

February 8, 2016

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**VIA HAND DELIVERY**

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
105 E. Anapamu Street  
Santa Barbara, CA 93101  
sbcob@co.santa-barbara.ca.us

RE: Board of Supervisors Agenda for **February 16, 2016**  
Appeal of Montecito Planning Commission's Decision to Require Preparation of an EIR for Casa  
Dorinda Project  
(Case Nos. 14RVP-00000-00005, 14CUP-00000-00002, 15GOV-00000-00004, and Environmental  
Document No. 15 NGD-00000-00003)

To The Honorable Peter Adam, Chair, and Members of the Board of Supervisors:

Brownstein Hyatt Farber Schreck represents the Montecito Retirement Association, a not-for-profit (501(c)(3)) organization, the owner and applicant for the Casa Dorinda Master Plan Update (the "Project"). We present this appeal letter to the Board of Supervisors ("Board") on behalf of owner and applicant.

This letter requests that the Board overturn the Montecito Planning Commission's ("MPC") decision ordering the preparation of an Environmental Impact Report ("EIR") for the Project and direct the MPC to make a decision on the Project on the basis of the final Mitigated Negative Declaration that has been prepared ("Final MND"). As demonstrated below, there is no practical or legal reason to require preparation of an EIR.

**Summary of Key Points**

1. A new 25-foot two-way bridge for vehicles and pedestrians is essential for safe access to the Casa Dorinda campus.
  - A. Fire Department requires a 20 foot vehicular access before building permits can be issued.
  - B. The two existing bridges are 98 years old and narrow (13 feet and 16 feet), do not meet Fire Department standards, and are unsatisfactory for pedestrian use.
2. The existing south bridge is structurally deficient and creates an undue flood risk.
3. To avoid increasing flood risks, the new bridge should not be built unless the existing south bridge is removed.

1020 State Street  
Santa Barbara, CA 93101-2711  
main 805.963.7000

4. The historic value of the south bridge will be respected and preserved by emulating its design and re-using the sandstone from that bridge in the new bridge.

5. An EIR will be expensive and time consuming, and no useful information will emerge. It is estimated that an EIR will take over a year and cost in excess of \$250,000. The Casa Dorinda Project addresses a critical – and growing – community need for high quality care for our senior population, including specialized care for people with memory problems. As a caring community, we should be wary about adding needless delay and cost to an important senior service project or else risk discouraging senior facility proponents from pursuing projects that are so important to the future of our county.

6. There is no legal basis for an EIR, because the legal standards for requiring an EIR have not been met.

## I. BACKGROUND

### a. The Project

Casa Dorinda is a well-respected and well-managed retirement community located at 300 Hot Springs Road, Montecito. Casa Dorinda provides independent living, assisted living, memory care and skilled nursing services. A Casa Dorinda resident is assured of lifetime housing, medical care, nutrition service and personal support, even if that person's economic circumstances change. The campus is 48.3 acres, of which 18.5 acres (including an oak woodland habitat) are open to the public for walking and hiking. Casa Dorinda was established in the 1970's and currently consists of 30 buildings.

In order to continue to serve its residents and maintain its high standards of care, and to make room for additional residents, Casa Dorinda applied for a revised Major Conditional Use Permit ("CUP") to allow a combination of demolition, renovation and new construction. The requested revisions would allow buildout of the Master Plan, including 19 net additional independent living units, six personal care units and six new memory care units. The Project includes an increase in the size of the open space area from 18.6 acres to 21.7 acres, a 17% increase. The Project also includes a request for approval of a Minor CUP to allow minor modifications of height limitations for fences and walls as requested by surrounding neighbors.

Even with the planned improvements, Casa Dorinda would remain within the population and residential unit limits set by the County in a 1992 CUP.

### b. Bridge Replacement

This appeal is limited to a single element of the Project: construction of a new two-way access bridge to Casa Dorinda, and removal of one of two existing access bridges. At present, vehicles use two narrow one-way bridges built in 1918 crossing over Montecito Creek to enter and exit Casa Dorinda.

North Bridge (Current Entrance). The north bridge (16 feet wide) currently serves as the entrance to the campus, and is about 100 feet north of the intersection of Olive Mill Road and Hot Springs Road (see Exhibit 1). This entrance is not optimally located, because it is at the end of a blind curve on Hot Springs Road and cars entering the property from southbound Hot Springs Road can cause traffic to back up as they wait to make a left turn.

The North Bridge can convey flows from a 50-year flood event.

South Bridge (Current Exit). The south bridge (13 feet wide) currently serves as the exit from the campus, and vehicles crossing it arrive at a stop sign at the campus boundary (intersection of Olive Mill and Hot Springs) (see Exhibit 1). The south bridge was severely damaged in past storms and is structurally deficient. (At the Board hearing, we will show a videotape of the flood event and photos of the damage it caused to the bridge.)

The South Bridge can convey flows from a 10-year flood event.

The South Bridge cannot be repaired and remain consistent with Flood Control District standards because repairs would add bulk to the bridge and thus cause further flood flow obstruction. The civil engineer for the Project has recommended it be replaced (see Exhibit 3).

Pedestrian Safety. The existing bridges lack a separate walkway for pedestrians. Thus, employees arriving by bus must share the single lane road with vehicles entering or leaving the property.

The Fire Department has stated that a 20-foot wide vehicular access must be provided prior to the issuance of building permits for the proposed Casa Dorinda improvements (Exh. 4.).

To address these issues, Casa Dorinda decided to build a new 25-foot wide bridge capable of accommodating two-way traffic at a location between the existing bridges (see Exhibit 1). The new bridge will include a five foot raised pedestrian walkway, and will be able to convey flood flows from a 50-year storm. It is designed so that Montecito Creek can be widened in the future to accommodate even larger flood flows (100 year storms).

The new bridge will become the primary entrance and exit to Casa Dorinda, and will connect to Hot Springs Road at approximately the same location as the existing exit road, thus using the existing four-way intersection in a manner which is logical, safe and an improvement to the site's current access system.

The Montecito Fire Protection District has approved the new bridge because it will be wider and stronger than the two old bridges, and provide better emergency access to the property since a 20 foot vehicular access is easier for large fire vehicles to navigate. The County Flood Control District has approved the design and location for the new bridge because the existing flood risk will be unchanged, assuming that the south bridge is removed.

The decision to build a new 25-foot bridge necessitates removal of one or both of the existing bridges under applicable flood control regulations. (See Exh. 3.) After carefully analyzing the alternatives, Casa Dorinda decided to remove just one of the two bridges, and that removing the south bridge is the only viable choice, for four reasons:

1. The south bridge is already damaged. It cannot be repaired without adding more concrete, which will exacerbate the flood risk. By contrast, the north bridge is not damaged.
2. The south bridge is more likely to collapse in a high flow event than the north bridge because the south bridge sits lower in the creek and has been damaged in past storms. A bridge collapse would create a significant channel obstruction, and increase the likelihood that water would flood adjacent properties and Hot Springs Road.
3. The south bridge creates a greater constriction for flood flows than the north bridge because of its reduced waterway capacity. The south bridge will only convey flows from a 10-year storm event while the north bridge will convey flows a 50-year storm event. (See Exhibit 3.)

4. Removing the south bridge will not affect the 100-year water surface elevations. If the north bridge is removed, the water surface elevation will rise, increasing the flood risk. (See Exh. 3)

Casa Dorinda recognizes that the bridges are part of a historic resource (along with the stone-lined segment of Montecito Creek between them), and need to be addressed with great care. Accordingly, it designed the new bridge to emulate the architecture of the south bridge, and has accepted the recommendations from two independent historic resource consultants that the following mitigation measures be incorporated into the bridge project:

- (i) The new bridge will include sandstones and top stones removed from the south bridge, so that it appears to be akin to the south bridge. (The existing south bridge is a concrete structure with stone façade. See Exhibit 2).
- (ii) The south bridge has been thoroughly photo-documented.

With these mitigation measures, the Final MND concluded that the Project would not have a significant effect on historic resources. (See MND, page 63.)

One Planning Commissioner asked why reconstruction of the south bridge in place was not an option. Casa Dorinda explained that this would leave Casa Dorinda with only one lane providing ingress and egress while the reconstruction is underway, which is plainly inadequate and unsafe.

#### c. Environmental Review

County P&D staff determined that an MND was the proper environmental document to review the environmental effects of the Project. Staff prepared a Draft MND finding that all potentially significant impacts can be mitigated to a level of less than significance and released it for public comment on February 4, 2015. The County received a number of comments on various aspects of the MND. Casa Dorinda voluntarily extended the comment period to make sure community members had sufficient time to submit comments.

In response to comments, Casa Dorinda conducted meetings with a vast majority of the commenters and agreed to make a number of changes to the Project to address concerns about the Project. These commenters then submitted letters to the County officially retracting their earlier comments and expressing unqualified support for the Project as modified.

County staff took extraordinary steps to respond to comments about the historic resources on the Casa Dorinda property. It commissioned three new reports from well-respected local architectural historians (Post/Hazeltine Associates), who conducted a peer review of the earlier historical resource reports and prepared two independent reports. The Post/Hazeltine reports found that the impact of demolition and rebuilding of the south bridge would be "less than significant" if the MND's conditions were followed.

Based on this new information, P&D staff released the Final MND for the Project on October 1, 2015, incorporating the modifications resulting from responses to comments..

The Final MND incorporated the Post/Hazeltine conclusion that the two bridges and the stone-lined channel of Montecito Creek qualify as an historic resource under the California Environmental Quality Act ("CEQA"). The MND also reflected the consultant's finding that the impact of demolition of the south bridge on historic resources can be mitigated to a less than significant level with the incorporation of mitigation measures recommended by the historic consultants. These mitigation measures, which were incorporated into the Final MND, require photo documentation of the existing bridge and incorporation of sandstone

vener and top stones from the existing bridge into the new bridge with the same architectural style.<sup>1</sup>  
Please see Exhibit 2 for a rendering of the existing south bridge and the proposed bridge.

The Final MND also concluded that impacts caused to coast live oak/sycamore trees and riparian areas from the location of the new bridge and realignment of the entrance/exit road would be mitigated to a less than significant level with the implementation of mitigation measures requiring habitat restoration, implementation of best management practices during construction, tree replacement, and expansion of the open space easement area.<sup>2</sup>

d. Hearings Before the MPC

Prior to the first MPC hearing, Casa Dorinda went to extraordinary lengths to notify the entire Montecito community about the Project, and spent years meeting with neighbors and others. The result was a series of compromises and Project changes that addressed all of the community's questions.

The product of this robust public outreach was the following:

- A. Enthusiastic support for the Project from the Montecito Association. The Association's Land Use Committee specifically recommended that an EIR not be required.
- B. Support for the Project from neighbors of the project, including those who are closest to the campus.
- C. Public hearings before the Montecito Planning Commission that were remarkable for the broad public support that was demonstrated.

The MPC held over **16 hours** of hearings on this case. Given the absence of opposition to the Project, the duration of these hearings was truly extraordinary.

The Project, including the Final MND, was first considered by the Montecito Planning Commission (MPC) on October 21, 2015. County staff recommended that the MPC approve the Project and adopt the Final MND as presented. No persons objected at the hearing to any part of the Project or Final MND. The hearing on the Project lasted approximately seven hours and was ultimately continued to the MPC's December 3 meeting to provide further responses to Planning Commissioner questions.

At the December 3 hearing, County staff answered a number of Commissioner questions, including questions specific to the bridge reconstruction. Staff explained that dismantling the south bridge and construction of a new bridge is in compliance with standards of the Montecito Fire Department and County Flood Control. The Fire Department representatives explained their position that Casa Dorinda needed to provide a 20-foot wide vehicular access to the campus prior to the issuance of any building permits for Casa Dorinda. County Flood Control staff explained that bridge repair or modification would create additional obstructions of the floodway, which Flood Control could not support.

County planning staff advised the MPC that, given the advice from the fire and flood control professionals, removal of the south bridge and construction of the new bridge with two 10-foot wide lanes for ingress and

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<sup>1</sup> See Final MND, pp. 38-42.

<sup>2</sup> See Final MND, pp. 21-25.

gress is the most logical way to satisfy Fire Department and Flood Control standards, while at the same time ensuring that the north bridge can be preserved without need to repair or modify.<sup>3</sup>

County planning staff also explained that the proposed mitigation measures to address impacts from construction of the new bridge are compliant with the Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties and mitigate all impacts from the bridge reconstruction to a less than significant level.<sup>4</sup>

At the December 3 hearing, County planning staff again recommended that the MPC approve the Project and adopt the Final MND. Again, there was near unanimous community support for the Project and Final MND. After seven hours, the MPC again continued the hearing to its December 16 meeting.

At the December 16 hearing, once again planning staff recommended approval of the Project and adoption of the Final MND. Instead of approval, on a 3-2 vote, the MPC ordered the preparation of an EIR "on issues associated with the historic bridge, including an analysis of alternative locations for a new bridge and their impacts on all applicable environmental issues."<sup>5</sup>

One Commissioner explained his vote by stating that he perceived a "conflict between experts" with respect to the historical resource. Casa Dorinda does not agree that there is any conflict, and the two historical consultants who have prepared reports on this Project have prepared a letter making it clear that no such conflict exists (see Exhibit 5).

At all three Commission hearings, the discussion made it clear that three of five Commissioners disagreed with Casa Dorinda's design decisions about the best way to assure safe and adequate access to the campus, and asked about all sorts of alternative access ways. Each of those alternatives was carefully studied and demonstrated to be infeasible or unlawful by uncontroverted evidence from County experts and the applicant's consultants. Nonetheless, three Commissioners were unmoved, and decided that an EIR would be an appropriate next step.

This appeal followed.

## **II. Discussion**

A lead agency does not have the authority to require the preparation of an EIR when mitigation measures incorporated into the project will mitigate all impacts to a level of insignificance and there is no substantial evidence in the record that the project may have a significant impact on the environment. The Final MND prepared for the Project demonstrates that, with mitigation measures incorporated, the Project will not have any significant impacts. There is no evidence in the record suggesting or demonstrating otherwise. We request that the Board overturn the MPC's decision ordering the preparation of an EIR for the Project and approve the Project on the basis of the Final MND.

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<sup>3</sup> See Memorandum to MPC from Alice McCurdy, dated November 12, 2015, pp. 5-6.

<sup>4</sup> See Memorandum to MPC from Alice McCurdy, dated November 12, 2015, p. 6.

<sup>5</sup> See MPC Marked Agenda for December 16, 2015 meeting.

a. The Board's Standard of Review For Appeals

The Board reviews decisions of the MPC on a de novo basis.<sup>6</sup> The de novo standard means that the Board should make its decision independently without deference to any conclusions or assumptions made by the MPC.

b. When the Record Does Not Contain Evidence of a Significant Impact, an EIR Cannot Be Required

The following rule is stated in CEQA, the CEQA Guidelines, and court decisions:

"If there is no substantial evidence a project may have a significant effect on the environment or the initial study identifies potential significant effects, but provides for mitigation revisions which make such effects insignificant, a public agency must adopt a negative declaration to such effect and, as a result, no EIR is required..."<sup>7</sup>

Note that this language is not permissive, but is a command: "must adopt." Both CEQA and the Guidelines command that a negative declaration "shall" be prepared in these circumstances.<sup>8</sup>

The rule requiring the preparation of a negative declaration or mitigated negative declaration when there is no evidence of significant impacts is supported by policies incorporated into CEQA for reductions in delay and paperwork. "The CEQA Guidelines strongly encourage mitigated negative declarations as a means of reducing delay and paperwork."<sup>9</sup>

When an agency does not proceed in the manner required by law or the agency's decision is not supported by substantial evidence in the record the agency has committed an abuse of discretion.<sup>10</sup> "An agency abuses its discretion by failing to proceed in the manner required by law if its action or decision does not substantially comply with the requirements of CEQA."<sup>11</sup> As explained below, there is no evidence in the record that the bridge reconstruction portion of the Project would have a significant impact on the environment. Under these circumstances, requiring an EIR on impacts of the bridge, rather than adopting the Final MND, does not comply with the requirements of CEQA and would therefore constitute an abuse of discretion.

c. The Record Before the MPC Did Not Contain Evidence of a Significant Impact

In the CEQA context, substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, evidence that is not

<sup>6</sup> Santa Barbara County Land Use and Development Code § 35.102.050.C.

<sup>7</sup> *Quail Botanical Gardens Foundation v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601. See also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 615; *May v. City of Milpitas* (2013) 217 Cal.App.4th 1307, 1322; Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15064(f)(2).

<sup>8</sup> See Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15064(f)(2).

<sup>9</sup> Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 6.60, citing 14 Cal. Code Regs. §§ 15006(h), 15063(c).

<sup>10</sup> Pub. Res. Code 21168.5.

<sup>11</sup> Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 23.35, citing Pub. Res. Code §§ 21168, 21168.5; *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.

credible, or evidence of economic or social impacts that do not contribute to or are not caused by physical environmental impacts.<sup>12</sup>

The majority of the comment letters on the Project were retracted by the commenters after changes were made in the Project to allay their concerns. None of the comments remaining in the record on the potential impacts of the bridge reconstruction constitute facts, reasonable assumptions based on facts, or expert opinion supported by facts.<sup>13</sup> No one, including County staff, presented any evidence at any of the MPC hearings that the bridge reconstruction with mitigation incorporated might cause a significant impact.<sup>14</sup> In fact, there was no negative testimony presented on any aspect of the Project. Instead, all evidence before the MPC agreed with the Final MND's determination that all impacts of the bridge reconstruction would be mitigated to a less than significant level.

As noted above, one Commissioner stated that he felt an EIR was appropriate because of a claimed "conflict among experts" with respect to historical resource impacts. We respectfully suggest that there is no such "conflict among experts" that justifies an EIR. Enclosed as Exhibit 5 is a letter dated February 1, 2016 signed by both historic consultants making it clear that there is no disagreement between the experts on the key environmental issues. The letter should put that issue to rest.

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<sup>12</sup> Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 23.34, citing Pub, Res, Code §§ 21080(e), 21082.2(c); 14 Cal. Code Regs. §§ 15064(f)(5)–(6), 15384.

<sup>13</sup> The comments mostly constitute conclusory arguments about significance determinations ("The loss of half an acre of oak woodland has significant impact on the environment" - March 30, 2015 letter from Kellam de Forest), argument about the law ("photo documentation does not fully mitigate significant impacts to historic resources" – March 30, 2015 letter from Cindy Feinberg, Montecito Association), or simply repeat information from the MND and Montecito Community Plan, while ignoring the analysis provided in the Final Draft MND).

<sup>14</sup> We anticipate someone may argue that demolition of an historic resource must be considered a significant impact requiring an EIR under *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896 and *Architectural Heritage Assoc. v. County of Monterey* (2004) 122 Cal.App.4th 1095. However, both cases are distinguishable on their facts.

The proposed project in *League for Protection of Oakland* was the demolition of an historic Montgomery Ward Building occupying an entire city block and described as the largest industrial building in Oakland, prominent on the city's skyline. The project in *County of Monterey* was the demolition of the County's 40 feet tall, 19,000 sq. ft. historic jail built in the 1930s by prominent architects. In both cases, there was no evidence that the building was structurally unsound and in both cases the only mitigation measures proposed aside from documentation and monitoring was a vague commitment to incorporate elements of the buildings' designs into the replacement structures. In contrast, the south bridge is unsafe and must be reconstructed per Fire Department requirements. Casa Dorinda has committed to incorporating materials from the existing bridge into the new bridge. Finally, the two bridges and concrete channel of the creek as a unit make up the historically significant resource. The Project involves removal of only one portion of the historic resource, the bridge. The remainder of the historic resource will be preserved. The proposed mitigation measures are appropriate under CEQA to mitigate the impact of demolition and reconstruction to a less than significant level.



d. If the Board Fails to Overturn the MPC's Decision, Will Have Negative Effects on Beneficial Development and It Would Contravene CEQA Policies

If the Board allows the decision of the MPC to stand, it will set a precedent that County decision makers are permitted to require an EIR at any time regardless of whether there is any evidence to support the decision. Such a policy would negatively affect the ability of the County to attract beneficial projects. Due to the substantial investment of time and money required for most projects, project proponents depend on a level of certainty in the planning and approval process.

In this case, the permitting process has already taken approximately three years and Casa Dorinda has spent an enormous sum in planning and consultant fees, including substantial fees paid to the County. An EIR necessitates at least an additional year of preparation and review time and will likely cost over \$250,000. Every day of delay and added dollar negatively affects Casa Dorinda's ability to provide the highest level of service to its residents.

If the Board allows the decision of the MPC to stand, other project proponents will surely take notice. They may conclude that it would be foolish to prepare anything less than an EIR for their project regardless of whether the project has any significant impacts or those significant impacts can be mitigated. They may decide that it is safer to invest extra time and money on the front end to prepare an EIR, than it is to prepare an MND and risk the chance that a County decision maker will order an EIR just before the project crosses the finish line.

Preparing an EIR after an MND has been completed causes duplication of work as issues already analyzed in the MND must be studied again and re-analyzed in the EIR. The MPC's decision here also removes incentives for project proponents to revise their projects to mitigate environmental impacts before the project is presented for decision, which is precisely what Casa Dorinda has done in this case. There is no reason to revise the project to fit within an MND if an EIR could be required regardless of how effectively the project modifications have mitigated all significant impacts.

The MPC's decision here sets a precedent for a process that would result in more delay, more paperwork, duplication of work, and a disincentive to work with the community. Moreover, it would discourage project applicants from revising project elements to avoid the need for an EIR. These adverse results directly contravene CEQA policies and undercut the widely-held sentiment that project applicants – particularly non-profits – should strive to work closely with community groups and neighbors to pursue reasonable compromises and solutions.

### **III. CONCLUSION**

There is no practical or legal reason to require an EIR for the Casa Dorinda Project. If the County were to require an EIR, it would constitute an abuse of discretion for failure to comply with CEQA. It would also set a precedent for a process that directly contravenes policies underlying CEQA and would have negative effects on development of senior projects within the County.

Therefore, Casa Dorinda respectfully requests that the Board overturn the MPC's decision ordering the preparation of an EIR for the Project and direct the Commission to make its decision on the Project on the basis of the Final MND that has been prepared.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Amerikaner". The signature is fluid and cursive, with the first name "Steven" and last name "Amerikaner" clearly legible.

Steven A. Amerikaner

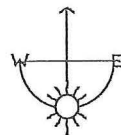
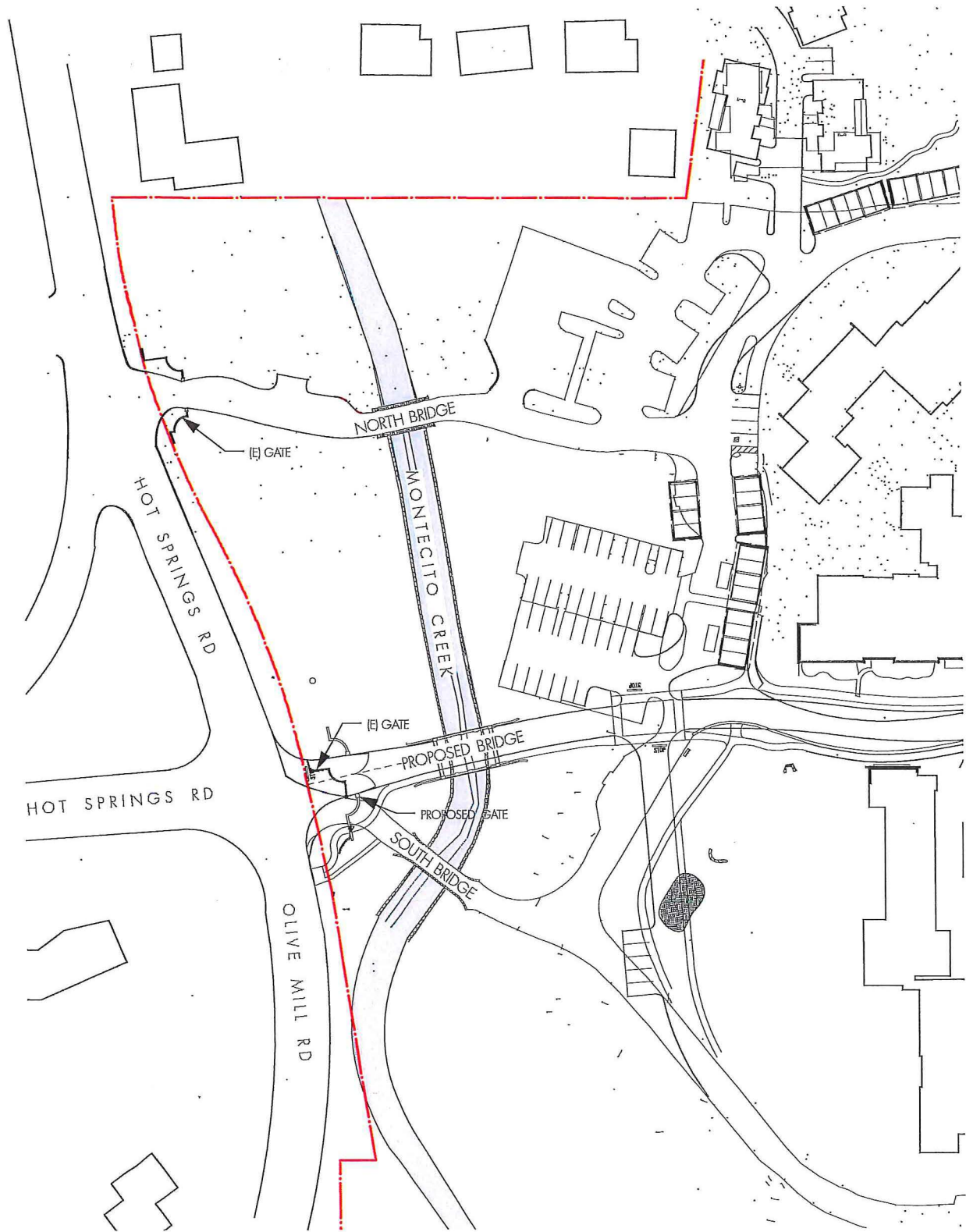
Attachments:

- Exh. 1. Site Plan Showing Montecito Creek and Bridges
- Exh. 2. Elevations: Existing South Bridge and Proposed Bridge
- Exh. 3. MAC Design Associates letter to Casa Dorinda, dated 2/01/2016
- Exh. 4. Montecito Fire Protection District letter to MAC Design Associates, dated 3/18/2015
- Exh. 5. Post Hazeltine Associates letter to Board of Supervisors, dated 2/01/2016

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# Exhibit 1

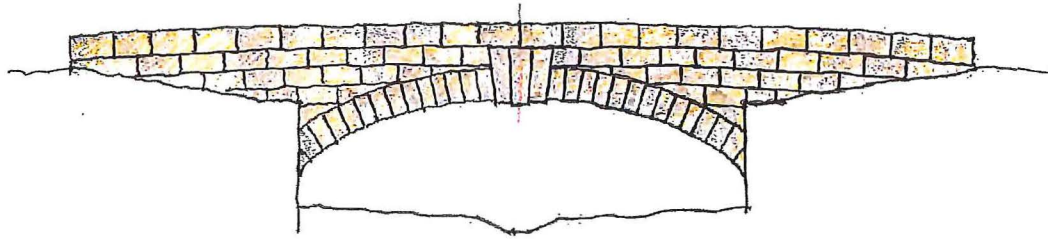
EXHIBIT 1  
CASA DORINDA



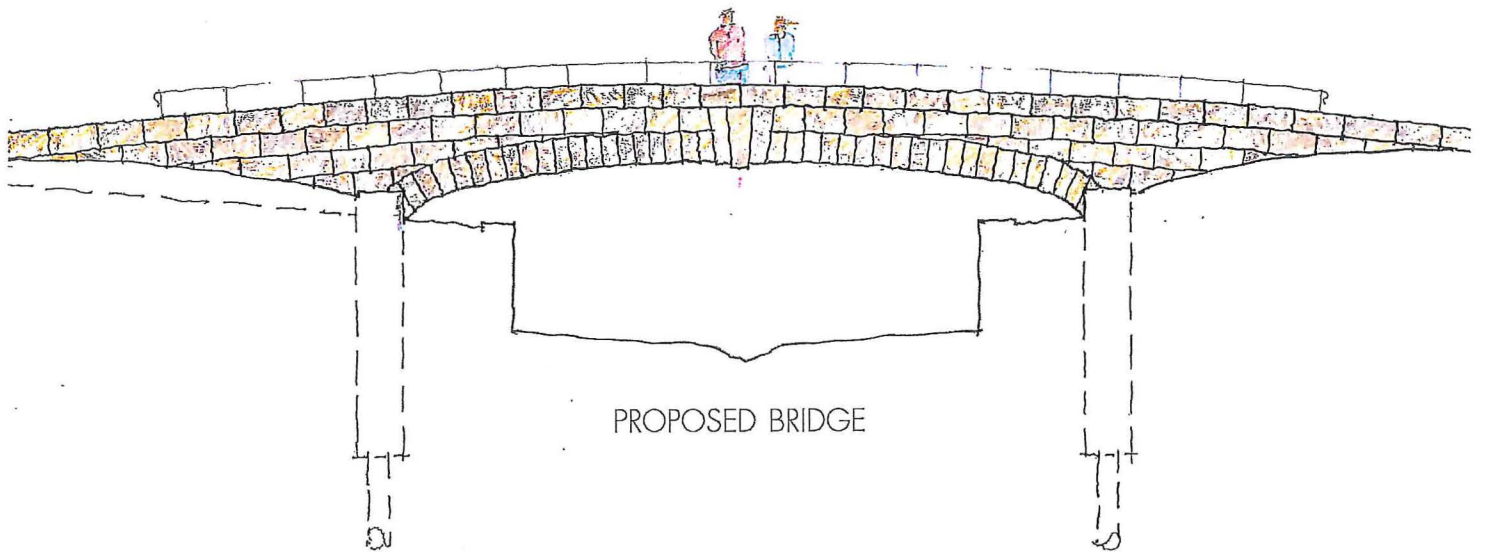
SITE PLAN  
Scale: 1" = 100 ft

# **Exhibit 2**

EXHIBIT 2  
CASA DORINDA



EXISTING SOUTH BRIDGE



PROPOSED BRIDGE

Scale: 1" = 10'-0"

# Exhibit 3

**MAC DESIGN ASSOCIATES**  
CIVIL ENGINEERING ♦ LAND PLANNING ♦ BRIDGE DESIGN

February 8, 2016

Ms. Robin Drew  
Casa Dorinda  
300 Hot Springs Road  
Montecito, CA 93108

Subject: Montecito Creek

Dear Ms. Drew:

MAC Design Associates was engaged to assist Casa Dorinda with respect to various civil engineering aspects of the Updated Master Plan Project. In that connection, we have been closely involved in the design of the new access bridge from Hot Springs Road, and in analyzing the flood management issues relating to the two existing 1918 access bridges and the existing stone-lined channel for Montecito Creek.

At your request, we have analyzed the section of Montecito Creek from the downstream face of the existing Hot Springs Road bridge to approximately 800 feet south was analyzed to determine the potential impacts of the proposed Casa Dorinda Master Plan development. This section contains two (2) existing bridges; a sixteen (16) foot wide ingress bridge and a thirteen (13) foot wide egress bridge. Both bridges are single lane and neither bridge has a pedestrian sidewalk. The development proposes construction of a new ingress/egress bridge which has a twenty (20) foot wide travelled way with a five (5) foot sidewalk.

The U.S. Army Corps of Engineers Hydraulic Center-River Analysis (HEC-RAS) software program was used to determine water surface elevations for the existing condition and the following scenarios:

1. Retain the existing ingress and egress bridges. Construct the new bridge as proposed.
2. Remove the existing ingress bridge. Retain the existing egress bridge. Construct the new bridge as proposed.
3. Remove the existing egress bridge. Retain the existing ingress bridge. Construct the new bridge as proposed.

The purpose of the analysis was to determine if the various scenarios would raise the water surface elevation from the existing conditions. The results of the analysis show that only scenario 3 will not raise water surface elevations and is the only option which will not increase the flooding potential of Montecito Creek.



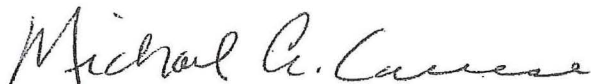
February 8, 2016

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In addition, the existing waterway capacity of the existing ingress and egress bridges was studied to determine conveyance. The existing egress bridge will only convey a 10 year storm event while the existing ingress bridge will convey a 50 year storm event. The reduced waterway capacity of the egress bridge exacerbates flooding and increases the potential for debris blockage.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,  
MAC Design Associates

A handwritten signature in black ink that reads "Michael A. Caccese". The signature is written in a cursive style with a large initial 'M'.

Michael A. Caccese

# Exhibit 4



# MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

March 18, 2015

Michael A. Ceccese  
MAC Design Associates  
1933 Cliff Drive  
Santa Barbara, CA 93109

Subject: Casa Dorinda Egress Bridge

Dear Mr. Ceccese,

The Montecito Fire District is in receipt of your letter dated March 17, 2015 regarding structural integrity of the egress bridge over Montecito Creek at Casa Dorinda. The referred questionable integrity of the bridge in the future causes reason for concern.

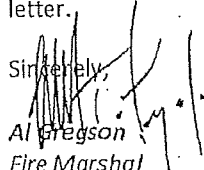
The District utilized both your letter dated October 24, 2012 and then subsequent verbal confirmation, to assure that the necessary repairs were completed upon removal of the emergency shoring and that it would be capable of meeting our load rating requirements. However, based on your recent explanation stating that the repair is a "temporary fix", and that future degradation of the bridge could render it structurally unsound, warrants a potential change in our emergency response operations or non-emergent visits to Casa Dorinda.

It has been over two years since your analysis of the bridge; that along with information provided in your recent letter, necessitates the District's need to require confirmation that the bridge, in its current condition, is compliant with standards. Additionally, the District will impose subsequent reports on a biannual basis or after a significant earthquake event, to assure its integrity has not been further compromised.

Additionally, the Fire District will require a permanent solution to the bridge issue. It will either need to be thoroughly repaired or replaced as a condition of approval attached to any future building permit issuance.

As mentioned above, please confirm the bridge, in its existing condition, is compliant with current code standards, and let me know if further clarification is needed regarding this response to your letter.

Sincerely,

  
Al Gregson  
Fire Marshal

Montecito Fire Protection District

# **Exhibit 5**

February 1, 2016

Chair Adam and Members of the Santa Barbara County Board of Supervisors:

The following is a joint letter submitted by the two independent historic resources consultants who have submitted reports on the Casa Dorinda Project: Preservation Planning Associates and Post/Hazeltine Associates. We are writing to assure the Board of Supervisors that there is no substantial disagreement between our two consulting firms on the cultural resource issues relating to the access bridges and related improvements at Casa Dorinda.

### **Background**

January 2014: Alexandra Cole of Preservation Planning Associates submitted a "Cultural Resources Study" (Attachment 6 to Staff Report to the Board of Supervisors).

August 2014: Alexandra Cole submitted a revised Study (referred to as the "Cole Report" in this letter).

February 2015: Draft Mitigated Negative Declaration released for public comment.

April 6, 2015: Comment letter from Pearl Chase Society submitted.

May 2015: Post/Hazeltine Associates submitted a Peer Review of the Cole Report (Attachment 6 to Staff Report) (referred to herein as the "PHA Peer Review").

August 2015: Post/Hazeltine Associates submitted a Phase 1-2 Cultural Resources Letter Addendum (also found under Attachment 6 to the Staff Report) (referred to as the "PHA Addendum"). Ordinarily, Preservation Planning Associates would have prepared this Addendum, but it was not available for this work.

October 2015: Proposed Final Mitigated Negative Declaration issued.

October 21, December 3 and December 16: Montecito Planning Commission hearings.

## Opinion

The undersigned consultants agree on the following fundamental points:

1. The reports prepared after the Draft MND was issued in February 2015 identified no new environmental impacts to historic resources and proposed no new mitigation measures.
2. The Proposed Final Mitigated Negative Declaration (issued October 2015) is correct in concluding that:
  - A. "... the significant historic resource is composed of the two bridges and the stone-lined channel, and the function of the two driveways as entrance and exit drives for the property" (at page 41).
  - B. "The following mitigation measures would reduce the project's effects regarding historic resources to a less than significant level . . ." (see mitigation measures listed under item #4, below).
3. The southern bridge (also referred to in the above reports as the "exit bridge" or the "former entrance bridge") will be re-built in a slightly different location as part of the project. It may need to be rebuilt due to structural integrity problems, or it may need to be re-built to comply with flood control regulations. The reason for the decision to re-build it has no bearing on the opinion of either historic consultant on the effect of that decision on the property's historic resources.
4. While re-building of the southern bridge would have a significant adverse impact on the property's historic resource, the impact would be reduced to less than significant levels with the following design features and mitigation measures:
  - A. Design the re-built bridge in a manner that will emulate the design of the existing southern bridge.
  - B. Re-use the sandstone veneer and top stones from the existing bridge for the new bridge, with the remainder of the stone for the new bridge to be obtained from rock quarried on-site.
  - C. Photo-document the existing southern bridge using archival-quality photographs (this mitigation measure has already been implemented).
5. The issues raised in the Pearl Chase Society letter dated April 6, 2015, which was resubmitted to the Montecito Planning Commission on December 11, 2015 by one of its members without PCS Board approval, have been fully addressed in the PHA Peer Review (May 2015) and the PHA Addendum (August 2015), and the conclusions of

those reports have been accurately incorporated in the Proposed Final Mitigated Negative Declaration.

**Conclusion and Recommendation**

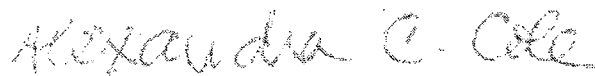
The undersigned believes that the historic resource impacts of the Casa Dorinda project have been fully and impartially analyzed, and the above referenced reports disclose no substantial disagreement between the undersigned as to the project's environmental impacts.

For this reason, it is our professional opinion that no further environmental review regarding historical resources is necessary or appropriate.

Respectfully,



Pamela Post, Ph.D.  
Senior Partner,  
Post/Hazeltine Associates



Alexandra Cole, M.A.  
Principal,  
Preservation Planning Associates