

Sheila de la Guerra Public Comment - Closed Session

From: Jack Farrell <jack@yesinmybackyard.org>
Sent: Tuesday, June 23, 2026 6:20 AM
To: sbcob
Subject: Letter of support for 2640 Las Encinas Lane
Attachments: Santa Barbara County 2640 Las Encinas Ln appeal.pdf

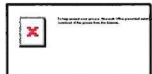
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Good morning,

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!](#)



Ms. Mona Miyasoto, Clerk of the Board
Santa Barbara County Board of Fire Appeals
105 E. Anapamu St. 4th 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



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 2025.¹ 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,² and are only subject to review under objective design standards;³ 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.⁴ 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

¹ 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>

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

³ Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c).

⁴ 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