



PLANNING APPLICATION RESPONSE LETTER

PROJECT ADDRESS: 1609 and 1615 Grand Avenue
PLN RECORD #: PLN2024-00181
DATE: Thursday February 27, 2025 – Review # 4
APPLICANT: Ben Eilenberg, GRAND SANTA BARBARA LLC
socialindustrialequities@gmail.com
ASSIGNED PLANNER: Barbara Burkhart, BBurkhart@SantaBarbaraCA.gov
STATUS: COMPLETE

I. INTRODUCTION / PROJECT DESCRIPTION

The applicant submitted its Planning Application to the City for the subject project for review on May 2, 2024. Staff reviewed the application and sent a completeness review letter, deeming the application incomplete, on May 31, 2024.

The applicant resubmitted a revised Planning Application to the City in response to said letter on August 28, 2024. Staff reviewed the revised application and sent a completeness review letter, deeming the revised application incomplete, on September 27, 2024.

The applicant resubmitted another revised Planning Application to the City on December 13, 2024, in response to the September 27, 2024 letter. Staff reviewed the revised application and sent a completeness review letter, deeming the revised application incomplete, on January 10, 2025.

The applicant resubmitted a revised Planning Application to the City on January 29, 2025, in response to the January 10, 2025 letter. As currently proposed, the project consists of a new 6-story, 53-unit, multi-family residential development, with a two-level partially subterranean parking garage.¹ The project includes 11 low-income units, 8,675 cubic yards of cut and 35 cubic yards of fill, and a lot tie of APNs 027-270-037 & -038.

The project site is zoned R-2 (Two-Unit Residential) and has a General Plan designation of Medium Density Residential (12 du/ac).

¹ Note that the project as originally proposed in the November 6, 2023, preliminary application included 45 units. The applicant proposed 54 units in its revised Planning Application submitted on August 28, 2024. The revised Planning Applications, as submitted on December 13, 2024 and January 29, 2025, propose 53 units.

The information reviewed by the Land Development Team staff included:

- Resubmittal Form dated January 29, 2025
- Response Letter dated January 29, 2025
- Project Plans January 29, 2025

II. COMPLETENESS DETERMINATION

The purpose of this letter is to notify you that the Planning Application for the subject project has been determined to be “complete” pursuant to the Permit Streamlining Act.

Please note that in the course of processing the Planning Application, the City may request that you clarify, amplify, correct, or otherwise supplement the information you have provided, including, without limitation, additional information that the City may need in order to comply with CEQA.

In addition, although not repeated in this letter, the advisory comments provided in the City’s January 10, 2025 letter continue to apply and are incorporated by reference as though fully set forth in this letter.

III. REQUIRED APPLICATIONS

A. Planning Applications Received

You have applied for a “Builder’s Remedy” housing development project, pursuant to the Housing Accountability Act and SB-330, which requires the following discretionary approval:

1. Design Review by the Architectural Board of Review (SBMC Chapter 30.220 and Section 814 of the City Charter).

The application resubmittal asserts that “No discretionary approvals are allowed for Builder’s Remedy projects. Any review is limited to the factors set forth in Gov. Code Section 65589.5(d).” The City disagrees with this position. To the extent that Gov. Code Section 65589.5(d) applies, it limits the basis to deny a project or to adopt conditions that make a project infeasible. Although Gov. Code Section 65589.5(d) limits the City’s discretion, it does not make project review nondiscretionary. To the contrary, Government Code section 65589.5(f)(1) expressly preserves the City’s ability to enforce objective development standards consistent with the regional housing need allocation and the density allowed and proposed on the site notwithstanding the provisions of section 65589.5(d)(5). In addition, Government Code section 65589.5(e) provides that the City must comply with the California Environmental Quality Act before approving a project, notwithstanding the provisions of section 65589.5(d)(5).

2. Advisory. You have requested a Lot Tie Agreement to hold the two subject parcels under common ownership as a single building site, which can be executed for the purpose of complying with development standards or Building Code requirements under certain circumstances. The City does not typically find a Lot Tie Agreement to be appropriate for the scope of work that you are proposing; therefore, we recommend a Lot Merger (SBMC Ch. 27.30) be processed instead. Please note that if a Lot Merger is determined to be required by the building code, it shall be executed and recorded prior to issuance of a building permit. The City will not use this as a basis to find your application incomplete.

B. Additional Applications Required Prior to Planning Approval

Based on the information that you submitted, the following applications are required prior to obtaining Planning approvals:

1. **Additional Planning Applications Required.** ~~The Project is inconsistent with the City's General Plan Land Use Designation and Zoning designation. Although the applicant has invoked the "Builder's Remedy" pursuant to Government code Section 65589.5(d)(5) in connection with this application, if the City were to approve the Project as proposed, it would immediately result in a nonconforming use. In such situations, the California Department of Housing and Community Development has advised that a local government may require a General Plan Amendment and a Zone change in connection with an application seeking approval under the Builder's Remedy². Accordingly, you must include a proposed General Plan Amendment and a Zone change that are compatible with the project as part of your application before the application will be found complete.~~

The City agrees to waive any requirement to submit a General Plan or zoning amendment for purposes of evaluating whether the Application is complete pursuant to Government Code section 65943, given the California Department of Housing and Community Development's (HCD) most recent evaluation of General Plan or zoning amendment requests in other jurisdictions. Although no General Plan or zoning amendment request will be required for the City to find the Application complete, this does not preclude the City from determining that a General Plan or zoning amendment may be required for final approval of the Project, nor does this reflect a determination on the question of what entitlements will be required for, and what standards will apply to, final approval of the Project.

2. **Parks and Recreation Department**

- a. Tree Removal Permit

- No application for tree removal associated with the Firewheel street trees at 1609 or 1615 Grand Avenue has been submitted; however, your response letter states that a permit application for removal of the trees has been submitted and approved. Please submit said application prior to obtaining any planning approvals.
- Advisory. Your request for removal of two (2) *Schinus molle*, Pepper Trees, at 1601 Grand Avenue, was approved by the Parks and Recreation Committee on August 29, 2024, with the condition that two new street trees be planted on either Grand Avenue or California Street, and that you obtain all necessary permits for construction before a permit for tree removal can be issued.

² See March 28, 2024 Letter re 1601 W. El Segundo Blvd, Compton – Letter of Technical Assistance from Shannan West to Robert Delgadillo, City of Compton (<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/compton-hau604-ta-03282024.pdf>)

C. Applications Required After Planning Approval

Based on the information that you submitted, the following applications will be required after you obtain your Planning approvals:

1. **Building & Safety Division**
 - a. Building Permit
2. **Engineering Division**
 - a. Public Improvement Plan (C-1)
 - b. Dedication of Easement
 - c. Voluntary Lot Merger (if applicable)
3. **Wastewater**
 - a. Application for New Sewer Service Connection available at <https://www.santabarbaraca.gov/waterapp>
 - b. Sewer Lateral Inspection Program (SLIP) video uploaded to <https://app.goforwardlateral.com>. Inspection must be completed by a Certified Plumber from the list located at [SantaBarbaraCA.gov/SLIPLplumber](https://www.santabarbaraca.gov/SLIPLplumber)
4. **Water Supply/Distribution**
 - a. Application for New Water Service Connection available at <https://www.santabarbaraca.gov/waterapp>
5. **Transportation Division**
 - a. Tandem Parking Waiver
6. **Fire Department**
 - a. Fire Sprinkler Permit
7. **Housing and Human Services**
 - a. Affordable Housing Plan Supplemental
Application available at
https://www.santabarbaraca.gov/sites/default/files/2024-02/Affordable_Housing_Final%201-8-2024%20fillable.pdf
 - Sample Affordable Housing Plan Template available at <https://www.santabarbaraca.gov/media/9322>

IV. ENVIRONMENTAL REVIEW

Based on staff’s initial review, the project does not qualify for an Exemption under CEQA Guidelines, and an Initial Study will be required to determine the appropriate level of environmental review (i.e., Negative Declaration or Environmental Impact Report).

V. FEES

Please be informed that fees are subject to change at a minimum annually (typically on September 1). Additionally, any fees required following Planning Approval will be assessed during the Building or Public Works Plan Check phase and shall be paid prior to issuance of the building or other permit. Based on the information submitted, the subject project requires the following additional fees for the following reasons:

A. Planning Division

Environmental Review (fees required following completion of Initial Study):

| | |
|--|-------------------------|
| Initial Study Preparation | \$305.00 ³ |
| (Mitigated) Negative Declaration (if applicable) | \$4,950.00 ⁴ |
| Environmental Impact Report (if applicable) | TBD ⁵ |

Before Planning Approval:

| | |
|---|------------------------------------|
| General Plan Amendment Fee..... | \$15,000.00⁶ |
| Zoning Map/Ordinance Amendment Fee | \$15,000.00⁶ |

Following ABR approval:

| | |
|---------------------------------|-------------|
| Plan Check..... | \$1,905.00 |
| Lot Merger Plan Check Fee | Hourly Rate |

B. Building & Safety Division

Following ABR approval:

| | |
|---------------------|-----|
| Plan Check Fee..... | TBD |
|---------------------|-----|

C. Engineering Division

Following ABR approval:

| | |
|--|--------------------------|
| Public Improvement Plan Check Fee..... | % of Engineer’s Estimate |
| Public Improvement Inspection Fee..... | % of Engineer’s Estimate |
| Voluntary Lot Merger Fee | \$3,509.00 |
| Easement Fee | \$3,454.00 |

³ Reflects full initial study fee of \$14,747, minus \$14,442 already deposited from the applicant (for a Development Plan) and credited towards the review of this application.

⁴ If prepared by staff. Additional costs if consultant is required (as determined by staff).

⁵ Requires contract with outside consultant. \$8,000 initial cash deposit with actual contract costs plus staff time charged at the fully allocated hourly rates of all personnel involved.

⁶ Initial Deposit with actual costs charged at the fully allocated hourly rates of all personnel involves, plus any outside costs.

D. Wastewater

Following ABR approval:

Fee TBD

E. Water Supply/Distribution

Following ABR approval:

Backflow Plan Review Fee..... \$55.00

Water and Sewer Capacity Charge..... TBD

- Depending on fixture count and meter sizing

Work Order Fees..... TBD

- Depending on services and service sizes requested

Fire Line Inspection Fee.....\$614.00

- Due at time of water and sewer service application/work order.

F. Transportation Division

Following ABR approval:

Plan Check Fee..... \$637.00

Waiver Fee (for tandem parking) \$637.00

Traffic Generation Analysis \$637.00

Traffic AMP Benchmark Update- per MFT Unit (\$44 per unit) \$2,200.00

Other Fees:

- Records Management - 7% of Planning and Building fees.
- Cashier Services - \$15 per transaction, not charged against fee transactions of less than \$200. Cashier Services Fee is charged against Planning, Building, Public Works, and all other land development fees.
- Convenience Fee - All payments for Community Development permits and fees made with a credit card through the online platform will be charged a convenience fee of 2.65% of the total amounts charged on the credit card as payment of services and permits.

VI. NEXT STEPS

During the next 30 days, the formal development application for the project will be reviewed for consistency with adopted development standards. The consistency review will be based on application materials submitted to date. Staff will also determine whether the project qualifies for an exemption under CEQA during this time.

VII. CONCLUSIONS/GENERAL COMMENTS

1. **Application Status.** Your application has been deemed “complete” and further processing of the Planning Application can occur. Further processing includes environmental review of the proposed project, analysis for compliance with applicable plans, policies, ordinances, codes, etc., and action on the proposed project application by the appropriate decision-making body(ies).

Please be advised that this summary does not constitute a final review. The proposed project may be subject to additional standard City conditions. Revisions to your plans may result in additional comments or requirements.

If you have any questions, please contact me at BBurkhart@SantaBarbaraCA.gov.

Sincerely,



Barbara Burkhardt

Project Planner

cc: (sent via e-mail, w/o attachments)

Grand Santa Barbara, LLC, ATTN: Ben Eilenberg, socalindustrialequities@gmail.com

Record ID #PLN2024-00181