the proposed construction. A clerical error is not grounds for the loss of vesting if the rest of the application supports that no change in units or square footage beyond 20 percent occurred. Based on City staff's February 27, 2025, email, and the applicant's February 28, 2025, response letter,<sup>4</sup> HCD understands that both parties agree there are no other mentions of the project's square footage or unit count changing other than the error on the cover page. Therefore, HCD concludes that based on the consistency of everything else in the application submittals (including identical site plans), it would be unreasonable to make the determination that the project has substantially changed, resulting in a loss of vesting.

### **90-Day Incompleteness Period under the Permit Streamlining Act**

Under the PSA, if an agency determines that the application for the 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 information.<sup>5</sup> HCD reminds the County that the 90-day deadline resets after each incompleteness determination made by the County. A project with multiple incompleteness letters and responses may have multiple 90-day periods.

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<sup>1</sup> Gov. Code, § 65941.1, subd. (c)

<sup>2</sup> Divided into 604,080 square-feet of residential development and 157,285 square-feet of non-residential development

<sup>3</sup> Divided into 1,030,823 square-feet of residential development and 160,773 square-feet of nonresidential development

<sup>4</sup> Attachment 1: City's February 27, 2025 incompleteness determination and follow-up email, and applicant's February 28, 2025 response letter

<sup>5</sup> Gov. Code, § 65941.1, subd. (e)(2).

Imposing a single 90-day resubmittal period limits the completeness determination process to only one or two resubmittals, making the process more difficult for diligent applicants to benefit from the protections of the PSA's preliminary application process. This interpretation was expressly upheld in a recent Los Angeles County Superior Court ruling that concluded "that when an applicant receives an incompleteness determination pursuant to section 65943 – not just the first incompleteness determination – an applicant has 90 days to respond." (*Janet Jha v. City of Los Angeles, et al.* (Super. Ct. L.A. County, July 24, 2024, No. 23STCP03499), p. 24.)

### Conclusion

HCD has determined that the Project should maintain vesting under Government Code section 65941.1 and is eligible for multiple 90-day incompleteness periods under the PSA. HCD urges the Board of Supervisors to consider these determinations and direct staff to process the housing development project application. If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Bentley Regehr at [bentley.regehr@hcd.ca.gov](mailto:bentley.regehr@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West", written in a cursive style.

Shannan West  
Housing Accountability Unit Chief

Attachment 1: City's February 27, 2025, incompleteness determination and follow-up email, and applicant's February 28, 2025, response letter



February 28, 2025

Beth A. Collins  
Attorney at Law  
805.882.1419 direct  
bcollins@bhfs.com

Alia Vosburg, Planner  
County of Santa Barbara  
Development Review Division  
624 W. Foster Road  
Santa Maria, CA 93455

**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 February 20, 2025 Determination of Application Incompleteness letter ("February 2025 Incomplete Letter")<sup>1</sup> in response to our client's second application resubmittal, dated January 20, 2024 ("Resubmittal Application") for the subject project ("Project"). On February 27, 2025, County Planning and Development staff also emailed our office with additional determinations that impact the Project ("Email Determinations").<sup>2</sup>

Pursuant to County Land Use and Development Code ("LUDC") Chapter 35.102 (Appeals) and Government Code section 65943(c), we submit this letter to appeal the Santa Barbara County ("County") Director of Planning and Development's, or designee's, decisions in the February 2025 Incomplete Letter and the additional Email Determinations.<sup>3</sup>

## ***I. Appeal Summary Information***

County Land Use & Development Code ("LUDC") section 35.102.020.C.1 requires the appeal to be filed within 10 calendar days of the decision, and that the appeal provide information in response to the following four points.<sup>4</sup> Below is a list of these criteria, with a brief response to each. A more in-depth response to items c and d is contained in the body of this letter.

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<sup>1</sup> Attached hereto as Exhibit 1.

<sup>2</sup> The email correspondence is attached hereto at Exhibit 2 and incorporated herein by reference.

<sup>3</sup> The letter incorporates by reference all prior application submittals, County responsive letters, and electronic correspondence related to this Project as well as the Exhibits attached hereto.

<sup>4</sup> Countywide LUDC §§ 35.102.020.C.1.a–35.102.020.C.1.a

- a. The identity of the appellant and their interest in the decision;*

Richards Ranch LLC, Property Owner and Applicant of the subject case numbers.

- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;*

The appeal pertains to three core issues related to the following determinations by the County Planning and Development Director or her designee: (1) the computation of the County's deadline to respond to the Resubmittal Application; (2) that the Resubmittal Application is incomplete; and (3) that the Project has lost rights under its SB 330 Preliminary Application submitted in December 2023, including the Project's eligibility under the Builder's Remedy.<sup>5</sup>

- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law;*

As explained further below in Section II, the determination that the Resubmittal Application is incomplete is inconsistent with the Permit Streamlining Act (Gov. Code, § 65920 et seq.) in a number of ways, including but not limited to: (1) the County's February 2025 Incomplete Letter was not sent within 30 days of the January 20, 2025 submittal, and therefore the Resubmittal Application was deemed complete under Government Code section 65943; (2) the County's review and processing of the Resubmittal Application violates the Permit Streamlining Act and Housing Accountability Act (Gov. Code, § 65589.5); (3) notwithstanding the County's decision otherwise, the Resubmittal Application contains sufficient information to be found complete; and (4) the County's determination contravenes SB 330 and the Permit Streamlining Act. In light of these determinations, the County's decisions on the Resubmittal Application and processing of the Project constitute a violation of the Housing Accountability Act, likely in bad faith.

- d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not*

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<sup>5</sup> The February 2025 Incomplete Letter was silent as to whether the County had made such a determination; however, the County sent additional Email Determinations after the February 2025 Incomplete Letter which make it clear that the County has made a determination that it is purporting to revoke the Project's SB 330 protections.

*have been presented at the time the decision was made, then these grounds shall be specifically stated.*

As explained below, this appeal asserts that the above criteria are satisfied: (1) the decision to issue the February 2025 Incomplete Letter constitutes an error or abuse of discretion under state law; (2) the Project has been treated in an unfair and partial manner by the County's processing of the application differently from other housing projects, including other Builder's Remedy projects, processed under the same State laws; and (3) the decision to find the Resubmittal Application incomplete is not supported by the evidence because items identified as incomplete for this Project were previously identified by the County as complete for other projects with similar responses.

## ***II. Grounds for Appeal***

The below provides additional detail to support the above summaries.

### ***1. The County Did Not Adhere to the Permit Streamlining Act's Deadline and Accordingly, the Application is Deemed Complete by Operation of Law.***

The Permit Streamlining Act imposes deadlines on all public agencies to review and act on applications for development projects based on "a statewide need to ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects."<sup>6</sup> To provide clear rules for expedited review of applications, Government Code section 65943(a) provides that "[n]ot later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project."<sup>7</sup> If this determination is not made "within 30 days" after receipt of the application, "the application shall be deemed complete..."<sup>8</sup>

The Resubmittal Application was filed on January 20, 2025. Under Government Code section 65943(a), the County must provide its written determination "[n]ot later than 30 calendar days" otherwise the application is "deemed complete" by operation of law, meaning the deadline to respond was February 19, 2025.<sup>9</sup> This February 2025 Incomplete Letter, however, was not provided until February 20, 2025 thus the County missed the deadline to respond, and the application is automatically deemed complete by operation of law.<sup>10</sup>

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<sup>6</sup> Gov. Code, § 65921.

<sup>7</sup> Gov. Code, § 65943(a) (Emphasis added).

<sup>8</sup> *Id.* (Emphasis added).

<sup>9</sup> February 19, 2025 is 30 calendar days after January 20, 2025.

<sup>10</sup> See also Gov. Code, § 65589.5(j)(2).

In its Email Determinations on February 27, 2025, the County asserted that the Resubmittal Application was not received on January 20, 2025 due to the Martin Luther King holiday being a federal holiday pursuant to California Rule of Court, rule 1.10. However, rule 1.10 and other applicable provisions about counting days do not support the County's position. State law provides a consistent definition regarding computation of days:

The time in which any act provided by law is to be done is computed by **excluding the first day**, and including the last, **unless the last day is a holiday, and then it is also excluded.**<sup>11</sup>

State law plainly excludes the first day (i.e., the Martin Luther King holiday) from the computation. It also only extends the deadline only if it is the "last day" is a holiday—not the first.<sup>12</sup>

The County's position is totally inconsistent and contrary to law. First, in the County's explanation it admits that every other weekend and holiday that occurred between January 20, 2025 and February 20, 2025 count as a "calendar day." But at the same time, the County asserts that it can completely ignore the first day (the Martin Luther King holiday) as a holiday and not count it at all, while making the following day (Tuesday) the "first day" and exclude that Tuesday from the counting as well (despite the County being open that day and having access to the application materials that entire day). Thus, under the County's theory, despite the fact that the County accepted the materials on Monday, January 20, 2025, the County's deadline under the Permit Streamlining Act did not start until Wednesday, making its 30 calendar day deadline February 20. That simply is not the law.

Importantly, the California Department of Housing and Community Development ("HCD") has issued guidance on the interpretation of the Permit Streamlining Act with respect to holidays. In response to an argument that the City of Berkeley could rely on its code to calculate days under the Permit Streamlining Act, HCD stated:

Based on this [Berkeley] municipal code provision, it appears that the City excludes the day the application was submitted and excludes weekends, holidays, and days that City Hall is closed to the public. **The practice of reviewing housing applications based on business days adds to constraints contributing to the housing crisis and is inconsistent with the provisions and intent of the PSA. The PSA explicitly states that local**

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<sup>11</sup> See Code Civ. Proc., § 12; Civ. Code, § 10; Gov. Code, § 6800; Cal. R. Ct., R. 1.10 (emphasis added).

<sup>12</sup> *Id.*



**jurisdictions are required to determine whether an application is complete within 30 calendar days, and not business days.<sup>13</sup>**

Accordingly, the County's interpretation that the Resubmittal Application was not received on January 20, 2025 due to the Martin Luther King holiday is legally meritless.

Importantly, the County's Accela submittal system accepts applicant materials on weekends and holidays—including on January 20, 2025. (See Exhibit 3.) The County, however, does have the ability to block people from submitting things to Accela when they do not want to or cannot process those items. For example, between December 2024 through the New Year the County shut down application submittals due to office closures (See Exhibit 4). The County's acceptance of materials when their physical offices are closed shows it can and does accept application submittals over certain holidays, as the County is able to block submittals when it is not staffed to process them. Given that the County's Accela system accepted the application on January 20, 2025, the County must treat the Resubmittal Application as submitted on this date, consistent the applicable law and HCD guidance. The Martin Luther King holiday does not extend the County's deadline to provide a written response to the Resubmittal Application, and by missing the February 19, 2025 deadline, the Resubmittal Application was deemed complete as a matter of law.

Therefore, the County must rescind its untimely February 2025 Incomplete Letter and determine the Resubmittal Application complete as a matter of law without the need for an appeal.

## ***2. The County's Processing of the Application Violated State Law***

Even if the County refuses to acknowledge that the Resubmittal Application is complete by operation of law under Government Code section 65943(a), under this appeal, County decision-makers must find the Resubmittal Application complete based on the Permit Streamlining Act and Housing Accountability Act.

The Permit Streamlining Act and Housing Accountability Act establish certain procedural requirements and restrictions on how the County reviews proposed project applications to determine their completeness.<sup>14</sup> Pursuant to its authority under state law, the HCD further has provided guidance to local agencies, including the County, with respect to processing of housing development projects. In particular, four letters,<sup>15</sup> attached hereto as Exhibit 5, clearly show that the County's February 2025

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<sup>13</sup> HCD, City's Application Intake and Processing – Letter of Technical Assistance (Dec. 7, 2023) available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/berkeley-ta-hau331-120723.pdf> (Emphasis added).

<sup>14</sup> See, e.g., Gov. Code §§ 65920 et seq., 65589.5(o).

<sup>15</sup> HCD, Fillmore Terrace Project – Letter of Technical Assistance (Aug. 24, 2022) available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/fillmore-attachments-ta-082422.pdf>

Incomplete Letter constitutes an error or abuse of discretion or is not supported by the evidence. The following violations of the Permit Streamlining Act and Housing Accountability Act require County decision-makers accept this appeal and find the Resubmittal Application complete.

1) The County's Completeness Review is Limited to Items on a Public Checklist

An agency's review for completeness under the Permit Streamlining Act "shall be limited to those items actually required on the lead agency's submittal requirement checklist."<sup>16</sup> A city or county also must make copies of the list of "information required from an applicant for a housing development project . . . publicly available on the internet website of the city or county." HCD has further clearly stated that an agency's "determination is focused solely on an assessment of whether the applicant has satisfied "those items actually required on the lead agency's submittal requirement checklist." (Gov. Code, § 65943, subd. (a).)"<sup>17</sup>

None of the County's Departments outside of Planning and Development had submittal or application completeness checklists for Tentative Maps, Development Plans, or Conditional Use Permits ("CUPs") at the time that the Project's SB 330 Preliminary Application was submitted and froze the applicable application requirements.<sup>18</sup> To the best of our knowledge, the County had not prepared application completeness checklists for other departments until January or February 2025, well after the SB 330 Preliminary Application froze the County's application requirements. The County therefore cannot find the application incomplete based on items from any other department that were not included on a submittal requirements checklist that was publicly available on the County's website when the SB 330 Preliminary Application was submitted.<sup>19</sup>

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 application checklist, nor were any referenced in their prior incomplete letters. The allegedly incomplete items specified by these Departments (discussed further in Section II.3 below) thus cannot be a valid basis to find the Resubmittal Application

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("Fillmore Letter"); 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> ("Gilroy Letter"); HCD, Beverly Hills Builder's Remedy Applications – 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> ("Beverly Hills Letter"); HCD, Town of Los Gatos – 980 University Avenue Project – Notice of Potential Violation (Feb. 12, 2024) available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/losgatos-hau-1398-nopv-02122025.pdf> ("Los Gatos Letter")

<sup>16</sup> Gov. Code, §§ 65940, 65943(a).

<sup>17</sup> Fillmore Letter, pp. 3, 9-23.)

<sup>18</sup> Gov. Code, § 65589.5(o)(4) (SB 330 Preliminary Application freezes "any other rules, regulations, requirements, and policies of a local agency....")

<sup>19</sup> See Gilroy Letter, pp. 2-3, 10

incomplete under the Permit Streamlining Act. Notwithstanding, the applicant voluntarily addressed items requested by these Departments through additions to the plans, and through revisions in the prior application resubmittal and the Resubmittal Application.

In addition, to the extent Public Works now has a checklist, it is not applicable to this application, and it is furthermore problematic in its inclusion of consistency requirements as completeness items. Thus, again, the items Public Works identified as purported incomplete items cannot be used to find the Resubmittal Application incomplete.

Therefore, the County's determination that the Resubmittal Application is incomplete violates the Permit Streamlining Act, constitutes an abuse of discretion, and is not supported by the evidence.

## 2) Subsequent Incomplete Letters Cannot Identify New Incomplete Items

Under the Permit Streamlining Act, 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."<sup>20</sup> Government Code section 65943(a) states that "the lead agency shall provide the applicant with an exhaustive list of items that were not complete." If the application is incomplete, then the County shall "specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application."<sup>21</sup> Any item that is not identified in the initial incomplete letter cannot be requested in a subsequent incomplete letter.<sup>22</sup>

Public Works' memo dated February 20, 2025 and incorporated as part of the February 2025 Incomplete Letter includes new comments related to the submitted items and new requests for information for consistency and environmental review, not completeness items.<sup>23</sup> In addition, as discussed further below, the Email Determinations asserting that the Project has lost rights under the SB 330 Preliminary Application for an alleged inconsistency related to the construction square footage has not been raised in response to any prior application submittal and is not factually supported by the applications, and therefore cannot be raised at this time (after the County's deadline to respond to the Resubmittal Application has passed). As such, it is inappropriate for the County to find the Resubmittal Application incomplete based on any new item not included in the County's initial incomplete letter.

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<sup>20</sup> Gov. Code, § 65943(a).

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Gov. Code, § 65941(b); see Gilroy Letter, pp. 3, 9-17.

The County, inclusive of its Departments, cannot move the goal post by adding new incomplete items to subsequent submittals—doing so is a violation of the requirements of the Permit Streamlining Act and Housing Accountability Act.<sup>24</sup>

3) Consistency Items Cannot be Held as Completeness Items Since Consistency Review Occurs After Application Completeness Review.

The Permit Streamlining Act and Housing Accountability Act establish two separate levels of review for housing development projects. The local agency first reviews an application for completeness under the Permit Streamlining Act, and then it reviews the complete application for consistency with objective policies under the Housing Accountability Act. The Beverly Hills Letter from HCD states “the [Housing Accountability Act] 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.”<sup>25</sup>

The Gilroy Letter puts a finer point on it. In the letter, HCD provides an example of a violation:

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 [Housing Accountability Act] consistency review item and others with the [Permit Streamlining Act] 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 [Permit Streamlining Act].**<sup>26</sup>

Similarly, in the Fillmore Letter, HCD states “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. That violation also becomes an undue constraint on the Project.**”<sup>27</sup>

Here, as shown below, Public Works’ purported incompleteness items are not required to determine whether the Resubmittal Application is complete. Some of the identified items raise concerns with

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<sup>24</sup> Gov. Code, §§ 65943, 65589.5(h)(6)(F).

<sup>25</sup> Beverly Hills Letter, p. 3. (“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).)”)

<sup>26</sup> Gilroy Letter, p. 2.

<sup>27</sup> See Fillmore Letter, p. 2.



ways the Project may be inconsistent with applicable policies or requirements for technical reports, not whether those reports and studies exist. Public Works' ability to review certain items for consistency with applicable County policies and report requirements necessarily indicates that it has sufficient information to consider these items "complete." By treating consistency items as incomplete items for the purposes of processing the Resubmittal Application, the County violates the Permit Streamlining Act.

4) County Departments' Requests for a Traffic Study is a California Environmental Quality Act ("CEQA") Environmental Review Item, Not a Completeness Item.

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.**"<sup>28</sup> Although Government Code section 65941(a) allows the County to require enough information to determine whether an environmental impact report ("EIR") or other document may be required, it clearly states that a public agency cannot require the applicant "to submit the informational equivalent of an environmental impact report as part of a complete application..."<sup>29</sup> Recognizing this, 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 [CEQA]."

An analysis of traffic impacts is frequently, routinely, and appropriately prepared as part of a CEQA document, which again happens after an application being deemed complete.<sup>30</sup> Importantly, and as discussed above, no specific technical studies are listed in the County's applicable checklists for a CUP, Development Plan ("DP"), Tentative Tract Map ("TTM"), or the applicable Site Plan & Topographic requirements.

Notwithstanding, 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 associated with a pending annexation application of a similar scale.<sup>31</sup> These include an Updated Traffic & Circulation Study by ATE dated October 7, 2022, 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

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<sup>28</sup> Emphasis added.

<sup>29</sup> *Id.* at (b).

<sup>30</sup> Pub. Res. Code, § 21080.2; see also CEQA Guidelines, §§ 15102, 15107, 15108.

<sup>31</sup> References to the EIR are to the City of Santa Maria's Annexation EIR supplied with the January 20, 2025 submittal and available on the City of Santa Maria website <https://www.cityofsantamaria.org/services/departments/community-development/planning-division/planning-policies-and-regulations/environmental-impact-reports>

Standards, such as Orcutt Community Plan policy CIRC-O-3. The available analyses are included in the accompanying EIR documents, and also were compiled and organized into a discrete package on this topic and provided with the January 20, 2025 submittal.

The studies analyze the existing conditions, existing plus the Project, and cumulative conditions, along with traffic volumes, signal warrant analysis, vehicle miles travelled (“VMT”), accident and queuing, roadway segment operations, and the like. In sum, the analysis provided with the application 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<sup>32</sup> guidelines.

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 new Trip Generation Comparison, Site Access, and VMT Analysis for the Richards Ranch Project by ATE was submitted with the January 2025 submittal that compares a number of key data points from the proposed project to the scenarios already analyzed.

Therefore, the County abused its discretion by reviewing the Resubmittal Application for consistency with applicable policies and environmental review criteria instead of limiting its review whether the application is complete under the Permit Streamlining Act.

### ***3. Notwithstanding the Above, the Resubmittal Application was Responsive***

The following table identifies each alleged item identified as deficient in the February 2025 Incomplete Letter and provides an explanation as to why that item is not supported by the evidence or is legally deficient.

Planning	
Incomplete Item	Response
1. Floor Plans. The previous Incompleteness Letters dated June 28, 2024, and October 23, 2024, requested floor plans for the proposed convenience store, car washes (2), and drive through restaurant as indicated on the Plan Set Checklist. The applicant’s January 21, 2025, resubmittal did not provide floor plans that correspond to the convenience store, carwashes	Our prior submittal letter dated September 23, 2024 communicated that since the timing for completion of the Orcutt Commons project is uncertain, the property owner is effectively being blocked from identifying or formally engaging with the ultimate tenants for the convenience store, car washes, and drive-through. It continues to be true that the tenant’s needs will determine certain aspects of the business such as the final internal floor

<sup>32</sup> California Air Pollution Control Officers Association

<p>(2), and drive through restaurant that are proposed under the scope of the current County application.</p> <p>The current application includes a proposed 4,512 sq. ft. (48 ft. x 94 ft.) convenience store with an attached 848 sq. ft. (16 ft. x 53 ft.) carwash. The floor plan depicted on Sheet A7 is for a 3,854 sq. ft. convenience store (47 ft. x 82 ft.) with no attached carwash shown. No floor plan for the proposed 848 sq. ft. attached carwash has been provided.</p> <p>Additionally, the current application includes a proposed 3,596 sq. ft. freestanding carwash. The floor plan depicted on Sheet A8 is for an approximately 3,800 sq. ft. freestanding carwash, the footprint and orientation of which does not correspond with the proposed 3,596 sq. ft. freestanding carwash.</p> <p>Lastly, the current application includes a proposed 3,419 sq. ft. (34 ft.-10 in. x 98 ft.) drive through restaurant. The floor plan depicted on sheet A9 is for an approximately 4,045 sq. ft. (42 ft.-7 in. x 95 ft.) drive through restaurant.</p>	<p>plan. Further, any final tenant specifications would be approved through a building permit, not the pending entitlements associated with the Resubmittal Application..</p> <p>Notwithstanding, the application checklist asks for “preliminary” floor plans of structures. Preliminary floor plans were provided.<sup>33</sup> It is normal and typical for preliminary plans to have minor inconsistencies, and for those to be clarified through the process.</p> <p>Moreover, after Project approval, changes to the exact footprint and size are regularly allowed—often at the staff-level, if not through Substantial Conformity—since changes very typically occur in final design. Here, the difference in square footage across the cited structures in this incompleteness item is 1,488 sq. ft.<sup>34</sup> which amounts to less than 0.4% of the project total.<sup>35</sup> In these terms, holding an application incomplete on this basis is objectively unreasonable. As discussed below, the County regularly provides applicants with the opportunity to clarify the project description in its completeness determinations.</p> <p>Regarding the carwashes, County P&amp;D does not have any development standards related to the insides of a carwash. The County cannot withhold a completeness determination based on the internal configuration of a potential tenant improvement when it has not identified any applicable land use standards related to the contents of these structures associated with these entitlements. Requesting the floor plan for the machinery inside of a carwash is therefore unnecessary for any County purpose related to the Resubmittal Application and Project entitlements, and is akin to requiring a floor plan of the inside of a dishwasher when permitting a single family dwelling.</p>
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<sup>33</sup> See further discussion of carwashes below.

<sup>34</sup> Convenience store: 4,512 sf minus 3,854 sf = 658 SF. The 848 SF attached carwash is depicted on sheet A7, despite County’s insistence it is not. Freestanding carwash: 3800-3596 = 204; Drive-thru 4,045-3,419 = 626 SF. This yields a total apparent discrepancy of 658 + 204 + 626 = 1,488

<sup>35</sup> 1,488 sf/432,163 sf = .003443 or 0.3%

	<p>As the County lacks any standard for the machinery in a carwash, such as the layout of the hoses, rollers, or dryers inside, it is irrelevant to processing and the decision-making process. Moreover, different carwash providers use different mechanisms in different locations and orientations, thus the carwashes should instead be treated as a shell building with future tenant improvements to be determined and approved by the County through a separate entitlement.</p> <p>To the extent the mechanics of a carwash might be needed to analyze noise impacts, for instance, the consultant hired to conduct environmental review would, in the absence of specifics, make assumptions around a worst-case scenario of technology available at that time. Finally, the Project can be conditioned to ensure that the final design complies with adopted County noise standards, or any other applicable standard.</p> <p>Regarding the free-standing carwash, in the September 2024 submittal, the carwash plan (sheet A6) shows the carwash footprint, circulation, and parking area. In the January 2025 submittal, the plan sheet for this car wash (now sheet A8) is revised to show a floor plan for a car wash, as requested. To the extent the drawing also depicts the carwash set in a different drive aisle layout, that is a minor error which again can be clarified during the review process. In any case, the floor plan of the car wash is conceptual, as the exact layout is unknown at this time, and will not be determined until the project is entitled and a tenant or carwash operator is selected. As stated above, the layout inside the carwash is irrelevant to any development standard, finding for approval or environmental review.</p> <p>The exterior footprint of the smaller carwash attached to the convenience store is in fact depicted on sheet A-7 of the January 2025 dated plans. It could reasonably be expected to have a similar interior layout to that provided for the free-standing, albeit at a smaller scale. Again, absent any development standard or criteria by which the County would review such a floor plan of a mechanized</p>
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	<p>carwash, its absence in the plan set is irrelevant to the completeness of the Resubmittal Application. Or, to the extent the County insists on seeing a typical interior layout, one could be provided as a clarification after being deemed complete, or an assumption as to its interior could be made by the EIR consultant.</p> <p>As you know, minor adjustments to the project description are routinely made through the review and approval process, and thereafter in final design. To the extent there are internal inconsistencies, these are items that can easily be, and routinely are, clarified after the application is deemed complete.</p> <p>More specifically, and as referenced above, when the County sends a determination of application completeness—as a matter of standard practice—the County asks the applicant to confirm the project description. This allows the applicant an opportunity to confirm the specifics of the project for use going forward in the consistency and environmental review phases. This ability to clarify is therefore a regularly-exercised and normal part of the County’s review process—which is not being afforded to this applicant.</p>
<b>Public Works</b>	
<b>Incomplete Item</b>	<b>Response</b>
	<p>General Note: Please see the discussion in Section II which outlines the legal constraints on the County’s ability to require certain items as completeness items. Notwithstanding, in the January 20, 2025 submittal package, additional details were added to the plans, and an additional Trip Generation Comparison, Site Access and VMT Analysis was prepared by ATE and submitted. Also enclosed with the Resubmittal Application are a Drainage Study, and Stormwater Control Plan by Bethel Engineering. See more below.</p>
a) Prior to completeness, full width of County Right of Way shall be shown on the plans with all	As communicated in our prior letters and this appeal, Public Works does not have an applicable published

<p>encroachments (poles, signs, fire hydrants, driveways, etc.) <b>Missing full width Caltrans ROW. No dimensioned roadway plans are provided for both State and County roadways. There is not sufficient information to review the project against adopted standards.</b></p>	<p>online checklist or submittal requirements for application completeness.</p> <p>The black text at left is the language that was repeated in the June 2024 and October 2024 incomplete letters. The red text is new to the February 20, 2025 letter. The County's incomplete letters asked for the full width of County Right of Way until this latest round. Since the County cannot ask for new items in subsequent rounds, the Caltrans request—in the newly added red text—is not a valid basis to find the Resubmittal Application.</p> <p>Notwithstanding, it remains unclear what Public Works is reviewing when making this statement.</p> <p>The full width of Right of Way of Union Valley Parkway ("UVP") 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.</p> <p>Moreover, as previously communicated in prior letters, and on the plans submitted, the entirety of the approved buildout for Orcutt Road and Union Valley Parkway are shown on the as-built plans by MNS which were included in the January 2025 submittal. The full buildout of UVP and Orcutt were previously reviewed and approved as a joint project between the County, the City of Santa Maria, and Caltrans. Further information can be found attached to the Board of Supervisors Agenda packet for the October 27, 2009 hearing, which is available online<sup>36</sup> and to which County Public Works was clearly a participant as evidenced by the Public Works Director being the author of the Board Letter.<sup>37</sup></p> <p>These improvements to UVP and Orcutt Road were partially completed as evidenced by the existence of</p>
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<sup>36</sup> <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=520611&GUID=ABE3D54F-7FF7-46AC-B168-5861657A8E71&Options=&Search=>

<sup>37</sup> Board of Supervisors Agenda Letter dated for the Agenda of October 13, 2009, and on the October 27, 2009 Agenda entitled "Union Valley Parkway Extension/Interchange Project, Fourth Supervisorial District, County Project No. 863.011 and 864010"

	these roads. As these improvements were substantially completed, they are arguably vested.
b) Prior to completeness, a full drainage study shall be done for all roadways that demonstrate post development flows are less than or equal to pre-development flows. The study shall show how much roadway is open for travel in each flow event. <b>No information is provided for the public ROW as requested. Please provide calculations for the Public Roads and show how much travel lane is open for use under each identified flow event.</b>	<p>Please see the comments above regarding Union Valley Parkway and Orcutt Road, as they respond to the need for analysis of drainage on these public roads, which have been designed, approved, and substantially constructed. This analysis would have been completed as part of the City/County/Caltrans efforts to construct the streets as they exist today and at their full buildout.</p> <p>Specific to the proposed development, a drainage study was prepared to analyze the proposed development and its compliance with County standards. This study was prepared and supplied to the County with the January 20, 2025 submittal.</p>
"c) Prior to completeness, a traffic study shall be provided, to County Traffic Study Guidelines. The study shall include a VMT analysis, to CAPCOA guidelines, that clearly documents all reduction strategies with formulas. Other items to include shall be: queueing analysis for all driveways and drive-thru's, sight distance analysis for all driveways, all County stop and signal warrant nomographs plotted with values, collision analysis for all roadways and mixed-use reduction worksheets to NCHRP 684 guidelines. <b>As stated in many previous comments, the department does not agree with the determination that this project is mixed use as per the definition of NCHRP 684. Once a vehicle uses a public road, per NCHRP 684, the project ceases to be a mixed-use project. Each quadrant of this development would qualify as a separate mixed-use zone but for roadway purposes and reductions, the project does not qualify. With that said, the applicant has provided a robust analysis that does not prevent them from being deemed incomplete on this item but it is inconsistent with County Traffic Study Guidelines. There are still numerous items identified above that have not been provide thus</b>	<p>Again, the black text of this item was repeated in the prior incomplete letters, and the red text is new to the February 20, 2025 incomplete letter. Here, we note that until the February 20, 2025 letter, the request from Public Works was to include "and mixed use reduction worksheets to NCHRP 684 guidelines." By incorporating this statement, it was clear to the applicant that this was being considered as a mixed use project.</p> <p>Our Resubmittal Application accompanies this appeal, and its discussion regarding the robust analyses performed for development of this site is incorporated by reference.</p> <p>As stated in the comment itself, Public Works is citing a purported inconsistency, and improperly holding it as a completeness item, which is not allowed for the reasons stated above.</p> <p>Notwithstanding, traffic impacts are a matter for environmental review, and the potential traffic impacts of an even more impactful project have been conducted and supplied to the County.</p> <p>To the extent additional or different analysis (i.e. under a lens other than mixed use) might be needed, this is an</p>



<p>this is not a study the department will support at the current time.” [Emphasis added]</p>	<p>exercise that would occur during preparation of an environmental document after the Project is complete, consistent with applicable law.</p>
<p>d) Prior to completeness, full roadway PIP’s shall be provided that clearly show full right of way width, all encroachments, curbs, gutter, sidewalk, parkway, islands, signing, striping and centerline radii with all items dimensioned. <b>No dimensioned roadway plans were provided in the project folder. At a minimum a sheet shall be provided with all of the above information if full PIP’s are provided at a later time. There is not sufficient information to review the project against adopted standards.</b></p>	<p>See responses above with a) and b) regarding the plans showing a full buildout of UVP and Orcutt Road. The as-built drawings by MNS were referenced in earlier submittals, and provided with the January 20, 2025 submittal. The project grading and drainage plans include numerous County standard plates. Sheet C7 also includes a statement of intent that the Project intends to comply with county road standards, and where in final design exceptions are identified, those will be requested.</p> <p>As stated in our prior response letters to the County, it is unreasonable to require final design and/or full roadway public improvement plans (“PIPs”) as a matter of application completeness. As noted above, an applicant need not provide the level of detail required to approve or construct the Project at the time of application submittal. Given the great expense and significant effort, this level of detail is better suited for final design, after the applicant has obtained discretionary approval and gained a level of certainty for the Project’s implementation. The County staff have accepted other housing development applications, including Builder’s Remedy applications, with this acknowledgement.</p>
<p>e) Prior to completeness, all driveway profiles shall be provided in conformance with the Santa Barbara County Engineering Design Standards, Plate 4-060. <b>Individual driveway profiles are not provided as requested but a standard detail has been. There is not sufficient information to review the project against adopted standards.</b></p>	<p>The project plans provided depict driveway locations and include the County’s driveway standard details on sheet C7 and include a statement that the design intent is to comply with County standards.</p>
<p><b>Planning and Development</b> <b>February 27, 2025 Email</b></p>	
<p><b>Item</b></p>	<p><b>Response</b></p>
<ul style="list-style-type: none"> <li>Regarding the 30-day review timeline, P&amp;D met the deadline in issuing the Incompleteness Determination. P&amp;D did not</li> </ul>	<p>Addressed above in Section II.1.</p>



<p>receive the application on 1/20/25, because P&amp;D was closed for a federal holiday; therefore the application was received on 1/21/25. Pursuant to Gov. Code Section 65943(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. The Permit Streamlining Act does not specifically set out how days are counted. However, California Rule of Court 1.10, which is relied on in other contexts to count days, excludes holidays and provides that the days are calculated by excluding the first day and including the last. Because 1/20/25 was a holiday, we do not count that as the “first day,” rather 1/21/25 is the “first day”. 1/22/25 would be day 1, which results in day 30 being 2/20/25.</p>	
<ul style="list-style-type: none"> <li>• The Incompleteness Letter dated February 20, 2025, did not include information on the number of opportunities to be deemed complete because, as relayed to you in previous Incomplete Letters, you were advised that if the applicant team does “not submit the required materials/additional information listed below within 90 days, then the preliminary application will expire and have no further force or effect, and the applicant would lose the right to a Builder’s Remedy project (Gov. Code section 65941.1(d)(2)).”</li> </ul>	<p>Addressed below in Section II.4.</p>
<ul style="list-style-type: none"> <li>• Separately, after further evaluation of the residential square footage proposed, P&amp;D has concluded that the Builder’s Remedy application has been forfeited. This conclusion is based on the amount of construction square footage identified in your SB 330 preliminary application as compared to the square footage provided on your full application.</li> <li>o The Cover Letter for your SB 330 preliminary application states that the project has a total construction square footage of 761,365</li> </ul>	<p>As depicted in Exhibit 6, the Project has proposed the exact same site plan—inclusive of number and size of all buildings—since the SB 330 Preliminary Application was submitted. The Project plans have been consistent throughout the SB 330 Preliminary Application, the May 2024 application submittal, the September 2024 submittal, and the January 2025 resubmittal. To the extent the written sum of the square footage may appear to have changed, this is a clerical error. It is very obvious that the same square footage of construction is proposed.</p>

<p>square feet (604,080 sq. ft. residential and 157,285 sq. ft. nonresidential). However, the full application shows a total construction square footage of 1,191,596 square feet (1,030,823 sq. ft. residential and 160,773 sq. ft. nonresidential). This results in an increase of over 70% in the residential construction square footage and 56% in the total construction square footage.</p> <ul style="list-style-type: none"> <li>o Pursuant to Government Code § 65941.1(d), if after submittal of the preliminary application, the applicant revises the project such that the “square footage of construction changes by 20 percent or more” the applicant shall not be deemed to have submitted a preliminary application until it resubmits the required information so that it reflects the revisions.</li> <li>o You may submit a new preliminary application that reflects the revisions to the square footage of construction; however, the new preliminary application will vest to the standards that apply when it is submitted. Because the County has a compliant Housing Element at this time, we have concluded this Builder’s Remedy application has been forfeited. This information was not included in the February 20, 2025, incomplete letter because staff was verifying the information provided on the architectural plan set.</li> </ul> <p>Pursuant to LUDC Section 35.102.040.A.3 Director Decisions, incompleteness determinations can be appealed. However, because of the increased square footage, the applicant has forfeited the Builder’s Remedy application. We believe this renders appeal of the incompleteness determination moot because even if the Planning Commission or Board determined the application</p>	<p>As plainly evident from Exhibit 6, there has been no “revision” to the application that would change the construction square footage by more than 20% from the SB 330 Preliminary Application in violation of Government Code Section 65491.1(d). Any inadvertent difference between a value for the cumulative square footage in the SB 330 Preliminary Application is irrelevant given that the planned square footage has been consistent in each application submittal.<sup>38</sup></p> <p>Staff’s belated Emailed Determination alleges a calculation of construction square footage—for the first time after three application submittals—that differs from a value included in the SB Preliminary Application, despite all the application plans remaining nearly identical. As noted above in Section II.2, the County cannot belated identify—after its deadline to respond—a basis to divest the Project of rights, especially on a topic that they did not raise in any prior application submittal and which the County could have identified and understood based on prior application materials.</p> <p>The County also fails to acknowledge or consider two critical criteria related to this application. First, Government Code section 65941.1(d) states that the change is “exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision[.]” This Project is entitled to a density bonus that could be applied to reduce or eliminate the County’s alleged discrepancy.</p> <p>Second, Assembly Bill 1893 states “[n]otwithstanding subdivision (c) of Section 65941.1, <b>for a housing development project deemed complete before January 1, 2025, the development proponent may choose to revise their application so that the project is a builder’s remedy project, without being required to resubmit a</b></p>
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<sup>38</sup> See HCD, Beverly Hills Builder’s Remedy Applications – Notice of Violation (Dec. 2, 2024)

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/beverly-hills-nov-120224.pdf> (finding the city “improperly deemed preliminary applications void and of no effect due to changes that neither materially altered the project described in the full application from that contemplated in the preliminary application” especially given that the plans have never changed).

to be complete, development under this application cannot proceed.	<p><b>preliminary application, even if the revision results in the number of residential units or square footage of construction changing by 20 percent or more.”</b> (Gov. Code, § 65589.5(f)(7)(B) [emphasis added].) Given that the Project has asserted rights to pivot to a “builder’s remedy project” under the Housing Accountability Act, as recently amended, the County cannot unilaterally find that the Project has lost rights under SB 330 when the Project lawfully make such changes.</p> <p>Finally, Government Code section 65941.1(d) does not identify when the County can make the determination about whether a project has been “revised.” The County’s belated attempt to divest the Project of rights without timely notice to the applicant team, based on an improper and unreasonable interpretation of the SB 330 Preliminary Application and submitted materials, evidences the County’s desire to disapprove this affordable housing project in bad faith.</p>
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#### ***4. The County’s Determination Contravenes SB 330 and the Permit Streamlining Act***

In an email dated February 21, 2025 (Exhibit 7), we requested clarification of the County’s position regarding the Project’s vesting under the SB 330 Preliminary Application. The February 2025 Incomplete Letter **does not** include any language regarding a limit to the number of submittals available, nor does it assert the County’s prior position that a SB 330 Preliminary Application must be determined to be complete within two submittal period. However, the County’s Email Determinations on February 27, 2025 state that the SB 330 Preliminary Application had lost its vested rights. This position contravenes state law and thus constitutes an abuse of the County’s Planning Director’s discretion.

The Housing Crisis Act of 2019 (SB 330) enacted Government Code section 65941.1 because “[l]engthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction,” and also out of a desire to “to expedite the permitting of housing in regions suffering the work housing shortages and highest rates of displacement.” **SB 330 further includes amendments to the Housing Accountability Act that add protections for preliminary applications, which must be construed broadly and given the “fullest possible weight to the interest of, and the approval and provision of, housing.”**<sup>39</sup>

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<sup>39</sup> Gov. Code, § 65589.5(a)(2)(L), (o).

Government Code section 65941.1 creates a preliminary application process where, upon submission of seventeen items and payment of a permit processing fee, an applicant locks in the then-applicable ordinances, policies, and standards.<sup>40</sup> Upon locking in the applicable standards, the applicant has 180 days to prepare a housing development project application “that includes all the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.”<sup>41</sup> If the local agency determines that the application is incomplete pursuant to Government Code section 65943, the applicant “shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information.”<sup>42</sup> If the applicant “does not submit this information within the 90-day period, then the application shall expire and have no further force or effect.”<sup>43</sup>

Government Code section 65943(a) requires a public agency to submit a written determination as to whether an application is complete to an applicant within thirty days of the submittal. As noted above, if the application is determined to be incomplete, the agency shall provide the applicant with “an exhaustive list” of incomplete items based on the agency’s submittal checklist required under Government Code Section 65940.<sup>44</sup> “Upon receipt of **any** resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application.”<sup>45</sup> Government Code section 65943(b) clarifies that this 30 calendar day period applies to each supplemented or amended application. If, as is the case here, the agency and applicant reach an impasse about the completeness of an application following one or more resubmittals, the applicant must be able to appeal that determination to the governing body or planning commission for a hearing within 60 days.<sup>46</sup>

Reading Government Code sections 65941.1 and 65943 together, HCD has previously determined multiple times that:

**The 90-day deadline restarts with each subsequent resubmittal by the applicant.** Subdivision (d) of Government Code section 65941.1 references section 65943, which provides for an iterative process in which deadlines reset upon resubmittal. Because of that reference, it is reasonable to conclude that the subdivision envisions a similar back-and-forth process. **Nothing in the subdivision explicitly precludes this. . . . An interpretation that there is a single finite 90-day review period is**

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<sup>40</sup> Gov. Code, §§ 65941.1(a), 65589.5(o).)

<sup>41</sup> Gov. Code, § 65941.1(d)(1).

<sup>42</sup> Gov. Code, § 65941.1(d)(2).

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.* (Emphasis added.)

<sup>46</sup> *Id.* subd. (c).

**inconsistent with both the intent of the PSA and the Legislature when it introduced this system in Senate Bill 330 (Chapter 654, Statutes of 2019).**<sup>47</sup>

This letter also references *Janet Jha v. City of Los Angeles, et al.*, (Super. Ct. L.A. County, 2024, No. 23STCP03499) in which the trial court accepted HCD's prior guidance on this topic. On February 12, 2025, HCD again reiterated to the Town of Los Gatos:

Failure by the Town to allow for an additional 90-day resubmittal period after each of its incompleteness determinations **would be a violation of the PSA. The Town must allow the applicant to resubmit the application within 90 days of any incompleteness determination.** The Town should also uphold its PSA obligations under Government Code section 65941.1 by honoring the Project's vested rights.<sup>48</sup>

HCD's guidance aligns with the principle that statutory language must be interpreted to effectuate the Legislature's intent and harmonized with provisions related to the same subject matter.<sup>49</sup> Statutes are not construed in isolation and must be harmonized within the statutory scheme.<sup>50</sup> **Given the relationship between the Housing Accountability Act and Permit Streamlining Act, the two statutes must be interpreted together to promote the development of housing.**<sup>51</sup>

Here, the Legislature plainly intended to promote the development of housing by allowing an applicant to lock in applicable standards prior to expending resources on a housing development application, while ensuring the applicant timely pushed the application forward during a housing crisis. The deadlines set forth in Government Code section 65941.1 are designed to ensure that an applicant continues to process an application by requiring (1) submission of a housing development project application within 180 days of preliminary application submittal; and (2) an applicant to respond to any incomplete determination within 90 days.

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<sup>47</sup> Los Gatos Letter, pp. 2-3 (emphasis added); Beverly Hills Letter, p. 3 ("A project with multiple incompleteness letters and responses may have multiple 90-day periods."); HCD, Beverly Hills Builder's Remedy Applications – Notice of Violation (Dec. 2, 2024) <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/beverly-hills-nov-120224.pdf> (issuing a notice of violation to the City of Beverly Hills for its continued noncompliance).

<sup>48</sup> HCD, Town of Los Gatos – 980 University Avenue Project – Notice of Potential Violation (Feb. 12, 2025) <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/losgatos-hau-1398-nopv-02122025.pdf> (Emphasis added.)

<sup>49</sup> *Orange County Employees Assn. v. County of Orange* (1991) 234 Cal.App.3d 833, 841.

<sup>50</sup> *People v. Ledesma* (1997) 16 Cal.4th 90, 95.

<sup>51</sup> *Save Lafayette v. City of Lafayette* (2022) 85 Cal.App.5th 842, 856.



Nothing in the Permit Streamlining Act or Housing Accountability Act suggests that the applicant's preliminary application rights are contingent on a determination about application completeness, as County staff assert. Based on the foregoing, the County's determination that the Project lost its rights under state housing law plainly violates SB 330, the Permit Streamlining Act, and other applicable state housing law.

### ***III. The County's Determinations Violate the Housing Accountability Act in Bad Faith***

The February 2025 Incomplete Letter and the Email Determinations constitute an action to disapprove a housing development project in violation of the Housing Accountability Act.<sup>52</sup> Recent additions to Government Code section 65589.5(h)(6) clarify that disapproval of a housing development project includes, but is not limited to, instances in which the County:

(A) Votes or **takes final administrative action** on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit...

(D) **Fails to cease a course of conduct undertaken for an improper purpose, such as to harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project,** that effectively disapproves the proposed housing development without taking final administrative action [under certain conditions]...

(F) (i) Determines that an application for a housing development project is **incomplete pursuant to subdivision (a) or (b) of Section 65943 and includes in the determination an item that is not required on the local agency's submittal requirement checklist...**

(H) **Makes a written determination that a preliminary application described in subdivision (a) of Section 65941.1 has expired or that the applicant has otherwise lost its vested rights under the preliminary application for any reason other than those described in subdivisions (c) and (d) of Section 65941.1.**<sup>53</sup>

As discussed above, the County's determinations related to this Project constitute "final administrative" action to divest a housing development project of rights contrary to state law and HCD

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<sup>52</sup> Gov. Code, § 65589.5.

<sup>53</sup> Gov. Code, § 65589.5(h)(6).

guidance.<sup>54</sup> The County continues to take this position for an improper purpose despite clear state law and explicit guidance from HCD that the County's position is not supported by law. It further continues to find this Project application incomplete—inconsistent with how the County has treated other similarly situated housing and Builder's Remedy projects.

The County's February 2025 Incomplete Letter also continues to assert that the Resubmittal Application fails to include materials that are not identified on the County's submittal requirements checklist. The County bears the burden of proof that the required item was on the checklist at the time that the SB 330 Preliminary Application was submitted, or that it identified the missing item in the initial incomplete letter.<sup>55</sup> During its consideration of this appeal, the County must consider whether a "reasonable person would conclude that the applicant has submitted all the items by the [County's] submittal requirements checklist..."<sup>56</sup> For the reasons above, a reasonable person cannot conclude, and the County cannot carry, the burden to prove that its decision is properly based on information in a County checklist, and that the information provided is materially deficient to find the Resubmittal Application incomplete.

Finally, as you know, the applicant, this site, and this Project have a significant history with both the County and the City of Santa Maria. The County must be very careful not to allow politics and personal animus to interfere with the fair and legal processing of this affordable housing project, as in addition to due process protections, there are numerous state laws that have been enacted to protect the Project against such interference. For example, under the Housing Accountability Act, an applicant, person eligible for residency in the housing project, or a housing organization may bring an action to enforce its provisions.<sup>57</sup> Prevailing petitioners are entitled to recover attorneys' fees from the County for violations.<sup>58</sup> Plus, notable here, when a court finds that an agency acted in "bad faith"—defined as including but not being limited to actions or inactions that are "frivolous, pretextual, intended to cause unnecessary delay, or entirely without merit"—it can impose penalties of over \$50,000 per housing unit.<sup>59</sup>

The County's frivolous and meritless decision to ignore SB 330, the Permit Streamlining Act, and the Housing Accountability Act, along with HCD's guidance, indicate bad faith. In addition, the recent Email Determinations purporting to revoke state law protections—after being silent on the topic in the February 2025 Incomplete Letter—shows concerning potential as an attempt to hide the ball to

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<sup>54</sup> Gov. Code, §§ 65589.5(h)(6)(A) & (H).

<sup>55</sup> Gov. Code, §§ 65589.5(h)(6)(F)(i) & (ii), (o), 65589.6.

<sup>56</sup> Gov. Code, § 65589.5(h)(6)(F)(iii).

<sup>57</sup> Gov. Code, § 65589.5(k)(1)(A)(i).

<sup>58</sup> Gov. Code, § 65589.5(k)(1)(A)(ii).

<sup>59</sup> Gov. Code, § 65589.5(k)(1)(B), (I).

divest the Project of rights without notice. The County must overturn these determinations or face liability for disapproval of a housing project under the Housing Accountability Act.

#### ***IV. Conclusion***

In summary, the Resubmittal Application is complete by operation of law as of February 19, 2025. We are appealing the determination that the application is incomplete based on the County's failure to meet its response deadline under the Permit Streamlining Act, and for violations of the Permit Streamlining Act related to its February 2025 Incomplete Letter, for the reasons stated herein. Separately, we also are appealing the County's determination that the Project is no longer eligible for the Builder's Remedy due to the number of resubmittals and the County's other allegations.

The Director's determination is appealable to the Planning Commission and Board of Supervisors in accordance with Government Code section 65943(c). We reserve the right to supplement this appeal and the record attached hereto, in particular to supplement the record with additional information from HCD on our pending technical assistance request related to the County's actions on this Project. Our client also may pursue any other legal remedies, including potential claims under the Housing Accountability Act on the basis that the decision constitutes a decision to "disapprove a housing development project."

As noted above, processing of this appeal may be unnecessary if the County confirms both (1) that the application is determined to be complete as a matter of law under Government Code section 65943(a) as of February 19, 2025, and (2) that the Project continues to have vested rights under its SB 330 Preliminary Application, including rights to develop the Project pursuant to the Builder's Remedy.

We remain hopeful that we can work with the County to process this important affordable housing project efficiently, as required by law, so that it can be constructed as soon as possible and help alleviate our County's and our State's significant housing crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Collins", with a long horizontal flourish extending to the right.

Beth A. Collins

#### ***Enclosures***

- Exhibit 1: County Determination of Application Incompleteness dated February 20, 2025

February 28, 2025

Page 25

- Exhibit 2: February 27, 2025 County Staff Email Correspondence
- Exhibit 3: Copy of email verification of submittal dated January 20, 2025
- Exhibit 4: Copy of an email dated November 22, 2024 with image of P&D notice regarding Accela closure over the Winter Holidays.
- Exhibit 5: HCD Letters
- Exhibit 6: Site Plan from each Applicant Submittal

Attachment 1: Completed and signed appeal form

Attachment 2: Check 7522 in the amount of \$793.06 payable to the County of Santa Barbara



## Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

February 20, 2025

Ginger Andersen

Brownstein Hyatt Farber Schreck, LLP

1021 Anacapa Street, 2<sup>nd</sup> Floor

Santa Barbara, CA 93101

Via email at: [gandersen@bhfs.com](mailto:gandersen@bhfs.com)

**RE: Determination of Application Incompleteness**  
**Richards Ranch, LLC - Multifamily Housing, Commercial Development, and Tentative**  
**Tract Map Project**  
**Case Nos. 24TRM-00003, 24DVP-00018, and 24CUP-00033**  
**APNs 107-250-019, -020, -021, and -022**

Dear Ms. Andersen:

Thank you for the application resubmitted on January 21, 2025, in an attempt to correct deficiencies identified in Planning and Development Department's Determination of Application Incompleteness Letter dated October 23, 2024. The resubmittal was timely and was provided within 90 calendar days of the October 23, 2024, Incompleteness Letter.

Staff reviewed your resubmittal for a Tentative Tract Map, Final Development Plan, and Conditional Use Permit for the Richards Ranch, LLC Multifamily Housing, Commercial Development, and Tentative Tract Map Project and found it to be incomplete. Additional information is necessary to accurately understand the scope and details of the proposed project. This information will also support evaluation of the proposed project's environmental impacts and consistency with applicable State and County regulations.

### Additional Information Required

- 1. Floor Plans.** The previous Incompleteness Letters dated June 28, 2024, and October 23, 2024, requested floor plans for the proposed convenience store, car washes (2), and drive through restaurant as indicated on the Plan Set Checklist. The applicant's January 21, 2025, resubmittal did not provide floor plans that correspond to the convenience store, carwashes (2), and drive through restaurant that are proposed under the scope of the current County application.

123 E. Anapamu Street, Santa Barbara, CA 93101 • (805) 568-2000 • Fax (805) 568-2030

624 W. Foster Road, Santa Maria, CA 93455 • (805) 934-6250 • Fax (805) 934-6258

[www.countyofsb.org](http://www.countyofsb.org). Follow us @CountyofSB





The current application includes a proposed 4,512 sq. ft. (48 ft. x 94 ft.) convenience store with an attached 848 sq. ft. (16 ft. x 53 ft.) carwash. The floor plan depicted on Sheet A7 is for a 3,854 sq. ft. convenience store (47 ft. x 82 ft.) with no attached carwash shown. No floor plan for the proposed 848 sq. ft. attached carwash has been provided. Additionally, the current application includes a proposed 3,596 sq. ft. freestanding carwash. The floor plan depicted on Sheet A8 is for an approximately 3,800 sq. ft. freestanding carwash, the footprint and orientation of which does not correspond with the proposed 3,596 sq. ft. freestanding carwash. Lastly, the current application includes a proposed 3,419 sq. ft. (34 ft.-10 in. x 98 ft.) drive through restaurant. The floor plan depicted on sheet A9 is for an approximately 4,045 sq. ft. (42 ft.-7 in. x 95 ft.) drive through restaurant.

2. **Transportation Division Incompleteness Items.** The Public Works Department Transportation Division provided a list of additional application materials and details that are required for application completeness in letters dated October 23, 2024 and June 28, 2024. The applicant's January 21, 2025, resubmittal did not provide/address all incompleteness items previously identified by the Transportation Division.

The Transportation Division provided an updated letter dated February 20, 2025, attached, in response to the resubmittal, which identifies the previously-requested incompleteness items that have not been addressed.

Please feel free to contact me if you have any questions.

Sincerely,

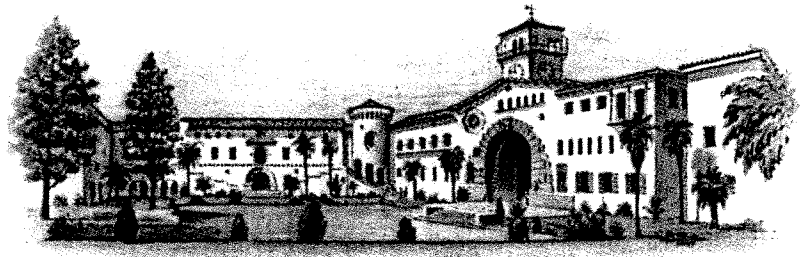


Alia Vosburg, Planner  
Development Review Division  
624 W. Foster Road, Suite C  
Santa Maria, CA 93455

encl.: Public Works Transportation Letter dated February 20, 2025

cc: Case File (to planner w/enclosures)

COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, California 93101  
805/568-3000 FAX 805/568-3222



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## Memorandum

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February 20, 2025

TO: Alia Vosburg, Project Planner

FROM: William Robertson, AICP, PTP  
Transportation Planning Supervisor  
Transportation Division  
Traffic Section

SUBJECT: Richard's Ranch 3<sup>rd</sup> Submittal

---

Attached you will find Public Works, Transportation's draft comments and conditions for the above-mentioned project. All comments are draft in nature and may change based on further staff review, outside agency comments and/or a change to the project plans/description. Please note that this is not a departmental condition letter. A formal condition letter will be generated for the project prior to submittal of the staff report for docketing.

Currently this project is deemed to be both incomplete and inconsistent with the Santa Barbara County Engineering Design Standards as determined by Public Works, Transportation staff.

If you have any questions, please contact me at 805-803-8785.

Sincerely,

William T. Robertson

02/20/2025

Date

cc:

Gary Smart, T.E., Traffic Section Manager, County of Santa Barbara, Public Works Department

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C:\Box\Traffic\Transportation Planning\Development Review\Digital File Cabinet\107-250-019\24TRM-00003

# Public Works Transportation

## Comment and Conditions

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### 1. Richards Ranch

24TRM-00003, 24DVP-00018

107-250-019, 107-250-220, 107-250-021, 107-250-022

- a) **Prior to completeness**, full width of County Right of Way shall be shown on the plans with all encroachments (poles, signs, fire hydrants, driveways, etc.) **Missing full width Caltrans ROW. No dimensioned roadway plans are provided for both State and County roadways. There is not sufficient information to review the project against adopted standards.**
- b) **Prior to completeness**, a full drainage study shall be done for all roadways that demonstrate post development flows are less than or equal to pre-development flows. The study shall show how much roadway is open for travel in each flow event. **No information is provided for the public ROW as requested. Please provide calculations for the Public Roads and show how much travel lane is open for use under each identified flow event.**
- c) **Prior to completeness**, a traffic study shall be provided, to County Traffic Study Guidelines. The study shall include a VMT analysis, to CAPCOA guidelines, that clearly documents all reduction strategies with formulas. Other items to include shall be: queueing analysis for all driveways and drive-thru's, sight distance analysis for all driveways, all County stop and signal warrant nomographs plotted with values, collision analysis for all roadways and mixed-use reduction worksheets to NCHRP 684 guidelines. **As stated in many previous comments, the department does not agree with the determination that this project is mixed use as per the definition of NCHRP 684. Once a vehicle uses a public road, per NCHRP 684, the project ceases to be a mixed-use project. Each quadrant of this development would qualify as a separate mixed-use zone but for roadway purposes and reductions, the project does not qualify. With that said, the applicant has provided a robust analysis that does not prevent them from being deemed incomplete on this item but it is inconsistent with County Traffic Study Guidelines. There are still numerous items identified above that have not been provide thus this is not a study the department will support at the current time.**
- d) **Prior to completeness**, full roadway PIP's shall be provided that clearly show full right of way width, all encroachments, curbs, gutter, sidewalk, parkway, islands, signing, striping and centerline radii with all items dimensioned. **No dimensioned roadway plans were provided in the project folder. At a minimum a sheet shall be provided with all of the above information if full PIP's are provided at a later time. There is not sufficient information to review the project against adopted standards.**
- e) **Prior to completeness**, all driveway profiles shall be provided in conformance with the Santa Barbara County Engineering Design Standards, Plate 4-060. **Individual driveway profiles are not provided as requested but a standard detail has been. There is not sufficient information to review the project against adopted standards.**
- f) Prior to hearing, the driveways, per parcel, shall be a minimum of 25 feet in width and no greater than 40 feet in combined width in conformance with the Santa Barbara County Engineering Design Standards, Plate 4-040
- g) Prior to hearing, the driveway spacing shall be designed in conformance with the Santa Barbara County Engineering Design Standards, Plate 4-050, case #2.
- h) Prior to hearing, all sidewalk shall be designed in conformance with the Santa Barbara County Engineering Design Standards, Plate 5-040.

- i) Prior to hearing, all drive aisles shall meet a minimum width of 24 feet and be in conformance with the LUDC for parking dimensions.
- j) Prior to zoning clearance, sight distance shall meet AASHTO requirements at all driveways for the appropriately posted roadway speed and shall be plotted on the site landscape plan.
- k) Prior to hearing, all site water being discharged to the Right of Way shall be bioswale treated in accordance with the Santa Barbara County Engineering Design Standards.
- l) Prior to occupancy clearance, traffic mitigation fees will be required based on the most current adopted fee schedule.
- m) Prior to zoning clearance, the applicant shall receive an approved encroachment permit for all work within the County Right of Way.
- n) Prior to hearing, the applicant shall show an on-site turnaround's for an SU-30, single unit truck, vehicle. Backing maneuvers are not allowed on county roads for this type of project.
- o) Prior to hearing, all roadway frontage and on-site utilities shall be undergrounded per County Resolution.
- p) Prior to hearing roadway lighting shall be provided to IES RP-08 standards for all roadways, both public and private, per County Resolution.
- q) Prior to hearing, all roadway trees shall be shown and labeled on the landscape plans. These trees shall only be from the approved street tree list and shall not be within sight distance triangles.
- r) Prior to hearing, all landscaping within a sight distance triangle shall be no greater than 36 inches at maturity. Mature heights shall be clearly labeled on the landscape plan.
- s) Prior to hearing, all drainage discharge to the County Right of Way shall be shown to first pass through 25 feet of bioswale per County Engineering Design Standards. No bioswale shall be approved within the Right of Way.

## Andersen, Ginger C.

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**From:** Vosburg, Alia <avosburg@countyofsb.org>  
**Sent:** Thursday, February 27, 2025 3:36 PM  
**To:** Andersen, Ginger C.; Beyeler, Gwen  
**Cc:** Seawards, Travis; Collins, Beth A.; Carlson, Mack  
**Subject:** RE: Third Incomplete Letter Richards Ranch (24TRM-00003, 24DVP-00018, and 24CUP-00033)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ginger,

Thanks for your email. We have some follow up information to share:

- Regarding the 30-day review timeline, P&D met the deadline in issuing the Incompleteness Determination. P&D did not receive the application on 1/20/25, because P&D was closed for a federal holiday; therefore the application was received on 1/21/25. Pursuant to Gov. Code Section 65943(a) *Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project.* The Permit Streamlining Act does not specifically set out how days are counted. However, California Rule of Court 1.10, which is relied on in other contexts to count days, excludes holidays and provides that the days are calculated by excluding the first day and including the last. Because 1/20/25 was a holiday, we do not count that as the “first day,” rather 1/21/25 is the “first day”. 1/22/25 would be day 1, which results in day 30 being 2/20/25.
- The Incompleteness Letter dated February 20, 2025, did not include information on the number of opportunities to be deemed complete because, as relayed to you in previous Incomplete Letters, you were advised that if the applicant team does *“not submit the required materials/additional information listed below within 90 days, then the preliminary application will expire and have no further force or effect, and the applicant would lose the right to a Builder’s Remedy project (Gov. Code section 65941.1(d)(2)).”*
- Separately, after further evaluation of the residential square footage proposed, P&D has concluded that the Builder’s Remedy application has been forfeited. This conclusion is based on the amount of construction square footage identified in your SB 330 preliminary application as compared to the square footage provided on your full application.
  - The Cover Letter for your SB 330 preliminary application states that the project has a total construction square footage of 761,365 square feet (604,080 sq. ft. residential and 157,285 sq. ft. nonresidential). However, the full application shows a total construction square footage of 1,191,596 square feet (1,030,823 sq. ft. residential and 160,773 sq. ft. nonresidential). This results in an increase of over 70% in the residential construction square footage and 56% in the total construction square footage.
  - Pursuant to Government Code § 65941.1(d), if after submittal of the preliminary application, the applicant revises the project such that the “square footage of construction changes by 20



- percent or more" the applicant shall not be deemed to have submitted a preliminary application until it resubmits the required information so that it reflects the revisions.
- o You may submit a new preliminary application that reflects the revisions to the square footage of construction; however, the new preliminary application will vest to the standards that apply when it is submitted. Because the County has a compliant Housing Element at this time, we have concluded this Builder's Remedy application has been forfeited. This information was not included in the February 20, 2025, incomplete letter because staff was verifying the information provided on the architectural plan set.

Pursuant to LUDC Section 35.102.040.A.3 Director Decisions, incompleteness determinations can be appealed. However, because of the increased square footage, the applicant has forfeited the Builder's Remedy application. We believe this renders appeal of the incompleteness determination moot because even if the Planning Commission or Board determined the application to be complete, development under this application cannot proceed.

Thank you,



Alia Vosburg  
Planner  
Development Review Division  
Planning & Development Department  
County of Santa Barbara  
624 W. Foster Rd., Suite C  
Santa Maria, CA 93455  
805-934-6259  
[avosburg@countyofsb.org](mailto:avosburg@countyofsb.org)  
<https://www.countyofsb.org/160/Planning-Development>

**From:** Andersen, Ginger C. <[gandersen@bhfs.com](mailto:gandersen@bhfs.com)>  
**Sent:** Friday, February 21, 2025 1:02 PM  
**To:** Vosburg, Alia <[avosburg@countyofsb.org](mailto:avosburg@countyofsb.org)>; Beyeler, Gwen <[gvonklan@countyofsb.org](mailto:gvonklan@countyofsb.org)>  
**Cc:** Seawards, Travis <[tseawards@countyofsb.org](mailto:tseawards@countyofsb.org)>; Collins, Beth A. <[bcollins@bhfs.com](mailto:bcollins@bhfs.com)>; Carlson, Mack <[mcarlson@bhfs.com](mailto:mcarlson@bhfs.com)>  
**Subject:** RE: Third Incomplete Letter Richards Ranch (24TRM-00003, 24DVP-00018, and 24CUP-00033)

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good Afternoon All,

We have a couple of responses to the incomplete letter:

- 1) The County failed to respond in the required timeline, therefore the application is automatically deemed complete.

The submittal was made on January 20, 2025. Under Government Code section 65943(a), the County has "30 calendar days" to provide a written response otherwise the application "shall be deemed complete", meaning the deadline to respond was February 19, 2025. This letter was not provided until February 20, 2025 thus the County missed the deadline to respond, and the application is automatically deemed complete by operation of law.

**Andersen, Ginger C.**

---

**From:** Andersen, Ginger C.  
**Sent:** Monday, January 20, 2025 6:29 PM  
**To:** Vosburg, Alia  
**Cc:** Beyeler, Gwen; Collins, Beth A.; Michael Stoltey  
**Subject:** Richards Ranch Resubmittal  
**Attachments:** 2025.01.20. Cover Letter\_Submittal 3.pdf

Good Evening Alia and Gwen,

The 3<sup>rd</sup> submittal for the subject project, responsive to the October 23, 2024 incomplete letter, has been uploaded to Accela under the attached cover letter.

Please confirm receipt of this email, and that you can see and download the attachments via Accella. They've been loaded to the DVP case.

Sincerely,

***Ginger C. Andersen***

Senior Land Use Project Manager  
**Brownstein Hyatt Farber Schreck, LLP**  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101  
805.882.1460 tel  
805.260.8392 cell  
[gandersen@bhfs.com](mailto:gandersen@bhfs.com)

***Brownstein - we're all in.***

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**Andersen, Ginger C.**

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**Subject:** FW: Public Agencies - End of Year Closures

**Ginger C. Andersen**

Senior Land Use Project Manager  
**Brownstein Hyatt Farber Schreck, LLP**  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101  
805.882.1460 tel  
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[gandersen@bhfs.com](mailto:gandersen@bhfs.com)

**Brownstein - we're all in.**

**From:** Andersen, Ginger C.

**Sent:** Friday, November 22, 2024 12:52 PM

---

**Subject:** RE: Public Agencies - End of Year Closures

FYI Santa Barbara County updated their closure statement to say they will not be accepting applications after 5pm Dec 23.

The County's Planning & Development Department offices will be closed on Nov. 28th and 29th in observance of Thanksgiving. Building and Planning Counters will be closed at noon on Wednesday, Nov. 27 and all day Tuesday, Dec. 24th. Offices will be closed from Wednesday, Dec. 25, 2024 through Wednesday, Jan. 1, 2025 in observance of the County's holiday closure. Note: Accela permit applications will not be accepted during the holiday closure. Please submit applications through Accela no later than 5 p.m. on Monday, Dec. 23, 2024. Accela will resume accepting applications on Jan. 2, 2025 at 8 a.m.

**Ginger C. Andersen**

Senior Land Use Project Manager  
**Brownstein Hyatt Farber Schreck, LLP**  
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Santa Barbara, CA 93101  
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**Brownstein - we're all in.**