

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Tuesday, April 7, 2026 4:15 PM
To: Bob Nelson
Cc: Laura Capps; Joan Hartmann; Steve Lavagnino; roy.lee@countyofsb.org
Subject: Fwd: Board of Appeals Update
Attachments: appeal to fire board 3.10.2026.docx

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Chair Nelson:

I just received the below from Fire Marshal Tan. **This is to request a meeting with you at your earliest convenience.** I urge your Board **not** to adopt the revisions proposed.

Despite that I have been in communication this last week with your CAO and Supervisor Lee about this process- that County Counsel insisted to the court that I had to follow,- Marshal Tan provided me **no notice** that this change in Rules was going to occur. Just as he provided no notice that he was going to change the State Fire Maps, which put my property in a moderate risk zone, to call it a high risk zone. He knows that I have a pending appeal from an adverse ruling by him, filed on March 9, 2026, and which, under your current Rules had to be heard within 30 days. It obviously wasn't. *This 30 day deadline has been removed from the new rules.* So it is my position that my appeal is deemed granted. In addition, this draft removes appeal to the Board of Supervisors, altogether, and other procedural protections that the former Rules required. Like the current rules, they make no mention of "same practical effect", which should have been decided by Lisa Plowman under her explicit authority under Title 14 Section 1270.06.

I have not had time to think through all the other ways this change compounds the damage Tan and Lisa Plowman have already done to me. (Plowman has kept my SB 9 application in limbo for three years, demanding that I make offsite improvements which HCD has confirmed she has no right to require as a condition of a lot split, and she refused to consider whether I had achieved "same practical effect"). I am attaching my appeal letter to the Fire Appeals Board. You have my most recent letter to Lisa Plowman asking her to make a decision on my SB 9 lot split under the applicable standard, so I can appeal that. **Chief Tan was requested to and could have resolved this issue by simply agreeing that no improvements would have to be completed prior to recordation.** I know these rules changes are directed at my application, because this "Fire Board" had not met in so many years before I was told to apply, that no one knew how it was supposed to function when I filed the appeal. Hence, your staff (and lawyers, presumably) went off and changed the Rules with no notice to me. To that point, in addition, the current rules require the Fire Department and the Fire Board to have separate counsel, which is going to be quite important in my case.

You may not be aware that your County Counsel has represented to the court- three years late- that I had "failed to exhaust my administrative remedies" even though I tried to appeal former Marshal Hazard/Tan's refusal to find that I had achieved "same practical effect" **through the same process they have insisted on, now.** They now insist that I must file a new administrative appeal, which, they claim, must be followed by a new and separate lawsuit lawsuit. I have never been given any appeal hearing, or any audience with any Supervisors except, very recently, Supervisor Lee. You have not had any closed session for almost a year (at

least, not one that was properly noticed). You also need to understand that your Planning Department approved a building permit for the exact same house, in the exact same location, with no expressed concern about fire equipment access. Your Fire Marshal approved a Fire Protection certificate for that house. Plowman knew all along that I needed the lot split to enable me to get a loan to build the approved unit, and to keep the fire insurance I have maintained for the last 50 (fifty) years. The evidence is undisputed that there is no fire equipment access issue: my house has two evacuation routes, and is located on flat ground, below Foothill Road, and less than five minutes from Fire Station 15.

This could and should have been resolved without litigation, three years ago. It still could be resolved, but no one will talk to me. I have had zero due process. I would think that the Board of Supervisors would want to have the "last word" prior to acts by your subordinates subjecting the County to liability. I do not know if Marshal Tan is acting on his own, or pursuant to Marshal Hazard's extortionate demands, or pursuant to direction from one or more present or former Board members. I am entitled to an explanation, a fair hearing and a forum in which I can ask, "why"? I do not want to see this happen to other housing applicants.

I will be happy to come to your north County office to meet with you, and Supervisor Lavagnino, if he is willing.

Thank you.

Jana Zimmer

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

From: **Frederick Tan** <ftan@countyofsb.org>

Date: Tue, Apr 7, 2026 at 1:52 PM

Subject: Board of Appeals Update

To: zimmerccc@gmail.com <zimmerccc@gmail.com>

Dear Ms. Zimmer,

I understand that you have requested information about your Request for Modification or Alternative Design and Methods (AMM) appeal. Specifically, you have asked when the appeal hearing will be held, who will sit on the Board of Appeals, and what rules will apply at the hearing.

Today, April 7, 2026, the Fire Department brought an item to the Board to revise the Rules and Regulations for the County Fire Department's Board of Appeals. The revisions are necessary because the rules have not been updated since 2007 and apply to appeals of enforcement orders, not AMM appeals. The Fire Department also asked the Board to approve or appoint a new slate of individuals to serve on the Board, which is necessary because most seats are currently vacant. Supervisor Nelson determined he needed additional time to consider the item, so the Board continued the hearing. The materials the Board considered on April 7 may be found on [Legistar](#).

The Clerk of the Board of Appeals will schedule the appeal hearing as soon as possible after the Rules and Regulations have been adopted and the Board of Appeals has been appointed.

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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Jana Zimmer
2640 Las Encinas Lane
Santa Barbara, CA. 93105
(805) 705-3784

March 9, 2026

Board of Fire Appeals
c/o Santa Barbara County Board of Supervisors
1100 Anacapa Street
Santa Barbara, California 93101

BY HAND DELIVERY

**Re: Appeal of Fire Marshal denial of Same Practical Effect Determination
14 C.C.R. 1270.06 and County Code Chapter 15- Appendix**

Honorable Supervisors:

1. Introduction

Appellant Jana Zimmer respectfully requests that your Board grant her appeal of the Fire Marshal's denial of "Request for Modification / "Same Practical Effect" dated March 5, 2026, and that you order the Director of Planning and Development to allow recordation of her SB 9 lot split application forthwith. In summary, the Fire Marshal continues to stand in the way of approval of Zimmer's ministerial lot split when he knows that the specific demands he has made and continues to make are and were unlawful both as to substance and timing. And the Planning Director has refused to make a decision until Zimmer complies with his unlawful demands. Thus, a decision which was and is required to be made within sixty (60) days of application has been in limbo for over *three years*, and has resulted in significant damage to Zimmer, denial of both procedural and substantive due process, loss of the opportunity to build the same housing unit which has been approved by both Fire and P&D, and has created a significant and wholly unnecessary conflict between the State's housing and fire protection policies. The simple fact is that the Fire Marshal could have substantially achieved any legitimate safety improvements in this case if he had agreed to defer his demands until after recordation of the lot split¹. He still refuses to do so.

¹ Zimmer does not waive her contention that the Request for Modification is not the correct procedure. It presumes that "offsite" improvements can be required. County is fully aware that Zimmer has in fact complied and worked with those neighbors willing to cooperate to the extent legally and physically feasible to respond to the Fire Marshal's demands. The individual and collective motivation for the

2. Jurisdiction/ Request to Consolidate Appeals

To mitigate further continuing damages, Zimmer respectfully requests that the Board of Supervisors hear this appeal promptly and directly, and that all relevant legal questions be discussed in public. Based on County documents, the “Fire Board” currently has only two members, does not include a representative from the First District, only meets periodically, and has no demonstrated expertise to opine on the specific issues in context of the standards applicable to SB 9 lot splits. Furthermore, a narrow, artificially constricted “technical” decision will inevitably prejudice any later appeal on the merits.

In this case, ultimately, the **County** has the burden to prove, on a preponderance of evidence, that approval of Zimmer’s application for an SB 9 Lot Split would result in a specific adverse impact to the public health and safety. Gov. Code Section 66411.7(d). “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written **public health** or **safety** standards. Zimmer requests that findings be made on these issues, and on the Fire Marshal’s additional and knowing abuse of any discretion he claims, based on all the evidence presented, and referenced², because this is the sole reason that P&D have refused to make a decision to approve Zimmer’s SB 9 lot split. The actions and inaction of your Executives, including Marshal Hazard, Marshal Tan, Chief Hartwig, Director Plowman, Deputy Director Seawards, over a period of three years, have upended Zimmer’s plan to age and die in her home of 50 years, and the delay has resulted in significant and continuously accruing damage to her.

The court’s tentative decision on writ of mandate did *not* include findings on whether the County has abused its discretion in its treatment of the “same practical effect” issue. Rather, the court effectively directed that the matter be remanded to the County. The Fire Marshal’s conclusory, and factually and legally erroneous decision, which fails to consider the overall procedural and legal context, cannot and should not be a substitute for the Board’s timely exercise of its responsibilities in this case, especially given their continuing denial of due process, their denial of any right of appeal, four of the Supervisors’ failure to even listen to Zimmer, their unlawful deference to the former Fifth District Supervisor, their refusal to review her materials, their refusal to visit the site, and the fact that all prior discussions of this case have been held in closed session. This appeal hearing is taking place now, rather than three years ago when Zimmer’s formal request for it was ignored, based on former Marshal Hazard’s ‘advice’ to the Clerk, solely

County’s continuing failure to acknowledge that Marshal Tan’s demands are and were unlawful will be addressed after completion of necessary discovery, and at the trial of Zimmer’s Complaint for their breach of the implied covenant of good faith and fair dealing. Her Complaint will be amended as necessary depending on the result of the Board’s action. Zimmer has filed additional Public Records requests based on the need to respond to the Fire Marshal’s contentions of March 5, 2026.

² See, documents cited in the Index to administrative record, already submitted, as well as additional relevant documents to be presented at the hearing.

because the County has now claimed *to the court* that it was never required to hold such a hearing.

On a staff level, the process followed in this case is another example of the County's failure to comply with SB 473, which requires *all County Departments* to comply with statutory timelines. P&D's delay, their explicit and continuing deference to the former Fire Marshal, and former fire Chief, and their failure to make a decision, has created this impasse. Despite numerous opportunities to remedy their errors, your current Fire Marshal is perpetuating and compounding them. The Board is therefore requested to take this matter up, to address the policy conflicts staff has created, so that the "tail is (not) wagging the dog." *Leshner Communications v City of Walnut Creek (1990) 52 Cal. 3d 531.*

As critical and important as our fire rules are, in this context they cannot and should not be used to override the State's housing goals **unless the case presents a clear public health and safety issue**. It simply does not, and staff knows it. The Board is fully aware of the conflicts their staff have created between the Housing Element and their Safety Element. The Board is aware that HCD agrees with Zimmer that the Fire Marshal cannot require any offsite improvements, at all. In order to resolve this case, Zimmer has gone to extraordinary efforts to satisfy the Fire Marshal, and to attempt to get her neighbors – some of whom do not want to see this unit built-to cooperate.

Staff's conduct, collectively and individually, is not based on evidence, is a serious abuse of discretion, and breach of the public trust. After three *years* in litigation over the County's failure to process her SB 9 Lot Split application to a decision, County Counsel has claimed that Zimmer failed to exhaust her administrative remedies because she did not file a one page, no-cost form with the Fire Department to summarize her multiple prior requests, including to the Board of Supervisors, that the County find, as authorized by the Safety Element, and Title 14 of the California Code of Regulations that fire protection improvements she has achieved constitute "same practical effect" as strict compliance with measures to assure fire equipment access to and egress from her property in a wildfire. The application they demanded, Request for Modification or Alternative Design and Methods Review, is not sufficient or appropriate to this determination or in this context.

Zimmer contends that the measures demanded by the Fire Marshal(s) are and were unlawful because they required her to (1) complete "offsite improvements", and (2) the P&D Director demanded that those improvements be completed *prior to* processing her SB 9 application. Because the County never allowed any appeal, these fundamental issues have never been addressed by the Board. The former Fire Marshal, Rob Hazard first made these illegal demands in a letter to Zimmer dated June 14, **2023**. Notwithstanding his specific knowledge that Zimmer has made all lane widening improvements within her legal authority to complete over the last two years, and his knowledge that there never has been an obstacle to either evacuation from or fire equipment access to Zimmer's property, the current Fire Marshal, Fred Tan, **has expanded**

on Hazard's demands to assert that the minimum lane width is 20' feet, and not the 15' width of Zimmer's easement, as acknowledged in the Mission Canyon Community Plan, *and as specifically acknowledged- in writing- by former Marshal Hazard and Chief Hartwig*. All County staff, including the Fire Marshal, have known that Zimmer never would have applied for the Lot Split had she been told the "minimum" road width requirement was 20', and that it must accommodate two-way traffic, which are both physically and legally impossible.

3. Appeal of Fire Marshal Denial of March 5, 2026: Marshal Tan's findings are not supported by the law, or by the evidence, are inconsistent with the Mission Canyon Plan and the County Safety Element, and are arbitrary and capricious.

A. Tan denies the "same practical effect" application without making any site-specific factual findings to justify it. His findings are inconsistent both with the express policies of the Mission Canyon Community Plan and with the County Safety Element, which, as the Board of Supervisors knows, HCD required to be amended specifically to avoid arbitrary denials of housing proposals, as has occurred here. (See, letter HCD to County P&D dated October 25, 2025, attached, and Zimmer letters to Board of Supervisors re: Safety Element of June 11 and July 9, 2023). Both Marshal Hazard and Director Plowman specifically assured Zimmer, in writing, that their discretion would take HCD's modifications into account. Then they proceeded to do the opposite, and Marshal Tan has effectively denied the application *in toto*.

B. Tan's conduct of this matter (in addition to the ongoing conduct of Plowman) has repeatedly violated Zimmer's procedural and substantive due process rights and has resulted in escalating damage to Zimmer over a period of two and a half years. Because of this controversy, the County has effectively revoked the building permit they granted, notwithstanding Zimmer's substantial expenditures in reliance on that permit- *and* the Fire Protection Certificate which the Fire Marshal approved, and which included a determination of same practical effect for sprinklers in lieu of the 'hose length' requirement, which is the *only* inconsistency of the project with **applicable** rules. She asserted that the Fire Marshal could and should find "same practical effect" multiple times based on improvements she made or caused to be made, of which Marshal Tan has and had specific knowledge. She offered to deed restrict the new lot to one unit and give up her right to the Residential Second unit attached to her current home to address Marshal Hazard's assertion that there would be an impermissible increase in "intensity of use".

C. Tan's decision fails to completely to address the ultimate question: whether improvements already performed (lane widening, lane paving, removal of the Museum's overhanging branch) have the same practical effect as a uniform 15' road width, in terms of fire equipment access.

D. Tan's insertion of new 'issues' demanding that Zimmer improve an alternative access to the north misses the point completely. His "suggestion" that Zimmer perform improvements on that property is patently absurd: Zimmer has no right whatsoever to make any changes on that property. This is an even more irrational demand than their insistence that she perform widening of the easement on the property of the Museum of Natural History, which has explicitly opposed

such widening, and has failed and refused to even require obstacles placed in Zimmer's easement by another neighbor (Francavilla) be removed. Zimmer cannot "take" her neighbors' private property without compensation, or at all.

The point Zimmer made is that a fire truck can access that property from the north- at 2679 Puesta del Sol, and a fire stream from that property could reach the approved unit on Zimmer's property in its approved location, at less than 150' distance. Regardless, their rejection of this "same practical effect" demonstrates that all of these demands are completely irrelevant to the Fire Department's ability to timely respond to wildfire. Zimmer's compliance with a sprinkler requirement, coupled with the fact that Fire Station 15 is less than five minutes away, and the fact that the current condition of the lane is and has been adequate to accommodate fire trucks, are more than adequate, as a matter of common sense, to constitute same practical effect. If there is a wildfire that begins above, or spreads to lower Mission Canyon, it is well known and obvious that the Fire Department would make a stand at Foothill, or at Glendessary Lane, or at Puesta Del Sol, north of Las Encinas Lane. Then they would go to the Museum. No one is coming down Las Encinas Lane specifically to save Zimmer's house from a wildfire if a spark lands on her roof. But even if that did occur, the presence of the sprinkler that Zimmer agreed to would mitigate for the few seconds that a fire engine might be delayed in its five minute journey from Fire Station 15.

The County knows there is no evacuation issue (which they asserted and then withdrew prior to the filing of the application) because Zimmer specifically informed them that she has two roads out: Puesta del Sol to Alamar, or east on Las Encinas, then south on Los Olivos. So, after the application was submitted, they 'switched' their area of alleged concern to fire equipment access, which they have known was adequate from the beginning: a Fire Truck is 10' wide by statute, Captain Olmstead previously stated that the lane was 14'³, and the evidence is undisputed that Fire Trucks, garbage trucks, utility trucks, water trucks can all access Zimmer's driveway along the lane, *and* there is an existing turnaround at the end of the lane, immediately next door to Zimmer, at 2646 Las Encinas *which was approved by the same County Fire Department*. While the Fire Department can access any property in an emergency without permission, the County knows that owner gave his written consent,- three years ago- at the beginning of this application process, specifically for fire engines to use his property.

Finally, there is **no** evidence whatsoever that the current condition of the lane, and especially as it has been widened, presents any real-world obstacle to fire equipment access. It is inconceivable that after numerous site visits addressing issues with the individual properties- which have been substantially improved, Tan now fails to specify where, on the lane it has been inadequately "improved". He knows or should know that with the possible exception of a small portion adjacent to 2589 Puesta del Sol, it has indeed been widened to the stated minimum. He knows

³ Hazard's assertion that the lane was "only 9.6'" was wrong when made. Tan knows that the oak branch that extended over the lane is gone and the traversable area of the lane has been widened.

that the property at 2589 Puesta del Sol, at the entrance to the lane, was approved for an ADU by his department based on that applicant's representation that it was 15' wide. The lane has nevertheless been *additionally* widened at the entrance to facilitate turning, and it has been widened along the property line to the south. He knows that fire trucks, garbage trucks, SCE trucks and other large trucks have no difficulty navigating the lane. If there is some defect in lane width the County should have addressed it when it approved that ADU. If it constitutes a health and safety hazard, the County has the authority to require it to be abated. Tan knows that Zimmer has *no* right or authority to demand further widening. Tan knows that the one so-called obstacle identified by Captain Hazard has been removed, by an Act of God (the Museum's oak tree). And he knows that repaving and other improvements have occurred and would be completed **prior to building permit**, - which is the only requirement authorized by the law. He also knows that his unlawful demands and Plowman's failure to reject them are the reason that Zimmer cannot finance construction of the unit for which his own department – and the same personnel- approved a fire certificate. Knowing all these facts, he persists in his illegal demands.

Finally, while Tan's demands are dressed up in the language of protecting the community from wildfire, Zimmer has already pointed out that his own department has failed to require road widening or repaving along roadways serving cannabis development⁴, deeming them 'adequate'. And most recently, Tan (and his same staff) did not require improvement of a *county-owned road* in the Painted Cave State Responsibility Area (SRA), and allowed two new units to be approved because he apparently understood the limits of his authority in that case, and the County's obligation to approve otherwise qualified housing projects. That property had no real access to fire protection, while Zimmer's property is on flat land, less than five (5) minutes from the County Fire station, and has two evacuation routes. Tan's demands- which perpetuated and were more onerous than Hazard's, were illegal, arbitrary and capricious, and unsupported by any relevant fact.

Conclusion

If the trial court or the Court of Appeal confirm that the HCD's interpretation of the prohibition on *offsite improvements, or any improvements prior to recordation* must prevail over the County's 'analysis', the Fire Marshal's demands for such improvements are and were prohibited in their entirety. If, for some reason the County prevails on appeal in its current legal position, the ultimate issue remains: whether the Fire Marshal's (and Plowman's) demands of Zimmer, both as to timing of performance and extent of improvements demanded are supported by a preponderance of the evidence.

Zimmer will demonstrate at the appeal hearing, based on the evidence already in the record and additional evidence, that there is no factual support for the Fire Marshal's demands, and no justification for the Planning Director's failure and refusal to approve the lot split. These County

⁴ Zimmer has filed a new Public Records request asking specifically for evidence of the department's practices on approving same practical effect.

officials have knowingly thwarted Zimmer's plan to age in place, in her home of 50 years. They know that the only reason she sought a separate parcel was to enable financing and construction of the same unit they had approved and to retain her fire insurance. They have made that impossible. If their conduct and "process" is not corrected, there is no doubt that these arbitrary and capricious "errors" will be repeated, and others will be discouraged or prevented from applying under these State mandated housing programs.

The sad irony in this case is that if the County Executives responsible for these decisions had been willing at any point to enter any genuine discussion, the matter could have been resolved. Zimmer made multiple offers to resolve the Fire Marshal's (unwarranted) concerns, and would have agreed to complete any legitimately required additional improvements *after* recordation, and on issuance of a building permit, as the law authorizes. But they wouldn't engage in explaining the legal basis for their demands or finding solutions: not prior to submittal of the application, not during the approval process, and their executives literally treated Zimmer's attempts to understand their demands as a laughing matter. See, e.g. e-mail exchange Zimmer, Seawards to Plowman (4/13/2023). They- and County Counsel- forced Zimmer to litigate, and now, apparently, they continue to advise, *in closed session*, and with no opportunity for Zimmer to know what they represent to the Board, or to respond, that the Board stick to a factually, legally and ethically bankrupt position. It behooves the Board to ask why.

This, finally, is the opportunity for the Board to change course, act in accordance with their own policy, and State policy, and begin to remedy the harms done by their *former* County Supervisor, their *former* Fire Marshal, and their *former* Fire Chief, and which are now being perpetuated, with no rational or fire-safety basis, by Marshal Tan and the Planning Director. Please grant the appeal and direct P&D to approve the lot split forthwith, and with no conditions.

Very Truly Yours,

Jana Zimmer

Katherine Douglas

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Saturday, April 11, 2026 6:59 PM
To: sbcob; Joan Hartmann; Laura Capps; Steve Lavagnino; roy.lee@countyofsb.org; Bob Nelson
Subject: For Public Comment: Effect of Proposed ordinance delegating housing decisions to Fire Marshal:due process
Attachments: Chart comparison of proposed and current fire rules.docx

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Ms. Alexander:

Please distribute this e mail and the attached new information to my previous written comments for the Board's hearing of 4/1 . This identifies the changes to the Fire Board of Appeals process of which your Board of Supervisors has not been informed. My comments on Tuesday will address this as well as my prior submittals.

To the Board of Supervisors:

Apart from the fact that this entire ordinance has been drafted to prevent the Board of Supervisors from ever hearing an appeal on the Fire Marshal's "same practical effect" determination (which is neither defined nor mentioned in these rules), or an appeal of the Planning Director's unlawful suspension of processing my own SB 9 lot split, (which she still refuses to address), this ordinance would de facto give the Fire Marshal and his personally chosen Fire Appeals Board authority to veto all SB 9 lot splits, and other housing proposals. This is not the way to "resolve" alleged conflicts between housing proposals and fire "safety" issues. HCD has previously admonished your Board on these issues (see, e.g. changes requested and agreed to, to the language of the Safety Element).

The fact that this item was brought to the Board of Supervisors on April 7 on the A-Agenda, without notice to me, and with no public hearing, that the staff report failed to disclose that the Board of Supervisors will no longer have appellate authority, and **applicants for housing projects will lose all due process protections that currently exist** is shocking to me, as someone with 37 years experience in the County's land use process.

The current Rules require the Board of Supervisors and the Fire Board to have separate counsel. County Counsel prepared and approved this new ordinance, which is *directed* at my pending application and on which I filed an appeal on March 9. Your County Counsel has also been advising your Board for three years, in private, and representing the interest of the Fire Marshal, and/or P&D on my lot split, while I have never been granted any hearing or appeal. It is past time for the Board of Supervisors to engage separate counsel to address these serious policy and due process issues, as well as their future positions in Zimmer v County of Santa Barbara.

I remind you that your Fire Marshal issued a Fire Protection Certificate for the dwelling at issue, but he and his predecessor have decided to impose conditions on the Lot Split which I need to finance construction of the approved dwelling which I maintain are unlawful, which are unlawful and which they know I cannot achieve. If your Board agrees with the Fire Marshal and County Counsel's demands, justify them. If you do not, (or dont even understand them), where is the accountability?

--

Jana Zimmer

(805)705-3784

The FIRE BOARD Rules as applied to Zimmer Appeal, now and since first appeal, July 2023 (which County refused to process)	The Rules CHANGES proposed to the Board of Supervisors on 4.7.2026, with no notice to the public, or Zimmer
A. Jurisdiction: Never determined “same practical effect” . (Fire Marshal recommendation to Planning Director, appeal under 14 CCR 1270.06)	1. Still no mention of “same practical effect”.
B. APPEAL TO BOARD OF SUPERVISORS, then to court via writ of mandate	NO APPEAL TO BOARD OF SUPERVISORS
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	Appeals of all interpretation of Chapter 15, Chapter 10, modification, variance, and Fire Department conditions related to a building permit.
D. Due process protections 12, 13: Department and Board of Supervisors have separate legal counsel	None <i>Zimmer has never been granted any appeal hearing, either from P&D to Planning Commission/Board of Supervisors, or Fire Marshal to Board of Supervisors. County Counsel continues to represent Fire Marshall in closed sessions with Board. This conflict is manifested, again a manifestation of an unacceptable risk of bias (see, e.g. Chi v. Dept of Motor Vehicles, (4/6/2026) and an intentional, continuing violation of Zimmer's rights to procedural and substantive due process.</i>
#4 prehearing conferences on issues of fact and law	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&D can require Zimmer to perform any improvements <u>prior to recordation of lot split.</u>
#6 Right to disqualify a member, process	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.
#7 Setting Hearing- must be held within 30 days after filing.	No requirement.
#10 Recording: All hearings recorded or reported	No requirement
#11 Hearing procedure	
(d) all testimony under oath	no

