



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: 4/22/2014
Placement: Set Hearing on
4/22/2014 for 5/6/2014
Estimated Tme: 1.0 hour on 5/6/2014
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review South
(805) 568-2518

SUBJECT: Pearl Chase Society Appeal (Case No. 14APL-00000-00006) of Decision by Historic Landmarks Advisory Commission Regarding County Landmark #34, Juarez-Hosmer Adobe, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

On April 22, 2014, set a hearing for May 6, 2014, to consider the appeal of the decision of the Historic Landmarks Advisory Commission to approve changes to County Landmark #34, the Juarez-Hosmer Adobe, resulting in a change from the rehabilitation project of all historic structures on the site approved by 09LUP-00000-00545 in 2010 to a reconstruction project (including demolition) of all historic structures on the site.

On May 6, 2014, staff recommends that your Board take the following actions:

1. Uphold the appeal, Case Number 14APL-00000-00006;
2. Determine that upholding the appeal, thereby setting aside the Historic Landmarks Advisory Commission's decision is exempt pursuant to Section 15270 of the State Guidelines for Implementation of the California Environmental Quality Act (setting aside the HLAC's decision results in a denial of the proposal to change the project from rehabilitation to reconstruction); and

3. Set aside the action by the Historic Landmarks Advisory Commission to allow the change from the rehabilitation project of all historic structures on the site approved by 09LUP-00000-00545 to a reconstruction project of all historic structures on the site, including the deconstruction (demolition) of the structures.

Refer back to staff if the Board of Supervisors takes other than the recommended actions for appropriate findings and conditions.

Background:

The adobe structure of the Juarez-Hosmer Adobe Landmark was constructed circa 1830. A wood frame addition was added in the 1870s and the two-story wood water tower was constructed in 1874 with a small addition constructed at a later date. A small cottage was subsequently added north of the water tower, identified as a 1930s cottage in the final landmark resolution.

The Juarez-Hosmer Adobe was first declared County Historical Landmark No. 34, by the Board of Supervisors on December 20, 1994 by Resolution No. 94-593 following the recommendation of the Historical Landmark Advisory Commission (HLAC) Resolution 94-1. On July 7, 1998, by Resolution 98-265, the Board of Supervisors expanded and clarified that the landmark includes the boundaries of the property and identified the structures and trees on the property that are included in the landmark. In addition, the landmark resolutions specifically imposed two conditions that require review and approval by the HLAC: 1) demolition, removal or destruction is prohibited unless consent in writing is first obtained from the HLAC; and 2) no alterations, repairs, additions or changes shall be made unless plans have been reviewed and approved by the HLAC. Attachment 1 includes the full text of the HLAC resolutions.

Project History and Recent HLAC-Approved Change:

The Juarez-Hosmer Adobe restoration/rehabilitation plan was approved by the Historic Landmarks Advisory Commission (HLAC) on July 12, 2010, and subsequently by Land Use Permit No. 09LUP-00000-00545, on July 20, 2010. A minor change was permitted on November 30, 2011 (11RVP-00000-00097) to revise some grading at the driveway entrance to ensure adequate emergency access for the Montecito Fire Protection District. Permit compliance monitoring was applied to the project (Case No. 10PMC-00000-00081). The approved Land Use Permit included the following components:

- Restoration/rehabilitation of the adobe, the wood water tower structure, and the wood frame cottage;
- Rehabilitation and enlargement of the wood addition to the adobe adding 501 sq. ft.;
- Addition of 184 sq. ft. to the water tower structure and construction of a nonfunctioning replica of a wood water tank on top of the tower;
- Addition of 72 sq. ft. to the cottage;
- Construction of a new barn to replicate a barn lost to fire approximately 50-60 years ago; and
- Demolition of a small non-historic garage.

Details of the originally approved rehabilitation work and its conformance to the *Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for Preserving*,

Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer, 1995) (the *Standards*) regarding rehabilitation are included in the Phase 2 Cultural Resources Study: Historic Resources, May 2010 prepared by Alexandra C. Cole, Preservation Planning Associates. The report was reviewed and approved by the HLAC on July 12, 2010 (see Attachment 7).

Construction of the project began in November 2013. Upon the careful removal of building elements pursuant to the approved rehabilitation plan, the applicant discovered several unanticipated structural issues including significant deterioration of the framing of the wood buildings, a lack of foundation at the adobe, brittle condition of the adobe brick, and lack of use of a binder in the brick. Several reports submitted by the applicant state that the structures have deteriorated to the point that they would not survive the approved rehabilitation work (Taylor and Syfan November 15, 2013 and December 16, 2013 and Aguilar Adobe December 16, 2013, all included within Attachment 2; and Taylor and Syfan February 20, 2013, included as Attachment 5).¹

The applicant brought the structural issues regarding the water tower to the County's attention on November 21, 2013, and the adobe issues shortly thereafter. The applicant's team proposed to address the structural issues by deconstructing the buildings (demolition) and reconstructing them pursuant to the *Standards* for reconstruction.

The applicant brought the proposed changes to the HLAC's hearing of December 9, 2013, during public comment and requested to be considered as an ex-agenda item. The HLAC directed the applicant to return as a regularly scheduled item and to submit a historic report regarding the proposed change. In addition to approval by the HLAC, the proposed change would require a new Land Use Permit. The applicant has been advised of the permit requirement. The new LUP may be subject to CEQA review.

The proposed changes to the Juarez-Hosmer Adobe were heard by the HLAC on January 13, 2014. Documentation submitted by the applicant and reviewed by the HLAC included the following (see Attachment 2):

- An HLAC application form and statement of the issues;
- An historic letter report by Alexandra Cole, Preservation Planning Associates, dated December 20, 2013;
- Two structural reports from Michelle McCovey-Good, PE, Taylor and Syfan Consulting Engineers, dated November 15, 2013 and December 16, 2013;
- Letter from Tim Aguilar, Aguilar Adobe dated December 16, 2013; and
- Letter from Gary Frolenko Engineering, dated December 16, 2013.

At the hearing the applicant presented additional photos of the current conditions of the structures. The HLAC considered the submitted written documentation, the applicant's presentation, and public comment. The HLAC made several motions and ultimately approved of the change from rehabilitation to reconstruction for all of the historic buildings on the landmark property (Attachment 3 HLAC Action Letter).

¹ Taylor and Syfan Consulting Engineers include structural engineers licensed in the state of California who have extensive experience working on historic restoration projects including retrofits of historic unreinforced masonry structures. Tim Aguilar of Aguilar Adobe is a supplier and on-site manufacturer of adobe brick with 30 years of experience including rehabilitation and reconstruction projects.

Appellant Issues and Staff Responses:

A timely appeal of the HLAC decision to approve the changes to the Juarez-Hosmer Adobe restoration/rehabilitation plan was filed on January 22, 2014. The appeal, raising four issues, was filed by the Pearl Chase Society (Attachment 4).

APPEAL ISSUE 1: Inadequate Justification Presented for the Demolition of the Landmark – The photos and general statements certainly show that the adobe has special needs that require the expert attentions of those skilled in adobe preservation. The consulting engineering firm of Taylor and Syfan has shown that they are capable of recreating adobes from the ground up. The Juarez/Hosmer Adobe, however, needs preservation in situ, if at all possible. We respectfully ask that the owners get a second opinion from an engineering firm experienced in adobe preservation that has brought adobes in this condition back from the brink of demolition.

APPEAL ISSUE 3: Lack of Peer Review of Submitted Documents – The appellant requests that the item be returned to HLAC and Planning for further consideration following a peer review.

Staff Response: The information upon which the HLAC made its decision is included in Attachment 2 to this Board Letter. In addition, the applicant also presented photographic evidence of the conditions revealed upon the removal of building components approved as part of the rehabilitation plan. Pursuant to its by-laws, the HLAC may request assistance from Planning & Development or hire its own consultant to assist with the analysis of a proposed project, including peer review. The HLAC did not request a peer review or further information and, by a vote of 5 to 3, approved the revised project (see Attachment 3).

Since the filing of the appeal, the applicant has continued to provide additional information from their experts. The applicant submitted additional documentation of the credentials of the consulting engineering firm Taylor and Syfan, a more detailed report presenting their position regarding the structural issues and the reasons why they believe rehabilitation is no longer an option by Taylor and Syfan (Attachment 5), and a Phase 2 Cultural Resources Study: Historic Resources, February 2014 by Alexandra Cole of Preservation Planning Associates (Attachment 6).

APPEAL ISSUE 2: Inadequate Public Notice for the Demolition of the Juarez-Hosmer Adobe

Staff Response: The project was noticed in compliance with the Brown Act and the noticing requirements for the HLAC. Noticing is satisfied by the posting of the HLAC agenda in public locations including the P&D website not less than 72 hours (three days) before the meeting. The agenda was posted on January 6, 2014, one week before the hearing and four days before the minimum noticing requirement. The agenda notice addressed the entire Historic Landmark No. 34, Juarez-Hosmer Adobe and included a broad summary description “to consider proposed changes to the rehabilitation plan due to the immediate condition of the water tower and other structures on the site, and further, discuss a proposal to change the rehabilitation project to a reconstruction project due to the deteriorated condition of the structures.” The agenda was also emailed to a list of individuals and organizations who have submitted requests to receive all agendas of the HLAC via email.

APPEAL ISSUE 4: No Consideration for the [E]ffect on Historic Landmark Status – If the adobe is demolished and then reconstructed, it may possibly lose its historic resources designation. The loss of this historic structure, even if it’s replicated, will be immense.

Staff Response: This issue was raised by public comment and discussed by the Commissioners. In the February 2014 Phase 2 Cultural Resources Study, the project historian, Alexandra Cole, analyzes the impacts of demolition and concludes that demolition of the adobe and water tower would result in a potentially significant impact. She also concludes that reconstruction of these buildings pursuant to the *Standards* for reconstruction would mitigate the potential impacts to the historic resources to a less than significant level.

Next Steps/Applicant Options:

P&D recommends upholding the appeal in order to collect more information due to the potential significance of loss of historic resources as a result of the proposed changes as approved by the HLAC. However, upholding the appeal and setting aside the HLAC’s decision to approve demolition and reconstruction would leave the historic resources in the current condition, which is a state of partial deconstruction. The applicant’s options for moving forward include continuing to try and rehabilitate the structures in compliance with the rehabilitation plan approved under 09LUP-00000-00545. However, the applicant’s structural engineers, Taylor and Syfan, have already stated that the structures could not survive these rehabilitation efforts due to the severity of the structural issues uncovered when the rehabilitation work began. Additionally, Preservation Planning Associates has concluded that demolition of the structures would be a potentially significant impact, albeit an impact that can be mitigated to less than significant levels.

Alternatively, the applicant can continue to work with County staff to move forward with the collection of additional expert information that can be used to clearly define the tasks that would be needed to save in whole or in part these landmark buildings. This process would include the submittal of an application for a new Land Use Permit and contracting for a second opinion from an engineering firm specifically experienced in adobe preservation, rehabilitation and reconstruction. The independent report would assess the feasibility of rehabilitation, restoration and/or reconstruction of the existing historic resources, and the potential impacts to historic resources and mitigation measures. Once this information is submitted, P&D will determine whether peer review will be required and the revised project would be referred to the HLAC with appropriate CEQA documentation, for review and action.

Fiscal and Facilities Impacts:

Budgeted: Yes

No appeal fees are required for appeals of decisions by the Historic Landmarks Advisory Commission. The estimated staff cost to process the appeal is approximately \$11,325 (60 planner hours). This work is funded in the Planning and Development Permitting Budget Program on page D-168 of the adopted 2013-2015 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on May 6, 2014. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the notice are included with this Board Letter. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments:

- Attachment 1: Juarez-Hosmer Adobe Landmark Resolutions
- Attachment 2: Documentation provided by applicant to HLAC
- Attachment 3: HLAC Action Letter dated January 29, 2014
- Attachment 4: Appeal by Pearl Chase Society
- Attachment 5: Report of Existing Structural Conditions, Taylor and Syfan, February 20, 2014 and Taylor and Syfan Resume
- Attachment 6: Phase 2 Cultural Resources Study: Historic Resources, 461 San Ysidro Road, February 2014
- Attachment 7: Phase 2 Cultural Resources Study: Historic Resources, 461 San Ysidro Road, May 2010
- Attachment 8: CEQA Exemption
- Attachment 9: Land Use Permit 09LUP-00000-00545

Authored by: Julie Harris 568-3518