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Katherine Douglas

Appellant Presentation

From: Diana Sandoval <diasandoval@gmail.com>
Sent: Friday, July 3, 2026 11:58 AM
To: sbcob; Tyler Quiel
Subject: Slides - 7/7/26
Attachments: Sandoval_Quiel_Rebuttal_Board_of_Supervisors_7-7-26.pptx;
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Please see attached.

Thanks,
Diana

BOARD OF SUPERVISORS · COUNTY OF SANTA BARBARA · JULY 7, 2026

An ADU Application Approved by Operation of Law

Sandoval Quiel Revocable Living Trust ADU

Case Nos. 26CDP-00025 & 26APL-00009 · 3202 Serena Avenue, Carpinteria · APN 005-340-006



Diana Sandoval & Tyler Quiel, Trustees

Homeowners — appearing under protest to exhaust administrative remedies

A regular family that relied on a promise the State made



We bought with the ADU law in mind

In February 2021 we purchased this property because State ADU Law promised that adding accessory homes would be ministerial, objective, and fast. We planned around that law.



A home for our aging parents

This is a multigenerational plan: legalizing an existing unit so our parents can live steps away as they age, exactly the housing the Legislature designed ADU law to create.



We came under amnesty

We applied under the State's legalization statute and answered the County's first incompleteness determination within four days. We asked only for what the statute already guarantees.

The Legislature's promise: ADUs are supposed to be **affordable, fast, and something any homeowner can do** — without lobbyists or land-use lawyers.

State ADU Law sets deadlines with consequences — deliberately



Ministerial only — no discretion, no hearing

ADU applications “shall” be approved or denied ministerially, against objective standards only.

*Gov. Code §§ 66317(a)(1);
66314(b)(1)*



15 business days to determine completeness — or it is complete

Miss the deadline on an application or resubmittal, and it is deemed complete by operation of law.

*Gov. Code § 66317(a)(2)(A), (E), (F) ·
SB 543*



60 days to approve or deny — or it is approved

“If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.” The coastal permit rides the same clock.

Gov. Code §§ 66317(a)(3); 66329(a)

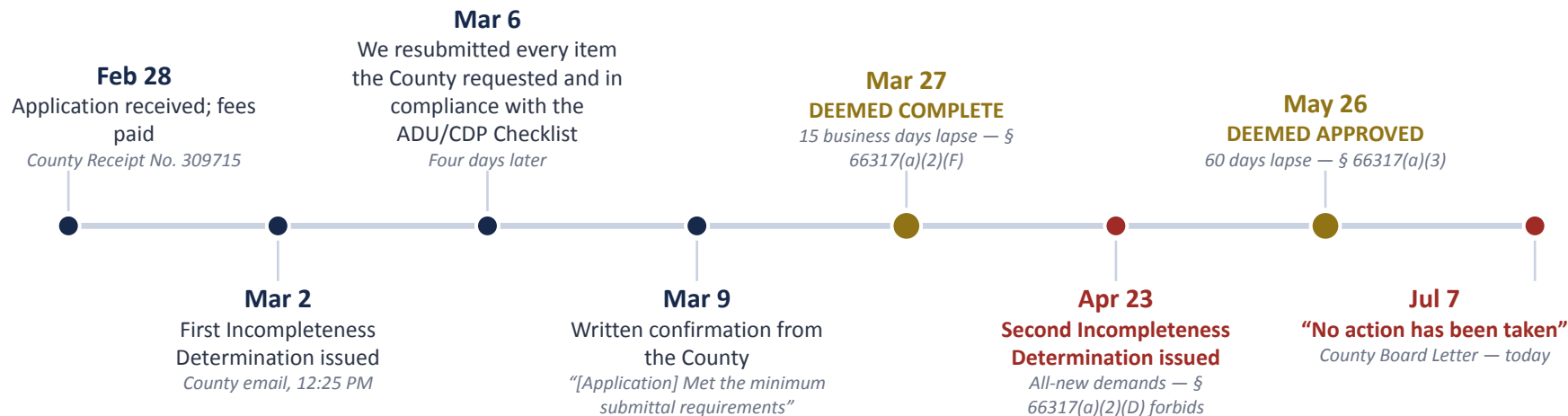


Pre-2020 units get an amnesty path

A permit to legalize an ADU built before Jan. 1, 2020 may not be denied for code or ordinance violations absent specific health-and-safety findings — and the applicant may not be penalized for seeking it.

Gov. Code § 66311.7

What actually happened — every date from the County's own file



By the time this hearing was calendared, there was no application left to deny. Approval by operation of law is self-executing — what remains is the ministerial act of issuing the permit.

The County knew the deadline, conceded it in writing — then missed it here

OCT 31, 2025 — HCD FINDINGS

“

“The Ordinance merely requires consideration of a permit, not approval or denial... within 60 days.”

The State's housing regulator flagged this exact defect — Finding No. 2 — and noted complaints about the County's approval timelines.

DEC 12, 2025 — COUNTY RESPONSE TO HCD

“

The County agreed to “comply with SB 543, which requires the agency to determine whether an ADU application is complete within 15 business days.”

The County conceded the governing deadlines in its own words — eleven weeks before we applied.

JUL 7, 2026 — COUNTY BOARD LETTER (TODAY)

“

“No action has been taken to approve or deny the ADU application.”

Stated twice. Under § 66317(a)(3), admitted inaction past 60 days is what produces approval by operation of law.

Staff's purported 4/8/26 application submitted date contradicts the County's own file

STAFF IS MISSTATING THE TIMELINE

"4/8/26: ADU application submitted."

A date that would conveniently restart the statutory clock — five and a half weeks late.

THE COUNTY'S OWN RECORDS SAY

Feb 28, 2026 — County Receipt No. 309715: application received, intake fees paid.

Mar 2, 2026 — County acknowledges receipt of the application and sends an "Incomplete" email — it cannot review what it has not received.

Mar 9, 2026 — Supervising Planner confirms the application "met the minimum submittal requirements."



The clock runs from receipt of the application — not from when staff chooses. (Gov. Code § 66317(a)(2)(A).) The statute leaves no room for an agency-controlled start date.

“No action has been taken” is the violation — not a defense

STAFF'S POSITION

“No action has been taken on the ADU application; therefore, no conditions have been applied.”

Inaction is offered as proof that nothing unlawful occurred.



WHAT THE STATUTE DOES WITH INACTION

*“If the local agency has not approved or denied the completed application within 60 days, the application **shall** be deemed approved.”*

— Gov. Code § 66317(a)(3); see §§ 65943, 65956(b); § 66329(a) (coastal permit on the same clock)

An agency cannot hold a ministerial application open forever by refusing to act. The statute converts the refusal into approval.

The 60-day duty is to **decide** — approve or deny. Admitted non-decision past day 60 has one statutory result: **deemed approval**.

The second incompleteness determination was unlawful three separate ways

1

Untimely

Issued April 23 — weeks after the application was complete (Mar 27 at the latest, by operation of law). Once complete, the statute permits one act: approve or deny within 60 days.

§ 66317(a)(2)(E), (F)

2

All-new demands

On resubmittal, an agency “shall not request” items it did not identify the first time.

§ 66317(a)(2)(D)

3

Discretion in disguise

These are substantive development standards, not intake items — discretionary review relabeled as “completeness.” Ministerial ADU review forbids it. Staff later conceded items were “no longer” required.

§§ 66317(a)(1); 66314(b)(1)

Relabeling discretionary review as “incompleteness” does not make a ministerial legalization discretionary. And by April 23, deemed completeness had already made the question moot.

The County invokes § 66311.7's exception while denying § 66311.7 applies

THE COUNTY SAYS...

"Section 66311.7 doesn't apply — no evidence the unit was habitable before 2020."

Relying on decades-old plans that label the structure a "garage."



...AND THE COUNTY ALSO SAYS

Denial "is allowed pursuant to Government Code Section 66311.7" on Health & Safety Code § 17920.3 grounds.

An exception that exists only inside § 66311.7 — the statute it says doesn't apply.

You cannot claim the statute's exception while denying the statute's application. The denial authority staff cites is subdivision (b) of § 66311.7 — it exists nowhere else.

The exception requires a finding, and a timely one. Staff concedes no denial occurred and no health-and-safety finding was ever made. A power never exercised within the 60-day window is a power that lapsed.

A "garage" label on plans is not evidence of use — unpermitted conversions never appear on permitted plans; that is what the amnesty statute exists to fix. HCD separately found the County never published the § 66311.7(d) legalization checklist it owes the public.

We are being billed for the County's defense of its own violations

\$2,502

County's written estimate
(≈ 8 planner hours)

\$8,200

Now claimed in the Board Letter
(25 hours, billed over 2 fiscal years)

3.3×

The escalation — on a ministerial
permit already deemed approved

9+ hours billed preparing the Board Letter — the County's own advocacy against this appeal, charged to the family appealing.

Hours billed for “research... gov code sections” — staff self-education on deadlines the County had already conceded in writing to HCD.

\$4,821.60 invoiced after the deemed approval — after no application remained to “process.” Fees may not exceed the reasonable cost of a lawful service. (§ 66014; Cal. Const., art. XIII C.)

All charges paid under protest — formal § 66020 protest filed July 2, 2026; refund with interest requested. § 66311.7 forbids penalizing an applicant for seeking legalization.

The promise the Legislature made — and what it became here

THE PROMISE

- ✓ A 60-day answer, guaranteed by statute
- ✓ One objective checklist, knowable in advance
- ✓ A modest, cost-based processing fee
- ✓ A path any homeowner can walk alone

OUR REALITY

- ✗ 129 days since submittal — still “no action”
- ✗ Shifting lists: new demands after completeness
- ✗ Fees tripled — billed for the County's defense
- ✗ A Board hearing the statute says cannot happen

These deadlines exist for families — so that a household planning a home for aging parents doesn't need land use planners or land-use counsel to get a lawful answer.

What the law requires the Board to do today

1

Confirm the approval by operation of law

Acknowledge Case No. 26CDP-00025 was deemed complete no later than March 27, 2026, and approved by operation of law no later than May 26, 2026. (Gov. Code § 66317(a)(2)(F), (a)(3); § 66329(a).)

2

Direct ministerial completion

Direct P&D to complete ministerial processing and issue the permit. Whether framed as granting the appeal or confirming an accomplished legal fact, the lawful result is identical.

3

Refund the unlawful charges, with interest

All amounts above the County's written estimate, all post-approval billings, and all charges for the County's defense of its own conduct. (§§ 66020, 66014, 66311.7.)

4

Complete the record

Include Appellants' July 2, 2026 rebuttal, protest, and notices in the administrative record. Any continuance would only compound the delay the statute forbids — Appellants object to it.



The Board follows the law by performing the ministerial act — not by weighing it.

The approval is an accomplished legal fact. Grant the appeal, or simply confirm it — the lawful result is the same: issue the permit, refund the unlawful charges, and let a family finish their ADU.

Thank you · Diana Sandoval & Tyler Quiel, Trustees · Sandoval Quiel Revocable Living Trust

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