

A-27

Katherine Douglas

Public Comment

**From:** Jana Zimmer <zimmerccc@gmail.com>  
**Sent:** Friday, April 17, 2026 11:09 AM  
**To:** Katherine Douglas  
**Cc:** Bob Nelson; roy.lee@countyofsb.org; Laura Capps; Joan Hartmann; Steve Lavagnino  
**Subject:** Public comment A-27 and General Public Comment April 21, 2026  
**Attachments:** Chart Comparison of Fire Board Rules 4.17.2026.docx

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Honorable Supervisors:

The attached material is submitted in connection with Item A-27, which now has been requested to be continued by the Fire Department. This is to request that the matter be placed on the public hearing Agenda, if it is further continued, as it raises serious questions pertaining to the County's duties to approve ministerial housing projects, the Board's authority, and fair process, as well as my pending lot split application. County Counsel's/Fire's prior submittal and proposed Resolution did not include the *existing* rules. See, Comparison chart, attached. I have been in communication with your new Fire Chief and the County Administrative Officer about these concerns and hope to speak with them soon, as is my right to request, regardless of pending litigation.

Second, since your Board has not considered my litigation in a year, has never allowed me any appeal, and I have no idea what the Board has been told in closed session, please be advised that we are requesting that the court order a mandatory settlement conference at the earliest time. **We are asking the court to direct the Chair of the Board and the Supervisor for the First District to participate in that conference.** Resolution of these issues has been delayed for three *years* because your Planning Director illegally suspended processing of my SB 9 lot split application, which was filed specifically to enable me to finance and actually construct the house that has been approved by P&D and by Fire (with a Fire Protection certificate). Damages continue to accrue.

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Jana Zimmer

(805)705-3784

<u><i>The FIRE BOARD Rules as applied to Zimmer Appeal, now and since first appeal, July 2023 (which County refused to process)</i></u>	<u><i>The Rules CHANGES proposed to the Board of Supervisors on 4.7.2026, with no notice to the public, or Zimmer</i></u>
<p>A. Jurisdiction: No jurisdiction to determine “same practical effect”. Never determined “same practical effect” . (Fire Marshal recommendation to Planning Director, appeal under 14 CCR 1270.06, <i>not under Chapter 15</i>) <b>Planning Director continues to hold the application in limbo (3) years on, even though she knows mitigation measures have been “adopted” and will be performed after (e-mail Plowman to Zimmer, attached.)</b></p>	<p>1. Still no mention of “same practical effect” in Rules. <b>(Note: County Counsel claims to the court this is the required process, but has not disclosed that the Planning Director is the designated “decider”. Planning Director now admits that Zimmer need only “adopt” mitigation measures, not perform them.)</b></p>
<p>B. APPEAL TO BOARD OF SUPERVISORS, then to court via writ of mandate</p>	<p><b>NO APPEAL TO BOARD OF SUPERVISORS</b></p>
<p>C. Function: to hear appeals to determine suitability of alternate materials and types of construction and to provide reasonable interpretation of provisions of the Fire Code</p>	<p>Appeals of <b>all interpretation</b> of Chapter 15, Chapter 10, modification, variance, and Fire Department conditions related to a building permit.</p>
<p>D. Due process protections</p> <p>12, 13: Department and Board of Supervisors have separate legal counsel</p>	<p>None</p> <p>Zimmer has <i>never</i> been granted any appeal hearing, either from P&amp;D to Planning Commission/Board of Supervisors, or Fire Marshal to Board of Supervisors. County Counsel continues to represent Fire <b>Marshall in closed sessions with Board</b>. This conflict is manifested, again a manifestation of an <u>unacceptable risk of bias</u> (see, e.g. <i>Chi v. Dept of Motor Vehicles, (4/6/2026)</i> and an <i>intentional, continuing violation of Zimmer’s rights to procedural and substantive due process</i>.</p>
<p>#4 prehearing conferences on issues of fact and law</p>	<p>Eliminated. Zimmer’s case turns on an issue of law which Tan (and Plowman) have been notified of, but have ignored: whether he or P&amp;D can require Zimmer to perform any improvements <u>prior to recordation of lot split</u>.</p>
<p>#6 Right to disqualify a member, process</p>	<p>No right to disqualify. Tan has proposed City Fire Marshal as a third member, who already has formed an opinion on the mandatory minimum road width, and communicated it.</p>



## Katherine Douglas

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**From:** Jana Zimmer <zimmerccc@gmail.com>  
**Sent:** Friday, April 17, 2026 11:18 AM  
**To:** Katherine Douglas; Laura Capps; Bob Nelson; Joan Hartmann; Steve Lavagnino; roy.lee@countyofsb.org  
**Subject:** Fwd: Appeal issues 2640 Las Encinas Lane- request for clarification

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Please include this correspondence, referenced in the e mail I just sent to the Board, in the public agenda packet.

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

**From:** Jana Zimmer <zimmerccc@gmail.com>  
**Date:** Thu, Apr 16, 2026 at 2:43 PM  
**Subject:** Fwd: Appeal issues 2640 Las Encinas Lane- request for clarification  
**To:** Cc: <mmyasato@countyofsb.org>, Garrett Huff <ghuff@countyofsb.org>, <roy.lee@countyofsb.org>

I see this was copied to CAO Miyasoto and Supervisor Lee.

Please take note that Lisa Plowman has been holding my SB 9 application in limbo, refusing to process it unless and until I first complete all of the lane improvements requested by the Fire Department. It is important to notice that in this new e mail, she seems to have shifted position, saying that mitigation measures have to be "adopted", not performed. *A critical difference*, because if this had been her position all along, she could and should have approved my lot split three years ago, and County Fire could have imposed conditions on the building permit. That would have been consistent with the law. Instead, she continues to claim I am 'ineligible' unless... the Fire Department approves as same practical effect exception.

Based on the evidence already in the record, this is also inconsistent with the demand made by County Counsel, ostensibly with Board of Supervisors' approval or at their direction (i.e. Das Williams direction, in consultation with former Marshal Hazard, and with Board acquiescence).

Again, if you need further explanation, I am available.

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

**From:** Plowman, Lisa <lplowman@countyofsb.org>  
**Date:** Mon, Apr 6, 2026 at 3:48 PM  
**Subject:** RE: Appeal issues 2640 Las Encinas Lane- request for clarification  
**To:** Jana Zimmer <zimmerccc@gmail.com>  
**Cc:** Mona Miyasato <mmyasato@countyofsb.org>, Roy Lee <roylee@countyofsb.org>

Jana,

As you have already been notified, the parcel is not currently eligible for an SB 9 lot split because it is in a very high fire hazard severity zone and, according to the Fire Department, has not adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

The Fire Marshal's email below requests that you direct any grading or improvement plans to the Planning and Development Department. This means that if the Fire Department approves a same practical effect exception request that requires a permit for road improvements, you will need to submit the appropriate application and required materials to the Planning and Development Department.

Regards,

Lisa



**Lisa Plowman**

*Director*

Planning & Development Department

County of Santa Barbara

123 E. Anapamu St.

Santa Barbara, CA 93101

805-568-2086

[lpowman@countyofsb.org](mailto:lpowman@countyofsb.org)

<https://www.countyofsb.org/160/Planning-Development>

**From:** Jana Zimmer <[zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)>  
**Sent:** Saturday, April 4, 2026 1:18 PM  
**To:** Plowman, Lisa <[lplowman@countyofsb.org](mailto:lplowman@countyofsb.org)>; Mona Miyasato <[mmiyasato@countyofsb.org](mailto:mmiyasato@countyofsb.org)>;  
[roy.lee@countyofsb.org](mailto:roy.lee@countyofsb.org)  
**Subject:** Fwd: Appeal issues 2640 Las Encinas Lane- request for clarification

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Ms. Plowman:

County Fire Marshal Tan has directed me to submit materials to you related to his denial of determination of “same practical effect” based on former Marshal Hazard’s alternative demands of June 14, 2023. (e mail to me, CAO Miyasoto, and Supervisor Lee, dated 4.3.2026) . That denial is on appeal through the process demanded by County Counsel. Nevertheless, I am submitting herewith evidence related to the *current* condition of Las Encinas Lane, under protest, and with a full reservation of rights, and in the hope that this matter can finally be resolved, without additional delay and damage to me.

I ask that you consider this additional evidence and approve my SB 9 lot split based on a finding of consistency with the Housing Element and Safety Element Policy (as it was amended to comply with HCD requirements) and Mission Canyon Plan Policy Fire 3.3 and 3.4. Be advised that notwithstanding the Fire Marshal’s (Tan) most recent claims, the maximum lane width the County could require would be 15’, **not** the 20 feet he now asserts to be applicable. Both Fire Marshal Hazard and former Chief Hartwig acknowledged this in writing. This is important because Marshal Tan knows that any deviation from standards along the lane is a matter of inches, not feet. His continuing demands that the lane be widened exactly to 15’ at all locations have nothing to do with public health and safety, and his refusal to acknowledge his predecessor’s errors are arbitrary and capricious.

- 1. Photographs showing that the “Museum Oak”, which Fire Marshal Hazard incorrectly claimed to impede vertical access along the lane easement, (and incorrectly claimed, in his 6.14.24 demand letter, reduced lane width to 9.5”) has been removed. The lane is currently at least 15’ wide along my frontage, Francavilla and Ortiz. (Case Management Memo photos)**
- 2. Bids and plan from Ramsey construction and Photographs showing that the lane has been repaired and repaved (Francavilla and Ortiz).**

3. **Architect's Plan which was submitted to the Fire Marshal on his demand, for improving/ widening of the parking area on my property to the maximum extent feasible. The Fire Marshal(s) know/have known for three years that a 'standard' hammerhead cannot be constructed on my property because it would require incursion onto *both* the Museum and the Francavilla property. Furthermore, Marshal Tan demanded that the entire on- property parking area be reserved exclusively for potential fire engine access, which is impossible.**

Bear in mind, first, that my efforts and those of my neighbors have been completed subject to a reservation of continuing objections to the Board of Supervisors/County Counsel's demand of Nov. 7, 2023, which was *both* that offsite improvements be made, **and** that they be completed prior to your processing of my lot split. The trial court has made no determination on the latter claim. Regardless of our other disagreement(s) I believe you understand that such improvements **cannot be required prior to recordation of the lot split**, as reflected in HCD's various position letters, including theirs to you of October 25, 2025. Note that in this case, the building permit which your staff has claimed has expired, has not been issued and cannot be issued unless and until I am able to finance construction against the value of the new lot. Your staff knew this before I applied.

Second, be aware that Fire Marshal Tan has expanded on the demands of former Fire Marshal Hazard, three (3) years after the fact, and while my application has been held in limbo. Fire Marshal Hazard explicitly agreed that the maximum required road width would be the width of my easement (15'). Had P&D told me that I would have to build a new 20' roadway, I never would have submitted the application. Nevertheless, I and my neighbors have completed all "feasible" improvements, and there is no evidence that allowing the *same* house you approved in 2022 as an ADU, to be built on its own lot- which you know was required to enable financing of construction, and was the explicit reason for the application,- would create any fire evacuation or fire equipment access issue. The evidence is undisputed that fire engines and other large trucks have always been able to access my property along the lane, and that my driveway (which has been widened per direction from Captain Olmstead to 17') is of sufficient width to allow trucks to enter and back out to turn around.

While the law specifically prohibits the County from requiring **any** physical improvements prior to recordation of the lot split, I have specifically offered and agreed to achieve additional improvements **after** recordation, if I cannot otherwise achieve full agreement with my neighbors for lane repaving. The only area remaining in dispute is the easement all the neighbors hold over Bartz, at 2589 Puesta del Sol. I have provided evidence and legal authority to establish (1) I do not have the legal ability to compel additional lane widening over the Bartz property; and (2) the Fire Marshal did have that authority, when they approved Bartz's ADU, but declined/failed to exercise it. As shown in the photos, the Museum has consented to allow me to improve my lane frontage to a uniform 15' width, *but only within my 15' easement*. I cannot *repave* my frontage unless and until I am able to install my gate and fence, which the Fire Marshal has refused to approve because of his unlawful plan to reserve my entire parking area for a potential turnaround, when he knows there is already a turnaround they have accepted at the property next door to mine.

Finally, please be advised that Marshal Hazard's asserted justification for his demands, at our meeting of May 19, 2023, that construction of my approved unit would change the "intensity of use" of the lot was and is

completely unjustified and a violation of the Housing Crisis Act. *Yes in My Back Yard v. City of Culver City* (2023) 96 Cal.App.5th 1103.

The record in this case, as you know, is voluminous. If there is any additional information you need to make the determination to approve the Lot Split, please advise.

Very Truly Yours,

Jana Zimmer

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

From: **Frederick Tan** <[ftan@countyofsb.org](mailto:ftan@countyofsb.org)>

Date: Fri, Apr 3, 2026 at 5:59 PM

Subject: Re: Appeal issues 2640 Las Encinas Lane- request for clarification

To: Jana Zimmer <[zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)>, Mona Miyasato <[mmiyasato@countyofsb.org](mailto:mmiyasato@countyofsb.org)>

Cc: [roy.lee@countyofsb.org](mailto:roy.lee@countyofsb.org) <[roy.lee@countyofsb.org](mailto:roy.lee@countyofsb.org)>

Ms. Zimmer,

Apologies for my delayed response. Thank you for your message.

SB 9 Lot splits in Very High Fire Hazard Local Responsibility Area are subject to Title XIV, Minimum Fire Safe Regulations, and other applicable codes. While Title XIV requires a twenty-foot (20') road, the letter dated June 14, 2023 from the Fire Department provides options for your SB 9 lot split. The Fire Department will still accept the terms of the June 14, 2023 letter.

Please refer to the June 14, 2023 letter for information about timing and options to bring the project into compliance with Title XIV and direct any requests, grading or improvement plans to the Planning and Development Department .

Regards,

*Fred Tan*

Fire Marshal  
Division Chief 10  
Santa Barbara County Fire Department  
805-896-6402 Cell  
805-681-5554 Office



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**From:** Jana Zimmer <[zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)>  
**Sent:** Saturday, March 28, 2026 3:31 PM  
**To:** Frederick Tan <[ftan@countyofsb.org](mailto:ftan@countyofsb.org)>; Mona Miyasato <[mmiyasato@countyofsb.org](mailto:mmiyasato@countyofsb.org)>  
**Cc:** [roy.lee@countyofsb.org](mailto:roy.lee@countyofsb.org) <[roy.lee@countyofsb.org](mailto:roy.lee@countyofsb.org)>  
**Subject:** Fwd: Appeal issues 2640 Las Encinas Lane- request for clarification

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Chief Tan:

I have filed an appeal of your decision on same practical effect. In order to prepare, I need more detail from you.

You are continuing to demand that I complete offsite improvements under both of Chief Hazard;'s "options". For the last three years, I have been willing to comply to the extent I physically and legally can in order to resolve this matter. I need to know where, specifically, you contend the lane is *still* not "adequately

improved". You need to be specific where you are contending it is not 15' wide, and where it needs to be further "improved" whether by paving or widening. There are five owners that I have no control over, as you know.

Second, your letter does not specify **when** you would expect this additional work to proceed. Your lawyers should have explained to you and to the Board that you are simply not permitted to require that this offsite work be completed prior to recordation of my lot split. I have made it clear that I would be willing to perform additional paving work, certainly along my frontage -to the extent it is legally feasible and allowable, prior to certificate of occupancy, since any alleged "need" attributable to the increased "intensity of use" claimed by Mr. Hazard will not arise until the new unit is built and occupied (this is another point on which Mr. Hazard was incorrect: intensity of use is not a lawful consideration in this housing context, in any case). With regard to the additional work that has been completed recently, I think you are aware that I was not invited to participate, and I specifically told Mr. Francavilla that he needed to consult with you to make sure he attained the 15' road width that you demanded. Most importantly, with regard to timing, **Mr. Hazard's letter of June 14, 2023, seems to have acknowledged that you cannot demand improvements be completed prior to recordation, at least, but your continuing demand for completion of improvements prior to processing does not acknowledge this.** This creates an additional issue to be litigated, completely unnecessary, as this entire dispute has been.

Third, your letter does not acknowledge that the maximum "required" width is 15'- the width of my easement under the MCCP, *not ithe 20 feet under the Fire Code.* **Mr. Hazard did acknowledge that.** If I had been told the standard was 20', I never would have filed an application for the lot split. This lane can never accommodate concurrent access and egress, as you know. Please advise, specifically, therefore, in addition to and apart from the Bartz property, where you contend that the lane is now less than 15' wide. **You can also bring this matter to a positive conclusion by agreeing to withdraw any demand that I perform additional work prior to recordation, and accepting my offer to "improve" the road (by additional paving) prior to pulling a building permit,**

You are aware I have **no rights** over the easement to the north, just as I have no legal right to compel Bartz' heir to further widen the road along his property. I met with the current owner this week, and he remains opposed to widening the lane any further on to his property. Your Department approved his ADU based on the plan that showed the existing width at 15'. The current width, as you know is more than adequate for a fire truck. The point was, with regard to the rear access to my house, that if you had to fight a fire at the second unit at my house, you have legal emergency access to that easement now. Just like you can access the main house at the Bartz property, even though you have allowed an ADU between that house, and Puesta del Sol.

I am asking by copy of this e mail that **Director Plowman make findings** and take action on my Lot Split, **whether or not she accepts your decision,** so I may file an appeal of her determination to be heard simultaneously with the appeal of yours, and so the Board can determine the case as a whole based on the

correct legal standards, and based on contemporary conditions, which you have disregarded. At the end of the day, **the County is going to have the burden to prove, by a preponderance of evidence**, that approval of my lot split would result in a specific health and safety hazard.

You also need to be aware that I am participating in this further hearing process with a reservation of objections, both as to process and to the County's continuing demands, and that the additional delays caused by the County are increasing the damage done to me.

Thank you.

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Jana Zimmer

(805)705-3784

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Jana Zimmer

(805)705-3784

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