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ENVIRONMENTAL LAW

June 27, 2014

County of Santa Barbara
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

By hand delivery and by email to
sbcob@co.santa-barbara.ca.us

RE: Item # 7, July 1 Board of Supervisors' Agenda
Pearl Chase Society Appeal of the County Historic Landmarks Advisory Commission
Decision Re: Juarez-Hosmer Adobe, County Landmark 34

Dear Chair Lavagnino and Members of the Board of Supervisors,

Please accept the following letter on behalf of our clients, the Pearl Chase Society ("PCS"), appellant in this matter.

We have reviewed the Staff Report and Staff's recommendations. We are prepared to support the revised project if several specific issues are addressed to ensure the historic resources on the site are properly managed and rehabilitated with appropriate levels of oversight and monitoring, and the disposition of the appeal is properly characterized.

We understand that this appeal is limited to review of the HLAC action, however the Board, standing in the shoes of HLAC for this matter, can and should further condition its action and give staff direction concerning specific conditions that should be included in the ensuing new or revised Land Use Permit (LUP).

1. The Recommended Action Constitutes Approval of the Appeal

As noted in our letter of April 9, 2014, this is the first appeal of a HLAC action that PCS has ever filed. PCS has great respect for the work of HLAC, and the filing of this appeal was not taken lightly. The basis of the Appeal included that the HLAC approval of the demolition and reconstruction of the Adobe was without complete justification, lacked peer review, and lacked adequate consideration of the effect of reconstruction on the historic status. Staff's recommended action is that the HLAC action be modified by the Board of Supervisors following peer review, a more detailed justification of the need for the project, a modified preservation plan and retention of the historic value of the structure through compliance with the Secretary's Guidelines. We believe the Board's action in general accordance with staff's recommendations constitutes an affirmation of the appeal, and ask that your Board's motion and action be characterized as an affirmation or upholding of the appeal.

PCS appreciates the actions of the applicant in retaining Mr. Roselund to refine the Treatment and Preservation Plans and of County staff to secure peer review of the previous analysis. These

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processes have helped clarify the actions that can be taken to address the historic structures on the parcel. PCS believes the Board's action and the subsequent LUP should address several specific issues in greater detail than as proposed by Staff.

The Applicant would like to recognize the efforts that County Staff has made in an attempt to address the concerns of the Appellant. Staff has worked hard to ensure that all aspects of the Applicants Revised Rehabilitation Plan comply with the original Approvals for this project. The Applicant requests the Board of Supervisors accept the recommendation of County Staff and allow the Project to move forward under the revised Rehabilitation Plan as amended in Mr. Roseland's Condition Assessment/Rehabilitation Plan with the protections outlined below in red.

2. Issues That Need to be Addressed in the Land Use Permit Conditions

PCS is concerned that some critical aspects of the Treatment and Preservation Plan should be clarified as part of the Board's action and to ensure consideration of these issues in the land use permit.

- a. Rehabilitation Oversight. In light of the importance of implementing the recommendations of the applicant's consultant Mr. Roselund, the specific skills and experience associated with the task of analyzing and assessing the potential for reuse of individual adobe bricks and the need to ensure the availability of persons with specific expertise to respond to new and unexpected conditions discovered in the field, PCS requests that the Board's action and the LUP be conditioned to provide that the implementation of the Project be overseen by personnel with practical experience in rehabilitating 19th century adobe structures, such as the applicant's consultant, Roselund Engineering Company.
 - a) *Rehabilitation Oversight: The Project shall be overseen by personnel with practical experience in rehabilitating 19th century adobe structures during dismantling of adobe, testing adobe bricks and other intervals as deemed necessary.*
 - b. Timing of Adobe Rehabilitation Work. The Board's action and the LUP should be conditioned to specify that the Adobe restoration occur at beginning of or concurrently with other development work on the site, and not at the end of the development process. With predictions of El Nino conditions for the upcoming winter and rainy season, we believe that the timing of the Adobe rehabilitation work (in particular) is critical and should be commenced as soon as possible.
 - b) *Timing: The Adobe restoration shall occur at the beginning of or concurrently with other rehabilitation work on the site.*
 - c. Interim Protection of Adobe from Weather. The Board's action and the LUP should be conditioned to require that the Adobe and other historical structures must be

protected from the elements, including any inclement weather, prior to and during any rehabilitation work until the work is complete and the rehabilitated structures are weather-tight. The Board's action and the LUP should be conditioned to require that the Roselund Engineering Company or someone with equal or comparable qualifications and expertise shall provide a written detailed description of the specific measures to be taken to insure proper and effective protection of the adobe during its various stages of disassemblage and rehabilitation.

- c) *Protection from Weather: The Adobe/adobe bricks shall be protected appropriately and as necessary from the elements during the rehabilitation process. Additional conditioning that requires engineers to provide written detailed reports on how to do so is excessive and unnecessary.*
- d. Retain And Utilize All Usable Existing Exterior and Interior Wood Elements. The Board's action and the LUP should be conditioned to require that all efforts shall be made to restore and use historical wood in the wooden structures and the wooden elements in the adobe, when that wood is used in a non structural manner and is visible from inside or outside the buildings. Appropriate preservation techniques available from experts should be used. Hidden structural elements that are significantly compromised should be replaced in kind.
- d) *Retain & Utilize Existing Elements: The project shall comply with the requirements of The Secretary of The Interior's Standards for Rehabilitation of Historic Structures. These are the Standards that CEQA requires all historic projects to comply with in order not to have an impact. This project's rehabilitation has carefully followed these Standards, particularly with respect to wooden elements.*

The Appellant's request is inconsistent with the requirements put forth in The Secretary of Interior's Standards for Rehabilitation for Replacing Deteriorated Features, specifically Standard 6. Applicant requests that the project continue to be required to comply with The Secretary of Interior's Standards as written.

- e. Evaluation of Adobe Bricks. The Board's action and the LUP should be conditioned to require that a person qualified and experienced with the analysis of historic adobe brick should be engaged to determine which, if any, bricks may be suitable for reuse. This is different from the expertise entailed in creating new adobe bricks and involves more than general historical experience. The Applicant's consultant, Roselund Engineering Co. is qualified for this task.
- e) *Evaluation of Adobe Bricks: The Project shall be overseen by personnel with practical experience in rehabilitating 19th century adobe structures during dismantling of adobe, testing adobe bricks and other intervals as deemed necessary.*

- f. Monitoring. Given the sensitivity of the project and past experience with unexpected conditions, an enhanced monitoring effort is required. The Board's action and the LUP should be conditioned to require that both Staff and an HLAC Sub-committee with persons knowledgeable in Adobe and structural rehabilitation (such as Ron Nye and/or Howard Wittausch) be authorized and directed to periodically make site visits to ensure that the approved rehabilitation program for the project is being implemented.
- f) *Monitoring: Project has been and shall continue to be monitored by Staff and a County approved Architectural Historian as required by permit compliance, NOT by a sub-committee of the HLAC.*
- g. Integration of GANDA Recommendations. The Peer Review conducted by GANDA specifically recommends "that the Letter Addendum (Cole 2014b) be revised to incorporate an **in depth analysis** under each Standard for Rehabilitation rather than referring back to the 2010 analysis (Cole 2010)." GANDA, page 3 (emphasis added). PCS joins in this recommendation, and requests that the Board's action and the LUP be conditioned to require these revisions. The Staff Report states only that "P&D intends to require that the applicant complete this task as a part of the application for a new or revised permit to authorize the revised rehabilitation plan." PCS believes the GANDA recommendation addresses an important issue that should carry the Board's imprimatur.
- g) *GANDA Recommendations: Applicant shall prepare a revised Letter Addendum incorporating the 2010 Phase 2 Cultural Resources Report/Detailed Rehabilitation Treatment Plan and adding an in-depth analysis under each Standard for Rehabilitation.*
- h. Detailed Treatment Plan. A more detailed Treatment Plan must be required as a condition of the Board's approval and integrated as a condition into the LUP. The Project documents lack specificity. The Roselund report provides general guidance, but lacks specificity regarding the individual steps involved to achieve compliance and consistency with the Secretary's Guidelines. A detailed Treatment Plan is required to provide specific guidance for all aspects and each element of the rehabilitation project, such as: methods for design and production of new adobe bricks; standards for recreated fenestration, door, window and roof frames; articulation how historic building fabric elements will be repaired and reused, and similar aspects. This information should be reflected on the final construction plans and drawings to assist County staff and contractors in implementing and monitoring the project.
- h. *Detailed Treatment Plan: The detailed "Rehabilitation Treatment Plan" prepared by AB Design Studio (found in the 2010 Phase 2 Cultural Resources Report) provides specific guidance for all aspects and each element of the rehabilitation project such as: standards for recreated fenestration, door, window and roof frames, and articulation of how historic building fabric elements will be repaired and reused. Existing construction plans reflect the elements of the Treatment Plan.*

The 2014 Condition Assessment/Rehabilitation Plan prepared by Nels Roselund outlines the revised "Means & Methods to Rehabilitation" based on existing conditions. Methods for design and production of new adobe bricks shall be prepared by a qualified adobe brick fabricator and shall be reflected in the final construction plans.

Comments in red have been made by Applicant in response to Appellant's request that additional conditions be imposed.