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Katherine Douglas *Appellant Materials*

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**From:** Diana Sandoval <diasandoval@gmail.com>  
**Sent:** Thursday, July 2, 2026 12:00 PM  
**To:** sbcob  
**Subject:** July 7, 2026 Board of Supervisors Meeting  
**Attachments:** \_7.2.26.pdf; 7.2.26\_Protest .pdf; 7.2.26\_Notice to CCC.pdf; 7.2.26\_Notice to County.pdf; 7.2.26\_Notice to County 65914.2.pdf

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

Please see attached.

Thanks,  
Diana

July 2, 2026

**VIA EMAIL**

Board of Supervisors, County of Santa Barbara  
c/o Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

**RE: APPLICANTS' REBUTTAL, ADMINISTRATIVE OBJECTIONS, AND  
RECORD CORRECTION TO PLANNING & DEVELOPMENT'S BOARD  
AGENDA LETTER (CASE NOS. 26CDP-00025 & 26APL-00009)**

Chair and Members of the Board:

Diana Sandoval and Tyler Quiel, as Trustees of the Sandoval Quiel Revocable Living Trust ("Applicants"), submit this rebuttal and these administrative objections to the Board Agenda Letter ("Board Letter") prepared by the County of Santa Barbara ("County") Planning and Development Department ("P&D") for the July 7, 2026 hearing before the County Board of Supervisors ("Board") on the above-referenced matters. Applicants pursue Appeal No. 26APL-00009 under protest and solely to exhaust administrative remedies prior to judicial review. Applicants do not concede that any discretionary process applies, that the Board has jurisdiction to conduct discretionary review, or that any action remains for the County to take beyond that which state law already required it to complete: ministerially and within the statutory period, under Government Code sections 66310 et seq and 65920 et seq.

**EXECUTIVE SUMMARY**

This matter concerns Application No. 26CDP-00025 (Intake No. 26INT-00201), submitted pursuant to Government Code section 66311.7 to legalize an existing accessory dwelling unit ("ADU"). Section 66311.7 entitles ministerial legalization of ADUs constructed before January 1, 2020; discretionary review is unlawful. Because the County failed to act within the statutory period, the application was approved by operation of law. That approval is self-executing, and what remains is purely ministerial: confirm the approval, complete ministerial processing, and issue the permit. Applicants appear solely to exhaust administrative remedies, under protest, and without conceding that any discretionary review is authorized. The Board follows the law by performing the ministerial act, not by weighing it.

The Board Letter does not refute the violations Applicants identified; it confirms them. Three facts are dispositive, and each rests on the County's own words.

**First, the County admits it has never acted on the application.** The Board Letter states, twice that “[n]o action has been taken to approve or deny the ADU application.” That admission is not a defense; it is a confession of the violation. Government Code section 66317, subdivision (a)(3)<sup>1</sup> required the County to approve or deny the application, ministerially, within 60 days of receiving a completed application. The County's admitted inaction is precisely the failure that resulted in approval of Application No. 26CDP-00025 by operation of law.

**Second, the County's second “incompleteness” determination imposes substantive, discretionary requirements.** Government Code section 66317, subdivision (a)(2)(D) prohibits the County from demanding items it did not identify in its first incompleteness list, and subdivision (a)(1) forbids discretionary review altogether. Relabeling discretionary conditions as "incompleteness" does not transform a ministerial legalization into a discretionary one; it only documents the County's refusal to proceed in the manner required by law.

**Third, the County has mishandled the section 66311.7 legalization pathway while billing Applicants to defend the County's own unlawful conduct.** The County now takes contradictory positions: it asserts, in what amounts to a third “incompleteness” determination, that section 66311.7 does not apply, while simultaneously invoking the Health and Safety Code section 17920.3 exception that exists only within section 66311.7. The County cannot claim the statute's exception while denying the statute's application. Meanwhile, the County's charges in its own Board Letter attachments have more than tripled, from its own written estimate of approximately 8 planner hours (\$2,502.24) to the 25 hours (\$8,200) it now reports, with more than nine of those hours spent preparing the very Board Letter now before the Board. Applicants are being billed for the County's defense of its own violations.

For the reasons set forth below, the Board should follow State ADU Law (Gov. Code, §§ 66310 et seq.), the Permit Streamlining Act (Gov. Code, §§ 65920 et seq.), the Mitigation Fee Act (Gov. Code, §§ 66000 et seq.) and related fee statutes, and the Takings Clauses of the United States and California Constitutions. Whether framed as granting the appeal or as confirming an accomplished legal fact, the lawful result is the same: confirm that Application No. 26CDP-00025 was approved by operation of law under Government Code section 66317, subdivision (a)(3), direct staff to complete ministerial processing and issue the permit forthwith, and refund the unlawful charges. Any continuance or referral for further review would only compound the delay the statute forbids, and Applicants object to it. If the Board instead adopts

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<sup>1</sup> Government Code section 66317, subdivision (a)(3): the permitting agency *shall* either *approve or deny* the application to create or serve an accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot... If the local agency has not approved or denied the completed application within 60 days, the application *shall* be deemed approved. (Emphasis added).

staff's recommendation, it ratifies the violations documented herein with full knowledge of them. Applicants' administrative remedies will then be exhausted, and all rights and remedies, including but not limited to refund of unlawful charges and recovery of attorney's fees and costs, are expressly reserved.

## **FACTUAL AND LEGAL BACKGROUND**

### ***The ministerial ADU legalization***

Case No. 26CDP-00025 (Intake No. 26INT-00201) seeks recognition and legalization of the as-built conversion of an existing detached accessory structure to an accessory dwelling unit of approximately 526 square feet. The application is a ministerial ADU legalization governed by State ADU Law (Gov. Code, §§ 66310 et seq.) and the Permit Streamlining Act (Gov. Code, §§ 65920 et seq.).

### ***The governing legal framework***

State ADU Law requires that an application to create or serve an accessory dwelling unit be approved or denied ministerially, without discretionary review or a hearing, and evaluated only against objective standards. (Gov. Code, §§ 66317, subd. (a)(1); 66314, subd. (b)(1).) The permitting agency must determine completeness and provide written notice within 15 business days of receiving the application or any resubmittal; if it fails to make a timely determination, the application or resubmitted application is deemed complete by operation of law. (Gov. Code, § 66317, subd. (a)(2)(A), (E), (F).) On resubmittal, the agency may not require any item it did not include in its first incompleteness list. (Gov. Code, § 66317, subd. (a)(2)(D).) The agency must then approve or deny the completed application within 60 days; if it does not, the application is deemed approved by operation of law. (Gov. Code, § 66317, subd. (a)(3); see Gov. Code, §§ 65943, 65956, subd. (b).) Section 66329, subdivision (a) requires the agency to act on any associated coastal development permit pursuant to section 66317 and concurrently with the ADU application, applying the same 60-day deadline and deemed-approval remedy to both. An ADU of 750 square feet or less is exempt from impact fees. (Gov. Code, § 66311.5, subd. (c)(1).) The legalization of a previously unpermitted ADU constructed before January 1, 2020 is governed by Government Code section 66311.7, which restricts the grounds on which an agency may deny or condition legalization and prohibits the agency from penalizing the applicant for seeking it.

***TIMELINE***

<b><i>Date</i></b>	<b><i>Event</i></b>	<b><i>Authority / Attachment</i></b>
Fri., Oct. 31, 2025	The California Department of Housing and Community Development (“HCD”) issued written findings that the County’s ADU ordinance fails to comply with State ADU Law. Finding No. 2 identified the precise defect at issue here: the County consider an ADU application, rather than approve or deny it within 60 days of a complete application. HCD also noted several complaints regarding the County’s implementation of its ADU ordinance, particularly regarding approval timelines.	Gov. Code, §§ 66326, subd. (a); 66317, subd. (a); Attachment A (HCD Findings Letter)
Thu., Nov. 6, 2025	Applicants filed a Verified Petition for Writ of Mandate, <i>Sandoval et al. v. County of Santa Barbara et al.</i> , Santa Barbara County Superior Court Case No. 25CV06984, alleging the County converted ministerial ADU processing into discretionary review, issued serial and shifting incompleteness determinations, and failed to act within the mandatory statutory periods, such that the related Serena ADU permits were deemed complete and approved by operation of law. The petition remains pending.	Santa Barbara County Superior Court Case No. 25CV06984
Fri., Dec. 12, 2025	The County responded in writing to HCD’s findings, expressly conceding the governing deadlines: it agreed to comply with SB 543, which requires the agency to determine whether an ADU application is complete within 15 business days of submittal.	Attachment B (County Response to HCD Findings)

Sat., Feb. 28, 2026	With HCD's findings, the pending litigation, and its own written concession all in hand, the County received Applicants' application under Intake No. 26INT-00201 (subsequently assigned Case No. 26CDP-00025), with the required application fee paid. The 15-business-day completeness period began.	Gov. Code, § 66317, subd. (a)(2)(A); Attachment C
Mon., Mar. 2, 2026	The County issued a written determination via email deeming the application incomplete ("First Incompleteness Determination"), listing the items required to complete the submittal.	Gov. Code, § 66317, subd. (a)(2)(B); Attachment D
Fri., Mar. 6, 2026	Applicants resubmitted the application, providing each item identified in the First Incompleteness Determination. By statute, the County could not thereafter require any item not included in that first list.	Gov. Code, § 66317, subd. (a)(2)(C), (D); Attachment E
Mon., Mar. 9, 2026	County staff confirmed in writing that the March 6 resubmittal provided all documentation requested in the First Incompleteness Determination and satisfied the CDP Submittal Checklist. The application was complete as early as this date, per the County's own written confirmation.	Gov. Code, § 66317, subd. (a)(2)(E); Attachment F
Fri., Mar. 27, 2026	Fifteen business days elapsed from the resubmittal without any determination that it failed to remedy the listed items. In all events, the application was deemed complete no later than this date by operation of law.	Gov. Code, § 66317, subd. (a)(2)(E), (F);
Thu., Apr. 23, 2026	Weeks after the application was complete, the County issued the "Second Incompleteness Determination" (the County's Attachment B), demanding items not identified in the First Incompleteness Determination and imposing substantive, discretionary requirements.	Gov. Code, § 66317, subd. (a)(1), (a)(2)(D);

Sun., May 3, 2026	Applicants filed Appeal No. 26APL-00009, under protest and solely to exhaust administrative remedies.	
Fri., May 8, 2026	Sixty days elapsed from the March 9, 2026 completeness date. The application was deemed approved by operation of law as early as this date.	Gov. Code, § 66317, subd. (a)(3)
Tue., May 26, 2026	Sixty days elapsed from the March 27, 2026 operation-of-law completeness date. In all events, the application was approved by operation of law no later than this date.	Gov. Code, § 66317, subd. (a)(3)
Thu., Jul. 2, 2026	Applicants served the County and the California Coastal Commission with Failure to Act Notices; submitted a written protest of all unlawful charges; and provided notice of intent to commence an action under Government Code section 65914.2.	14 CCR § 13571(b)(1); Gov. Code, §§ 66020, 65914.2;
Tue., Jul. 7, 2026	Board hearing on this matter. As of the Board Letter, the County concedes that “[n]o action has been taken to approve or deny the ADU application.”	Board Letter

### ***The Second Incompleteness Determination***

The Second Incompleteness Determination was unlawful three times over. First, it was untimely: it was issued on April 23, 2026, weeks after the application was complete — as early as March 9, 2026 by the County’s own written confirmation, and no later than March 27, 2026 by operation of law. Once an application is complete, the statute leaves the agency one task: approve or deny within 60 days. A second "incompleteness" determination is not among the actions the statute authorizes. Second, it demanded items not identified in the First Incompleteness Determination, which Government Code section 66317, subdivision (a)(2)(D) expressly forbids. Third, its demands are substantive, discretionary requirements mislabeled as completeness items; subdivision (a)(1) forbids discretionary review of a ministerial ADU application altogether. The County's subsequent concession that requested items are "no longer" required confirms that the determination did not identify genuine completeness defects. Relabeling discretionary review “incompleteness” does not make a ministerial legalization discretionary; it documents the County's refusal to proceed in the manner required by law.

***The Board Letter functions as a Third Incompleteness Determination — and contradicts itself***

The Board Letter now asserts, for the first time, that Government Code section 66311.7 does not apply to the application, while simultaneously invoking the Health and Safety Code section 17920.3 exception that exists only within section 66311.7. This new position, raised in neither the First nor the Second Incompleteness Determination, functions as a third, still-later incompleteness determination, subject to the same defects as the second: it is untimely, it raises grounds not identified in the first list, and it applies discretionary judgment to a ministerial application. It is also internally contradictory: the County cannot claim the statute's exception while denying the statute's application. And it is foreclosed by the deemed approval: by the time the Board Letter was written, the application had been approved by operation of law, and no application remained on which the County could issue any determination at all.

***The County concedes it has taken no action to approve or deny the ministerial ADU application***

The County concedes, twice in the Board Letter, that “[n]o action has been taken to approve or deny the ADU application.” That concession establishes the violation. Government Code section 66317, subdivision (a)(3) required the County to approve or deny the completed application within 60 days. The County's admitted inaction beyond that period is the failure that resulted in approval of Case No. 26CDP-00025 by operation of law.

***The appeal***

On May 3, 2026, Applicants pursued this appeal solely to exhaust administrative remedies prior to judicial review, under protest, and without conceding that any discretionary process is required, the application having been subject to approval by operation of law upon the County's failure to act within the statutory period.

***The County's charges***

The County's original written Project Cost Estimate for this ministerial application was approximately 8 planner hours and \$2,502.24 (County's Attachment B, p. 6), and expressly budgeted “associated fees for hearings and noticing,” features of discretionary review that a ministerial ADU legalization does not involve. The County's contemporaneous labor record reflects 14.7 hours billed. The Fiscal section of the present Board Letter (County's Board Letter, p. 5) now represents that “Total costs for processing the Project are approximately \$8,200 (25 hours of staff time),” roughly triple the original estimate, to be billed across two fiscal years (\$6,560 in FY 2025-26 and \$1,640 in FY 2026-27). The County's labor record reflects that more than nine of those hours were spent preparing the Board Letter to defend the second incompleteness determination on this appeal, and additional time was spent on staff review of the governing Government Code sections. Appellant has paid the charges imposed on Case No.

26CDP-00025 under protest and has separately protested all such charges under Government Code section 66020.

## **LEGAL ARGUMENT**

### ***I. The ADU legalization is ministerial, and the County had no authority to subject it to discretionary review or a hearing.***

State ADU Law is unambiguous: an application to create or serve an accessory dwelling unit “**shall**” be considered and approved or denied ministerially, without discretionary review or a hearing, and evaluated only against objective standards. (Gov. Code, § 66317, subd. (a)(1); § 66314, subd. (b)(1).) The County does not, and cannot, dispute that Case No. 26CDP-00025 is a ministerial ADU application. The County therefore had no authority to conduct discretionary review of this application, to subject it to a hearing, or to impose discretionary or off-site requirements as a condition of its processing. That the County treated this ministerial matter as a discretionary one is evident from its own Project Cost Estimate, which budgeted “associated fees for hearings and noticing” for an application that, by law, involves neither.

### ***II. The County’s admitted failure to act results in approval by operation of law; its “no action taken” assertion is the violation, not a defense.***

Throughout the Board Letter, the County repeats that “[n]o action has been taken to approve or deny the ADU application,” offering its own inaction as a defense to Appellant’s claims that it violated section 66311.7 and imposed unlawful conditions. That argument inverts the law. State ADU Law and the Permit Streamlining Act required the County to act within the statutory period; an agency cannot insulate itself from a deemed approval by pointing to its continued failure to do what the law required. The County’s admitted inaction is precisely the conduct that results in the application being deemed complete, and ultimately approved, by operation of law. (Gov. Code, §§ 66317, 65943, 65956.) The County cannot rely on its own delay to keep a ministerial application open indefinitely.

### ***III. The Board need not reach the County’s new “health and safety” rationale; it defeats itself.***

The Board need not reach the County’s invocation of health-and-safety standards: the application was approved by operation of law, and no application remains to which any standard could now be applied. Applicants address the rationale solely to complete the record, and without conceding it is properly before the Board.

The rationale functions as a third incompleteness determination: it was raised for the first time in the Board Letter, and neither the First nor the Second Incompleteness Determination cites Government Code section 66311.7 or Health and Safety Code section 17920.3. It requires no rebuttal beyond the County’s own sentence. The Board Letter states that “permit denial, which has not occurred, is allowed pursuant to Government Code Section 66311.7 if the local agency finds that correcting the violation is necessary to meet the health and safety standards in Health

and Safety Code Section 17920.3.” That sentence concedes that no denial occurred; that section 66311.7 governs this application, because the denial authority the County invokes is subdivision (b) of that statute and exists nowhere else; and that the County made no finding, without which subdivision (b) authorizes nothing. A denial the County was “allowed” to make but never made within the 60-day statutory period is a power that lapsed, not a license to withhold the application as incomplete, which is an action subdivision (b) does not authorize at all.

***IV. The County’s section 66311.7 position is internally contradictory and does not defeat the legalization.***

The County’s treatment of Government Code section 66311.7 cannot be reconciled with itself. On the one hand, the County asserts that section 66311.7 does not apply because Appellant supposedly “has not provided any evidence” that the structure was a habitable unit before January 1, 2020, relying on older plans that label the structure an “existing garage.” On the other hand, the County invokes the Health and Safety Code section 17920.3 exception, which exists only within section 66311.7, to justify its demands. The County cannot simultaneously deny that section 66311.7 governs and invoke the narrow exception that section 66311.7 supplies. Moreover, a historical garage designation on a 1985 or 2025 plan does not establish the structure’s use, and does not defeat a legalization expressly premised on the recognition of a pre-2020 habitable unit.

***V. The County’s charges are unlawful and are the subject of a pending protest under Government Code section 66020.***

The County’s own Fiscal section confirms that its charges have escalated from its written estimate of approximately 8 planner hours and \$2,502.24 to \$8,200 (25 hours), billed across two fiscal years, for a ministerial application that has been subject to approval by operation of law. By the County’s own labor record, the great majority of the billed time was spent not in service to Appellant, but in the County’s preparation and defense at issue, and in staff review of the governing statutes. Charges for the County’s discretionary treatment of a ministerial application, for activity after the application was subject to approval by operation of law, and for the County’s defense for violating state law are not the reasonable cost of any service the County was authorized to render. Appellant has paid those charges under protest and has separately protested them under Government Code section 66020, and expressly reserves all rights and remedies with respect to them, including refund with interest.

**REMEDY AND RELIEF REQUESTED**

Whether framed as granting the appeal or as acknowledging an accomplished legal fact, the lawful result is the same. Applicants respectfully request that the Board:

1. Acknowledge that, under Government Code section 66317, subdivisions (a)(2)(A), (a)(2)(F) and (2)(3), Application No. 26CDP-00025 (Intake No. 26INT-00201) was

deemed complete no later than March 27, 2026, and approved by operation of law no later than May 26, 2026, and direct P&D to complete ministerial processing and issue the permit forthwith;

2. Direct the refund of all charges exceeding the County's written estimate, including all amounts billed after the deemed approval and for the County's defense of its own conduct, with interest as provided by law; and
3. Direct that this letter, its attachments, and Applicants' concurrent filings of July 2, 2026 be included in the administrative record.

Any continuance or referral for further review would only compound the delay the statute forbids, and Applicants object to it. If the Board instead adopts staff's recommendation, it ratifies the violations documented herein with full knowledge of them. Applicants' administrative remedies will then be exhausted, and all rights and remedies, including but not limited to refund of unlawful charges and recovery of attorney's fees and costs, are expressly reserved.

Respectfully submitted,



Diana Sandoval

Trustee, Sandoval Quiel Revocable Living Trust

# ATTACHMENT A

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

651 Bannon Street  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



October 31, 2025

Lisa Plowman, Director  
Planning & Development Department  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

Dear Lisa Plowman,

**RE: Review of Santa Barbara County's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342) and Senate Bill (SB) 9 Ordinance (Gov. Code, §§ 65852.21; 66411.7)**

Thank you for submitting the County of Santa Barbara (County) ADU and SB 9 Ordinance No. 5230 (Ordinance), adopted February 4, 2025, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the County's Ordinance fails to comply with State ADU and SB 9 Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the County has up to 30 days to respond to these findings. Accordingly, the County must provide a written response to these findings no later than November 30, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. *New ADU Legislation* – Please note there is recent ADU Legislation that has passed. The City County should review the changes made to State ADU Law as a result of this legislation. Assembly and Senate Bills (AB and SB) recently passed affecting State ADU Law include:
  - SB 9 (Chapter 510 Statutes of 2025)
  - SB 543 (Chapter 520, Statutes of 2025)
  - AB 130 (Chapter 22, Statutes of 2025)
  - AB 462 (Chapter 491, Statutes of 2025)
  - AB 1154 (Chapter 507, Statutes of 2025)
2. Section 35.42.015 D.2. – *Application Approval or Denial* – The Ordinance states that the local agency "...shall *consider* a Building Permit application... ministerially without discretionary review or hearing within 60 days from the date

a complete application is submitted to the Department.” (Emphasis added). However, Government Code section 66317, subdivision (a) requires that local agencies *approve or deny* an ADU application within 60 days of receiving a completed application. The Ordinance merely requires consideration of a permit, not approval or denial. The County is required to issue approval, or a denial with a full set of comments on how to remedy the application, within 60 days of receiving a completed application. Therefore, the County must amend this section to indicate approval or denial within 60 days and if denied, that a complete set of comments will be provided.

3. Section 35.42.015 E. – *Other necessary approvals* – The Ordinance states that ADUs that comply with this section require only “Building Permit and *any other necessary approval*.” HCD recognizes that other post entitlement permits may sometimes be required. However, “any other necessary approvals” must be objective, must be applied ministerially, and must be approved within the timelines laid out in the law.<sup>1</sup> The County should amend its ordinance to expressly comply with these restrictions.
4. Sections 35.42.015 E.2.d, E.3.e, E.5.e. – *Front Setbacks* – The Ordinance imposes front setback regulations on all ADUs in this section, stating that ADUs “shall comply with the front setback requirements of the applicable zone, provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot.” However, Government Code section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Government Code section 66323, subdivision (a) does not provide for front setbacks. Therefore, the County must remove these front setback provisions in the portion of the Ordinance governing 66323 units. HCD also notes that we have received several public inquiries for technical assistance regarding the County’s application of this section.
5. Section 35.42.015 E.5.c. – *Multifamily Detached ADU Maximum Size* – The Ordinance imposes a 1,200 square foot maximum floor area for a detached ADU on a multifamily lot. However, Government Code section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Government Code section 66323, subdivision (a)(4) does not include a maximum size restriction. Therefore, the County must amend the ordinance to remove the restriction on maximum size for detached ADUs on lots with existing or proposed multifamily dwellings.
6. Section 35.42.015 E.5.d. – *Maximum height* – The Ordinance allows an ADU in this section to be up to a height of 18 feet when “...within one-half of one mile

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<sup>1</sup> Gov. Code, § 66317.

walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined...” However, Government Code section 66321, subdivision (b)(4) states, in addition to 18 feet, “A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.” The County must amend the ordinance to allow an additional two feet in roof pitch.

7. Section 35.42.015 F.3.b.1. & 3. – *Architectural Design* – The Ordinance states, “The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features. However, Government Code section 66314, subdivision (b)(1) requires ordinances to “Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.” The use of the phrase “reflect the exterior appearance and architectural style” as well as “comparable exterior materials” and “comparable to existing landscaping,” are subjective. The County must amend the ordinance to remove all subjective terms and include only objective standards.
8. Section 35.42.015 F.7. – *Historic Resources* – The Ordinance restricts ADUs when an ADU is on a lot with “...a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties.” However, Government Code section 66314, subdivision (b)(1) states that ADU ordinances may “Impose objective standards on accessory dwelling units that include...standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.” Therefore, the use of a local historic register such as County historic resources would be inconsistent with State ADU Law. The County must amend the ordinance to remove this reference.
9. Section 35.42.015 F.8. – *Cultural Resources* – The Ordinance requires that ADUs be located at least fifty feet from the site boundary of “...any archaeological resources or tribal cultural resources...” While HCD appreciates the County’s consideration of safeguarding cultural resources, Government Code section 66314, subdivision (b)(1), states that ADU ordinances may “Impose objective standards on accessory dwelling units”. The preparation of a written assessment and tribal recommendation are subjective standards, in that they require personal or subjective judgment, are not uniformly verifiable by reference to an external and uniform benchmark or criterion, and are not

knowable by the applicant prior to submittal.<sup>2</sup> Therefore, the County must amend the Ordinance to remove this language.

10. Section 35.42.010 F.11.b. – *Parking for New Construction ADUs* – While the Ordinance properly exempts ADUs from parking requirements, it does not provide for off-street parking in setback areas for attached ADUs. State ADU Law states, “Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.”<sup>3</sup> The Ordinance does not contain a provision for parking in certain setbacks. Therefore, the County must amend the Ordinance to include all parking exceptions provided by State ADU Law.
11. Section 35.42.015 G.3. – *Efficiency Kitchen* – The Ordinance requires an efficiency kitchen to have, “A cooking facility with appliances, including at least a two-burner stove, sink, and freestanding refrigerator.” However, Government Code section 66333, subdivision (f) requires that a JADU ordinance shall only require an efficiency kitchen to include, “(A) A cooking facility with appliances. (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.” The term “with appliances” is a broad term and does not permit a local ordinance to specify the specific appliances, including a “stove” and a “refrigerator.” These appliances are amenities more commonly found within a full kitchen, and therefore the County’s requirements are more restrictive than State ADU Law allows. The County must amend the Ordinance to remove these additional requirements.
12. Section 35.42.015.G.5. – *Limitations on JADU location* – The Ordinance states, “The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.” However, Government Code section 66333, subd. (d) states, in relevant part, “enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” Therefore, the County’s Ordinance is too restrictive regarding where JADUs can be located. The County must amend the Ordinance to clarify that attached garages function as enclosed uses.
13. Section 35.42.015.H.6. – *ADU Conveyance* – The Ordinance states that, “Except as provided in Government Code Section 65852.26,” ADUs and JADUs cannot be sold separately. However, this section of government Code has been re-numbered to section 66341. The County should update this code section to refer to existing law.
14. *Missing Required Standards* – State ADU Law requires an ADU ordinance to include specific contents, but the Ordinance is missing some of the required

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<sup>2</sup> Gov. Code § 66313, subd. (i).

<sup>3</sup> Gov. Code, § 66314, subd. (d)(10)(B).

contents. These include the standards described in Government Code section 66314, subdivision (d)(8) regarding changes in occupancy, subdivision (d)(12) regarding exemptions from fire sprinkler requirements, subdivision (e) regarding demolition of a detached garage, and subdivision (f) regarding demolition of a detached garage. The County must amend the Ordinance to include these missing requirements.

15. *ADU Amnesty Program* – State ADU Law requires local agencies to provide for the permitting of certain unpermitted ADUs and JADUs under Government Code section 66332. Specifically, as of January 1, 2025, “A local agency shall inform the public about the provisions of” section 66332, “...through public information resources, including permit checklists and the local agency’s internet website.”<sup>4</sup> However, HCD could not locate public information resources on the agency’s website nor in the agency’s online county code archive regarding the implementation of section 66332. The County must amend the Ordinance to address unpermitted ADU and JADU legalization as required under State ADU Law.
16. *Preapproved ADU Plans* – Government Code section 65852.27 requires local agencies to have a program for the preapproval of ADU plans by January 1, 2025. The Ordinance and County Code is silent on this topic. The County should implement a program for the preapproval of ADU plans and should consider amending the Ordinance to address how the program will be implemented.

Santa Barbara County’s SB 9 (Chapter 162, Statutes of 2021) Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State SB 9 Law as follows:

1. Section 35.42.268.B – *Applicability* – The ordinance states, “Up to two principal dwelling units and urban lot splits may be allowed on a single-family residential zoned lot within an urbanized area or urban cluster as designated by the U.S. Census Bureau in compliance with the table below.” This provision could be construed to allow two SB 9 urban lot splits on single-family residential zoned lot, which is prohibited by Government Code section 66411.7, subdivision (a)(3)(F). The County must amend the Ordinance to clarify that one urban lot split is permitted per lot.
2. Section 35.42.268.B – *Applicability* – The table referenced in this section does not include the Agricultural Zone. The County’s Agricultural Zone is a Single-Family Residential Zone for the purposes of SB 9. While some zones are readily identifiable as single-family residential zones, for example by a title (e.g., R-1 “Single- Family Residential”), others may not be so obvious. The County’s Agricultural zoning district constitutes a single-family residential zone for the purpose of SB 9 since the primary purpose is single-family residential uses. The

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<sup>4</sup> Gov. Code, § 66332, subd. (d).

County must amend the Ordinance to add the Agricultural Zone to the table of Single-Family Residential Zones.

3. Section 35.42.268.D.4 – *Development impact mitigation fees* – The ordinance states, “The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).” SB 9 states, “Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.”<sup>5</sup> Quimby fees constitute a requirement for the construction of “offsite improvements” as contained in Government Code section 66411.7, subdivision (b)(3).<sup>6</sup> Therefore, the County must amend the code to exempt Urban Lot Splits from Quimby fees.
4. Section 35.42.268.D.6 – *Variances and Modifications* – The Ordinance states, “Variances and Modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.” This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County must amend the Ordinance to remove standards applicable to SB 9 developments that do not apply to the underlying zone.
5. Section 35.42.268.D.8 – *Unpermitted existing development* – The Ordinance states, “For purposes of this Section 35.42.268, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development. This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County must amend the Ordinance to remove standards applicable to SB 9 developments that do not apply to the underlying zone.
6. Section 35.42.268.D.9 – *Noticing* – The Ordinance states, “A posted notice fulfilling the requirements of Sections 35.106.020.A.2 and 35.106.080 shall be required for a Zoning Clearance permit and Tentative Parcel Map within 15 days of an application that is deemed eligible for SB 9 processing and remain posted until permit approval.” This provision does not appear to apply to the underlying zone nor to be related to the design or to improvements of a parcel. Pursuant to Government Code sections 65852.21, subdivision (b)(3) and 66411.7, subdivision (c)(1), the County must amend the code to remove standards applicable to SB 9 developments that do not apply to the underlying zone and do not apply to improvements not related to the design or improvements of a parcel.

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<sup>5</sup> Gov. Code § 66411.7, subd. (b)(3).

<sup>6</sup> [See](https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/menlo-park-hau-638-ta-071124.pdf) HCD’s Technical Assistance Letter to Menlo Park, found at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/menlo-park-hau-638-ta-071124.pdf>

7. Section 35.42.268.D.10 – *Affordability requirement* – The Ordinance states, “At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.” Pursuant to Government Code sections 65852.21, subdivision (b)(3) and 66411.7, subdivision (c)(1), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone and do not apply to improvements not related to the design or improvements of a parcel. This provision does not exist in the underlying zone and is not related to the improvement of a parcel. Therefore, the County must amend the code to remove this standard.
8. Section 35.42.268.E.1.a – *Floor area/unit size* – The Ordinance states, “The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland Community Plan Overlay, the maximum floor area limits established in Section 35.28.210 shall continue to apply to the lot as a whole.” This standard and the associated table do not exist in the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3) the County must amend the Ordinance to remove this standard.
9. Section 35.42.268.E.1.c – *Attached unit* – The Ordinance states, “Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.” This standard does not exist in the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3) the County must amend the Ordinance to remove this standard.
10. Section 35.42.268.E.1.e – *Attached architectural feature* – The Ordinance states, “An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).” This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone. Therefore, the County must amend the Ordinance to remove this standard.

11. Section 35.42.268.E.2.a.1 – *Side and rear setbacks* – The Ordinance states, “Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.” This provision does not apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone and must amend the Ordinance to remove this standard.
12. Section 35.42.268.E.2.a.2 – *Side and rear setbacks, Interior Lots* – The Ordinance states, “Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.” The standard setback in the underlying zone cannot be applied to SB 9 units unless it is more permissive than what SB 9 requires. Government Code section 65852.21, subsection (b)(1)(B)(i) states “...[N]o setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Additionally, subsection (b)(1)(B)(ii) states “...in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.” Pursuant to Government Code section 65852.21, subdivision (b)(2)(B), the County must amend the Ordinance to specify a setback of up to four feet from the side and rear lot line, except for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure, where no setback is required.
13. Section 35.42.268.E.2.a.3 – *Side and rear setbacks* – The Ordinance states, “Setbacks shall be clear from ground to sky.” Government Code section 65852.21, subdivision (b)(3) states, “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.” This provision does not appear to apply to the underlying zone. Therefore, the County must amend the Ordinance to remove this standard.
14. Section 35.42.268.E.2.a.4 – *Side and rear setbacks* – The Ordinance states, “No setback modification or variable setback shall be permitted.” Government Code section 65852.21, subdivision (b)(3) states, “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.” This provision

does not appear to apply to the underlying zone and therefore the County must amend the Ordinance to remove this standard.

15. Section 35.42.268.E.3 – *Maximum height* – The ordinance states, “All new principal dwellings shall comply with the requirements below and all other applicable height regulations of this Development Code further limiting height, including ridgeline/hillside development guidelines (Section 35.62.040). Where conflicts exist between the height limits below and other sections of this Development Code, the more restrictive height regulations shall prevail.” This standard does not exist in the underlying zone and therefore the County must amend the Ordinance to remove this standard.
16. *Objective Standards* – Government Code section 65852.21, subdivision (b)(1) permits an agency to impose objective standards as defined in section 65852.21, subdivision (j)(2): “The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” If a standard is objective, staff should not have to consult with a design professional. Only objective standards, as defined, may be applied. Additionally, terms found in the following findings, such as “same architectural design,” “match the architectural style,” “designed and articulated with consistent details,” and “create architectural interest” are not objective and must be removed.
17. Section 35.42.268.F – *Objective Standards: Building Design* – The ordinance states, “New construction, additions, and building conversions involving exterior alterations to create a new principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35.82.070 (Design Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section. A project that does not comply with these objective design standards, may be permitted under this Section, if approved by the applicable Board of Architectural Review under Section 35.82.070 (Design Review) provided that the applicant requests a delay and tolls the 60-day processing time period specified in Subsection D.1.a, above, until final design review approval.” The County must amend the Ordinance to remove all subjective standards.
18. Section 35.42.268.E.1.d – *Objective Standards: Attached garage or carport* – The Ordinance states, “Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.” The County must amend the Ordinance to remove all subjective standards.

19. Section 35.42.268.G.5 – *Objective Standards: Environmentally sensitive habitat areas* – The ordinance states, “The development of a principal dwelling unit shall comply with the objective requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).” Although the permit and processing requirements applicable to the various environmentally sensitive habitat areas specified in section 35.28.100 appear to be objective, it is not clear if the determination of environmentally sensitive habitat area *boundaries*, made by the Director, is based solely on objective criteria (the zoning map) or if subjective criteria are involved in this determination. Therefore, in efforts to provide knowable and objective standards, the County must specify what objective criteria the Director uses to determine if a proposed development is located in an environmentally sensitive habitat area.
  
20. Section 35.42.268.G.6 – *Historic resources* – The ordinance states, “ principal dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed principal dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached principal dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall submit a written assessment from a Department-approved historian confirming that the proposed principal dwelling unit shall be in conformance with this requirement.” Government Code section 65852.21, subdivision (a)(5) states, “The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.” Government Code section 66411.7, subdivision (3)(e) states, “The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.” The County Code is more restrictive than SB 9 in that it includes structures that are “... determined to be eligible for,” in addition to structures that are “listed in” the relevant Registers. The County must amend this section to mirror state law.
  
21. Section 35.42.268.G.7 – *Archaeological resources and tribal cultural resources* – The ordinance states, “A new construction attached or detached principal dwelling shall be located at least 50 feet from the site boundaries of any

archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as "historical resources" as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as "tribal cultural resources" as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed principal dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources." Government Code 65852.21, subdivision (j)(2) states, "The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal..." Government Code 66411.7, subdivision (m)(1) states, "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal..." This section appears to include requirements that are not objective, not uniformly verifiable by reference to an external benchmark, and not knowable prior to submittal. Therefore, the County must amend this standard to comply with state law or remove it entirely.

22. Section 35.42.268.H.2 – *Adequate services* – The ordinance states, "Development of up to two principal dwelling units on a parcel and urban lot splits shall demonstrate provision of adequate services, including water, sanitary, and access, including for newly created lots even if no development is currently proposed. Water meters and sewage connections shall be separate for units residing on separate parcels." SB 9 states, "Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section." The County cannot require offsite improvements for urban lot splits where no development is proposed. Pursuant to Government Code section 66411.7, subdivision (b)(3), the County must amend this standard accordingly.

## Complaints

Please note that over the past year HCD has received several complaints regarding the County's implementation of its ADU Ordinance, particularly regarding the imposition of front setbacks and approval timelines. HCD also wants to recognize that the County has responded positively and in a spirit of cooperation to such complaints and appreciates the County's patience in implementing frequently changing State ADU Law.

The County has two options in response to this letter.<sup>7</sup> The County can either amend the Ordinance to comply with State ADU Law<sup>8</sup> or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the County believes that the Ordinance complies with State ADU Law despite HCD's findings.<sup>9</sup> If the County fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the County and may notify the California Office of the Attorney General that the County is in violation of State ADU Law.<sup>10</sup>

HCD appreciates the County's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the County in fully complying with State ADU Law. Please feel free to contact Jamie Candelaria at [Jamie.Candelaria@hcd.ca.gov](mailto:Jamie.Candelaria@hcd.ca.gov) if you have any questions regarding the County's ADU Ordinance and Brandon Estes, at [Brandon.Estes@hcd.ca.gov](mailto:Brandon.Estes@hcd.ca.gov) regarding the County's SB 9 Ordinance.

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Policy Development Division

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<sup>7</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>8</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>9</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>10</sup> Gov. Code, § 66326, subd. (c)(1).

# ATTACHMENT B



## Planning and Development

Lisa Plowman, Director  
Jeff Wilson, Assistant Director  
Elise Dale, Assistant Director

December 12, 2025

California Department of Housing and Community Development  
c/o Division of Housing Policy Development  
651 Bannon Street  
Sacramento, CA 95811

RE: Review of Santa Barbara County's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342) and Senate Bill (SB) 9 Ordinance (Gov. Code, §§ 65852.21; 66411.7)

Dear Division of Housing Policy Development:

Pursuant to Government Code Section 66326, subdivision (b)(1), the County of Santa Barbara's Planning and Development Department has attached a written response to the Department of Housing and Community Development's written findings dated October 31, 2025. We appreciate the additional time granted to us to provide our response, given the holidays and volume of findings warranting a detailed and thoughtful response. While we concur with many of HCD's findings regarding our ADU and SB 9 ordinances, there are several areas where we fundamentally disagree and believe that our ordinances comply with applicable state law as written.

Please contact me or Alex Tuttle, Deputy Director (805-568-2072, [atuttle@countyofsb.org](mailto:atuttle@countyofsb.org)) if you have any questions, need additional information, or wish to discuss this further. We look forward to working with you to seek consensus on these issues.

Sincerely,

Lisa Plowman  
Director  
Planning and Development Department

Enclosures: County of Santa Barbara's Response to HCD's Findings dated, October 31, 2025



County of Santa Barbara (County) Responses to California Department of Housing and Community Development (State HCD) Comments on the *County of Santa Barbara’s Accessory Dwelling Unit (ADU) Ordinance and Senate Bill (SB) 9 Ordinance*

December 12, 2025

State HCD Findings	County Response
<b><i>ADU and Junior ADU Ordinance</i></b>	
<p><b>1. New ADU Legislation</b> – Please note there is recent ADU Legislation that has passed. The City County should review the changes made to State ADU Law as a result of this legislation. Assembly and Senate Bills (AB and SB) recently passed affecting State ADU Law include:</p> <ul style="list-style-type: none"> <li>• SB 9 (Chapter 510 Statutes of 2025)</li> <li>• SB 543 (Chapter 520, Statutes of 2025)</li> <li>• AB 130 (Chapter 22, Statutes of 2025)</li> <li>• AB 462 (Chapter 491, Statutes of 2025)</li> <li>• AB 1154 (Chapter 507, Statutes of 2025)</li> </ul>	<p>The County will review the recent State ADU Laws and will process amendments to the existing ADU ordinance as necessary to comply with the applicable legislation.</p>
<p><b>2. Section 35.42.015 D.2. – <i>Application Approval or Denial</i></b> – The Ordinance states that the local agency “...shall <i>consider</i> a Building Permit application... ministerially without discretionary review or hearing within 60 days from the date a complete application is submitted to the Department.” (Emphasis added). However, Government Code section 66317, subdivision (a) requires that local agencies <i>approve or deny</i> an ADU application within 60 days of receiving a completed application. The Ordinance merely requires consideration of a permit, not approval or denial. The County is required to issue approval, or a denial with a full set of comments on how to remedy the application, within 60 days of receiving a completed application. Therefore, the County must amend this section to indicate approval or denial within 60 days and if denied, that a complete set of comments will be provided.</p>	<p>The County will process amendments to Section 35.42.015.D.2 to remove “consider” and indicate approval or denial within 60 days for greater clarity. If denied, a complete set of comments will be provided. Additionally, these revisions will comply with SB 543, which requires the agency to determine whether an ADU application is complete within 15 business days of submittal, provide a list of deficiencies if an application is determined incomplete, and establish an opportunity to appeal an incomplete determination and/or denial.</p>

<p><b>3. Section 35.42.015 E. – Other necessary approvals</b> – The Ordinance states that ADUs that comply with this section require only “Building Permit and <i>any other necessary approval.</i>” HCD recognizes that other post entitlement permits may sometimes be required. However, “any other necessary approvals” must be objective, must be applied ministerially, and must be approved within the timelines laid out in the law. The County should amend its ordinance to expressly comply with these restrictions.</p>	<p>The County will process amendments so that the ordinance reads “and additional ministerial approvals from other County Departments.” The County understands that any other approvals must be objective, ministerial, and completed within applicable timelines. As is currently written, the other necessary approvals are intended to be from different County departments, such as Fire and Environmental Health Services.</p>
<p><b>4. Sections 35.42.015 E.2.d, E.3.e, E.5.e. – Front Setbacks</b> – The Ordinance imposes front setback regulations on all ADUs in this section, stating that ADUs “shall comply with the front setback requirements of the applicable zone, provided that this standard allows an accessory dwelling unit of up to 800 square feet to be constructed on the lot.” However, Government Code section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Government Code section 66323, subdivision (a) does not provide for front setbacks. Therefore, the County must remove these front setback provisions in the portion of the Ordinance governing 66323 units. HCD also notes that we have received several public inquiries for technical assistance regarding the County’s application of this section.</p>	<p>The County disagrees with this finding. The County’s ordinance specifies the mandated four-foot side and rear setbacks, consistent with State law. The County expressly permits an ADU of up to 800 square feet with four-foot side and rear setbacks to encroach into the front yard setback when necessary to accommodate such minimum development. It is nonsensical for there to be a prescribed minimum side and rear setback, but no prescribed minimum front setback if that was the intention. The absence of a prescribed minimum setback or a specific prohibition on front yard setbacks indicates that local jurisdictions may apply front setbacks so long as it does not preclude construction of an 800 square foot ADU. The HCD ADU handbook is itself inconsistent regarding front yard setbacks, but provides on Page 38: “Can a local agency impose front setbacks? Yes. A local agency may apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet from being built on the property, even if that ADU would exist partially or wholly within the front setback.” It would seem that if the legislature intended for a zero lot line in front yards, which raises a number of significant issues, including safety concerns, it would prescribe that in the statute.</p>

<p><b>5. Section 35.42.015 E.5.c. – Multifamily Detached ADU Maximum Size</b> – The Ordinance imposes a 1,200 square foot maximum floor area for a detached ADU on a multifamily lot. However, Government Code section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Government Code section 66323, subdivision (a)(4) does not include a maximum size restriction. Therefore, the County must amend the ordinance to remove the restriction on maximum size for detached ADUs on lots with existing or proposed multifamily dwellings.</p>	<p>The County disagrees with this finding. ADUs are intended to be accessory to a primary use. The ADU statute is predicated on a default maximum of 1,200 square feet so that the ADU remains accessory. Further, State ADU Law prohibits local ADU ordinances from imposing development standards that would prevent an ADU from being at least 800 square feet. Additionally, County staff relied on the default maximum size of 1,200 square feet for statewide exempt ADUs, as recommended by David Barboza, HCD ADU Team staff via email on March 8, 2024. To suggest that no size limit can be imposed for new construction detached ADUs on multifamily lots is contrary to the legislative intent of ADU law and could result in proposals for inordinately large ADUs on lots with a small multifamily dwelling, where the ADUs become the primary use.</p>
<p><b>6. Section 35.42.015 E.5.d. – Maximum height</b> – The Ordinance allows an ADU in this section to be up to a height of 18 feet when “...within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined...” However, Government Code section 66321, subdivision (b)(4) states, in addition to 18 feet, “A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.” The County must amend the ordinance to allow an additional two feet in roof pitch.</p>	<p>The County’s ADU ordinance specifically references the height methodology of our code that allows an additional three feet where the roof pitch is 4:12 or greater. The County will process amendments to the ordinance to explicitly allow an additional two feet in roof pitch in these situations.</p>
<p><b>7. Section 35.42.015 F.3.b.1. &amp; 3. – Architectural Design</b> – The Ordinance states, “The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building to which it is attached and use the same or comparable exterior materials, roof covering, colors, and design for trim, windows, roof pitch, and other exterior physical features. However,</p>	<p>The County will process amendments to the ordinance to remove these requirements.</p>

<p>Government Code section 66314, subdivision (b)(1) requires ordinances to “Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.” The use of the phrase “reflect the exterior appearance and architectural style” as well as “comparable exterior materials” and “comparable to existing landscaping,” are subjective. The County must amend the ordinance to remove all subjective terms and include only objective standards.</p>	
<p><b>8. Section 35.42.015 F.7. – <i>Historic Resources</i> –</b>  The Ordinance restricts ADUs when an ADU is on a lot with “...a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed accessory dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties.” However, Government Code section 66314, subdivision (b)(1) states that ADU ordinances may “Impose objective standards on accessory dwelling units that include...standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.” Therefore, the use of a local historic register such as County historic resources would be inconsistent with State ADU Law. The County must amend the ordinance to remove this reference.</p>	<p>The County disagrees in part with this finding. State law allows jurisdictions the ability to apply objective standards that “...include, <i>but are not limited to</i> [emphasis added],...” Therefore, the County is not prevented from using a local historic register as an objective standard applied to an ADU project. That said, the County proposes to amend the ordinance to clarify that this provision only applies to projects that involve alterations to historic structures or grounds (e.g., new build ADU).</p>
<p><b>9. Section 35.42.015 F.8. – <i>Cultural Resources</i> –</b>  The Ordinance requires that ADUs be located at least fifty feet from the site boundary of “...any archaeological resources or tribal cultural resources...” While HCD appreciates the County’s consideration of safeguarding cultural resources,</p>	<p>The County disagrees with the finding and HCD’s request to remove this language. There are numerous state and federal regulations (California Public Resources Code Section 5019.65 and Cal. Code Regs. Section 1427) in place to protect cultural resources, and the State has been</p>

<p>Government Code section 66314, subdivision (b)(1), states that ADU ordinances may “Impose objective standards on accessory dwelling units”. <i>The preparation of a written assessment and tribal recommendation are subjective standards, in that they require personal or subjective judgment, are not uniformly verifiable by reference to an external and uniform benchmark or criterion, and are not knowable by the applicant prior to submittal.</i> Therefore, the County must amend the Ordinance to remove this language.</p>	<p>very clear that tribal entities have broad discretion when declaring sacred sites. The County is concerned that removing the language would result in disregarding potential impacts to cultural resources and, therefore, requests that HCD share how other jurisdictions have established ways to protect cultural resources that HCD finds acceptable.</p>
<p><b>10. Section 35.42.010 F.11.b. – Parking for New Construction ADUs</b> – While the Ordinance properly exempts ADUs from parking requirements, it does not provide for off-street parking in setback areas for attached ADUs. State ADU Law states, “Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.” The Ordinance does not contain a provision for parking in certain setbacks. Therefore, the County must amend the Ordinance to include all parking exceptions provided by State ADU Law.</p>	<p>The County will process amendments to Section 35.42.015.F.11.b to clarify that no off-street parking for attached ADUs is required.</p>
<p><b>11. Section 35.42.015 G.3. – Efficiency Kitchen</b> – The Ordinance requires an efficiency kitchen to have, “A cooking facility with appliances, including at least a two-burner stove, sink, and freestanding refrigerator.” However, Government Code section 66333, subdivision (f) requires that a JADU ordinance shall only require an efficiency kitchen to include, “(A) A cooking facility with appliances. (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.” The term “with</p>	<p>The County disagrees with this finding. The intent of the State ADU law is to provide opportunities for additional dwelling units. The County’s language attempts to clarify what is minimally required to provide a livable dwelling. The County is concerned that without the objective standards included in the ordinance it is unclear how the County would determine what is an acceptable “cooking facility with appliances.” Additionally, the County is concerned that a lack of clarity or specificity as proposed in the County’s ordinance would embolden predatory landowners to create</p>

<p>appliances” is a broad term and does not permit a local ordinance to specify the specific appliances, including a “stove” and a “refrigerator.” These appliances are amenities more commonly found within a full kitchen, and therefore the County’s requirements are more restrictive than State ADU Law allows. The County must amend the Ordinance to remove these additional requirements.</p>	<p>units that do not provide basic amenities for future tenants. The County’s ordinance identifies the minimum standards of an efficiency kitchen in accordance with State law. The County is willing to process amendments to the ordinance, but is concerned that a failure to provide clarity on what constitutes a “cooking facility with appliances” will lead to ongoing confusion and potential abuses. Lastly, the passage of AB 628 which requires rental units to include, at a minimum, a stove and refrigerator to ensure a unit is habitable, further reinforces the need to provide minimum requirements. If there is other language that HCD would find acceptable consistent with AB 628, please advise.</p>
<p><b>12. Section 35.42.015.G.5. – Limitations on JADU location</b> – The Ordinance states, “The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.” However, Government Code section 66333, subd. (d) states, in relevant part, “enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” Therefore, the County’s Ordinance is too restrictive regarding where JADUs can be located. The County must amend the Ordinance to clarify that attached garages function as enclosed uses.</p>	<p>The County disagrees with this finding. We believe that the County’s ADU ordinance as currently written aligns with State ADU law for JADUs for the following reasons:</p> <p>Section 35.42.015.G.5 of the County’s ordinance specifically identifies attached garages as suitable for a JADU.</p> <p>“5. <b>Location.</b> The junior accessory dwelling unit shall be located entirely within an existing or proposed one-family dwelling or <b>attached garage</b>. The junior accessory dwelling unit shall not be located within any other attached or detached accessory structure.”</p>
<p><b>13. Section 35.42.015.H.6. – ADU Conveyance</b> – The Ordinance states that, “Except as provided in Government Code Section 65852.26,” ADUs and JADUs cannot be sold separately. However, this section of government Code has been re-numbered to section 66341. The County should update this code section to refer to existing law.</p>	<p>The County will process amendments to the ordinance to reflect the updated code section.</p>
<p><b>14. Missing Required Standards</b> – State ADU Law requires an ADU ordinance to include specific contents, but the Ordinance is missing some of</p>	<p>The County will process amendments to the ordinance to include what is applicable, but the County does not currently require noticing for the</p>

<p>the required contents. These include the standards described in Government Code section 66314, subdivision (d)(8) regarding changes in occupancy, subdivision (d)(12) regarding exemptions from fire sprinkler requirements, subdivision (e) regarding demolition of a detached garage, and subdivision (f) regarding demolition of a detached garage. The County must amend the Ordinance to include these missing requirements.</p>	<p>demolition of a garage, so that provision is not applicable.</p>
<p><b>15. ADU Amnesty Program</b> – State ADU Law requires local agencies to provide for the permitting of certain unpermitted ADUs and JADUs under Government Code section 66332. Specifically, as of January 1, 2025, “A local agency shall inform the public about the provisions of” section 66332, “...through public information resources, including permit checklists and the local agency’s internet website.” However, HCD could not locate public information resources on the agency’s website nor in the agency’s online county code archive regarding the implementation of section 66332. The County must amend the Ordinance to address unpermitted ADU and JADU legalization as required under State ADU Law.</p>	<p>The County will update the County website to provide this information, but this is not a requirement that necessitates an amendment to the County’s zoning code.</p>
<p><b>16. Preapproved ADU Plans</b> – Government Code section 65852.27 requires local agencies to have a program for the preapproval of ADU plans by January 1, 2025. The Ordinance and County Code is silent on this topic. The County should implement a program for the preapproval of ADU plans and should consider amending the Ordinance to address how the program will be implemented.</p>	<p>The County is currently working with a consultant to prepare a set of preapproved ADU plans that will be available at no charge to applicants. To date, the County has not received any requests by an architect, applicant, or other entity to preapprove a set of submitted ADU plans and have them be available for subsequent use. The County expects to have the preapproved ADU plans available to the public in January 2026.</p>

State HCD Comment	Response
<b><i>SB 9 Ordinance</i></b>	

<p><b>1. Section 35.42.268.B – Applicability</b> – The ordinance states, “Up to two principal dwelling units and urban lot splits may be allowed on a single-family residential zoned lot within an urbanized area or urban cluster as designated by the U.S. Census Bureau in compliance with the table below.” This provision could be construed to allow two SB 9 urban lot splits on single-family residential zoned lot, which is prohibited by Government Code section 66411.7, subdivision (a)(3)(F). The County must amend the Ordinance to clarify that one urban lot split is permitted per lot.</p>	<p>The County agrees that only one urban lot split is permitted and that is how this language has been interpreted to date. The County will process amendments to the Ordinance to clarify that, under SB 9, only one urban lot split is permitted.</p>
<p><b>2. Section 35.42.268.B – Applicability</b> – The table referenced in this section does not include the Agricultural Zone. The County’s Agricultural Zone is a Single-Family Residential Zone for the purposes of SB 9. While some zones are readily identifiable as single-family residential zones, for example by a title (e.g., R-1 “Single-Family Residential”), others may not be so obvious. The County’s Agricultural zoning district constitutes a single-family residential zone for the purpose of SB 9 since the primary purpose is single-family residential uses. The County must amend the Ordinance to add the Agricultural Zone to the table of Single-Family Residential Zones.</p>	<p>The County disagrees with this finding. The County’s Agricultural Zone is not a residential zone, nor constitutes a single-family zone for the purpose of SB 9.</p> <p>Additionally, HCD’s finding contradicts the HCD SB 9 memo updated in 2024:  <i>“Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use.”</i></p>
<p><b>3. Section 35.42.268.D.4 – Development impact mitigation fees</b> – The ordinance states, “The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).” SB 9 states, “Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-</p>	<p>The County will process amendments to its ordinance to clarify that the fees apply only to the new dwelling unit, not an urban lot split.</p>

<p>way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.” Quimby fees constitute a requirement for the construction of “offsite improvements” as contained in Government Code section 66411.7, subdivision (b)(3).6 Therefore, the County must amend the code to exempt Urban Lot Splits from Quimby fees.</p>	
<p><b>4. Section 35.42.268.D.6 – Variances and Modifications</b> – The Ordinance states, “Variances and Modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.” This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County must amend the Ordinance to remove standards applicable to SB 9 developments that do not apply to the underlying zone.</p>	<p>The County disagrees with this finding. Modifications and Variances are inherently subjective and require discretionary review and approval (Land Use and Development Code (LUDC) Sections 35.82.130, Modifications and 35.82.200, Variances). As a result, they cannot be applied in a ministerial approval process for a SB 9 project when only objective standards can be imposed.</p>
<p><b>5. Section 35.42.268.D.8 – Unpermitted existing development</b> – The Ordinance states, “For purposes of this Section 35.42.268, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development. This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County must amend the Ordinance to remove standards applicable to SB 9 developments that do not apply to the underlying zone.</p>	<p>The County disagrees with this finding. This standard applies universally throughout the County’s zoning code, and it is not specific to an underlying zone. Any unpermitted development or improvements to unpermitted development, regardless of the zone, is considered new development and permitted as such.</p>
<p><b>6. Section 35.42.268.D.9 – Noticing</b> – The Ordinance states, “A posted notice fulfilling the requirements of Sections 35.106.020.A.2 and 35.106.080 shall be required for a Zoning Clearance permit and Tentative Parcel Map within 15 days of an application that is deemed eligible for SB 9 processing and remain posted until</p>	<p>The County disagrees with HCD’s finding. This standard is more permissive than what the underlying zone requires for noticing for new development.</p>

<p>permit approval.” This provision does not appear to apply to the underlying zone nor to be related to the design or to improvements of a parcel. Pursuant to Government Code sections 65852.21, subdivision (b)(3) and 66411.7, subdivision (c)(1), the County must amend the code to remove standards applicable to SB 9 developments that do not apply to the underlying zone and do not apply to improvements not related to the design or improvements of a parcel.</p>	
<p><b>7. Section 35.42.268.D.10 – Affordability requirement</b> – The Ordinance states, “At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.” Pursuant to Government Code sections 65852.21, subdivision (b)(3) and 66411.7, subdivision (c)(1), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone and do not apply to improvements not related to the design or improvements of a parcel. This provision does not exist in the underlying zone and is not related to the improvement of a parcel. Therefore, the County must amend the code to remove this standard.</p>	<p>The County will process amendments to the ordinance to remove the affordability requirement.</p>
<p><b>8. Section 35.42.268.E.1.a – Floor area/unit size</b> – The Ordinance states, “The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland</p>	<p>The County disagrees with HCD’s finding. SB 9 is predicated on a requirement that jurisdictions allow up to two principal dwelling units and not impose any standards that would have the effect of precluding up to two 800 square foot dwelling units on a single family lot, in addition to any ADUs that would be allowable. HCD’s own technical memorandum emphasizes a</p>

<p>Community Plan Overlay, the maximum floor area limits established in Section 35.28.210 shall continue to apply to the lot as a whole.” This standard and the associated table do not exist in the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3) the County must amend the Ordinance to remove this standard.</p>	<p>jurisdiction’s ability to apply objective standards that do not preclude the development of up to two units of 800 square feet each. The floor area/unit size limits comply with this requirement. Outside of SB 9, the majority of our standards and processes for development of a single family dwelling are subjective, requiring a discretionary permit and subjective design review approval by a County Board of Architectural Review. The language that was added with SB 450 does not account for jurisdictions that currently rely, at least in part, on subjective standards to regulate residential development. Additionally, the County is permitted to apply objective standards that are more permissive than requirements in the underlying zone. The current review and approval process considers things such as neighborhood compatibility and subjective design guidelines to regulate size, bulk, and scale. For example, one of the required findings for Design Review approval is that “Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the subject property.” The County Board of Architectural Review is also required to find a project consistent with adopted residential design guidelines. With the SB 9 regulations, the County has translated the subjective standards and requirements into a set of objective standards, including the Floor-to-Area-Ratios, that are more permissive than the existing subjective standards in the underlying zone, including by the fact that they do not require a property owner to go through a discretionary review process. If the intent of SB 9 is to facilitate additional dwelling units, particularly entry-level housing, and ensure jurisdictions do not impose standards that would</p>
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	<p>preclude the development of up to two 800 square foot dwellings on a single family lot, then allowing the County the ability to develop objective standards that take the place of otherwise applicable subjective requirements is consistent with that intent. And the County believes that it is contrary to the legislative intent, to go from allowing up to two 800 square foot units to essentially stating that no size limit may be imposed through a ministerial approval process unless otherwise applicable in the code.</p>
<p><b>9. Section 35.42.268.E.1.c – Attached unit</b> – The Ordinance states, “Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.” This standard does not exist in the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3) the County must amend the Ordinance to remove this standard.</p>	<p>The County disagrees with this finding. This standard does not exist elsewhere in the underlying zones because the underlying zones do not normally permit two single family dwellings. That said, this is more permissive than a similar standard that applies when an ADU is attached to a single family dwelling. For the reasons stated in the response to #8 above, the intent of this standard is to take the place of subjective requirements that would normally have the effect of being more restrictive.</p>
<p><b>10. Section 35.42.268.E.1.e – Attached architectural feature</b> – The Ordinance states, “An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).” This provision does not appear to apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone. Therefore, the County</p>	<p>The County disagrees with HCD’s finding. A similar standard exists for ADUs in the underlying zones. This standard is optional, not required, and it is an additional allowance for property owners, not a restriction. That said, this standard can be removed from the ordinance if necessary.</p>

<p>must amend the Ordinance to remove this standard.</p>	
<p><b>11. Section 35.42.268.E.2.a.1 – Side and rear setbacks</b> – The Ordinance states, “Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.” This provision does not apply to the underlying zone. Pursuant to Government Code section 65852.21, subdivision (b)(3), the County cannot apply standards to SB 9 developments that do not apply to the underlying zone and must amend the Ordinance to remove this standard.</p>	<p>The County disagrees with HCD’s finding. The underlying zones require greater setbacks, so this standard is more permissive than the current standard in the underlying zones. For example, the R-1/E-1 single family zone district requires a minimum side yard setback of 10 percent of the lot width, with a minimum of 5 feet (2 acres or less) or 10 feet (3 acres or less), and a 25-foot minimum rear yard setback. Further, it is consistent with SB 9 law, which requires jurisdictions to permit up to two 800 square foot dwelling units with four foot side and rear setbacks. The County’s ordinance is more permissive than State law, in that it permits larger unit sizes than State law prescribes if the project complies with the standard setbacks that apply in the underlying zones.</p>
<p><b>12. Section 35.42.268.E.2.a.2 – Side and rear setbacks, Interior Lots</b> – The Ordinance states, “Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.” The standard setback in the underlying zone cannot be applied to SB 9 units unless it is more permissive than what SB 9 requires. Government Code section 65852.21, subsection (b)(1)(B)(i) states “...[N]o setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Additionally, subsection (b)(1)(B)(ii) states “...in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.” Pursuant to Government Code section 65852.21, subdivision (b)(2)(B), the County must amend the Ordinance to specify a setback of up to four feet</p>	<p>The County disagrees in part with HCD’s finding. HCD’s guidance on this language seems to contradict State law as well as other findings included herein. Specifically, State law indicates that a jurisdiction may impose objective standards so long as they are either applied in the underlying zone or are more permissive than those standards applied in the underlying zone, and so long as they do not preclude the development of up to two dwelling units of 800 square feet. In this instance, this standard is more permissive than the current setback requirements in the underlying zones and ensures that the County permits up to two single family dwellings of at least 800 square feet in size.</p> <p>The County includes language indicating that no setback is required to convert an existing structure to a new principal dwelling unit. The County will process amendments to this language to more closely align with state law with respect</p>

<p>from the side and rear lot line, except for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure, where no setback is required.</p>	<p>to setback requirements for new structures constructed in the same location and to the same dimensions as an existing structure.</p>
<p><b>13. Section 35.42.268.E.2.a.3 – Side and rear setbacks</b> – The Ordinance states, “Setbacks shall be clear from ground to sky.” Government Code section 65852.21, subdivision (b)(3) states, “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.” This provision does not appear to apply to the underlying zone. Therefore, the County must amend the Ordinance to remove this standard.</p>	<p>The County will process amendments to its ordinance regarding setbacks, but disagrees in part with this finding. Existing standards that allow for limited encroachment into setbacks for roof eaves, stairs, chimneys, etc., are built around larger setbacks. Applying the same standards would not work with a reduced setback because they would result in insufficient separation between structures and the adjacent property line. The County will process amendments to its ordinance to resolve this conflict.</p>
<p><b>14. Section 35.42.268.E.2.a.4 – Side and rear setbacks</b> – The Ordinance states, “No setback modification or variable setback shall be permitted.” Government Code section 65852.21, subdivision (b)(3) states, “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.” This provision does not appear to apply to the underlying zone and therefore the</p>	<p>The County disagrees in part with this finding. The ordinance aligns with the four-foot setback requirements in State law. As set forth in the County’s zoning code, setback modifications are subjective and discretionary and cannot be accomplished with a ministerial approval. As such, a ministerial SB 9 project cannot be eligible for a setback modification. The County will process amendments to the ordinance to remove reference to the variable setback provisions.</p>

<p>County must amend the Ordinance to remove this standard.</p>	
<p><b>15. Section 35.42.268.E.3 – Maximum height –</b>  The ordinance states, “All new principal dwellings shall comply with the requirements below and all other applicable height regulations of this Development Code further limiting height, including ridgeline/hillside development guidelines (Section 35.62.040). Where conflicts exist between the height limits below and other sections of this Development Code, the more restrictive height regulations shall prevail.” This standard does not exist in the underlying zone and therefore the County must amend the Ordinance to remove this standard.</p>	<p>The County disagrees with HCD’s finding. The height regulations referenced herein, including ridgeline/hillside development guidelines, do apply uniformly throughout the code in all of the underlying zones. Section 35.10.040.F.1 of the County zoning ordinance includes language regarding applying the more restrictive code provisions when conflicts exist. Thus, this standard does exist in the underlying zone and no further revisions are necessary.</p>
<p><b>16. Objective Standards –</b> Government Code section 65852.21, subdivision (b)(1) permits an agency to impose objective standards as defined in section 65852.21, subdivision (j)(2): “The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” If a standard is objective, staff should not have to consult with a design professional. Only objective standards, as defined, may be applied. Additionally, terms found in the following findings, such as “same architectural design,” “match the architectural style,” “designed and articulated with consistent details,” and “create architectural interest” are not objective and must be removed.</p>	<p>The County disagrees in part with this finding. The County will process amendments to the ordinance to remove reference to consultation with a design professional. However, the County does believe that the building design standards are objective and can be applied consistently and uniformly. It is worth noting that State ADU law includes similar language as an objective standard. For example, Government Code Section 66321, subdivision (b)(4) states, in addition to 18 feet, “A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that <i>is aligned</i> with the roof pitch of the primary dwelling unit.” The terms “match” and “same” are similar in nature to “aligned with.” The County will review the existing language and process amendments to it as necessary to remove any more subjective terms.</p>
<p><b>17. Section 35.42.268.F – Objective Standards: Building Design –</b> The ordinance states, “New construction, additions, and building conversions involving exterior alterations to create a new</p>	<p>The County will process amendments to the ordinance to remove the subjective standards and reference to consultation with design professionals to ensure compliance.</p>

<p>principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35.82.070 (Design Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section. A project that does not comply with these objective design standards, may be permitted under this Section, if approved by the applicable Board of Architectural Review under Section 35.82.070 (Design Review) provided that the applicant requests a delay and tolls the 60-day processing time period specified in Subsection D.1.a, above, until final design review approval." The County must amend the Ordinance to remove all subjective standards.</p>	
<p><b>18. Section 35.42.268.E.1.d – Objective Standards: Attached garage or carport</b> – The Ordinance states, “Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.” The County must amend the Ordinance to remove all subjective standards.</p>	<p>This standard is optional and refers to an allowance. That said, the County will process amendments to this standard.</p>
<p><b>19. Section 35.42.268.G.5 – Objective Standards: Environmentally sensitive habitat areas</b> – The ordinance states, “The development of a principal dwelling unit shall comply with the objective requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).” Although the permit and processing requirements applicable to the various environmentally sensitive habitat areas specified in section 35.28.100 appear to be objective, it is</p>	<p>The County will process amendments to its ordinance to clarify that the environmentally sensitive habitat area boundaries are those depicted in the adopted zoning maps.</p>

<p>not clear if the determination of environmentally sensitive habitat area boundaries, made by the Director, is based solely on objective criteria (the zoning map) or if subjective criteria are involved in this determination. Therefore, in efforts to provide knowable and objective standards, the County must specify what objective criteria the Director uses to determine if a proposed development is located in an environmentally sensitive habitat area.</p>	
<p><b>20. Section 35.42.268.G.6 – Historic resources –</b> The County Code is more restrictive than SB 9 in that it includes structures that are “... determined to be eligible for,” in addition to structures that are “listed in” the relevant Registers. The County must amend this section to mirror state law.</p>	<p>The County will process amendments to the ordinance to mirror State law.</p>
<p><b>21. Section 35.42.268.G.7 – Archaeological resources and tribal cultural resources –</b> This section appears to include requirements that are not objective, not uniformly verifiable by reference to an external benchmark, and not knowable prior to submittal. Therefore, the County must amend this standard to comply with state law or remove it entirely.</p>	<p>The County will process amendments to the ordinance to comply with state law and remove subjective criteria. However, the County does not want to disregard potential impacts to cultural resources and, therefore, requests that HCD share how other jurisdictions have established ways to protect cultural resources that HCD finds acceptable.</p>
<p><b>22. Section 35.42.268.H.2 – Adequate services -</b> The County cannot require offsite improvements for urban lot splits where no development is proposed. Pursuant to Government Code section 66411.7, subdivision (b)(3), the County must amend this standard accordingly.</p>	<p>The County disagrees with this finding. Requiring an applicant to demonstrate that a lot <i>can</i> be adequately served (e.g., water, sanitary, and access) does not constitute a requirement for offsite improvements for urban lot splits. This standard only requires an applicant to demonstrate that the lot can be adequately served, without requiring any improvements to be installed prior to development of the lot. The County cannot and will not approve an urban lot split if they cannot demonstrate that the lot can meet basic health and safety standards to serve future development. This would include, for example, securing letters from the applicable water and sanitary districts indicating that the lots are within their service boundaries and water and</p>

	sewer service can be provided to future development. Additionally, demonstrating how the lot can be accessed in a manner that meets the fire department's access requirements.
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# ATTACHMENT C



# County of Santa Barbara

## Planning and Development

123 East Anapamu St.  
Santa Barbara, CA 93101

### Receipt

Owner:  
APN: 005-340-006  
  
3196 SERENA  
CARPINTERIA, CA 93013

**Permit Number: 26INT-00201**

**Receipt Number: 309715**  
**Payment Date: 02/28/2026**

### Receipt Summary:

Tender Type: Credit Card

Reference No.:

Receipt Total (Credit Card): \$ 79.50

Payor: Diana Sandoval

Payment Status: Paid

### Fees Paid to Planning and Development

Invoice No.	Fee Description	Fee Amt	Pymt Applied
563445	Application Processing Fee - P&D	\$75.00	\$75.00
563445	Application Processing Fee - Tech	\$4.50	\$4.50
Total Payments Applied:			\$79.50
Receipt Total:			\$79.50
<b>Balance on Receipt:</b>			<b>\$0.00</b>

**Note:** Fees and charges include any applicable surcharges, such as technology management, records management, general plan maintenance, and/or building and grading code enforcement support, in accordance with Santa Barbara County Ordinance No. 4991 adopted April 4, 2017.

Track the progress and status of your application by going to <https://aca-prod.accela.com/SBCO> and searching for your case number.

Cashier ID: PUBLICUSER411119



Application Summary for 26INT-00201

Current Status: Open

Printed on February 28, 2026 at 3:47 am

WORK LOCATION: 3196 SERENA, CARPINTERIA, CA 93013

PARCEL NO: 005-340-006

WORK DESCRIPTION:

Conversion of an existing detached structure (converted garage/third structure) using 3202 Serena Ave. (existing active situs, APN 005-340-006), with a documented history as a habitable living unit prior to January 1, 2020, to recognize and legalize its use as an accessory dwelling unit pursuant to California Government Code section 66311.7 (formerly 66322). Section 66311.7 requires ministerial approval of habitable unpermitted units that were constructed or converted and used as dwellings prior to January 1, 2020 and that, at the time of legalization, meet the accessory dwelling unit definition in section 66313.

CONTACTS:

APPLICANT

Tyler Quiel
3196 Serena Ave.
Carpinteria, California 93013
(805) 451-3238
tyler@quiel.com

FINANCIALLY RESPONSIBLE PARTY

Tyler Quiel
3196 Serena Ave.
Carpinteria, California 93013
(805) 451-3238
tyler@quiel.com

OWNER NAME:

CANNABIS

Is this application related to cannabis activities? No

GRADING AND TOPOGRAPHY

Is grading proposed? No

Is there a 16-ft drop in elevation within 100 ft of proposed structure footprint? No

STORMWATER

Existing square feet of impervious surfaces 0

Proposed square feet of impervious surfaces 0

UTILITIES

Water Source Public water

Is this water source existing or proposed? Existing

Sewer System Public sewer

Is this sewer system existing or proposed? Existing

WORK WITHIN RIGHT-OF-WAY

**WORK WITHIN RIGHT-OF-WAY**

---

Does your project include development within a public right-of-way? No

**LANDSCAPE**

---

Are any trees of 6-inches in diameter or greater proposed for removal? No

Is work proposed w/in 6-ft dripline of native trees? No

Is any new or replaced/rehabilitated landscaping proposed? No

**EVIDENCE OF PARCEL VALIDITY**

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Prior Zoning Permits ✓

Number 84-cdp-205

**HAZARDOUS WASTE & SUBSTANCES**

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Is the site listed as a Hazardous Waste Site? No

I hereby certify that I have reviewed the sites listed above Yes

**DOCUMENTS ATTACHED**

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<u>Document Category/Type</u>	<u>File Name</u>	<u>Uploaded On:</u>
Agreement to Pay Form	A7K9Q2M4XZ.pdf	2/28/2026
Indemnification Form	N5W0J9C2HY.pdf	2/28/2026
Owner/Applicant Consent	T3L8V1R6PB.pdf	2/28/2026
Plan Set	Z8D4S7F1KU.pdf	2/28/2026

I certify that I have read and understand the instructions that accompany this application and that the statements made as part of this application are true, complete, and correct and that no material information has been omitted. By checking the box below, I understand and agree that I am electronically signing and filing this application.

By checking this box, I agree to the above certification. 2/27/2026 8:53 pm PUBLICUSER411119

# ATTACHMENT D



Tyler Quiel &lt;tyler@quiel.com&gt;

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**Application Submittal Incomplete – Outstanding Items Required on 26INT-00201**

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noreply@countyofsb.org <noreply@countyofsb.org>  
To: tyler@quiel.com

Mon, Mar 2, 2026 at 12:25 PM

This application submittal is incomplete.

*Please provide a floor plan of the existing “garage” and the proposed ADU layout (if changes are proposed). Please provide Intent to Serve letters from the Carpinteria Sanitary District and Montecito Water District indicating service availability for the proposed ADU as required pursuant to the CDP submittal checklist (CDP Submittal Checklist). Advisory: Submittal of the associated Building Permit Application for the ADU will require Can and Will Serve Letters (service availability letters are not sufficient). The Agreement to Pay form was recently revised and previous forms are no longer accepted. Please download, complete and upload the current ATP form (fa1394c1-c8de-422f-bb30-0d929b69f395).*

Please make every attempt to upload all requested documents/information at one time. Multiple uploads with partial information will require additional staff review and may delay acceptance of your application. If you have any questions regarding the information requested, please contact the zoning information counter (North County [nocounte@countyofsb.org](mailto:nocounte@countyofsb.org) or South County [front@countyofsb.org](mailto:front@countyofsb.org)).



# Coastal Development Permit Submittal Checklist

A Coastal Development Permit (CDP) is required before using any land or structure or commencing work to erect, move, alter, enlarge or rebuild a building or structure in the Coastal Zone of the unincorporated area of the County of Santa Barbara.

## REQUIRED APPLICATION FORMS

- [Owner/Applicant Consent](#)
- [Agreement to Pay](#)
- [Authorization of Applicant](#) – required if applicant is not the property owner
- [Authorization of Agent](#) – required if applicant is represented by an agent
- [Indemnification Agreement](#)
  - ✱ If Owner or Financially Responsible Party (FRP) is an entity (LLC, LLP, Trust, Fictitious Business Name, etc.) proof of signatory authority is required, or the application will not be accepted.

## REQUIRED DOCUMENTS

- Plan Set (see [Plan Set Checklist](#))
  - Site Plan/Topographic Map
  - Floor Plans
  - Elevations
  - Preliminary Grading and Drainage Plans (if applicable)
  - Compressed Digital Plan Set (will be made available to public upon request)
- Legal Description of project site (Title Report is not required at submittal but may be required for processing)
- Site Photos (near and mid-field photographs of the project parcel, the neighboring area and the project/development areas - Google Earth photos are not sufficient)
- Intent to Serve/Service Availability letter from the water and sanitary service provider(s), as applicable
- For projects subject to Board of Architectural Review, provide the [BAR checklist](#)
- For properties under an Agricultural Preserve contract, provide the [APAC checklist](#)

## REQUIRED FEES

A case number for the application will be assigned upon submittal of all required application forms and documents. An invoice for the required submittal fees will be provided to the applicant and/or agent with payment instructions. Applications are not accepted for processing until all intake fees are paid. Acceptance of an application package at intake is not a determination of application completeness. Additional information (e.g., special studies, updates to plans, etc.) may be required once assigned to a planner before final application processing.



Chronological Activity with Notes and Labor Hours, For CAP Number 26INT-00201

Project Information

Project Name:
Date Filed: 2/28/2026
Site Address: 3196 SERENA, CARPINTERIA, CA 93013
Parcel Number : 005-340-006
Planner: Unknown or Unassigned
Proj. Description: KHM

Conversion of an existing detached structure (converted garage/third structure) using 3202 Serena Ave. (existing active situs, APN 005-340-006), with a documented history as a habitable living unit prior to January 1, 2020, to recognize and legalize its use as an accessory dwelling unit pursuant to California Government Code section 66311.7 (formerly 66322). Section 66311.7 requires ministerial approval of habitable unpermitted units that were constructed or converted and used as dwellings prior to January 1, 2020 and that, at the time of legalization, meet the accessory dwelling unit definition in section 66313.

Labor Estimate: None Entered

Printed on March 3, 2026 at 11:55 am

Activity Summary

Status Date

03/02/2026 Activity: Application Submittal — Status: In Progress Time Spent: 0.8 Kimberley Mccarthy

Comment: Please provide a floor plan of the existing "garage" and the proposed ADU layout (if changes are proposed).

Please provide Intent to Serve letters from the Carpinteria Sanitary District and Montecito Water District indicating service availability for the proposed ADU as required pursuant to the CDP submittal checklist (CDP Submittal Checklist).

Advisory: Submittal of the associated Building Permit Application for the ADU will require Can and Will Serve Letters (service availability letters are not sufficient).

The Agreement to Pay form was recently revised and previous forms are no longer accepted . Please download, complete and upload the current ATP form (fa1394c1-c8de-422f-bb30-0d929b69f395).

Total Processing Hours Worked: 0.8

Total Inspection Hours Worked: 0.0

Grand Total of Hours Worked: 0.8

# ATTACHMENT E



Tyler Quiel &lt;tyler@quiел.com&gt;

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## Application Submittal Incomplete – Outstanding Items Required on 26INT-00201

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Tyler Quiel &lt;tyler@quiел.com&gt;

Fri, Mar 6, 2026 at 4:59 PM

To: "noreply@countyofsb.org" &lt;noreply@countyofsb.org&gt;, "McCarthy, Kimberley" &lt;kheaton@countyofsb.org&gt;

Dear Kimberley & Planning & Development Staff,

This email responds to the March 2, 2026 notice titled "Application Submittal Incomplete – Outstanding Items Required on 26INT-00201" for the ADU legalization at 3202 Serena Avenue (APN 005-340-006).

We are providing the following:

1. Floor Plan: A floor plan showing the converted garage.
2. Serve Letters: We've received letters from Carpinteria Sanitary District and Montecito Water District and uploaded them.
3. Agreement for Payment of Fees Document

With these documents submitted (floor plan, Intent to Serve letters upon receipt, updated ATP, and a state-law-compliant Indemnification Agreement), we understand that the intake requirements for Case 26INT-00201 have been satisfied. Please confirm that the application is now accepted as complete.

If Planning staff believe any additional objectively defined item from the adopted CDP/ADU checklist remains outstanding, please identify it specifically so we can address it promptly.

Sincerely,  
Tyler Quiel, Trustee  
Sandoval Quiel Revocable Living Trust  
3196 Serena Avenue, Carpinteria, CA 93013  
[Quoted text hidden]

# ATTACHMENT F

**McCarthy, Kimberley** <kheaton@countyofsb.org>  
To: Tyler Quiel <tyler@quiel.com>

Mon, Mar 9, 2026 at 1:36 PM

Hi Tyler,

Thank you for the requested documentation.

I can confirm that the planning application submittal package met the minimum submittal requirements. A case number was assigned (26CDP-00025) and the intake deposit fee invoiced. As noted on the Coastal Development Permit (CDP) Submittal Checklist, upon receipt of the required processing fees, P&D will **accept the application for processing** and assign the case to a planner. The planner will then begin review of the case for a Complete or Incomplete determination in accordance with the timelines established under State law.

Kimberley



Kimberley McCarthy  
*Supervising Planner*  
Planning & Development Department  
Permit Resources Division  
County of Santa Barbara  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
805-568-2005  
[kheaton@countyofsb.org](mailto:kheaton@countyofsb.org)  
<https://www.countyofsb.org/160/Planning-Development>

July 2, 2026

**VIA EMAIL & PERSONAL DELIVERY**

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
105 E. Anapamu Street, Room 407  
Santa Barbara, CA 93101

**Re: Protest Under Gov. Code § 66020 of Unlawful Charges Imposed in Violation of State ADU Law (§§ 66310 et seq.) and the Permit Streamlining Act (§§ 65920 et seq.)**

*Case Nos.:* 26CDP-00025 (Intake No. 26INT-00201), 25CDP-00037, and 25BDP-00544

*Property:* 3196 / 3200 / 3202 Serena Avenue, Carpinteria, CA 93013 (APN 005-340-006)

*Authorities:* State ADU Law (Gov. Code, §§ 66310 et seq.); Permit Streamlining Act (Gov. Code, §§ 65920 et seq.); Mitigation Fee Act and fee statutes (Gov. Code, §§ 66000 et seq.); and the Takings Clauses of the United States and California Constitutions

Dear Chair and Members of the Board:

Diana Sandoval and Tyler Quiel, as Trustees of the Sandoval Quiel Revocable Living Trust, owner of record of the property at 3196 / 3200 / 3202 Serena Avenue, Carpinteria, California (APN 005-340-006) (collectively, “Applicants”), hereby submit this written protest under Government Code section 66020, subdivision (a), objecting to and challenging the unlawful charges imposed by the County of Santa Barbara (“County”) in connection with the ministerial legalization of the existing accessory dwelling units at 3200 and 3202 Serena Avenue (collectively, the “Serena ADUs”), all of which have been deemed complete and deemed approved by operation of law. This protest is made under Government Code section 66020 and, in the alternative and cumulatively, under State ADU Law (Gov. Code, §§ 66310 et seq.), the Permit Streamlining Act, the Mitigation Fee Act and related fee statutes, and the Takings Clauses, so that Applicants objections are preserved however each charge is characterized. It preserves and renews Applicants’ protest of all unlawful charges imposed on the Serena ADUs, including ministerial Permits 26CDP-00025, 25CDP-00037, and 25BDP-00544, as set out below.

**I. Tender Under Protest — Gov. Code § 66020(a), (b), (d)**

The amounts protested, by ministerial ADU permit, are summarized below. Each protested amount represents, at minimum, the charges imposed in excess of the County’s own written Project Cost Estimate, and is stated as a floor and not a cap. The Applicants protest these amounts and, in addition, all further fees, charges, and planner-hour billings imposed in connection with these permits, as described below.

<b>Permit</b>	<b>County Estimate</b>	<b>Charged to Date</b>	<b>Amount Protested</b>
26CDP-00025 (Ministerial ADU)	\$2,502.24 (~8 hrs)	\$7,447.84	\$4,945.60
25CDP-00037 (Ministerial ADU)	\$2,237.00 (~7 hrs)	\$6,513.80	\$4,276.80
25BDP-00544 (Ministerial ADU)	\$555.00 (Supplemental Plan Check (half-hour increment))	\$2,710.00	\$2,155.00
<b>Total protested (as of date of letter)</b>			<b>\$11, 377.40</b>

*The total protested is a floor that does not include, and this protest expressly extends to, all additional fees, charges, and planner hours billed on any of these permits from the date of this letter through the final resolution of this matter and any judicial review, or judicial appeals.*

#### ***Fees already paid under protest***

For each Serena ADU permit on which the County issued a written Project Cost Estimate, the fees the County has charged have exceeded the amount it estimated. For example, the County's written Project Cost Estimate for Case No. 26CDP-00025 stated: "*Based upon our preliminary review, with associated fees for hearings and noticing, P&D estimates that processing your project will require approximately 8 planner hours for a total estimate of \$2,502.24.*" Applicants have now paid the County the full amount charged on that permit, \$7,447.84, including the \$4,821.60 the County invoiced after the application was deemed complete and approved by operation of law, which exceeds its written estimate by \$4,945.60. In each instance in which the County's charges have exceeded its written estimate, the charges Applicants have paid were tendered under protest. To the extent any portion of any such payment was not previously labeled "under protest," it is hereby expressly ratified and designated as tendered under protest pursuant to Government Code section 66020, subdivision (a).

#### ***Objections to future fees and conditions***

This protest is not limited to the amounts charged or paid to date. The County is continuing to bill Applicants for all of these matters, including for its defense, before the Board of Supervisors, of its own violations of State ADU Law and the Permit Streamlining Act in connection with Case No. 26CDP-00025. Applicants object to all such billing and demand that the County immediately cease imposing any further fee, charge, or planner-hour billing on any of the Serena ADU permits, including every charge arising from the County's defense of its own unlawful conduct, for which it has no lawful authority to charge. The County has no authority to bill Applicants for work it had no authority to perform under state law.

To the extent the County nevertheless continues to impose unlawful charges over Applicants' objection, Applicants protest each such charge and preserve all rights and remedies, including rights to judicial review, without conceding the County's authority to impose any such charge or its validity. Applicants' protest and objection to every such charge is expressly preserved through the administrative proceedings before the Board of Supervisors, the pending litigation between the parties, and any and all judicial review, appeals, or other proceedings, until this matter is finally resolved and all unlawful charges are refunded. This satisfies section 66020, subdivision (a)(1) and (a)(2)(A).

## **II. Factual And Legal Background**

### ***Ministerial applications deemed complete and deemed approved by operation of law***

Each of the Serena ADU permits was submitted as a ministerial accessory dwelling unit application, governed by State ADU Law and the Permit Streamlining Act in effect when the application was filed. Under the Permit Streamlining Act, a permitting agency must issue a written determination of completeness within 30 days of receiving an application; if it does not, the application is deemed complete by operation of law. (Gov. Code, § 65943.) The agency must then approve or deny the ministerial application within 60 days, or it is deemed approved by operation of law. (Gov. Code, §§ 66317, subd. (a), 65956, subd. (b).) For applications filed under current law, State ADU Law further requires a written completeness determination within 15 business days; if the permitting agency does not make a timely determination, the application or resubmitted application "shall be deemed to be complete for the purposes of this section." (Gov. Code, § 66317, subd. (a)(2)(A), (F).) In each instance, the County failed to meet the applicable deadlines, and each application was deemed complete, and approved by operation of law. Once an application is deemed approved by operation of law, no application remains to "process," and the County has no authority, and no service for which it may charge, in continuing to review, condition, or defend its handling of that application.

These were not inadvertent or first-instance lapses. The County imposed the protested charges with full knowledge of the very deadlines it violated, having been told, by its state regulator, by Applicants in pending litigation, and in its own written words, exactly what state law requires.

### ***The County was on formal written notice from the California Department of Housing and Community Development (HCD) of the very statutory deadlines it continues to violate***

On October 31, 2025, the California Department of Housing and Community Development issued written findings, under Government Code section 66326, subdivision (a), that the County's ADU ordinance fails to comply with State ADU Law. (**Attachment A** - HCD Findings Letter, Oct. 31, 2025.) HCD's Finding No. 2 identified the precise defect at issue here: the County required only that it consider an ADU application, rather than approve or deny it within 60 days of a complete application, as Government Code section 66317, subdivision (a) requires. (**Attachment A**, p. 2.) HCD further noted that, over the preceding year, it had received

several complaints about the County's implementation of its ADU ordinance, "particularly regarding the imposition of front setbacks and approval timelines." (**Attachment A**, p. 12.) *The County was thus expressly informed, in writing and by the state agency charged with enforcing State ADU Law, of the 60-day approve-or-deny duty it was failing to honor.*

***The County was on notice of these violations through pending litigation for 3200 Serena. Ave ADU (Case No. 25CV06984)***

The County is a respondent in the related action, *Diana Sandoval et al. v. County of Santa Barbara et al.*, Case No. 25CV06984 (Verified Petition for Writ of Mandate), which alleges these same violations, that the County converted a ministerial ADU process into discretionary review, issued serial and shifting incompleteness determinations in violation of Government Code section 65943, and failed to act within the mandatory statutory periods, such that the related Serena permits were deemed complete and deemed approved by operation of law. The County has therefore been on direct, particularized notice of the unlawfulness of its conduct as to this very property and these very applications.

***The County admitted the governing statutory deadlines in its December 12, 2025 letter***

On December 12, 2025, in its formal response to HCD's findings, the County conceded the requirement it continues to violate. (**Attachment B** - County Response to HCD Findings, Dec. 12, 2025.) The County agreed to "comply with SB 543, which requires the agency to determine whether an ADU application is complete within 15 business days of submittal." (**Attachment B**, Response to Finding No. 2.) The County thus expressly acknowledged, in its own words, both the 60-day decision deadline and the 15-business-day completeness deadline that state law requires.

***The County violated the same statutory deadlines again in 2026, after all of these written notices***

Notwithstanding HCD's notice, the pending litigation, and its own written admission, the County continued to violate the very same statutes in 2026 on Case No. 26CDP-00025: failing to issue a timely completeness determination, failing to approve or deny within the mandatory period, and then invoicing Applicants over \$4,800.00 after the application had been deemed approved by operation of law. The County did not violate State ADU Law in ignorance; it did so after being told, repeatedly and in writing, precisely what the law required, and after expressly conceding those very deadlines in its December 12, 2025 response to HCD and committing to comply. A charge imposed for "processing" an application the County had no lawful authority to keep processing, billed by an agency that knew the deadlines had run, is not a charge for any service the law permits the County to render or to bill.

***The County's charges far exceed its own estimate and are tied to its own violations of state law***

The County estimated approximately 8 planner hours (\$2,502.24) to process the ministerial ADU permit. Its own chronological labor record for Case No. 26CDP-00025 instead shows over 14 hours billed, the great majority of which is not attributable to any service rendered to Applicants, but to the County's own conduct. The record includes, among others, the following entries:

<b>Date</b>	<b>Hrs</b>	<b>Staff</b>	<b>County's own description of the work</b>
04/23/2026	2.5	W. Brown	finished review of application, finished incomplete letter and sent to applicant
05/04/2026	0.7	W. Brown	review of appeal letter and gov code sections
05/27/2026	0.2	W. Brown	call discussing incomplete letter
05/27/2026	0.2	W. Brown	placed appeal on BOS long range calendar for 7/7
06/01/2026	3.0	W. Brown	worked on Board Agenda Letter for appeal of incomplete determination
06/01/2026	0.8	H. Wakamiya	research, discuss ADUs w/ WB
06/02/2026	4.0	W. Brown	worked on Board Agenda Letter for appeal of incomplete determination
06/03/2026	1.0	W. Brown	finished draft BAL and sent for review
06/09/2026	1.0	W. Brown	edits to BAL, sent for further review, research and response to applicant questions
<b>Total billed</b>	<b>14.7</b>	<b>(vs. 8 estimated)</b>	

The same Board Agenda Letter, the County's own appeal document, calendared before the Board for July 7, 2026, confirms the escalation and contradicts itself. In its fiscal section, the County represents that "Total costs for processing the Project are approximately \$8,200 (25 hours of staff time)," roughly triple the County's original written estimate of approximately 8 planner hours and \$2,502.24, and inconsistent even with the 14.7 hours reflected in the County's own contemporaneous labor record for the same matter. The County further states that "[t]he processing fees are paid by the applicant and factored into the FY 2025-26 Adopted Budget," confirming that these charges function as a budgeted revenue source rather than the reasonable cost of any specific service rendered to Applicants. The County's cost figures thus shift upward, from 8 hours estimated, to 14.7 hours billed, to 25 hours claimed, as needed to support the very violations and appeal Applicants are contesting.

The record speaks for itself. Of the hours billed, only 2.5 hours, the April 23, 2026 entry, is described as "review of application," and even that entry produced the untimely incompleteness determination. Roughly over 9.0 hours were spent preparing a Board Agenda Letter for the pending appeal, i.e., the County litigating its own unlawful actions, and

approximately 1.5 hours (the “review of appeal letter and gov code sections” and “research, discuss ADUs” entries) were spent on the County’s own study of the ADU statutes.

This billing is objectionable on two grounds. First, the County is charging Applicants to defend, on appeal, its own violations of state law, billing Applicants for the cost of the County’s defense of conduct it had no lawful authority to undertake. In effect, the County is charging Applicants for the cost of resisting Applicants’ own statutory remedy against unlawful conduct. This is compounded by its timing: nearly all of this work was performed after the application was deemed approved by operation of law. At that point no application remained pending to “process,” and the County’s continued substantive and appeal-related activity was not authorized ministerial processing but discretionary review the ADU statutes forbid.

Second, the County is charging Applicants for the time its staff spent educating themselves on the governing accessory dwelling unit law (“research, discuss ADUs”; “review of ... gov code sections”). The County’s unfamiliarity with state law it is required to know and ministerially apply is its burden to bear, not a “service” for which it may bill Applicants. Nor can the County characterize this as good-faith study of an unsettled question. It had already been told, in writing and more than once, exactly what State ADU Law required, and had expressly conceded those requirements in its own December 12, 2025 response to HCD, before its staff billed Applicants to “research” them. Charging Applicants to educate staff on deadlines the County already admitted it knew converts the County’s own non-compliance into a billable event, which Government Code section 66014 does not permit.

### **III. Legal Argument**

#### ***The post-approval and discretionary charges are void as ultra vires, not merely excessive***

Accessory dwelling unit permit applications **shall** be considered and approved ministerially, without discretionary review or a hearing, and evaluated only against objective standards. (Gov. Code, §§ 66317, subd. (a)(1); 66314, subd. (b)(1).) The County therefore had no authority to conduct discretionary review of the Serena ADU applications at all. Moreover, the Serena ADU applications were deemed complete and deemed approved by operation of law, after which no application remained pending to process. (Gov. Code, §§ 66317, subd. (a)(3); 65956.) Charges for (a) discretionary, non-ministerial review; (b) activity performed after the deemed approval; and (c) generating and defending the County’s untimely, unlawful incompleteness determination are not charges for any service the County was authorized to render. They are not a “reasonable cost of providing the service” under Government Code section 66014, nor “costs incurred to implement” the ADU statute under Government Code section 66317, subdivision (a)(3); they are charges for acts the County had no legal authority to perform. Such charges are ultra vires and void, not merely excessive. A local agency cannot lawfully bill an applicant for the cost of violating the very statutes, State ADU Law and the Permit Streamlining Act, that it was required to follow.

***These charges are “other exactions” subject to protest and refund under section 66020***

The charges at issue are not ordinary building-permit or plan-review fees of the kind addressed in *Barratt American, Inc. v. City of Rancho Cucamonga* (2005) 37 Cal.4th 685. Instead, they are entirely unauthorized demands. They are charges the County had no lawful authority to impose at all, for discretionary review the ADU statutes forbid, for activity after the applications were deemed approved by operation of law, and for the County’s defense of its own untimely, unlawful incompleteness determination. As the California Supreme Court confirmed in *Sterling Park, L.P. v. City of Palo Alto* (2013) 57 Cal.4th 1193, section 66020 reaches not only “fees” but “other exactions,” a term that includes any compensation “arbitrarily or wrongfully demanded” or otherwise not lawfully or properly due. (*Id.* at p. 1204.) *Barratt’s* narrower description of section 66020 applies only to charges that section 66014, subdivision (c) channels into section 66022; the Supreme Court has since clarified that what it said in *Barratt* about section 66014 fees “has no bearing” on whether charges not governed by section 66014 are “other exactions” under section 66020. (*Sterling Park*, *supra*, 57 Cal.4th at p. 1206.) Because the County’s charges were not lawfully due, they are “other exactions” subject to protest and refund under section 66020, subdivision (e).

The recent decision in *Garst v. Tehama County Flood Control & Water Conservation District* (June 29, 2026, C103356) [pub. Opn.] confirms both principles. First, a local agency bears the burden of proving that a charge was actually imposed pursuant to its claimed statutory authority before the agency may invoke that statute’s limitations period or procedural prerequisites; a charge exceeding the scope of the agency’s delegated authority is *ultra vires* and void, and the statute’s procedural shields do not apply. (*Garst*, *supra*; accord, *KCSFV I, LLC v. Florin County Water Dist.* (2021) 64 Cal.App.5th 1015, 1031–1033.) The County therefore cannot channel these unauthorized charges into section 66022’s validation procedure without first proving they were lawful section 66014 fees, which, for the reasons stated above, it cannot do. Second, *Garst* reaffirms that under article XIII C, the local government must prove a charge falls within an enumerated exception, and that the regulatory-cost exceptions reach only charges imposed in exchange for government services provided to the payor or reflecting burdens the payor’s activities create. (*Garst*, *supra*, citing *Zolly v. City of Oakland* (2022) 13 Cal.5th 780, 795.) Charges for the County’s defense of its own unlawful conduct and for its staff’s self-education confer no service on Applicants and reflect no burden Applicants created; they fall within no exception and are unvoted taxes.

***Charges above the reasonable cost of service are an unlawful, unvoted tax — Gov. Code § 66014(a); Cal. Const., art. XIII C***

Government Code section 66014, subdivision (a), provides that permit and planning fees “may not exceed the estimated reasonable cost of providing the service for which the fee is charged,” unless any amount above that is approved “by a popular vote of two-thirds of those electors voting on the issue.” The California Constitution is to the same effect. Under article XIII C, section 1, subdivision (e) (Proposition 26), every levy, charge, or exaction imposed by a local

government is a “tax” requiring voter approval unless it falls within a narrow exception, including, as relevant here, a charge for a specific government service provided directly to the payor that does not exceed the reasonable cost of providing it (art. XIII C, § 1, subd. (e)(2)), or a charge for the reasonable regulatory costs of issuing permits and performing investigations and inspections (id., subd. (e)(3)). In each case, the exception applies only to the extent the charge does not exceed the reasonable cost of the activity.

Critically, the County bears the burden. Under article XIII C, section 1, subdivision (e), the local government must prove, by a preponderance of the evidence, that a charge is not a tax, that the amount is no more than necessary to cover the reasonable cost of the governmental activity, and that the manner in which those costs are allocated to the payor bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, that activity. On this record, the County cannot carry that burden.

The County obtained no two-thirds voter approval for any charge in excess of its reasonable cost. Yet it has billed Applicants amounts that exceed its own written “estimated reasonable cost” figures by roughly threefold. The additional hours reflected in its own labor record were not spent providing any lawful service to Applicants, but on activity the County had no authority to perform: discretionary, non-ministerial review; work performed after the application was deemed approved; the generation and defense of the County’s untimely, unlawful incompleteness determination; and the County’s own internal study of the ADU law. Charges of that character do not fall within any exception recognized by article XIII C, because they either exceed the reasonable regulatory cost of a permit or are for activities that confer no service or regulatory benefit on Applicants at all. The County therefore lacks constitutional authority to impose or retain those amounts without voter approval. To the extent the County’s charges exceed its reasonable costs or are for non-qualifying activities, they are unlawful taxes imposed without the voter approval the California Constitution requires, and are unconstitutional and unenforceable to that extent.

***The charges penalize a section 66311.7 legalization — Gov. Code § 66311.7***

Government Code section 66311.7 was enacted to remove financial barriers and deterrents to the legalization of pre-2020 ADU units. As the Department of Housing and Community Development confirms in its Accessory Dwelling Unit Handbook (March 2026), the legalization statute (Assembly Bill 2533) prohibits a local agency from penalizing an applicant and restricts the fees that may be imposed in connection with legalization. (ADU Handbook, at pp. 47–48.) Billing Applicants for the County’s own delay, for defending its unlawful incompleteness determination, and for educating its staff about the law it is obligated to know and ministerially apply penalizes Applicants for seeking the very legalization the Legislature directed the County to facilitate.

***ADU-specific fee limits — Gov. Code §§ 66311.5, 66314, 66311.7***

The County does not appear to have imposed a separate impact, school, connection, or capacity fee on the Serena ADUs to date. To the extent any such fee has been included in the County's charges or is imposed hereafter, Applicants object to it and preserve the following limits. Under Government Code section 66311.5, subdivision (c)(1), a local agency may not impose any impact fee on an ADU of 750 square feet or less of interior livable space; the Serena ADUs fall within that exemption. And because the Serena ADUs are conversions of existing space, not units constructed with a new single-family dwelling, they may not be treated as a new residential use for purposes of connection fees or capacity charges (*Id.*, subd. (b)), and no new or separate utility connection or related connection fee or capacity charge may be required (*Id.*, subd. (d)). Applicants reserve the right to protest any such fee upon learning it has been charged, including through the accounting and cost data the County is required to provide.

***Any purported exaction or condition is void; in the alternative, it fails nexus and proportionality — U.S. Const., 5th Amend.; Cal. Const., art. I, § 19***

Because the applications were deemed approved by operation of law, there was no discretionary approval to which the County could attach any condition or exaction, and any condition or charge the County purported to impose after deemed approval is void for the reasons stated above. In the alternative, to the extent any such condition or exaction is nonetheless purported to have attached, it must independently satisfy the essential-nexus and rough-proportionality requirements of the Takings Clause. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825) The County cannot avoid that scrutiny by pointing to a fee schedule or ordinance: the United States Supreme Court has held these requirements apply to permit conditions whether imposed administratively or by legislation, and whether the condition takes the form of property or a monetary exaction. (*Sheetz v. County of El Dorado* (2024) 601 U.S. 267.) A charge or condition imposed on a no-expansion conversion of an existing pre-2020 structure, one that adds no new dwelling and creates no new impact, bears no nexus or proportionality to any legitimate land-use interest. Applicants do not concede that any such condition validly attached, and preserve this objection in the alternative, without conceding that the County's processing charges, governed by the reasonable-cost and "other exactions" principles stated above, are subject to or saved by this analysis.

***No service supports charges after deemed approval***

Because the applications were deemed complete and approved by operation of law, no application remained pending to be "processed" thereafter. There is accordingly no reasonable cost of any service to Applicants to support the charges that continued to accrue, including the appeal-related charges, and those charges are unlawful exactions.

***This is an as-applied challenge; the section 66014(c) / 66022 route is reserved, not required***

This protest is an as-applied challenge to the County’s imposition of charges on these specific ministerial ADU applications, not a facial attack on any County fee ordinance, resolution, or motion. Because these charges are “other exactions” not lawfully due, section 66020 governs, and its protest-and-refund procedure applies rather than the section 66022 validation route. (*Sterling Park*, supra, 57 Cal.4th at pp. 1205–1206.) This protest is properly raised under Government Code section 66020 and by petition for writ of mandate (Code Civ. Proc., §§ 1085, 1094.5), not as an action under section 66014, subdivision (c). To the extent any aspect of this dispute is deemed to require a challenge to the fee authorization itself under sections 66014(c), 66016(e), and 66022, Applicants reserve and will timely pursue that remedy, and nothing here waives it.

**IV. Notice**

Section 66020, subdivision (d)(1), requires the County, “at the time of the approval of the project or at the time of the imposition of the fees,” to give the applicant written notice stating each fee amount and “that the 90-day approval period in which the applicant may protest has begun.” The County gave no such notice as to any charge on any of the Serena ADU permits. As to the charges the County imposed after the applications were deemed approved by operation of law, including the \$4,821.60 invoiced after deemed approval, no protest period could run from any “approval,” because those charges did not exist at approval; the only possible trigger is the date of the imposition of the fees, and the statute required the County to give written notice at that time, which it never did. As to every other charge, the County likewise gave no notice at approval or at imposition. Under any trigger, the County failed to provide the required notice, and Applicants do not concede that any protest or limitation period has commenced or expired as to any charge.

This protest is submitted to preserve Applicants’ rights however the timing of any charge is later characterized, and reserves Applicants’ objection to every fee, charge, and planner-hour billing on any Serena ADU permit, whether already imposed or imposed hereafter, through final resolution and any judicial review.

**V. Reservation of Rights**

This protest is made pursuant to Government Code section 66020, subdivision (a). Applicants expressly reserve the right to file, within the time allowed by section 66020, subdivision (d)(2), an action to attack, review, set aside, void, or annul the imposition of the protested fees and charges, and the right to seek all remedies available under section 66020, subdivisions (e) and (f), including refund of the unlawful portion of all amounts paid, with simple interest at the rate of 8 percent per annum under section 66020, subdivision (e), accruing from the date of each payment until the amounts are refunded, or, in the alternative, prejudgment interest under Civil Code section 3287 at the applicable statutory rate, and any other relief available under the Mitigation Fee Act, the ADU statutes, and the Permit Streamlining Act.

Interest is accruing on these amounts now, and will continue to accrue until the County refunds them.

This protest is submitted under Government Code section 66020 and, in the alternative and cumulatively, under Government Code sections 66014, 66016, 66021, 66022, and 66023; the accessory dwelling unit fee provisions of sections 66311.5, 66314, 66317, and 66311.7; the Permit Streamlining Act (Gov. Code, § 65920 et seq.); the Mitigation Fee Act (Gov. Code, § 66000 et seq.); and the Takings Clauses of the United States and California Constitutions. Applicants' election to use the section 66020 procedure is protective and is without prejudice to Applicants' position that the disputed charges are unlawful under sections 66014, 66317, and 66311.7 and recoverable in the pending writ proceeding. No payment made under this protest waives or limits any of these rights, and nothing in this protest is a concession that section 66020 is the exclusive or required vehicle for any charge.

Without conceding its necessity, and without prejudice to Applicants' position that section 66020 provides the governing protest-and-refund procedure, Applicants also protectively presented a claim under the Government Claims Act (Gov. Code, § 910 et seq.) for the amounts at issue, which confirms and supplements the claim presented by this protest.

Nothing in this protest waives any claim, right, damages, or remedy in the pending writ proceeding concerning, or in any related proceeding.

Please include this letter in the administrative record for Case Nos. 26CDP-00025, 25CDP-00037, and 25BDP-00544.

Sincerely,



Diana Sandoval, Trustee  
3200 Serena Ave.  
Carpinteria CA, 93013  
APN 005-340-006

July 2, 2026

**VIA EMAIL & CERTIFIED MAIL**

California Coastal Commission  
89 S. California St., Suite 200,  
Ventura, CA 93001  
Email: SouthCentralCoast@coastal.ca.gov;  
Barbara.Carey@coastal.ca.gov

**Re: Failure to Act Notice Pursuant to 14 CCR § 13571(b)(1) - Ministerial ADU  
Permit Application No. 26CDP-00025 (3202 Serena Ave., Carpinteria)**

Dear South Central Coast District Staff and Ms. Carey:

Pursuant to the California Accessory Dwelling Unit Law (Gov. Code, § 66310 et seq.), the Permit Streamlining Act (Gov. Code, § 65920 et seq.), and Title 14, California Code of Regulations section 13571, subdivision (b)(1), this correspondence provides formal Failure to Act Notice to the California Coastal Commission (“Commission”). The County of Santa Barbara Planning and Development Department (“County”) has failed to act on the ministerial Accessory Dwelling Unit (ADU) permit application No. 26CDP-00025, within the statutory time limits required by State law. As a result, the permit application is deemed complete and approved by operation of law. A copy of the Failure to Act Notice provided to the County is attached for the Commission’s reference.

Sincerely,



Diana Sandoval, Trustee  
3200 Serena Ave.  
Carpinteria, CA 93013

July 2, 2026

**VIA EMAIL & PERSONAL DELIVERY**

Director Lisa Plowman  
Santa Barbara County  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101  
Email: lplowman@countyofsb.org

Rachel Van Mullem  
Santa Barbara County Counsel  
105 East Anapamu Street, Suite 201  
Santa Barbara, CA 93101  
Email: rvanmull@countyofsb.org

**Re: Failure to Act Notice and Permit Deemed Approved by Operation of Law -  
Ministerial ADU Permit Application No. 26CDP-00025 (3202 Serena Ave.,  
Carpinteria)**

Dear Ms. Plowman and Ms. Van Mullem:

Pursuant to the California Accessory Dwelling Unit Law (Gov. Code, § 66310 et seq.), the Permit Streamlining Act (Gov. Code, § 65920 et seq.), and Title 14, California Code of Regulations section 13571, subdivision (b)(1), this letter provides formal notice of the County of Santa Barbara Planning and Development Department's ("County") failure to act on ministerial Accessory Dwelling Unit (ADU) permit application No. 26CDP-00025 for 3202 Serena Avenue, Carpinteria, California. As a result of that failure, the application is deemed complete and approved by operation of law.

Application No. 26CDP-00025 was deemed complete as early as March 9, 2026, when the County confirmed in writing that the resubmitted application satisfied all applicable requirements. In any event, and at the latest, the application was deemed complete no later than March 27, 2026, by operation of law upon expiration of the 15-business-day completeness-review period. (Gov. Code, § 66317, subds. (a)(2)(A), (E), (F).)

The County was required to approve or deny the completed ministerial ADU application within 60 days, and its failure to do so results in approval by operation of law. (Gov. Code, § 66317, subd. (a)(3); see also Gov. Code, § 65956, subd. (b).) Section 66329, subdivision (a) requires the County to act on the associated coastal development permit "pursuant to Section 66317" and concurrently with the ADU application, thereby applying the same 60-day deadline and deemed-approval remedy to both. Accordingly, the application was approved by operation of law as early as May 8, 2026 (60 days after the March 9, 2026 completeness date), and no later than May 26, 2026 (60 days after the March 27, 2026 operation-of-law completeness date). In any event, regardless of which completeness date applies, more than 60 days have elapsed since any date on which the application could reasonably have been deemed complete; accordingly, the application stands approved by operation of law as of the date of this notice.

Please include this notice in the administrative record for Application No. 26CDP-00025. Consistent with our objections and express reservations of rights throughout this administrative process, we do not waive any statutory deadlines, rights, or approvals asserted herein. All rights and remedies are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Sandoval', with a vertical line at the end.

Diana Sandoval, Trustee

3200 Serena Ave.

Carpinteria, CA 93013

*CC: California Coastal Commission; California Department of Housing and Community Development*

July 2, 2026

**VIA EMAIL & PERSONAL DELIVERY**

Santa Barbara County  
Board of Supervisors  
c/o Clerk of the Board  
105 E. Anapamu Street,  
Room 407  
Santa Barbara, CA 93013

Rachel Van Mullem  
Santa Barbara County  
Counsel  
105 East Anapamu Street,  
Suite 201  
Santa Barbara, CA 93101  
rvanmull@countyofsb.org

Director Lisa Plowman  
Santa Barbara County  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, CA 93101  
lplowman@countyofsb.org

**Re: Notice of Intent to Commence Action Pursuant to Gov. Code §  
65914.2—Ministerial ADU Permit Nos. 26CDP-00025, 25CDP-00037, 25BDP-00544  
(3196/3200/3202 Serena Ave., Carpinteria; APN 005-340-006)**

Dear Chair, Members of the Board, Ms. Plowman, and Ms. Van Mullem:

Diana Sandoval and Tyler Quiel, as Trustees of the Sandoval Quiel Revocable Living Trust (“Applicants”), owners of 3196/3200/3202 Serena Avenue, Carpinteria (APN 005-340-006), hereby provide written notice pursuant to Government Code section 65914.2, subdivision (b)(2)(A)(i)(II), of their intent to commence an action against the County of Santa Barbara (“County”) to enforce compliance with housing reform laws as applied to Applicants’ ministerial ADU applications.

**Factual elements.** Application No. 26CDP-00025 was deemed complete no later than March 27, 2026, and as early as March 9, 2026, per the County’s own written confirmation. The County failed to approve or deny the application within 60 days, and it was therefore deemed approved by operation of law, no later than May 26, 2026. Ministerial ADU Permit Nos. 25CDP-00037 and 25BDP-00544 were likewise deemed complete and approved by operation of law upon the County’s failure to act within the statutory periods, as detailed in Case No. 25CV06984 and Applicants’ Government Code section 66020 protest, incorporated by reference. The County has refused to recognize the approvals, issued an untimely incompleteness determination, continued unauthorized review and appeal proceedings (calendared July 7, 2026), and imposed charges far exceeding its written estimates, including approximately \$4,821.60 invoiced on 26CDP-00025 after deemed approval, and more than \$11,000 in excess charges across the three permits. Each permit concerns a housing development project.

**Legal theory.** By failing to make a timely completeness determination, failing to approve or deny the completed application within 60 days, refusing to recognize the resulting deemed approval of the ADU permit and associated coastal development permit, and imposing charges for unauthorized post-approval and discretionary activity, the County violated housing reform

laws within the meaning of section 65914.2, subdivision (d)(2), including Government Code sections 66317, subdivisions (a)(1), (a)(2)(A), (E), (F), and (a)(3); 66329, subdivision (a); 65943; 65956, subdivision (b); and 66014, 66311.5, and 66311.7.

**Prior HCD notice.** On October 31, 2025, the Department of Housing and Community Development advised the County in writing (Finding No. 2, § 66326, subd. (a) findings) that its failure to approve or deny ADU applications within 60 days violates section 66317, subdivision (a) the same violation alleged here. The County conceded these requirements in its December 12, 2025 response.

This notice supplements and does not limit Applicants' pending petition (Case No. 25CV06984), their section 66020 protest, or any other right or remedy, all of which are reserved. Please include this notice in the administrative record for Case Nos. 26CDP-00025, 25CDP-00037, and 25BDP-00544.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Sandoval', with a vertical line at the end.

Diana Sandoval, Trustee  
3200 Serena Ave.  
Carpinteria, CA 93013