

October 13, 2025

Beth A. Collins
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VIA EMAIL: CLERK@SANTABARBARACA.GOV

Mayor and City Council
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

RE: Government Code Section 65589.5(h)(6)(D) Notice for 335 South Milpas (PLN2023-003331)

Dear Honorable Mayor and City Council:

On behalf of the owners of 335 South Milpas (“Applicant”), we submit this notice letter pursuant to the Housing Accountability Act (“HAA,” Gov. Code, § 65589.5) related to the City of Santa Barbara’s (“City”) unnecessary delay in processing the Applicant’s housing development project (“Project”) — which is described in PLN2023-003331—and conducting the requisite environmental review under the California Environmental Quality Act (“CEQA”). We submit this letter to provide official notice to the City that its repeated failure 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 costs* of the proposed housing development project,” constitutes an effective disapproval of a housing development project pursuant to Government Code section 65589.5(h)(6)(D)). Specifically, the City’s actions have caused unnecessary delay and needlessly increased the costs of the Project during a statewide and local housing crisis in violation of the HAA.

I. Project Background

The Project seeks to provide 53 units of much needed housing to Santa Barbara—while preserving a locally beloved grocer (Tri-County Produce)—by developing a mixed-use project on roughly 2.47 acres (an existing single lot that has been designated with two Assessor’s Parcel Numbers (“APNs”): APN 017-285-003 and APN 017-010-080), which is described in PLN2023-003331. Three of the 53 units will be deed restricted for very-low income households and 1 will be deed restricted for upper-moderate households. The Applicant and its representatives have spent considerable time and resources to advance this Project but have faced substantial and unacceptable delays due to the City’s handling of the Project.

Timeline: The following timeline shows the review process and how the City has substantially delayed processing and needlessly increased the costs of the Project application:

- July 12, 2024 – The Applicant submitted its application for the current configuration of the Project.
- August 11, 2024 – The City failed to provide the Applicant with an application completeness determination within the statutorily required 30-day timeline,¹ which ended on August 11, 2024. As a result, **the application was deemed complete as a matter of law.**
- August 12, 2024 – City Staff sent Jarrett Gorin, the Applicant’s representative, an email **incorrectly asserting that the City’s deadline to respond was August 14, 2024** and asking for a one week extension to respond.
- August 13, 2024 – The Applicant’s representative responded to the City Staff’s email asking for an extension and granted the request.²
- August 21, 2024 – City Staff sent the Applicant’s representative a letter notifying the Applicant that its application was “incomplete” and required additional information.³
- September 10, 2024 – The City’s deadline to inform the Applicant of any inconsistency or noncompliance with the City’s applicable plans, programs, policies, ordinances, standards or requirements under Government Code section 65589.5(j)(2). Thus, **the Project was “deemed consistent, compliant and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision”⁴ on this date.**
- January 23, 2025 – The Applicant resubmitted materials supporting its application, asserting that it was deemed complete as a matter of law on August 11, 2024.
- February 27, 2025 – The City sent an application review letter to the Applicant regarding the Applicant’s resubmittal. **The City refused to find the application complete as a matter of law on August 11, 2024. Instead, the City deemed the application complete on February 27, 2025 and provided an extensive policy consistency table, improperly asserting several potential policy inconsistencies. By taking the time to prepare another incomplete letter even after the Project was deemed complete as a matter of law, the City added unnecessary delay and cost to the Project.**
- March 21, 2025 – After the Applicant received this communication, the Applicant had their counsel, Beth Collins, submit a letter to the City requesting that the City confirm its understanding by March 28, 2025 that the application was complete as a matter of law on

¹ Gov. Code § 65943(a).

² Importantly, even though the Applicant’s representative attempted to grant an extension as a courtesy based on staff’s misrepresentation about the deadline, it had no legal effect because the application was already deemed complete as a matter of law as of August 11, 2024 under the Permit Streamlining Act (“PSA”).

³ Again, the City’s deadline to notify the Applicant was August 11, 2024. As a result, this letter has no legal effect.

⁴ Gov. Code § 65589.5(j)(2)(B).

August 11, 2024 and that the City's deadline to identify policy inconsistencies was September 10, 2024.

- April 3, 2025 – Beth Collins emailed Tava Ostrenger, Assistant City Attorney, to follow up regarding the March 21, 2025 letter after receiving no response from the City.
- April 9, 2025 – Beth Collins, Jarrett Gorin, Tava Ostrenger, and City Staff met to discuss the matter. **The City acknowledged that the application was complete as a matter of law on August 11, 2024 and that the February 27, 2025 application review letter was only a “courtesy” because it was sent after the September 10, 2024 consistency deadline.** The parties discussed the fact that the Project does not qualify for the traditional infill exemption under CEQA Guideline section 15332 (“Section 15332”) because the site is listed on the Cortese list and thus triggers the exceptions to the categorical exemptions in CEQA Guideline section 15300.2(e). The parties then discussed using CEQA Guideline section 15183 (“Section 15183”) instead for the Project. The City shared that they would follow up with a final determination regarding the applicability of Section 15183.
- April 11, 2025 – Beth Collins emailed the City memorializing the April 9, 2025 conversation and reminding the City about its obligations under the HAA to “do everything possible to expedite housing projects” to address our state and this region’s housing crisis. (See Exhibit 1.)
- April 11, 2025 – Tava Ostrenger emailed Beth Collins to inform the Applicant that the City is still determining whether Section 15183 will work to process the Project.
- April 23, 2025 – Beth Collins emailed Tava Ostrenger for an update on the City’s determination regarding Section 15183 and reminding the City about its obligations under the CEQA and HAA. (See Exhibit 2 [**“Our project was deemed complete as a matter of law on August 11, 2024. That triggered not only the City’s consistency letter deadline, it triggered a 30 day deadline for the City to prepare a CEQA checklist for the project.** (See Public Resources Code 21080.2 and CEQA Guideline section 15111.) **Months have passed since that time.**”] [emphasis added].)
- April 24, 2025 – Tava Ostrenger responded to Beth Collins, saying: “We are reviewing the project to see if we think 15183 streamlining would work for this project. We will be meeting internally and then we would like to meet with you and Jarrett to discuss any concerns we see with using streamlining. I’m not prepared to respond to your questions until after we meet. I’ll try to set something up for middle to late next week.”
- May 1, 2025 – The City met with Beth Collins and Jarrett Gorin and informed the Applicant’s representative that the City would analyze the applicability of Section 15183 for the Project.
- June 2, 2025 – Barbara Burkhart, a Project Planner for the City, emailed the Applicant’s representative requesting a Greenhouse Gas (“GHG”) Checklist.

- July 1, 2025 – Applicant’s representative submitted an updated Traffic/Parking/Circulation study to Barbara Burkhardt to provide more evidence that the project will reduce trips onto Milpas and not conflict with any objective transportation or circulation standard.⁵
- July 15, 2025 – Beth Collins reached out to Tava Ostrenger to find out the status of the City’s Section 15183 analysis.
- July 31, 2025 – Applicant’s representative uploaded the GHG Checklist to Accela.
- August 4, 2025 – Beth Collins contacted Tava Ostrenger again for an update on the Section 15183 analysis.
- August 5, 2025 – Applicant’s representative called Barbara Burkhardt requesting a status update. Barbara Burkhardt informed the Applicant’s representative that the City was “working on it” and was “exploring” whether AB 130 could be used to process the Project instead of section 15183. She also apologized for letting so much time go by without providing us an update.
- August 11, 2025 – Applicant’s representative Jarrett Gorin emailed Barbara Burkhardt requesting that the City proceed with Section 15183 instead of looking into AB 130 since it would not apply to the Project for the same reason that the traditional infill exemption Section 15332 does not apply – because the Project is on the Cortese List. (See Gov. Code §§ 21080.66, 65913.4(a)(6)(E).) In addition, Applicant’s representative requested a projected hearing date based on the preparation of the Section 15183 assessment.
- August 22, 2025 – Barbara Burkhardt emailed Applicant’s representative confirming that AB 130 would not work for the Project and that the City would proceed with Section 15183. In addition, Barbara Burkhardt indicated that she had an untenable workload⁶ and suggested that the Applicant authorize the City to use a third party consultant to prepare the Section 15183 analysis.
- August 27, 2025 – Applicant’s representative emailed Barbara Burkhardt inquiring into whether the Applicant’s team could prepare the Section 15183 analysis and provide it to the City to send out for peer review. Applicant’s representative requested information regarding whether the City had already contracted with third party consultants and information about the timing to contract those services.
- September 10, 2025 – Barbara Burkhardt emailed Applicant’s representative stating that the Applicant could not hire its own consultant to prepare the analysis and confirming that due to

⁵ Note that this was not requested by the City.

⁶ Part of the email from Barbara Burkhardt provides: “I am continuing to work on the CEQA review under section 15183; however, I am managing a number of complex and active projects that compete for my time. Given the number of complex projects currently in process, the City is contracting with multiple environmental consultants to prepare CEQA documents on our behalf.”

staff workloads, the City will start a request for proposal (“RFP”) process for a third party consultant to prepare the Section 15183 analysis.

- September 15, 2025 – Applicant’s representative emailed Barbara Burkhardt authorizing the City to proceed with the RFP process and requesting a timeline for contracting the third party consultant.
- September 18, 2025 – Barbara Burkhardt emailed Applicant’s representative confirming that the City would do the RFP and indicating that the City anticipates providing an “update regarding timing the next week.”
- September 26, 2025 – The City emailed Jarret Gorin with an update on the “CEQA consultant contract” stating that the City had “identified a firm, provided the scope, and requested a proposal for services.” They responded this week with their proposal and cost estimate of \$42,100, with estimated completion in 12 weeks. We are currently reviewing it to make sure it appropriately covers the scope and services needed (and does not include any that are not needed). So far, the estimate looks reasonable.”
- September 30, 2025 – The City sent a proposal from CSG Consultants dated September 23, 2025. That proposal stated “[w]e understand that the proposed project is eligible for review pursuant to CEQA Guidelines Section 15183.” The proposal included a scope of work for an Initial Study and states that **“CSG will utilize the City’s recently updated Initial Study template for 15183 reviews” and “CSG will prepare an Initial Study in accordance with the CEQA Guidelines and the City’s 15183 review template.”** The proposal also states **“CSG will evaluate the proposed project considering surrounding land uses and will analyze the relationship of the project to applicable planning policies and standards. The proposed project will be analyzed for consistency and compliance with the Santa Barbara General Plan and other applicable local regulations, programs, overlays.”** Finally, the scope also includes an **“alternative traffic/circulation analysis” despite the fact that we have repeatedly demonstrated to the City that the project is compliant with all applicable objective transportation and circulation standards.**

In sum, the project application was deemed complete as a matter of law on August 11, 2024, triggering the City’s 30 day deadline under CEQA to prepare an initial study, 180 day deadline to prepare a Mitigated Negative Declaration, and 1 year deadline to prepare an EIR.⁷ Over 14 months have passed since August 11, 2024, so the City has violated all of these CEQA deadlines.

Since April 2025—roughly six months ago—we have pointed out that this project meets the standard for Section 15183, and that CEQA caselaw and the HAA make it clear that a City must use an applicable CEQA exemption for this Project. (See Exh. 1 [“As you know, under Section 15183, if a project is ‘consistent with the development density established by existing zoning, community plan, or

⁷ Pub. Res. Code § 21151.5; Code Regs. tit. 14, §§ 15102, 15107, 15108.

general plan policies for which an EIR was certified' [like our project], a public agency 'shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.' (*Hilltop Group, Inc., et al v. County of San Diego, et al.* (2024) 99 Cal.App.5th 890 [citing CEQA Guidelines, § 15183(a).] [emphasis added].) **Now over 14 months after the application was deemed complete, the City is just issuing an RFP for a third party consultant to do a Section 15183 analysis, which includes the initial study that was required within 30 days of application completeness. This is an egregious delay that needlessly increased the Applicant's costs.**

The CSG Consultant scope of work dated September 23, 2025 estimates 12 weeks for the preparation of the study after the kick off. CEQA's deadline for preparation of an initial study is 30 days from when the application is deemed complete (which was—over a year ago—August 11, 2024 for this project).⁸ The scope of work makes clear that the City has an existing Section 15183 checklist. As described above, the City is required to streamline the processing of housing projects, including CEQA review. Section 15183 is intended to streamline the CEQA review for a Project such as this and only "examine whether there are project-specific significant effects which are peculiar to the project or its site."⁹ Yet, this analysis is estimated to cost the Applicant \$42,100.

This cost and timeline seem unnecessarily long and expensive. For example, the scope of work ignores that this Project is a housing development project (and thus only subject to applicable objective standards) and has already been deemed consistent as a matter of law as of the City's missed date of September 10, 2024. (See, e.g., Exhibit 3, p. 5 "Land Use and Planning" which says "proposed project will be analyzed for consistency and compliance with the Santa Barbara General Plan and other applicable local regulations, programs, and overlays.") Further, as described above, the scope of work improperly includes an "optional task" of a "Traffic and Circulation Review and Advisement" which will cost an estimated \$3,000 despite the fact that the project is compliant with all applicable objective transportation and circulation standards, and even if there were any applicable objective transportation and circulation standards that the Project does not conform to (there are not), the City missed its deadline to raise them on September 10, 2024.

While the City has repeatedly stated that it will process the Project application under Section 15183 for almost over six months, it has made no material progress. The City has not offered any legitimate or reasonable explanation for this significant delay. Even if City staff were too busy to conduct the Section 15183 analysis, they should have started the RFP process months ago to advance this Project instead of neglecting it for months. Furthermore, the Applicant has had to hire attorneys and consultants to push the Project forward. Any further delays to this Project only reinforce the City's

⁸ Code Regs. tit. 14, § 15102.

⁹ Code Regs. tit. 14, § 15183(a).

improper course of conduct in processing the Project application. **Thus, with this letter we ask that the City expedite the Section 15183 analysis and complete it within 30 days of receiving this letter.**

II. The Housing Accountability Act Protects the Project from the Types of Actions that the City is Taking, Including Unnecessary Delays And Costs

As I detailed in my emails to the City in April 2025 (see Exhibits 1 and 2), and as the City well knows, under the HAA, the local agency bears the burden to show that it complied with the law. (See Gov. Code §§ 65589.5(h)(5), (i), 65589.6 [A City “shall bear the burden of proof that its decision has conformed to all of the conditions specified in Section 65589.5”].) An applicant may bring suit when a local agency “required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted,” as the City attempted to do with its February 27, 2025 inconsistency letter and appears to be doing again in this latest RFP. (See Gov. Code, § 65589.5(k)(1)(A)(i)(III) [emphasis added].) Furthermore, under the Housing Accountability Act, an agency effectively disapproves a housing project when it “[f]ails 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.”¹⁰

The significant delay—over 14 months—that has transpired since the Project application was deemed complete as a matter of law on August 11, 2024 has forced the Applicant to incur substantial legal and consultant fees and increased its carrying and processing costs. More importantly, the City’s actions have delayed a housing project during a statewide and local housing crisis, and created unnecessary uncertainty and added costs for this project. The City’s significant delay in processing this Project has effectively resulted in the disapproval of the Project. Therefore, **we request that the City immediately cease all conduct undertaken for an improper purpose, including, but not limited to, causing an unnecessary delay in processing the Project application and needlessly increasing the Applicant’s costs associated with the Project by (1) limiting the scope of the CSG Consultant scope of work to focus on the standard of Section 15183 and remove extraneous analyses of inapplicable standards (such as the transportation and circulation standards discussed above); (2) completing the Section 15183 review within 30 days using the City’s existing checklist; and (3) scheduling a hearing on the Project on or before January 31, 2026.**¹¹

Government Code section 65589.5(h)(6)(D)(i) requires the Applicant to deliver this notice to detail the City’s challenged conduct and explain why it constitutes disapproval of a housing development project.¹² For the reasons detailed herein, the City’s course of conduct has been and continues to be

¹⁰ Gov. Code, § 65589.5(h)(6)(D) [emphasis added].

¹¹ This proposed deadline accounts for City’s annual holiday closures.

¹² Gov. Code, § 65589.5(h)(6)(D)(i).

undertaken for an improper purpose to delay this Project and increase the costs associated with it. As a result, the City's conduct constitutes a denial of a housing development project and triggers the City's obligations under Government Code section 65589.5(h)(6)(D)(i) through (iv). Please provide written proof of the County's compliance with each obligation outlined in Government Code section 65589.5(h)(6)(D)(i) through (iv).

In closing, we appreciate the City's thoughtful consideration of this letter. The City should immediately change course and process the Project in accordance with state law. Please contact me with any questions.

Sincerely,



Beth A. Collins

Cc: Allison DeBusk, Acting Director of Community Development
Tava Ostrenger, Assistant City Attorney
Jarrett Gorin, AICP

EXHIBIT 1

[REDACTED]

From: Tava Ostrenger <TOstrenger@SantaBarbaraCA.gov>
Sent: Friday, April 11, 2025 10:19 AM
To: Collins, Beth A.
Cc: Barbara Burkhardt; Jarrett Gorin; Sarah Knecht
Subject: RE: 335 South Milpas: Following up on our call yesterday

Follow Up Flag: Follow up
Flag Status: Flagged

Beth,

Thank you for your email. Staff will consider your request and reach out to you shortly.

Tava Ostrenger
Assistant City Attorney
Santa Barbara City Attorney's Office
P.O. Box 1990
Santa Barbara, California 93102
Direct Tel.: (805) 564-5405
Fax: (805) 564-5426

Pronouns: She, Her, Hers

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From: Collins, Beth A. <bcollins@bhfs.com>
Sent: Friday, April 11, 2025 9:38 AM
To: Tava Ostrenger <TOstrenger@SantaBarbaraCA.gov>
Cc: Barbara Burkhardt <bburkhardt@SantaBarbaraCA.gov>; Jarrett Gorin <jarrett.gorin@vanguardplanning.com>
Subject: FW: 335 South Milpas: Following up on our call yesterday

Tava,
Thank you for the call this week with you and Barbara to discuss next steps on this project. I'm writing to memorialize my understanding of the outcome of the call. First, the City agrees that we were deemed complete as a matter of law on August 11, 2024. Second, the City agrees the deadline for the City to provide its inconsistency letter was September 10, 2024. Thus, the consistency analysis in the February 27, 2025 letter was provided as a "courtesy" only.

Additionally, as we discussed, we believe this project qualifies for analysis under CEQA Guideline section 15183. As you know, under Section 15183, if a project is "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified" [like our project], a public agency "**shall not** require additional environmental review, **except as might be necessary** to examine whether there are project-specific significant effects which are **peculiar to the project or its site.**" (*Hilltop Group, Inc., et al v. County of San Diego, et al.* (2024) 99 Cal.App.5th 890 [citing CEQA Guidelines, § 15183(a).] [emphasis added].)

The Court of Appeal in Hilltop goes on to say: “Thus, when an agency utilizes the **streamlining process in Guidelines section 15183**, the agency **shall limit its examination** of significant environmental effects which it determines: “(1) Are peculiar to the project or the parcel on which the project would be located, (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.” (Guidelines, § 15183, subd. (b)(1)-(4) [emphasis added].)

Additionally, as you know, we are in a housing crisis and this is a housing project with deed restricted affordable units proposed. Therefore, the Housing Accountability Act applies. Yes, CEQA applies as well, but the HAA is very clear that local agencies should do everything possible to expedite housing projects in this crisis and when interpreting state laws and authority such as CEQA for a housing project, the City must read the laws together and remember, that “The Housing Accountability Act **must be interpreted** to ‘afford the **fullest possible weight** to the interest of, and the **approval and provision of, housing.**’ (Save Lafayette v. City of Lafayette (2022) 85 Cal.App.5th 842, 855 [emphasis added] [see also *Jha v. City of Los Angeles*, L.A.S.C. Case No. 23STCP03499 (Jul. 24, 2024) [finding the Permit Streamlining Act should not be interpreted “in a vacuum” but in harmony and in favor of streamlining the review of housing projects].)

Looking forward to working with you to expedite the processing of this housing project, and getting to hearings for approval ASAP.

Thank you so much.

Beth

Beth A. Collins

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Brownstein - we're all in.

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EXHIBIT 2

From: Collins, Beth A.
Sent: Wednesday, April 23, 2025 10:31 AM
To: Tava Ostrenger
Cc: Barbara Burkhardt; 'Jarrett Gorin, AICP'
Subject: 335 South Milpas: Following up again
Attachments: 335 South Milpas Letter to City Responding to February 27, 2025 Letter(32923035.3).pdf; Jha v. City of LA - Decision on Petition for Writ of Mandate - 07.24.24.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Tava,
Following up on the City's CEQA 15183 checklist we discussed. Our project was deemed complete as a matter of law on August 11, 2024. That triggered not only the City's consistency letter deadline, it triggered a 30 day deadline for the City to prepare a CEQA checklist for the project. (See Public Resources Code 21080.2 and CEQA Guideline section 15111.) Months have passed since that time.

Additionally, in January, as you know, the Legislature clarified the definition of "disapproval of a housing project" includes when an agency "[f]ails to make a determination of whether the project is exempt from [CEQA]..." and an applicant may bring suit when a local agency "required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted," as the City attempted to do with its February 27, 2025 inconsistency letter. (See Gov. Code, § 65589.5(h)(6)(E) and Gov. Code, § 65589.5(k)(1)(A)(i)(III) [emphasis added].) Under the HAA, the local agency bears the burden to show that it complied with the law. (See Gov. Code §§ 65589.5(h)(5), (i), 65589.6 [A City "shall bear the burden of proof that its decision has conformed to all of the conditions specified in Section 65589.5"].)

The HAA also includes various penalties for violations, including actions that are in "bad faith." Under the HAA "bad faith" "includes, but is not limited to, an action or inaction that is frivolous, pretextual, intended to cause unnecessary delay, or entirely without merit."

As you know, time is of the essence here for this housing project. We also have an exciting new opportunity to keep Tri-County Produce open and moving this project forward in the City process is critical to maintaining that opportunity. <https://www.independent.com/2025/04/21/how-two-santa-barbara-philanthropists-stepped-in-to-preserve-tri-county-produce/>

Please confirm immediately that (1) the City agrees that we were deemed complete as a matter of law on August 11, 2024, (2) the City agrees the deadline for the City to provide its inconsistency letter was September 10, 2024; thus, the consistency analysis in the February 27, 2025 letter was provided as a "courtesy" only, and (3) this project qualifies for a CEQA exemption under section 15183.

Thank you so much for all your efforts to support the proper processing of this important housing project.
Beth

From: Collins, Beth A. <bcollins@bhfs.com>
Sent: Friday, April 11, 2025 9:38 AM
To: Tava Ostrenger <TOstrenger@SantaBarbaraCA.gov>

Cc: Barbara Burkhart <bburkhart@SantaBarbaraCA.gov>; 'Jarrett Gorin, AICP' <jarrett.gorin@vanguardplanning.com>

Subject: FW: 335 South Milpas: Following up on our call yesterday

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Additionally, as we discussed, we believe this project qualifies for analysis under CEQA Guideline section 15183. As you know, under Section 15183, if a project is "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified" [like our project], a public agency "**shall not** require additional environmental review, **except as might be necessary** to examine whether there are project-specific significant effects which are **peculiar to the project or its site.**" (*Hilltop Group, Inc., et al v. County of San Diego, et al.* (2024) 99 Cal.App.5th 890 [citing CEQA Guidelines, § 15183(a).] [emphasis added].)

The Court of Appeal in Hilltop goes on to say: "Thus, when an agency utilizes the **streamlining process in Guidelines section 15183**, the agency **shall limit its examination** of significant environmental effects which it determines: "(1) Are peculiar to the project or the parcel on which the project would be located, (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR." (Guidelines, § 15183, subd. (b)(1)-(4) [emphasis added].)

Additionally, as you know, we are in a housing crisis and this is a housing project with deed restricted affordable units proposed. Therefore, the Housing Accountability Act applies. Yes, CEQA applies as well, but the HAA is very clear that local agencies should do everything possible to expedite housing projects in this crisis and when interpreting state laws and authority such as CEQA for a housing project, the City must read the laws together and remember, that "The Housing Accountability Act **must be interpreted** to 'afford the **fullest possible weight** to the interest of, and the **approval and provision of, housing.**' (*Save Lafayette v. City of Lafayette* (2022) 85 Cal.App.5th 842, 855 [emphasis added] [see also *Jha v. City of Los Angeles*, L.A.S.C. Case No. 23STCP03499 (Jul. 24, 2024) [finding the Permit Streamlining Act should not be interpreted "in a vacuum" but in harmony and in favor of streamlining the review of housing projects].)

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Brownstein - we're all in.

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EXHIBIT 3



Employee-Owned

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Orange, CA 92868
Phone: 714.568.1010
www.csgegr.com

September 23, 2025

Julia Pujo, AICP
Project Planner, Environmental Analyst
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93102-1990

Subject: Scope of Work for the 335 S. Milpas Street Project 15183 CEQA Exemption Review

Dear Ms. Pujo:

CSG Consultants (CSG) is pleased to submit this proposal to the City of Santa Barbara (City) to prepare the environmental review for the 335 S. Milpas Street Project (CEQA-2025-04) (proposed project). CSG understands that the proposed project includes demolition of three onsite buildings, a two-lot subdivision, modifications and additions to the Tri-County Produce Market building, and construction of a 53-unit, four-story residential use. The attached Scope of Work, Schedule, and Budget assume the preparation of a 15183 Exemption, pursuant to CEQA Guidelines Section 15183.

CSG is an employee-owned company and works solely for public agencies, serving as a seamless extension of municipal staff. We currently furnish planning, environmental, sustainability, building and safety, fire prevention, code enforcement, public works, and a host of additional services to over 250 municipal clients throughout California. Our approach outlines a collaborative process, resulting in thorough, complete, and legally defensible documentation and processing. We are proud of our history of working closely with agency staff to effectively navigate the environmental compliance process while being flexible and responsive.

CSG is committed to providing client-centered services and high-quality work products, all centered on legally defensible analysis and processing pursuant to CEQA. Through our many years of service to our public agency clients, we have learned that key attributes a consultant can offer a client are expertise, experience, responsiveness, flexibility, and a solid understanding of community concerns. In addition to acting on these service principles, CSG has as a main objective – to focus on ensuring integrity and excellence in our analyses and processes, culminating in mutually beneficial solutions and the successful review of projects.

Please do not hesitate to contact **Glenn Lajoie** if you have any questions or need clarification regarding the content of this proposal. You can contact Mr. Lajoie at **714.815.8124**, or via email at glennl@csgegr.com. Thank you once again for the opportunity to submit our proposal to the City of Santa Barbara for the proposed 335 S. Milpas Street Project CEQA Environmental Review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cyrus Kianpour', is written over a horizontal line.

Cyrus Kianpour, PE, PLS

President, CSG Consultants, Inc.

1. Scope of Work

Introduction

CSG Consultants (CSG) is pleased to submit this proposal to the City of Santa Barbara to provide environmental review services in accordance with the California Environmental Quality Act (CEQA) for the proposed 335 S. Milpas Street Project. Our team will work closely with city staff, from contract execution and project inception, through to public hearings and completion of the CEQA review process. The documentation and processing will be in accordance with CEQA, Public Resources Code 21000-21177, the State CEQA Guidelines (California Code Regulations, Title 14, Division 6, Chapter 3, Section 15000-15387), the City of Santa Barbara Environmental Guidelines, and regulations, requirements, and procedures set forth by responsible Public Agencies with jurisdiction by law.

Project Understanding

CSG understands that the 335 S. Milpas Street Project proposes the following:

- Demolition of 3 of the 4 existing commercial buildings onsite, totaling 11,880 square feet of removal.
- A two-lot subdivision (Tentative Map) to create two new lots out of the existing lot (107,746 square feet, 2.47 acres).
- Retention of the existing 6,027 square-foot Tri-County Produce Market commercial building, and development of a new 3,689 square-foot addition, a new 1,105 square-foot outdoor patio, and reconfiguration/expansion of the existing parking lot.
- Construction of a 53-unit, four-story residential development, to include a roof deck and a ground level parking garage.

The required Discretionary Actions would include a two-lot subdivision (Tentative Map), a Coastal Development Permit, and Design Review by the City's Architecture Board of Review.

Approach

We understand that the proposed project is eligible for review pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan, or Zoning (14 Cal. Code Regs Section 15183). Pursuant to Section 15183, if the proposed project is consistent with the development density established by the existing zoning and General Plan (i.e. the City of Santa Barbara General Plan) and policies therein for which an Environmental Impact Report (EIR) was prepared (City of Santa Barbara General Plan EIR), and there are no impacts associated with the proposed project that are peculiar to the site and no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were identified and evaluated in the General Plan EIR, no further environmental analysis is required.

CSG's approach will include confirmation of the City's environmental review process, and obtaining the project application and related details, available references, and technical studies provided by the project applicant. It is CSG's understanding that the following technical studies will be provided and do not require peer review for the purposes of sufficiency for CEQA: Air Quality Modeling Analysis, Tree Removal Approval, Geotechnical Report, Greenhouse Gas Emissions Technical Memorandum, Noise Assessment, Phase I Archaeological Report, Phase 1/2 Environmental Site Assessment, Photo Simulations, Preliminary Drainage and Storm Water Report, Sewer Demand Memorandum, Train Safety Risk Assessment, and Traffic and Parking Study. City of Santa Barbara reference resources will be coordinated and confirmed with City staff, with the assumption that key documentation will include the 2012 General Plan EIR and the Master Environmental Assessment and associated mapping layers. CSG will utilize the City's recently updated Initial Study template for 15183 reviews.

Work Program

1.0 Kick-Off and Project Description

1.1 Kick-Off Meeting/Call

The work program will be initiated with a kick-off meeting with City representatives and stakeholders to discuss the project's features in greater detail. This initial meeting will be used to confirm the parameters of the analysis, information needs, the construction program, build-out conditions, scheduling, and overall communications. Prior to the kick-off, CSG will distribute an agenda and information needs memorandum. Upon completion of the kick-off meeting, CSG will prepare meeting minutes that detail action items for the CSG team, City staff, and stakeholders. With the receipt of detailed project information and feedback from the kick-off meeting, CSG will draft the preliminary Project Description (Task 1.3) and provide updates to the schedule for review and approval by City staff.

1.2 Data Collection and Site Visit

Following the kick-off meeting, CSG will prepare and submit a data request to obtain any further information needed and/or clarifications related to project construction and buildout assumptions. Additionally, CSG will conduct a site visit to assist in describing the environmental setting and to photographically document the site and surrounding area. CSG will also obtain and review existing documents available from the City, including policy documents, as well as environmental review studies in the vicinity.

1.3 Project Description

The Project Description will detail the site location, proposed project characteristics, phasing, and agreements/permits/approvals that are required, based on available information. The Project Description will present the proposed grading, construction, operations, land uses, project features, development regulations, design, and infrastructure improvements. This section will include a summary of the local environmental setting, existing General Plan, and Zoning. Exhibits depicting the regional and site vicinity will be included in this section. CSG will submit the draft Project Description to the City for review and approval, and it is assumed the City will coordinate review with the applicant team. CSG will revise the Project Description to address comments provided and once finalized, the Project Description will be distributed and used by the CSG team. CSG assumes that once finalized, no significant modifications will occur to the Project Description.

2.0 Initial Study Preparation

2.1 Administrative Draft Initial Study

CSG will prepare an Initial Study in accordance with the CEQA Guidelines and the City's 15183 review template. The Initial Study will include detailed explanations of all checklist determinations and discussions of potential environmental impacts. The analysis shall be prepared in accordance with Public Resources Code Section 21080(c), CEQA Guidelines Sections 15060 to 15065, and Appendix G of the CEQA Guidelines.

Introduction and Purpose

The Introduction and Purpose will cite the provisions of CEQA, City of Santa Barbara CEQA implementing procedures, project background and history, the purpose of the Initial Study, environmental issues assessed in the Initial Study, the environmental review process, organization of the Initial Study, responsible and trustee agencies, and documents incorporated by reference.

Project Description

The Project Description section will incorporate the completed description referenced in Task 1.3.

Environmental Topical Areas of Study

Topical Initial Study sections will contain a review of existing conditions, the regulatory framework, applicable project design features, thresholds of significance, potential environmental impacts, mitigation measures, if applicable, and impact significance conclusions. The analysis will be based on thresholds established and referenced in Appendix G of the CEQA Guidelines. The following provides information regarding each of the topical sections.

Aesthetics

The study of impacts will thoroughly address existing conditions and construction-related impacts, including demolition, grading, and site development. The review will consider viewshed areas and nearby view vantage points, analyze character and quality considerations, and study potential light and glare impacts. For each of the subtopics for this section, the analysis will conclude the level of significance for impacts and include mitigation measures to reduce impacts to less than significant, if applicable.

Agriculture and Forestry Resources

Based on a site reconnaissance, review of aerial photography, review of the California Department of Conservation's Important Farmland Finder, and thresholds established in Appendix G, Section II of the CEQA Guidelines, no agricultural uses currently occur on-site. According to the Important Farmland Finder maintained by the California Department of Conservation, the proposed project site is not designated for farmland uses. It is further noted that forestry resources do not exist on-site.

Air Quality

This section will incorporate the findings of the Air Quality Modeling Analysis to be provided by the project applicant. This section will evaluate the proposed project's estimated construction and operational emissions in the context of the South-Central Coast Air Basin, CARB, and City of Santa Barbara policies, thresholds, and regulations. Mitigation measures, if necessary, will be included to reduce air quality impacts to less than significant.

Biological Resources

The entire project site is built out and urbanized. On-site vegetation mainly consists of several mature trees. The biological resources review will consider regulations for nesting birds set forth under the Migratory Bird Treaty Act (MBTA) and will review potential impacts to special status species that may occur on-site. The applicant's Tree Removal Approval will be referenced. If determined to be necessary, preconstruction surveys for migratory nesting birds may be included as a mitigation measure to reduce potential impacts to biological resources to less than significant.

Cultural Resources

Although buildings on-site appear to be historic in age, the buildings on-site do not embody the distinctive characteristics of a type, period, or region, represent the work of a master, and are not associated with significant events in the local or State history. Therefore, the buildings on-site would not be considered to be historic in nature. The applicant's Phase 1 Archeological Report will be incorporated. Mitigation measures such as an inadvertent discovery clause, which would require proper handling of unexpectedly discovered cultural resources uncovered on-site, will be included as necessary to reduce impacts to cultural resources to less than significant.

Energy

The analysis of energy effects resulting from the proposed project will be prepared pursuant to Public Resources Code Section 21100(b)(3). These statutes and guidelines require a project to describe, where relevant, the potential for wasteful, inefficient, and unnecessary consumption of energy caused by a project.

Geology and Soils

CSG will incorporate available information from the applicant's Geotechnical Report into the Initial Study to analyze existing regional and local geology and soils constraints (such as compressible or expansive soils, disruptions, displacements, compaction or over-covering of soil, and areas subject to subsidence) and overall seismic hazards. Any known faults located within the immediate area will be identified. Project impacts related to seiche, tsunamis, and landslides will also be analyzed. This section will also evaluate potential impacts to undiscovered paleontological resources.

Greenhouse Gas Emissions

This section will incorporate the applicant's Greenhouse Gas Emissions Technical Memorandum. CSG will evaluate the proposed project's estimated construction and operational emissions in the context of relevant policies, thresholds, and regulations.

Hazards and Hazardous Materials

CSG will incorporate the applicant-provided Phase 1 and Phase 2 Environmental Site Assessments and related documents into this section. It is our understanding that the site contains a LUST and is subject to remediation. Information pertaining to the cleanup and documentation from the Santa Barbara Environmental Health Services Department will be incorporated. CSG understands that this will include a draft and/or approved Work Plan and details pertaining to a Corrective Action Plan.

Hydrology and Water Quality

The local setting, topography, climate, surface waters, watershed, regional streams, and water bodies will be identified. Existing and proposed hydrology/drainage and water quality conditions will be addressed. Based on available information, including the applicant's Preliminary Drainage and Stormwater Report, the analysis will consider changes in absorption rates, drainage patterns, storm drain improvements, and downstream effects associated with the proposed project. The potential for the project to degrade water quality, interfere with groundwater recharge, or expose people to water-related hazards will be identified. Mitigation measures will be provided, as necessary, which may include Best Management Practice recommendations.

Land Use and Planning

CSG will evaluate the proposed project considering surrounding land uses and will analyze the relationship of the project to applicable planning policies and standards. The proposed project will be analyzed for consistency and compliance with the Santa Barbara General Plan and other applicable local regulations, programs, and overlays.

Mineral Resources

There are no known mineral resource conditions on-site. CSG will document that there is not a known loss of availability of known resources or an important mineral recovery site.

Noise

This section will be based on the results of the applicant's Noise Assessment. It is expected that the Noise Assessment will address construction phasing and equipment assumptions. CSG will evaluate the potential impacts to ambient noise levels during the project construction and operation phases to sensitive receptors in the project vicinity. Mitigation measures will be included as necessary.

Population and Housing

The population and housing section will be completed in accordance with Appendix G, Section XIV, as well as Section 15126.6 (d), Growth Inducement, of the CEQA Guidelines. This section will evaluate the proposed project's anticipated contribution to population growth in the city. The project will also be evaluated for consistency with the General Plan.

Public Services and Recreation

This section will evaluate the potential impacts of the proposed project on Public Services in the context of the relevant General Plan policies and the Municipal Code.

Transportation

This section will be based on the applicant's Traffic and Parking study and the Train Safety Risk Assessment. The technical studies provided are expected to address traffic generation, VMT review, access, queuing, and traffic safety considerations, which include the site's proximity to the nearby rail line. Should the City request additional assistance with review of applicant-prepared analyses and support for the City traffic engineer's review, CSG will provide services in accordance with optional task 4.1.

Tribal Cultural Resources

In coordination with the City, CSG will obtain a list of Native American tribes from the Native American Heritage Commission (NAHC) and will prepare draft consultation letters for tribes that have requested consultation. CSG will prepare the SB 18 and AB 52 letters and provide them to the City for distribution to the tribes, pursuant to the required government-to-government consultation process. CSG will also attend meetings, if consultations are required, at the request of the City. CSG will provide a consultation log with supporting documentation for inclusion in the environmental document. The results of the consultation will be incorporated into this section of the Initial Study.

Utilities and Service Systems

This section will include an evaluation of on-site utility line upgrades, existing capacities, and availability of supply to meet demand. The evaluation will consider the anticipated capacities of the City's water and wastewater systems, and the local landfill. This section will also incorporate the applicant-provided Sewer Demand Memorandum.

Wildfire

Based on available data from the Fire Hazard Severity Zone Map (California Department of Forestry and Fire Prevention – CALFIRE), CSG will confirm proximity to State and local responsibility areas and lands classified as very high fire hazard severity zones. This section will evaluate potential impacts to the City's Emergency Operations Plan during the construction and operational phases of the proposed project.

Mandatory Findings of Significance

This section will include the findings from previous sections of the Initial Study and will also address cumulative impacts.

Additional CEQA Sections

CSG will provide additional Initial Study sections to meet CEQA and City requirements, including the Organizations and Persons Consulted and Preparers of the Initial Study.

Deliverables

- *One electronic copy (in PDF and Word) of the Administrative Draft Initial Study (including Appendices)*

2.2 Preliminary Draft Initial Study

This scope of work assumes that the City will coordinate review with the applicant team and will provide one set of consolidated, vetted comments (with tracked changes in the Word file) on the Administrative Draft Initial Study. CSG will revise the document and provide the Preliminary Draft Initial Study as a Word file, with all changes presented in track changes to assist the final check of the document. A PDF of the Preliminary Draft Initial Study will also be provided, including all exhibits and appendix material.

Deliverables

- ▶ *One electronic copy (in PDF and Word) of the Preliminary Draft Initial Study (including Appendices)*

2.3 Final Draft Initial Study

Following the City's review of the Preliminary Draft Initial Study, which is expected to include one set of consolidated, vetted comments (with tracked changes in the Word file), CSG will prepare the Final Draft Initial Study. This task assumes that all substantive comments will have been raised as a part of Task 2.1 above.

Deliverables

- ▶ *One electronic copy (in PDF and Word) of the Final Draft Initial Study (including Appendices)*

3.0 Project Management and Meetings

3.1 Project Management

The CSG Project Director, Mr. Glenn Lajoie, AICP, will be responsible for the management and supervision of the Project Team. Mr. Lajoie will direct the preparation of the CEQA document, ensuring compliance with CEQA requirements, guidelines, and the City of Santa Barbara CEQA procedures. Documentation will be prepared in a City-approved format and will undergo internal review to ensure that it is of high quality, per industry standards, and is legally defensible. Mr. Lajoie will coordinate with the City and/or other stakeholder representatives as well as internal technical staff, support staff, and word processing/editing team members to achieve the timely completion of the CEQA document. Throughout the work program, the CSG team will serve as an extension of City staff and serve as a resource on CEQA and environmental review matters.

Monthly invoices will include the total contract amount, all costs (by task) incurred to date (actual and percentage), estimated completion percentage for each task, and financial information for each task for that billing period.

3.2 Project Meetings

Close coordination with staff is essential. CSG will participate in progress/project conference calls and/or meetings. The meetings are anticipated to include the Project kick-off meeting and meetings before the Planning Commission and City Council. Virtual progress meetings that are scheduled will be coordinated with the City. The following meetings are assumed:

- Kick-off meeting with City staff and stakeholder representatives (included in Task 1.1)
- Planning Commission meeting(s) (budgeting for one public hearing).
- City Council meeting(s) (budgeting for one public hearing).
- Periodic project update calls and virtual meetings with Staff. This scope assumes up to 5, 30-minute coordination meetings.

Should the City determine that additional meetings beyond the meetings outlined above are necessary, this scope of work can be modified accordingly.

4.0 Optional Task

4.1 Traffic and Circulation Review and Advisement

This optional task involves further support for the City's traffic and circulation review and the provision of recommendations pertaining to site modifications and improvements for queueing related to the nearby railroad line. The review will include the June 26, 2025, ATE Transportation Policy Consistency, Site Access and Circulation Analysis and information from the City's Traffic Engineers pertaining to driveway locations along Milpas Street. This task is aimed at assisting in resolving any conflict on conclusions and recommendations for site access.

CEQA Schedule

CSG's proposed schedule is provided below.

15183 Initial Study Review Schedule

Tasks	Week(s)
Task 1.0 Kick-Off and Project Description	
1.1 Kick-Off Meeting/Call	1
1.2 Data Collection and Site Visit	1
1.3 Project Description	1-2
Task 2.0 Initial Study Preparation	
2.1 Administrative Draft Initial Study	2-7
<i>City Staff Review</i>	8-9
2.2 Preliminary Draft Initial Study	10
<i>City Staff Review</i>	11
2.3 Final Draft Initial Study	12
Task 3.0 Project Management and Meetings	
3.1 Project Management	Ongoing
3.2 Project Meetings	Ongoing
Optional Task 4.0	
4.1 Traffic and Circulation Review and Advisement	1-3
Hearings	To Be Determined

Budget

CSG's proposed budget for the 15183 Initial Study Review is provided below.

Budget

Task	Description	Cost
1.0 Kick-Off and Project Description		
1.1	Kick-Off Meeting/Call	\$1,000
1.2	Data Collection and Site Visit	\$1,200
1.3	Project Description	\$1,500
Task 1.0 Subtotal		\$3,700
2.0 Initial Study		
2.1	Administrative Draft Initial Study	\$26,000
2.2	Preliminary Draft Initial Study	\$3,000
2.3	Final Draft Initial Study	\$2,000
Task 2.0 Subtotal		\$31,000
3.0 Project Management and Meetings		
3.1	Project Management	\$2,300
3.2	Project Meetings	\$1,800
Task 3.0 Subtotal		\$4,100
Direct Costs		\$300
TOTAL		\$39,100
4.0 Optional Task: Traffic and Circulation Review and Advisement		
4.1	Traffic and Circulation Review and Assessment	\$3,000
TOTAL (With Optional Task)		\$42,100

Invoice Billing

Invoices will be submitted monthly and will identify project progress on a percent complete basis.

CSG Key Staff

Glenn Lajoie, AICP | Principal & Director of Environmental Planning

Mr. Lajoie has over 35 years of experience in the environmental planning profession. Mr. Lajoie's diverse background includes a wide range of CEQA/NEPA compliance studies, including policy, development, and infrastructure projects. He has served in various roles on projects, including Project Director, Project Manager, Quality Control, and lead for navigating complex regulatory processes. Mr. Lajoie has an extensive background with agencies throughout California. The geographic context is wide ranging, including: CEQA peer review services in the County of San Bernardino and the Cities of Orange, Tustin, Carson, and Bell; resort and destination projects in the Town of Mammoth Lakes; numerous infrastructure and desalination project reviews in the Community of Cambria; downtown high rise and mixed-use proposals in Long Beach; city center and neighborhood revitalization opportunities in Lancaster; buildout of the City's Business Park Master Plan in Cypress; over 2 million square feet of expansion for the Raytheon Corporate facility in El Segundo; campus modernization at the University of California, Riverside; the Master Plan Update for the Hotel del Coronado; and the 2035 General Plan Update for Buena Park.

Relevant Experience/Projects:

- *CEQA Peer Review Services – Cities of Orange, Tustin, Carson, and Bell, CA (Project Director)*
- *CEQA Peer Review Services including for the Iron Planet Auction and Muscoy Warehouse IS/MNDs – County of San Bernardino, CA (Project Director)*
- *Janss Marketplace Hotel EIR – City of Thousand Oaks, CA (Project Director)*

Kelli Allen | Environmental Project Manager

Ms. Allen serves as an Environmental Project Manager for CSG Consultants. Ms. Allen has experience in the preparation of CEQA and NEPA documents, including EIRs, IS/(M)NDs, Categorical Exclusions, and safety elements. Ms. Allen has completed CEQA documentation for mixed-use developments, residential, commercial, retail, infrastructure, and industrial projects and has conducted peer reviews of EIRs and ISMNDs for commercial and residential development projects. Ms. Allen has experience drafting presentations and writing administrative CEQA documents, including Project Descriptions, Notices of Availability, Preparation, and Determination, and OPR summary documents.

Relevant Experience/Projects:

- *Alta Loma Project Class 32 Exemption – City of Rancho Cucamonga, CA (Analyst)*
- *1890 South Coast Highway Project IS/MND – City of Laguna Beach, CA (Lead Analyst)*
- *Janss Marketplace Hotel EIR – City of Thousand Oaks, CA (Lead Analyst)*

Oscar Escobar | Environmental Project Manager

Mr. Escobar serves as an Environmental Project Manager for CSG Consultants. As a member of the Environmental Planning team, he specializes in the preparation of CEQA environmental documentation, including Categorical Exemptions, IS/(M)NDs, EIRs, and environmental assessments, and technical studies, including Phase I Initial/Environmental Site Assessments (ISA/ESA), Shade/Shadow Studies, and Visual Impact Assessments (VIA) for various environmental planning projects.

Relevant Experience/Projects:

- *Paseo de Colinas Townhomes Project IS/MND – City of Laguna Niguel, CA (Analyst)*
- *Lancaster East Side Project EIR – City of Lancaster, CA (Analyst)*
- *AT&T Telecom Gazebo Project IS/MND – City of Newport Beach, CA (Analyst)*