

# LAW OFFICE OF MARC CHYTILO

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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](mailto: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

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.

## 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 19<sup>th</sup> century adobe structures, such as the applicant's consultant, Roselund Engineering Company.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.