



Katherine Douglas

Public Comment - Solomon

From: Richard Solomon <rcsolomon42@gmail.com>
Sent: Friday, November 3, 2023 10:37 AM
To: sbcob
Cc: Jana Zimmer
Subject: Zimmer lot split dispute before the Board Nov. 7

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Dear Honorable Supervisors:

We have been advised that County Counsel intends to bring this matter to closed session on November 7.

We respect County Counsel’s right to advise the Board in closed session. However, in the absence of any right to public hearing or appeal, and to assure meaningful consideration, we suggest the following specific questions be posed to staff (Fire Marshal and P&D Director) and County Counsel.

1. Whether the Fire Marshal’s refusal to consider and find “same practical effect” based on the mitigations performed and offered by Zimmer, is defensible as “objectively reasonable”/defensible. [List of mitigations offered and performed attached]
2. Regarding Fire Marshal’s untimely and unlawful additional demands of June 14, 2023:
 - a. Whether the demand for/ Conditions on a “hammerhead” (where a bulb turnaround is available next door) are objectively reasonable/defensible.

Specifically, Zimmer has “voluntarily” designed a hammerhead per Fire direction, but has objected to the Fire Marshal’s irrational demand that she grant an exclusive easement to County Fire over all of her current parking area (5 approved spaces, including one required to serve any new residence/ADU on the property) There is no alternative parking area.

For those Board members who have not visited the property: 2640 Las Encinas is a private lane serving four properties, with no parking. The parking in the right of way on the closest public street, Puesta del Sol, has been effectively appropriated by the Museum of Natural History. Zimmer and her spouse are 77 and 81 years old and their *approved* ADU is proposed for a family caregiver, so they can continue to age in place in their home of 50 years. The separate lot is required for financing and fire insurance needs.

- b. Whether Fire’s demand that Zimmer install offsite improvements (widening the entire length of Las Encinas Lane to a minimum of 15’) is objectively reasonable/defensible.

SB 9 specifically prohibits any requirement for offsite improvements. Nevertheless, Zimmer has already widened her own frontage to 15’, as have two of her neighbors. Fire has failed and refused to confirm Zimmer’s measurements. The remaining “obstructions”, at opposite 2636 Las Encinas, (on Museum of Natural History property) can be abated by Fire if they believe they are an impediment to equipment access but they have declined to do so.

3. Whether the preponderance of evidence, notwithstanding any objection by Fire, supports a decision by P&D Director make a decision to approve Zimmer's lot split (see, Exhibits 1-264). P&D has refused to make a decision and claims Zimmer has no appeal of any of their determinations.
4. Zimmer's claims include: violation of SB 35, SB 9, SB 8. P&D and Fire have approved a building permit for the residence in question, subject only to a sprinklering requirement. What is County Counsel's assessment of the chances that the County will be subject to damages, statutory penalties and/or attorneys' fees under the State's housing laws if they are directed to defend staff's refusal to approve the same residence on its own lot and lose?
5. As a matter of *policy* how does Executive staff (Fire, P&D and CAO) justify asking the Board of Supervisors to defend staff's errors?