

Katherine Douglas

Public comment - Closed session

**From:** Jana Zimmer <zimmerccc@gmail.com>  
**Sent:** Tuesday, June 23, 2026 11:08 AM  
**To:** roy.lee@countyofsb.org  
**Cc:** Laura Capps; Joan Hartmann; Steve Lavagnino; Bob Nelson; sbcob  
**Subject:** Fwd: Letter of support for 2640 Las Encinas Lane  
**Attachments:** Santa Barbara County 2640 Las Encinas Ln appeal.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.**

Supervisor Lee:

I was present this morning but not allowed to speak in public comment because this matter is "on the Agenda". Therefore, please read into the record and review the below remarks and attachment when you consider my matter in closed session.

1. This case is not and never was about fire safety. It continues to be about errors you made three years ago, and which your staff still refuses to correct. And bear in mind, I have never been given any opportunity to appeal any of your staff's incorrect determinations or illegal demands.
2. Please see the letter delivered this date from **YIMBY**. It confirms *exactly* what I have been arguing for three years. (See Para 80-82 of the First Amended Complaint). The County cannot require any improvements as a condition or prior to recordation of this lot split, offsite or otherwise, prior to building permit. Typically, such improvements are required, if at all, prior to *framing of construction*.
3. The County's conduct over the last three years- including and most especially, your Planning Director and Deputy, your *former* Fire Marshal, your *former* Fire Chief and your *former* First District Supervisor has made it impossible for me to proceed with construction under the building permit that both Fire and Planning approved in 2022.
4. Despite my legal objections, I and those of my neighbors willing to cooperate have eliminated prior "obstacles": widening and repaving the lane to 15', removal (by act of God) of the Museum's overhanging oak. The only 'nonconforming' area- a few feet along the Bartz property, is not in my control, but was in the County's. If you continue to prevent recordation of my lot split, you are perpetuating the former Fire Marshal's erroneous demands.

I am already dealing with the fact that the County's conduct and intransigence, collectively, has prevented me from constructing the small house that was approved both by P&D and Fire. I have never seen a case where the Fire Department was given authority to prevent construction of an approved dwelling, and certainly not where there is no actual public health or safety impact under the law. **I still need the lot split so I can make and or finance alternative plans to address my and my husband's need to age in place.**

It is past time to bring this matter to a close.

Thank you.

Jana Zimmer

----- Forwarded message -----

From: **Jana Zimmer** <[zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)>

Date: Tue, Jun 23, 2026 at 7:14 AM

Subject: Fwd: Letter of support for 2640 Las Encinas Lane

To: Jacquelyne Alexander <[sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)>, Katherine Douglas <[kdoug@countyofsb.org](mailto:kdoug@countyofsb.org)>

please distribute

Jana Zimmer

(805)705-3784

----- Forwarded message -----

From: **Jack Farrell** <[jack@yesinmybackyard.org](mailto:jack@yesinmybackyard.org)>

Date: Tue, Jun 23, 2026 at 6:20 AM

Subject: Letter of support for 2640 Las Encinas Lane

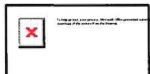
To: <[sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)>

Good morning,

Please find attached YIMBY Law's letter of commentary on the ongoing 2640 Las Encinas Project.

Sincerely,

**Jack Farrell** *he/him*  
Research Attorney  
267-218-1147



[Check out everything we achieved in 2025!](#)

# YIMBY Law

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San Francisco, CA 94114

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Ms. Mona Miyasoto, Clerk of the Board  
Santa Barbara County Board of Fire Appeals  
105 E. Anapamu St. 4<sup>th</sup> floor  
Santa Barbara, CA. 93101

**Re: Appeal of Fire Marshal Denial of “Same Practical Effect” Determination  
2640 Las Encinas Lane**

Honorable Board Members:

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law, the Housing Crisis Act, and the Housing Accountability Act.

We have recently become aware of the ongoing dispute over the SB 9 project located at 2640 Las Encinas Lane. The applicant obtained a building permit in 2022 which has been extended to conclude the housing project. The sole obstacle to approval of that lot split is the County’s insistence that, prior to Planning Department approval, she must construct offsite improvements. It is our understanding that the process of a local fire appeal cannot actually be conducted, and therefore the project is not required to seek an appeal. California law obligates the County and all government agencies to approve this project, without requiring offsite improvements.

The law is quite unambiguous about SB 9 projects and offsite development:

“...a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite

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improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.”

Gov. Code § 66411.7 (b)(1)(3).

HCD has reiterated this point to the County specifically, as recently as October of 2025.<sup>1</sup> Any demand that the applicant perform these improvements prior to the Planning Director’s processing of an application is entirely without legal justification.

SB9 projects are entitled to ministerial review,<sup>2</sup> and are only subject to review under objective design standards;<sup>3</sup> objective standards 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.<sup>4</sup> It is our understanding that because your Fire Board does not have a quorum, you have not set a hearing on the appeal that County Counsel required for the applicant’s project. Unknowable criteria fail this standard, such as whether a given board of appeals will be staffed and by when.

Under SB 9 requirements, the County has the burden to prove, by a preponderance of evidence, that construction of the unit will result in a specific

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<sup>1</sup> California Department of Housing & Community Development, *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)*, (Oct. 31, 2025), <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/santa-barbara-cou-sb9-findings-103125.pdf>

<sup>2</sup> Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1).

<sup>3</sup> Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c).

<sup>4</sup> California Department of Housing & Community Development, *SB9 Fact-Sheet*, (Sept. 2024), <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-9-fact-sheet.pdf>.

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health and safety hazard. Without such proof and without illegally applied standards, the project must be approved.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

Sonja Trauss  
Executive Director  
YIMBY Law