



SAGE

**SMART ACTION FOR
GROWTH & EQUITY**

SANTA BARBARA

September 15, 2025



Prior Pro-Housing Laws

- General Plan Housing Elements
- RHNA Mandates for actual production of housing
- Builders Remedy as penalty for jurisdictions that fail to meet targets
- Builders Remedy Projects:
 - ◆ Do Not have to comply with zoning and general plan
 - ◆ If affordable housing included, entitled to 2 extra “Concessions”
 - ◆ Law & development standards locked in at time of initial application



Recent Pro-Housing Laws

- Housing Accountability Act – Limits City authority to deny or downsize housing projects
- State Bonus Density Law – Development Standard “Concessions” in exchange for developer’s voluntarily adding affordable housing units to residential projects
- Transit-Dependent Developments – Parking Waivers
- CEQA Exemptions – infill development
- Trailer Bills SB 131 AB 130 – passed June 30, 2025
- SB 158 – passed September 12, 2025, at Governor’s desk



AB 131 & SB 130

- CEQA Exemption for Qualifying Infill Development
 - ◆ Project must Conform to General Plan Standards and Policies
- Creates “Near Miss” streamlined CEQA review if only one impact category triggered
- CEQA exemption for rezones of housing sites identified in Housing Element Update
- Imposes additional timelines for City action
- Limits housing project review and approval process to five hearings, or deemed approved



Key New Limitations on City and Public Review of Housing Projects

- Five hearing maximum for housing projects
- Only “Objective, quantifiable, written development standards conditions and policies” can apply
- Authority to Deny or Reduce Narrowed:
 - Denial allowable only if the project will cause a Specific Adverse Impact to Public Health and Safety, based on objective, written public safety standards



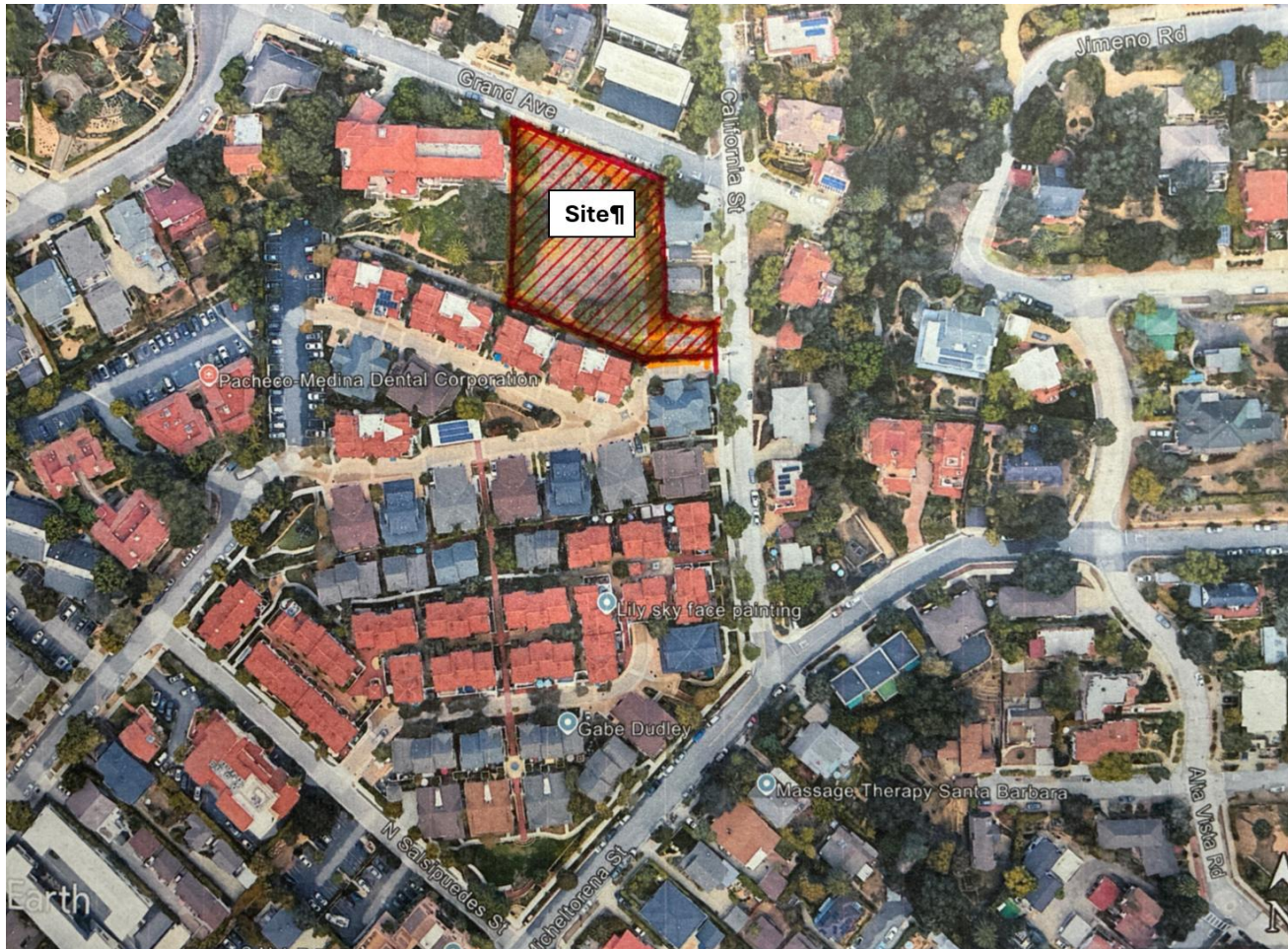
1609 – 1615 Grand Avenue

Project Description

- new 6-story, 53-unit, multi-family residential development, with a two-level partially subterranean parking garage¹.
- includes 11 low income units
- 8,675 cubic yards of cut and 35 cubic yards of fill
- 10/30/24 Preapplication submitted
- 2/27/25 Application Complete
- 3/27/25 City Consistency Review – 28 Inconsistencies

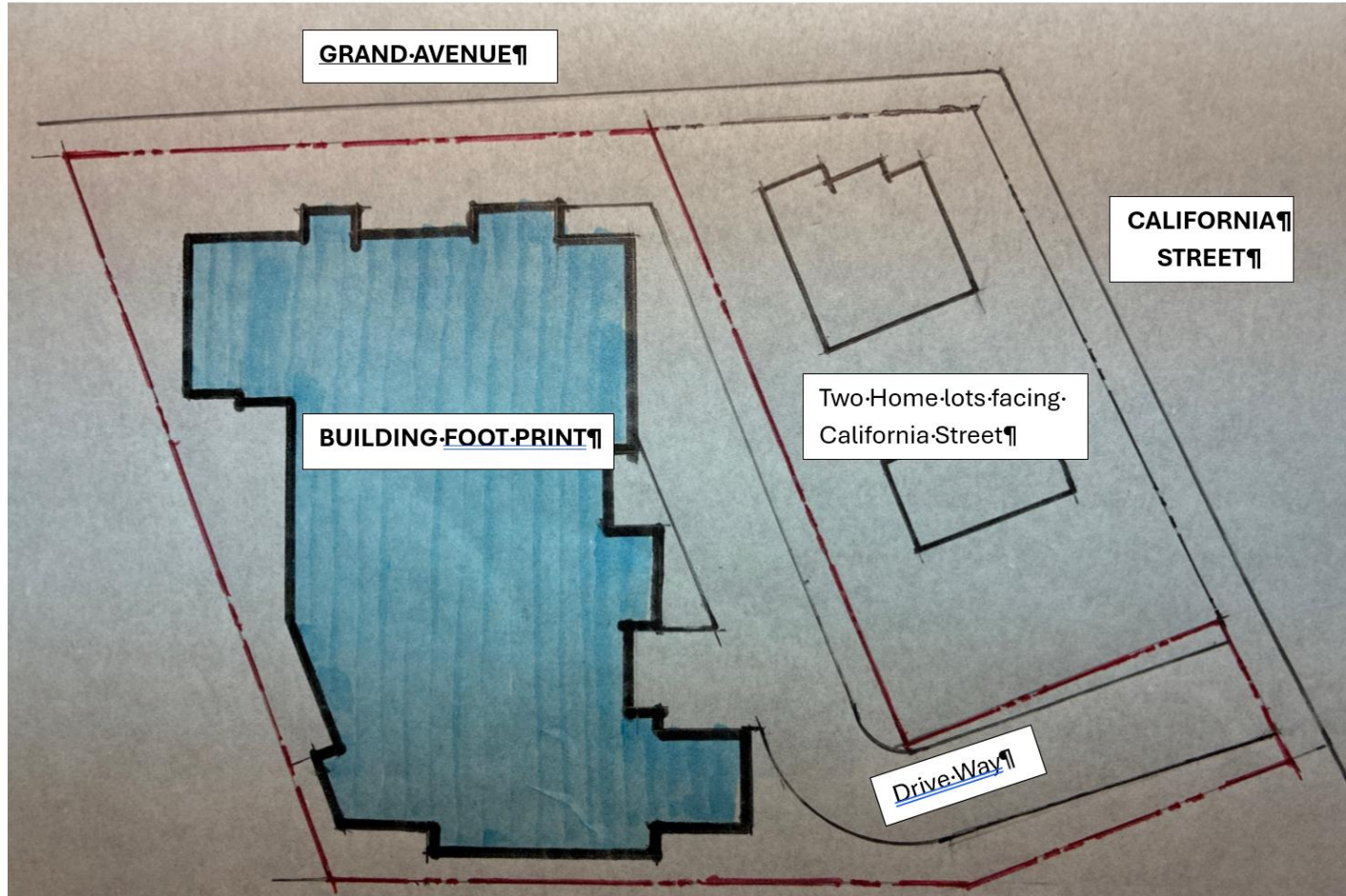


1609-1615 Grand Avenue Project Site





Informal 1609-1615 Grand Avenue Site Plan



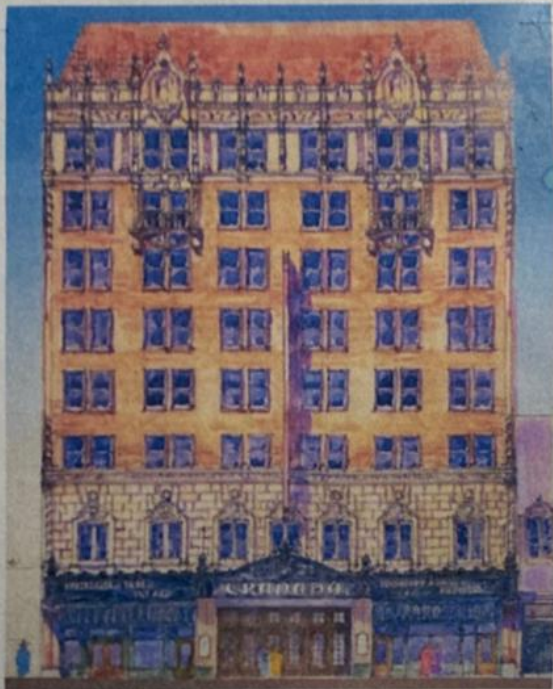


Informal Project Simulation

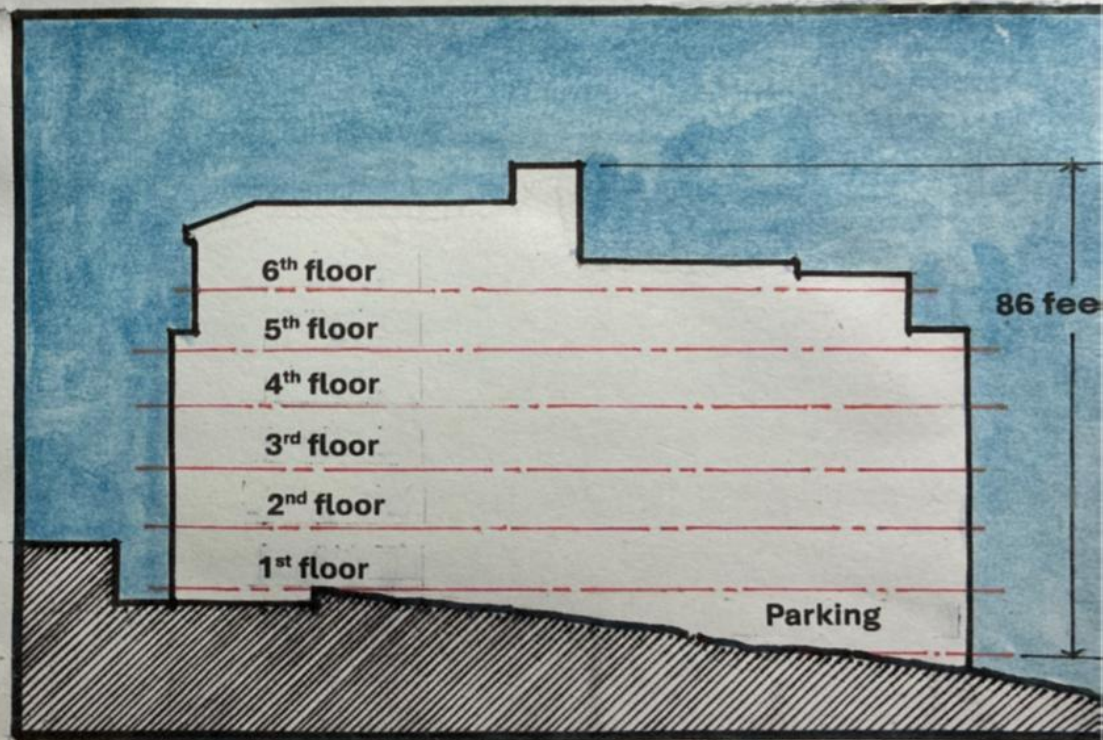




Informal Height Comparison



Granada Theater at 116 feet high



1609-1615 Grand Avenue, West Elevation massing



CEQA Exemption Dispute

- Developer: Claims Project Exempt from CEQA Under AB 130
- City Response: Project inconsistencies with General Plan prevents use of AB 130 exemption
- Developer Objects
- City Commences Public Comment Period
 - ◆ <https://santabarbaraca.gov/services/construction-land-development/development-activity/environmental-documents/housing>



City of Santa Barbara

Community Development Department

SantaBarbaraCA.gov

July 31, 2025

Director's Office
Tel: (805) 564-5502
Fax: (805) 564-5477

Administration
Tel: (805) 564-5470
Fax: (805) 564-5477

Building & Safety
Tel: (805) 564-5485
Fax: (805) 564-5476

Community Vitality
Initiatives
Tel: (805) 564-5470
Fax: (805) 564-5477

Housing
& Human Services
Tel: (805) 564-5478
Fax: (805) 564-5477

Planning
Tel: (805) 564-5578
Fax: (805) 564-5477

Rental Housing
Mediation Program
Tel: (805) 564-5420
Fax: (805) 564-5477

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

Ben Eilenberg, THE MISSION LLC
socalindustrialequities@gmail.com

Re: 1609 Grand Avenue (PLN2024-00181)
Qualification for AB 130 CEQA Exemption

Dear Mr. Eilenberg:

On July 3, 2025, you emailed to inquire whether your development application may be eligible for the new California Environmental Quality Act ("CEQA") exemption enacted under Assembly Bill ("AB") 130 (2025).

As discussed in more detail below, after review, City staff has determined that the project at 1609 Grand Avenue (the "Project") does not appear to qualify for AB 130.

The Project Is Not Consistent With the City's General Plan and Zoning.

A project must be consistent with the applicable general plan and zoning ordinance to qualify for the AB 130 exemption. (Pub. Res. Code § 21080.66(a)(4).) The Project is not consistent with the City's General Plan and Zoning.

The Project application has invoked the builder's remedy as it existed prior to December 31, 2024, which means that a qualifying project cannot be denied based on inconsistencies with a City's zoning ordinance and general plan land use designation. (Gov. Code § 65589.5(d)(5).) However, under this version of the builder's remedy (i.e., before the enactment of AB 1893, which took effect on January 1, 2025), the California Department of Housing and Community Development ("HCD") opined that a builder's remedy project was not considered consistent with general plan or zoning designations for the purposes of evaluating eligibility for a CEQA exemption.¹ In other words, a city's limited ability to deny a project based on general plan and zoning inconsistencies does not mean that a project is consistent with a city's general plan and zoning regulations for other purposes. HCD has further opined that the HAA amendments enacted by AB 1893 (2024) allow projects that meet AB 1893's definition of a "builder's remedy project" to be deemed consistent with applicable development standards and therefore eligible for CEQA exemptions requiring general plan and zoning consistency.

Here, the Project has not invoked AB 1893, and thus appears to be proceeding under the HAA as it existed prior to AB 1893's enactment. We also note that the Project exceeds the density limitations of a defined "builder's remedy project" under AB 1893, so the Project as currently

¹ See HCD Letter of Technical Assistance to City of San Jose (Feb 7, 2025), available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/sanjose-hau-1359-ta-ab1893-02062025.pdf>.



Public Comment Period

Housing Accountability Act Notice of Environmental Delay for 1609 Grand Ave.

Pursuant to California Government Code Section 65589.5(h)(6)(D)(ii), if an applicant provides a written notice indicating a local agency's failure to act on an environmental review document, the local agency is then required to publicly post that notice on the local agency's website and provide copies to specific individuals and the county clerk.

On August 1, 2025, the applicant for the 53-unit multi-unit development at 1609-1615 Grand Avenue (PLN2024-00181) provided said [notice to the city](#). The City's original response letter, dated **July 31, 2025**, is available [here](#).

If you have any objections, comments, evidence, or concerns about the project or the applicant's written notice, please submit them to 1609Grand@SantaBarbaraCA.gov by September 30, 2025.



Potentially Flawed Developer Notice

- Cited to Government Code Section 65589.5(h)(6)(D)
 - ◆ a local agency's actions on a project may be deemed a "disapproval" if the local agency, "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 ... if all of the following conditions are met: (i) The project applicant provides written notice detailing the challenged conduct and why it constitutes disapproval to the local agency established under Section 65100.



Potentially Defective Notice and Claim

- 1) Applicant's notice **did not detail the challenged conduct nor detail why the City's conduct constitutes disapproval**, potentially contrary to requirements of Sec. 65589.5(h)(6)(D)(i).
- 2) 65589.5(h)(6)(D)(vi) provides:

"A local agency's action in furtherance of complying with CEQA, including, but not limited to, imposing mitigating measures, ***"shall not constitute project disapproval under this subparagraph."***



CEQA Impact Categories

- | | | |
|---|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology /Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality |
| ☐ Land Use / Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population / Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Tribal Cultural Resources | ☐ Utilities / Service Systems |
| ☐ Mandatory Findings of Significance | | |



Potential CEQA Impact Issues

- Wildfire evacuation – for project residents and neighbors
- Traffic impacts – external circulation
- Parking – internal circulation
- Aesthetics
- Stormwater and drainage
- Cumulative impacts



Potential Wildfire Impacts

WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Substantially impair an adopted emergency response plan or emergency evacuation plan?

☐☐☐☐

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

☐☐☐☐



Potential Transportation Impacts

I. TRANSPORTATION. Would the project:

Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Result in inadequate emergency access?



Potential Cumulative Impacts

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)



“Near Miss” Doesn’t Apply

- When multiple Conditions cause impacts, comprehensive CEQA analysis is required
- Project likely to impact evacuations from a very high fire hazard zone
- Risks to project occupants and nearby residents seeking to evacuate
- Risks to First Responders moving towards fires
- Other CEQA impacts



City Request for Public Comment on CEQA Impacts

- “any objections, comments, evidence, or concerns about the project or the applicant’s written notice”, please submit them to”
- 1609Grand@SantaBarbaraCA.gov
- by September 30, 2025
- <https://santabarbaraca.gov/services/construction-land-development/development-activity/environmental-documents/housing>



Q & A

www.SageSB.org

Submit comments to City by 9/30/25 to
1609Grand@SantaBarbaraCA.gov



How you can help



Contact Us

www.SageSB.org

email us: info@SageSB.org

PO Box 90614, Santa Barbara, CA 93190

