

Public Comment



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PRICE, POSTEL & PARMA LLP

Counsellors at Law

200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101-2190

Mailing Address: P.O. Box 99
Santa Barbara, CA 93102-0099

www.ppplaw.com

Ph (805) 962-0011 Fax (805) 965-3978

E-mail: tamspoker@ppplaw.com

Todd A. Amspoker
Susan M. Basham
Kristen M. R. Blabey
Shannon D. Boyd
Timothy M. Cary
Melissa J. Fassett
Ian M. Fisher
Arthur R. Gaudi
Cameron Goodman
Emily B. Harrington
Christopher E. Haskell
James H. Hurley, Jr.
Eric P. Hvolbøll
Mark S. Manion
Steven K. McGuire

Timothy E. Metzinger
Shereef Moharram
Craig A. Parton
Kenneth J. Pontifex
Douglas D. Rossi
Peter D. Slaughter
David W. Van Horne
C.E. Chip Wullbrandt
Ryan D. Zick

CAMERON PARK OFFICE

3330 Cameron Park Drive, Suite 100
Cameron Park, CA 95682-7652
Ph (805) 962-0011
Fax (805) 965-3978

Our File Number:
24045-1

November 4, 2019

VIA PERSONAL DELIVERY

Board of Supervisors
Santa Barbara County
105 E Anapamu St # 406
Santa Barbara, CA 93101

Re: N. Scott Vincent Irrevocable Trust Property
325 Chapala Street
November 5, 2019 Board Meeting

2019 NOV - 4 PM 2:26
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Dear Members of the Board:

This firm represents the N. Scott Vincent Irrevocable Trust, owner of the above-referenced property ("Property"). The Santa Barbara County Flood Control District is scheduled to consider adopting a Resolution of Necessity to acquire easements on a portion of the Property ("Easements") for the Lower Mission Creek Project ("Project") at the Board meeting on November 5, 2019.

The Property is improved with a commercial building which our client leases to Photothermal Spectroscopy Corporation ("Photothermal"), a business which manufactures extremely sensitive microscopes for analyzing a wide range of sample types, including biological samples and other materials. The microscopes are assembled and manufactured onsite, under rigorous conditions which require a clean and stable worksite, with no noise, dust or vibrations. Photothermal assembles and ships 15-20 of these units per year, to buyers throughout the world

Board of Supervisors
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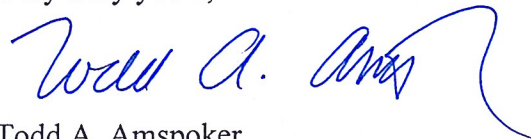
with detailed timing requirements. The microscopes are sold at prices between \$300,000 to \$600,000 per unit.

We have met with our client and Photothermal on site, and have discussed the proposed Project. The Project will temporarily eliminate 9 parking spaces, and a trash enclosure area, in the rear of the property. The parking spaces and trash enclosure are heavily used by Photothermal. In addition, access to the roll-up door at the back of the building will be limited to a 10-foot wide area along the back wall of the building. Access to the roll-up door is essential for Photothermal to accept delivery of supplies, and to ship out its microscope products. We have discussed with District right of way agent James Cleary how the property must be temporarily modified during construction of the Project, so that Photothermal will have adequate parking spaces, trash area and delivery areas during that time period. In addition, we have discussed with Mr. Cleary how the property must be configured after construction is complete, so that the property will not permanently lose any parking spaces, or its trash enclosure area. We have also discussed other actions that must be taken in order to ensure that Photothermal will not be put out of business as a result of the upcoming Project. If these actions are not taken by the District, it is probable that Photothermal's business activities will be substantially compromised. In addition, our client could certainly lose rental payments, or could suffer the loss of Photothermal as a tenant altogether. In addition, Photothermal could pursue a claim for loss of business goodwill against the District.

Our client is not objecting to adoption of a Resolution of Necessity at this time. However, it is imperative that the District follow through with the reasonable requests that have been made so that neither our client nor Photothermal will suffer unnecessary damages as a result of the Project. The proper amount of compensation to be paid for the Easements has not yet been negotiated or determined, but this cannot be finally determined until there is agreement about the subjects discussed in the preceding paragraph.

We therefore respectfully request that you instruct your staff to pursue these required negotiations in good faith with our client, so that the adverse financial consequences discussed in this letter will not occur.

Very truly yours,



Todd A. Amspoker
For PRICE, POSTEL & PARMA LLP

TAA:ks

cc: Scott Vincent