

**APPEALS OF SANTA BARBARA
BOTANIC GARDEN VITAL
MISSION PLAN**

72-CP-116 RV01, 99-DP-043

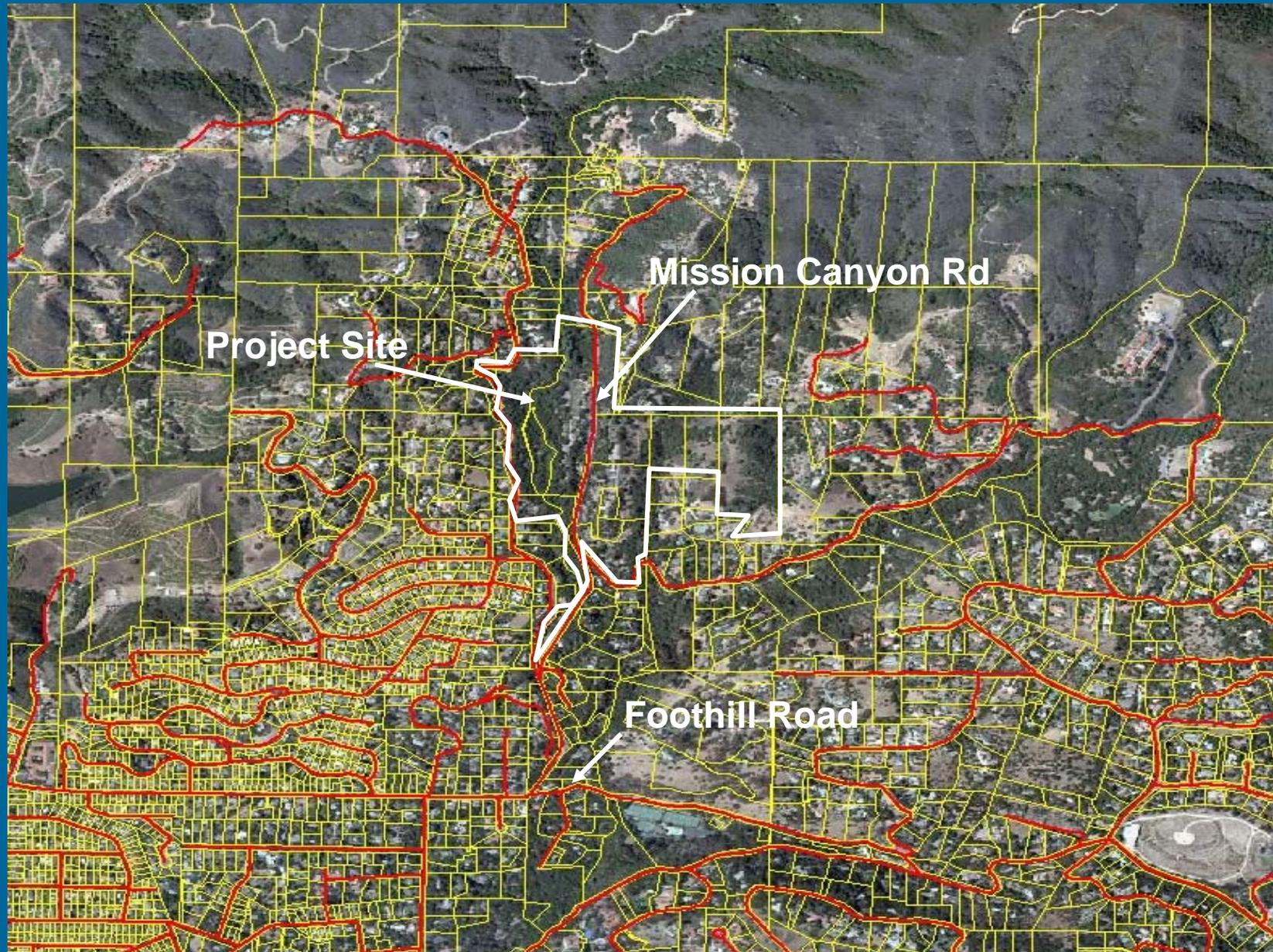
**SANTA BARBARA COUNTY
BOARD OF SUPERVISORS**

May 4, 2010

Overview

- Background
- Project Description
- Key Issues
- EIR Analysis
- Policy Consistency
- Ordinance Compliance
- Design Review
- Appeals
- Staff Recommendations

Project Vicinity





PROJECT SITE

Legend

- Santa Barbara
- Botanic Garden Boundary

Background

- In operation since 1926
- First CUP in 1959
- Active CUP approved in 1972
 - Validated existing uses and development
 - Authorized construction of Horticultural Unit

Background

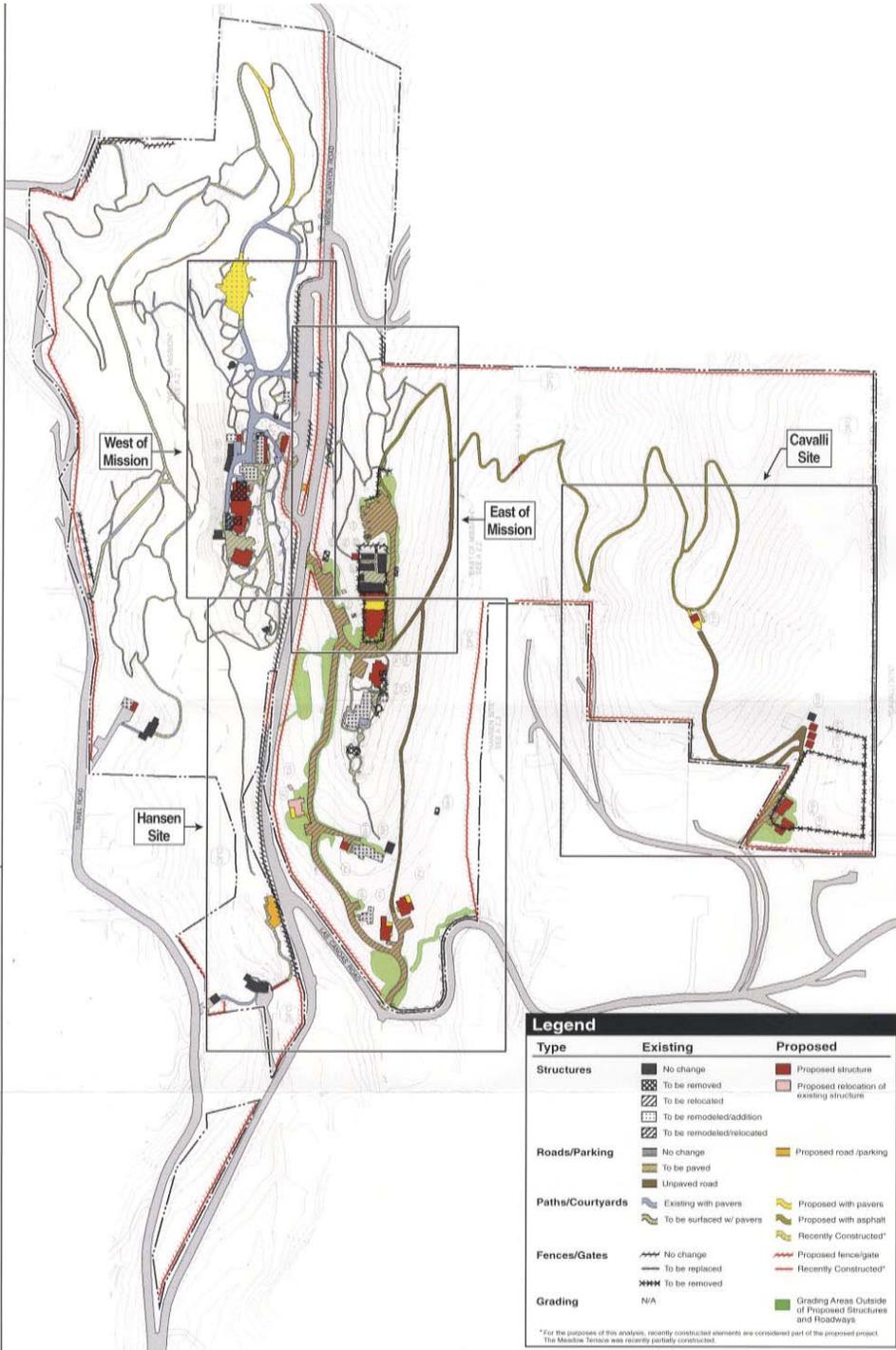
- 78 acres in size
- Zoned REC, AG-I-10, 1-E-1
- Access provided by Mission Canyon Rd.
- 23 acres designated County Historic Landmark (#24)
- 30 existing structures (pre fire)
- 39,600 sq. ft. of existing development

PC Approved Project Description

- 15 new buildings totaling 29,554 s.f.
- Demolition of 6 existing structures
- Additions/Subtractions and remodeling of several other existing structures
- Net new development of 25,414 s.f.
- Total onsite development – 64,972 s.f.

PC Approved Project Description

- Buildings constructed with fire-resistant materials and sprinklers
- 13,200 c.y. of cut, 5,400 c.y. of fill
- 91% of site remains undeveloped
- Buildout to occur in 2 phases

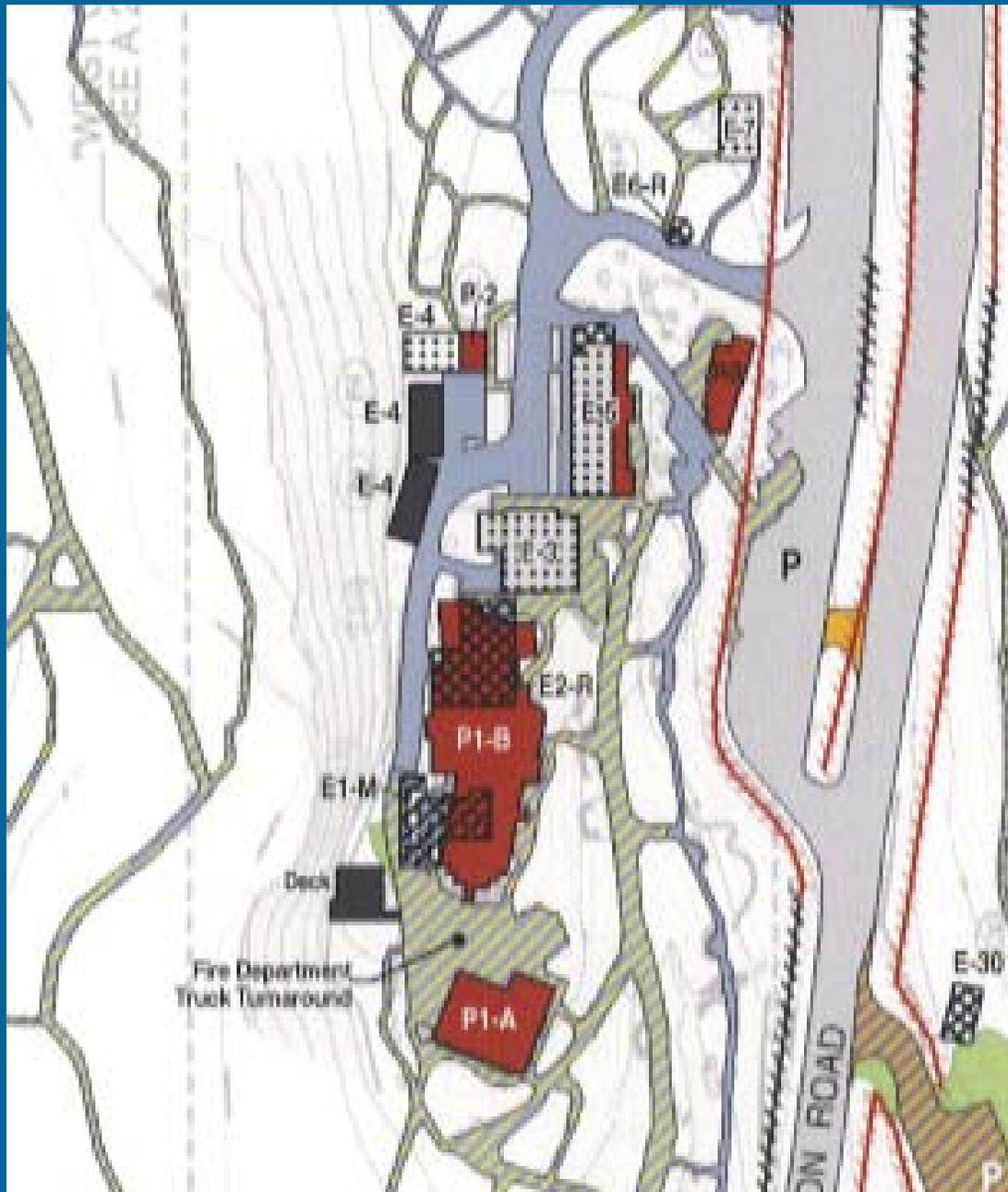


SITE PLAN

PC Approved Project Description

West of Mission Canyon Road

- 3 new buildings
 - Admissions – 724 s.f.
 - Education Center/Library – 7,941 s.f.
 - Children's Lab – 2,678 s.f.
- Demolition of Herbarium – 2,818 s.f.
- Relocation of Cottage – 1,390 s.f.
- Net increase of ~ 7,000 s.f.

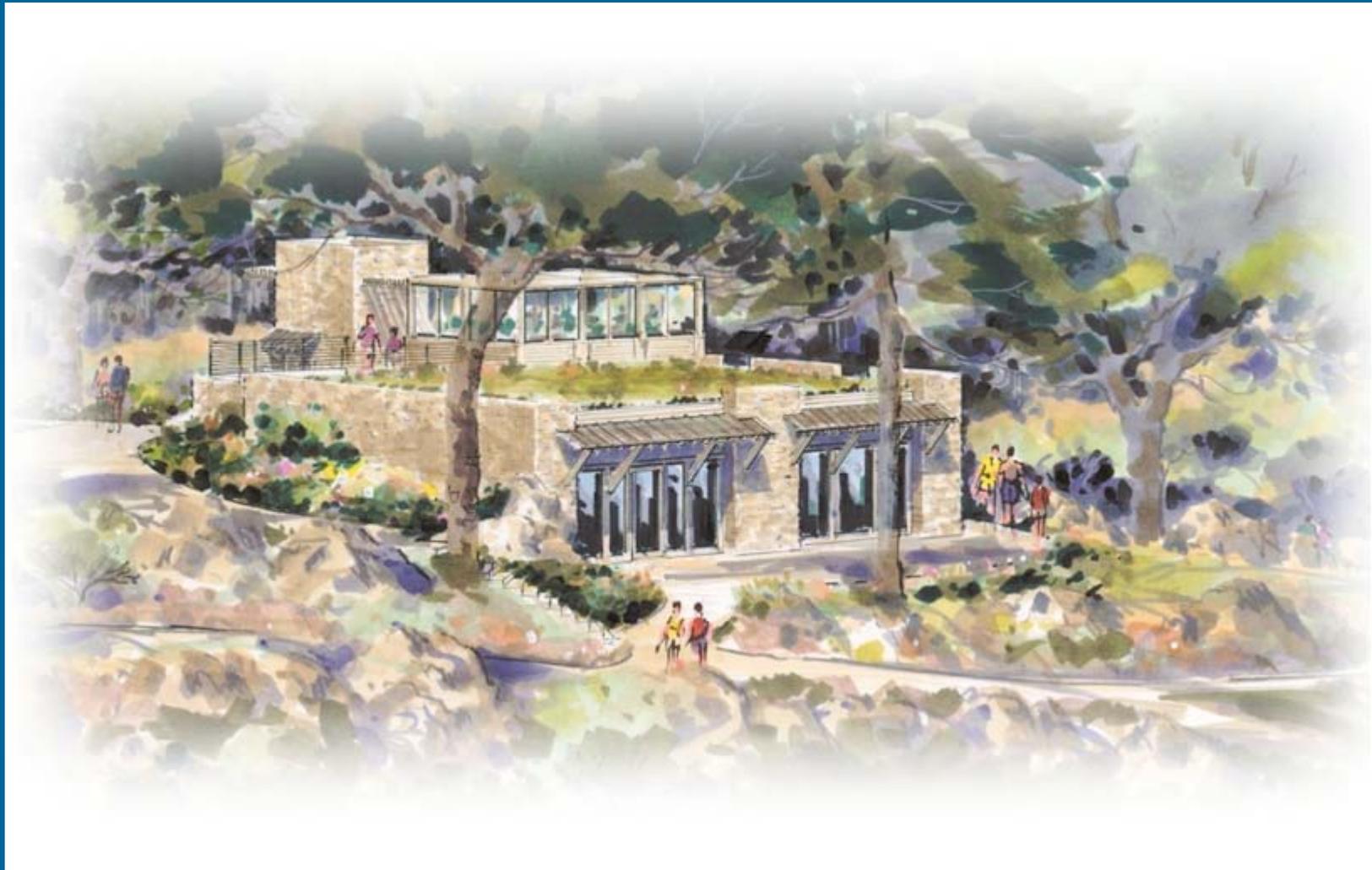


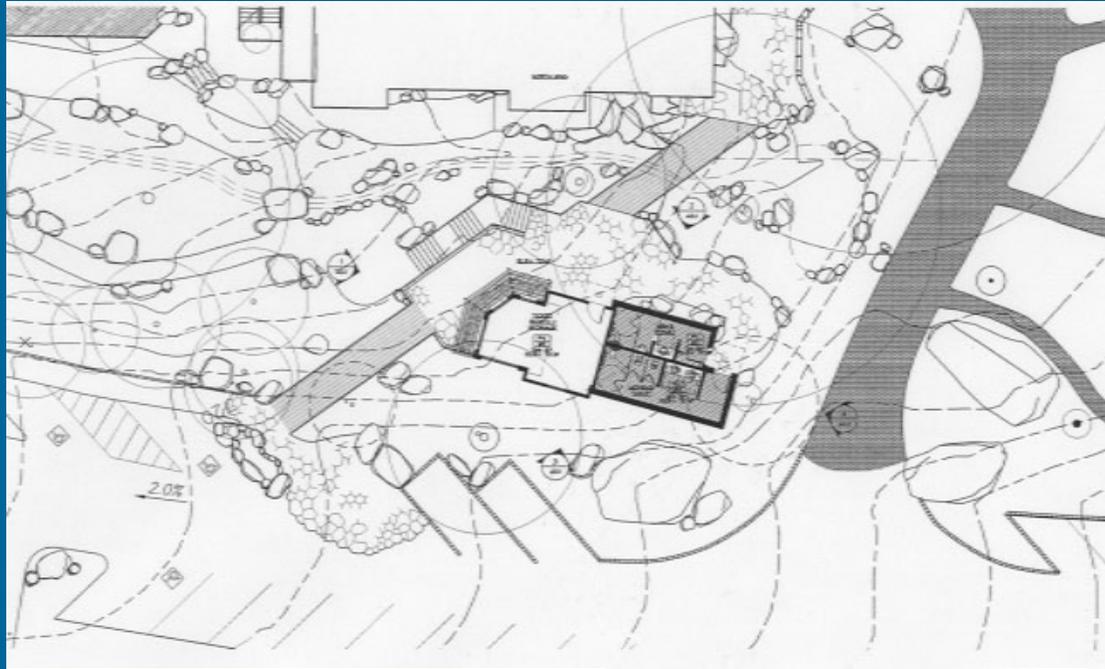
West of Mission Development

Education Center



Children's Lab





Admissions Kiosk



PC Approved Project Description

East of Mission Canyon Road

- 7 new structures
 - Conservation Center/Herbarium – 5,552 s.f.
 - Horticultural Offices – 3,527 s.f.
 - Horticultural Storage/Garage – 1,733 s.f.
 - 2 new staff residences – ~1,500 s.f. each
 - Garage and Can Yard
- Gane House to be rebuilt
- Relocated Cottage
- Parking and access improvements

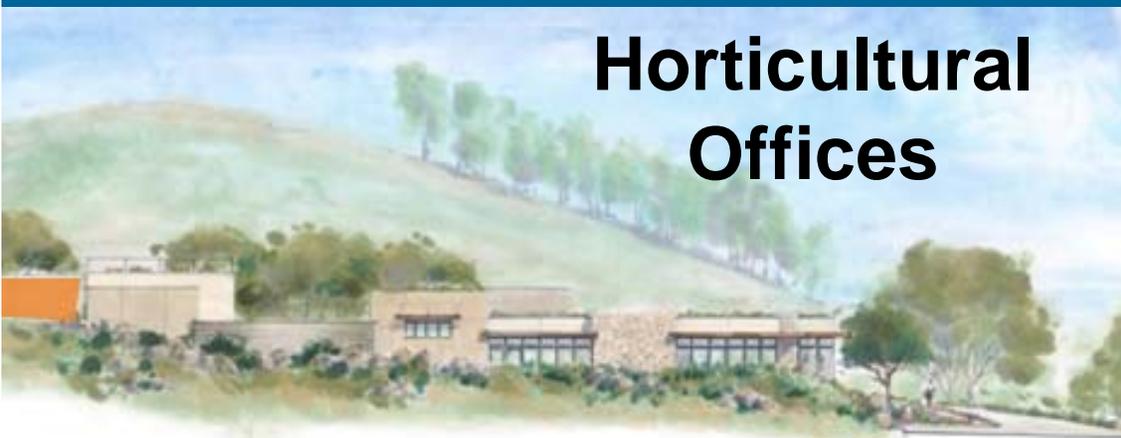


East of Mission Development

Conservation Center/Herbarium

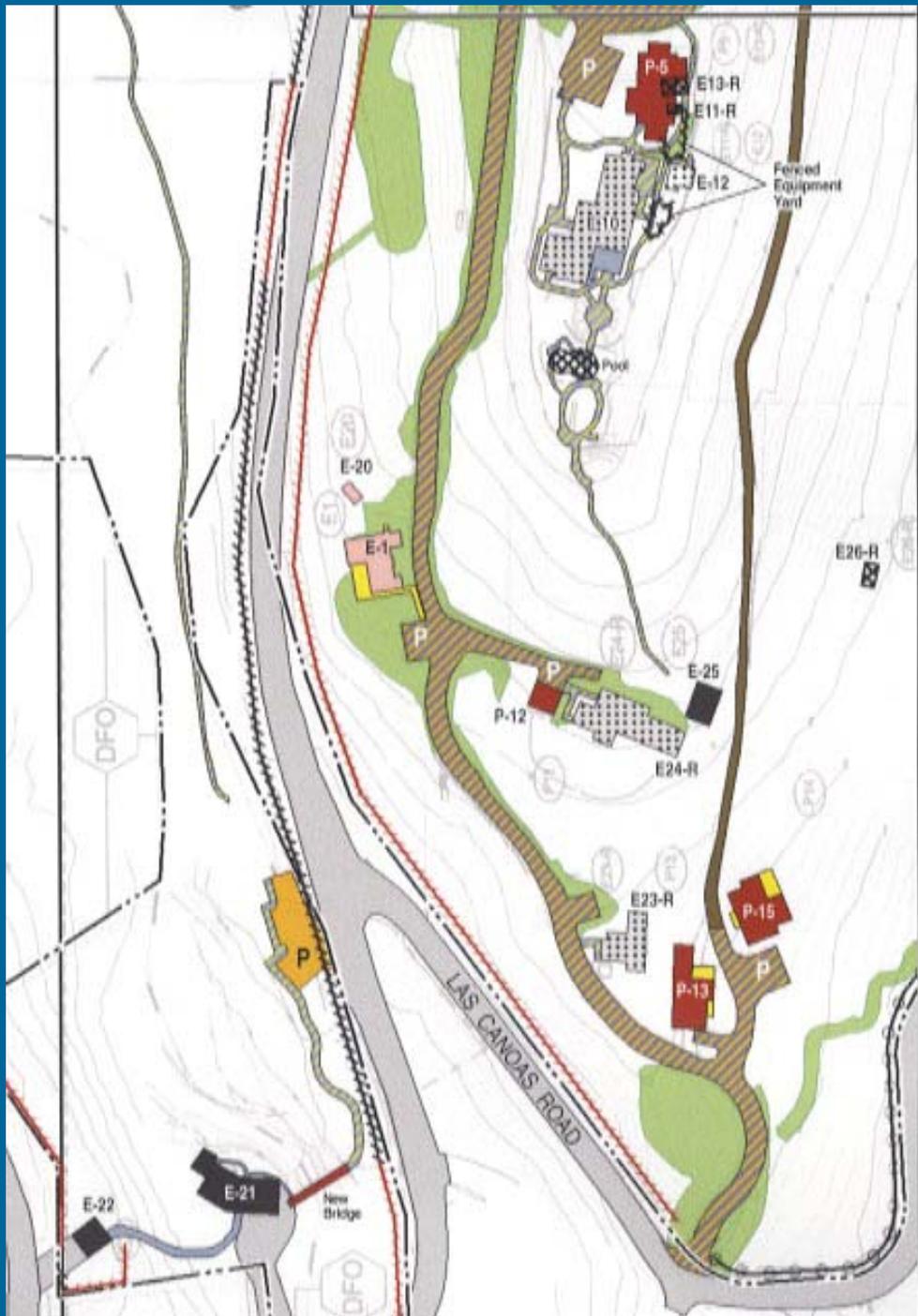


Horticultural Offices



Gane House





East of Mission Development

Hansen Staff Residences



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



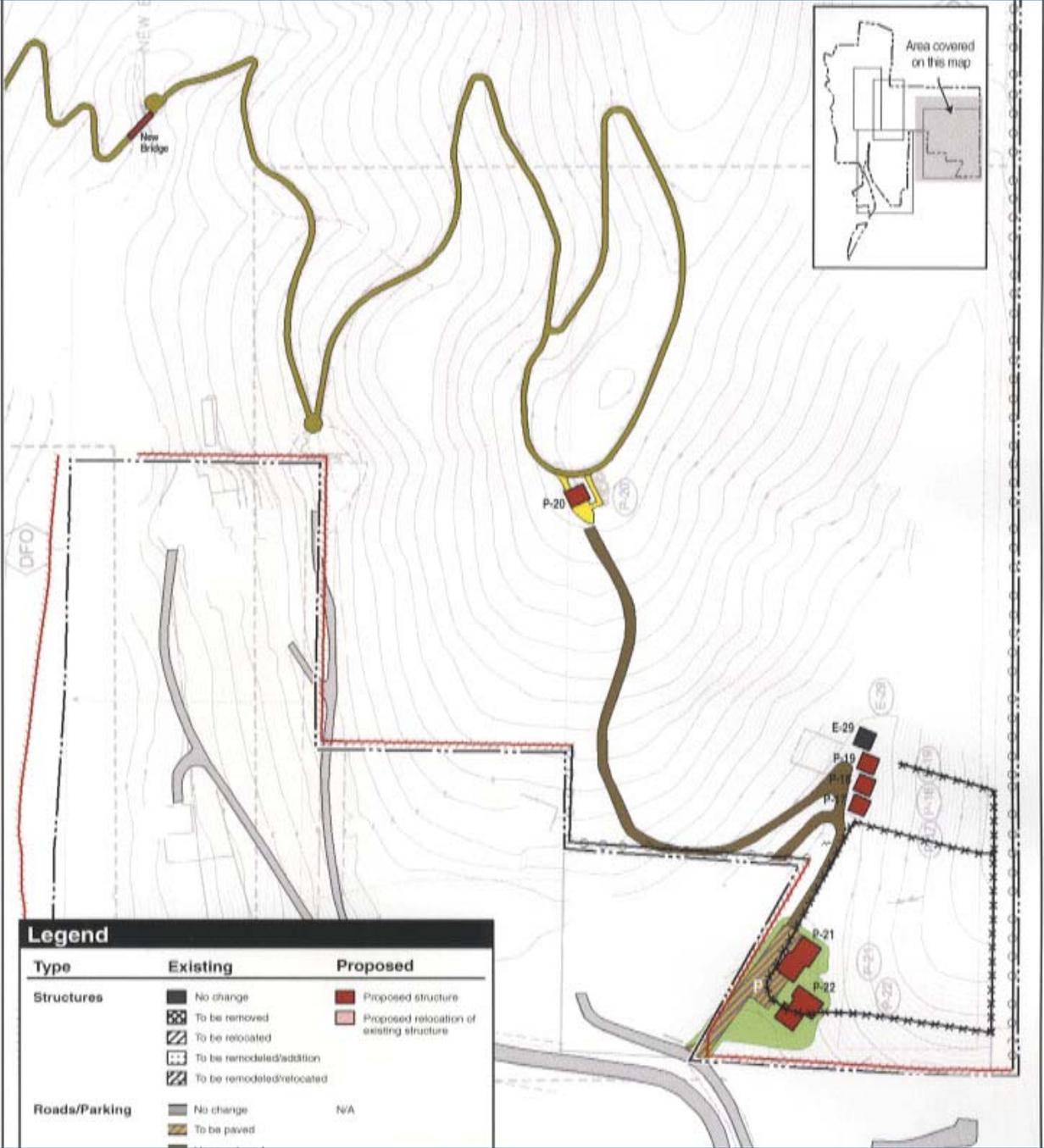
WEST ELEVATION
SCALE 1/8" = 1'-0"

PC Approved Project Description

Cavalli Site

- 5 new structures
 - Staff Residence – 1,267 s.f.
 - Garage/Office – 1,168 s.f.
 - 3 shade structures – 400 s.f. each
- Cavalli path

Cavalli Development





Cavalli Development

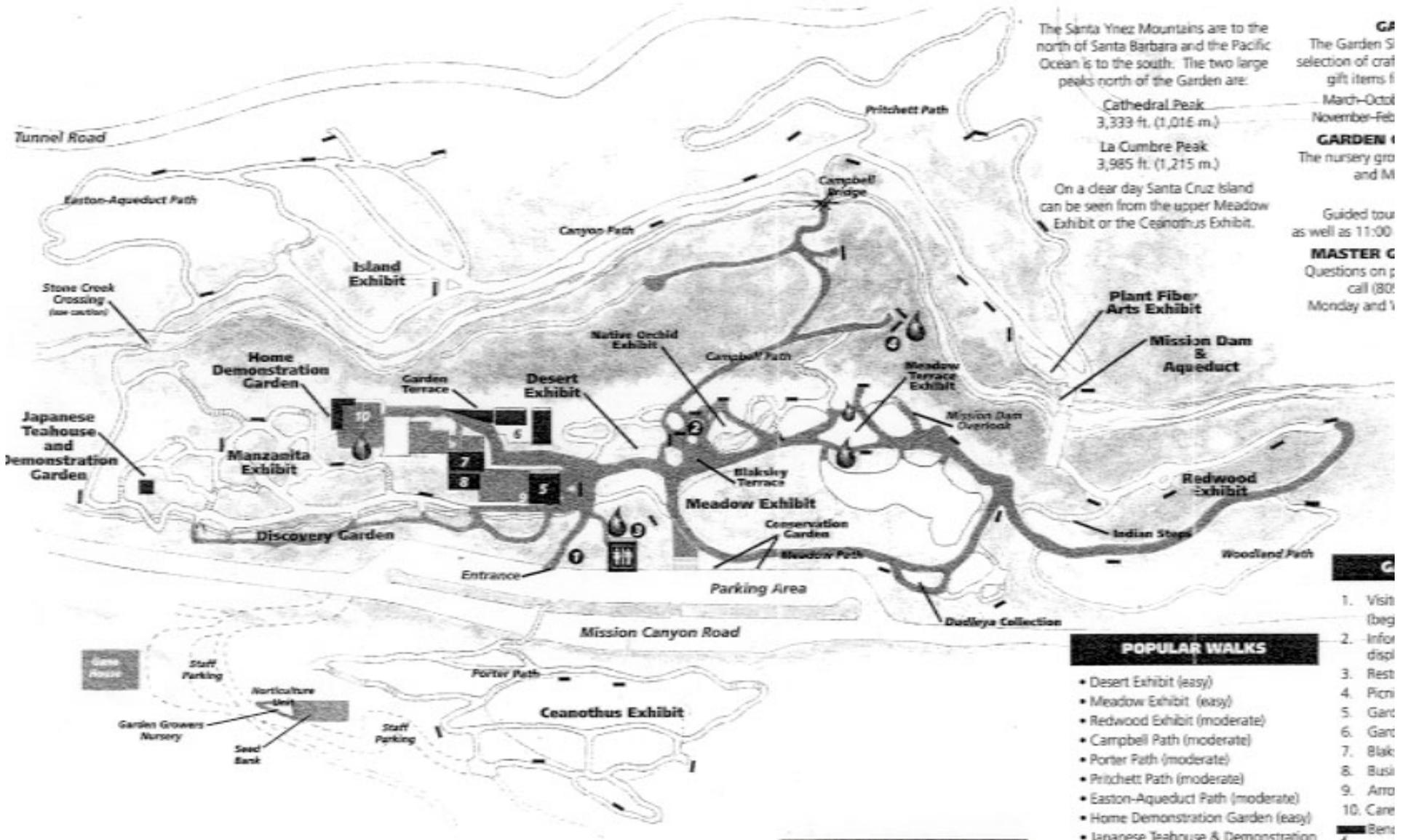


PC Approved Project Elements

- Installation of pavers on dirt pathways, limited to 10% increase
- Installation of fencing around much of perimeter
- Installation of Terrace adjacent to Meadow
- Erection of temporary displays/exhibits (e.g. Toad Hall and Herb Parker exhibits)



Paving



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November-Feb

GARDEN I

The nursery gro
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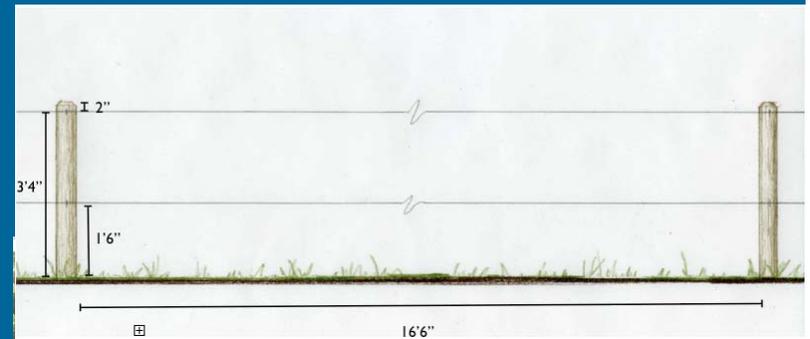
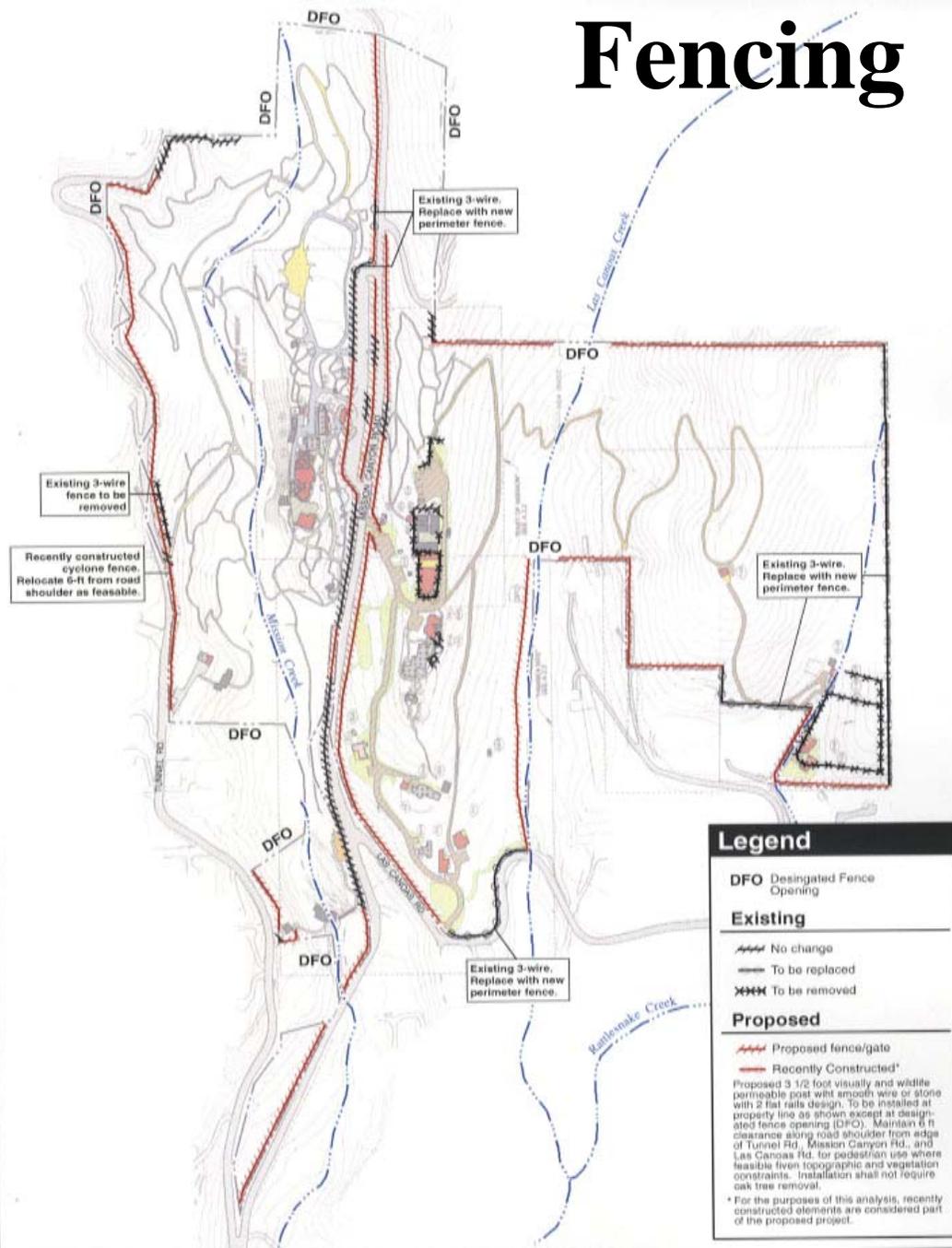
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Fencing

- 3 1/2 ft. post and smooth wire
- Setback from road to improve aesthetics and allow pedestrian use of shoulders
- Fence openings in riparian corridors
- Existing cyclone fencing to remain



PC Approved Infrastructure Improvements

- New large-vehicle turnaround in parking lot
- 111 total parking spaces
 - New 3-space staff parking lot along Mission Canyon Rd.
 - Two parking pullouts (12 spaces) along driveway to Gane House
 - 4 parking spaces by Gane House
 - 21 parking spaces by Horticultural Offices
- Widening and paving interior roads to meet County Fire Dept. standards
- Extension of water and sewer service

PC Approved Uses

- No major changes in types of uses proposed
- Intensity/level of use to increase
- Increase from 4 to 7 on-site residential units for staff
- Addition of snack window for pre-packaged foods and drinks
- Increases in general visitation, classes, and special events

Existing Uses

Existing Levels of Use (1997-2006)

- Annual Visitation
 - Peak = 111,308 (2005)
 - 10-year average = 104,739
- Special Events
 - Peak = 2,888 (1999)
 - 10-year average = 1,983
- Education Classes
 - Peak = 2,202 (2000)
 - 10-year average = 1,778

PC Approved Uses

Classes

- Increase in educational programs by 1.8% per year up to 50% maximum increase
 - 1,778 to 2,667 per year
- Increase maximum attendance for classes from 20 to 22 students
- Includes daytime and nighttime classes
- Attendance for lectures remains at 70

PC Approved Uses

Special Events

- 1.8% annual increase up to 50% maximum
 - Increase from 1,983 to 2,974 guests per year
- Maximum attendance = 300 per event
 - 180 during high fire season
- No more than 3 large events per month
- Amplified music permitted
 - must end by 9pm, off-site by 10pm

PC Approved Uses

General Visitation

- 1.8% annual increase up to 50% maximum
 - Increase from 110,000 to 165,000 per year
- No restrictions on maximum daily attendance or any-one-time attendance
- Community festivals open to public count towards general visitation – not regulated by event caps

PC Approved Uses

Event Traffic and Parking

- Traffic monitors required for events generating more than 70 vehicles
- Off-site parking/shuttling required for events exceeding 107 parking spaces
- Currently no regulation of off-site parking/shuttle locations

Key Issues Raised at PC Hearings

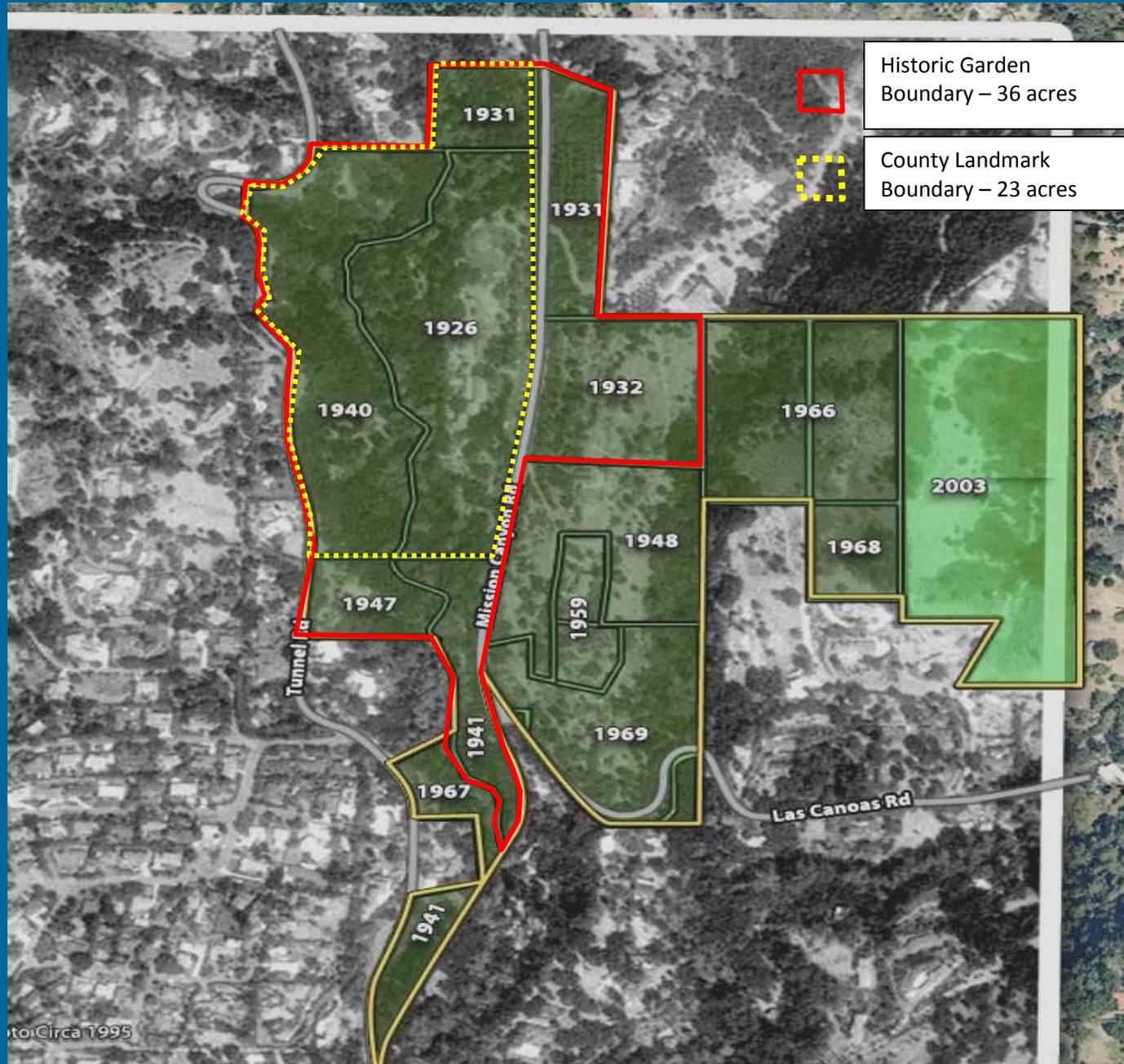
- Fire Hazards
- Historic Resources
- Neighborhood Compatibility

Key Issues Raised at PC Hearings

- Fire Hazards
 - Mission Canyon in high fire hazard area with limited access in and out
 - Increase in use of Garden potentially exacerbates evacuation
 - EIR identified Class II impacts resulting from project, in consultation with County Fire Dept.
 - Improvements in water supply, access, fuel management, fire-resistant building materials
 - Closure on Red Flag Days, including construction
 - Limitations on use during high fire season

Key Issues Raised at PC Hearings

- Historic Resources
 - Botanic Garden rich with historical resources, including several structures and landscape design
 - Qualifies for State and National Historic Registers
 - 23 acres designated County Historic Landmark
 - EIR includes historic resource evaluation of entire Garden
 - 36 acres deemed significant as historic designed landscape
 - EIR identifies impacts to historic resources from pavers, Meadow Terrace
 - EIR concludes significant but mitigable impacts



Historic Boundaries

Key Issues Raised at PC Hearings

- Neighborhood Compatibility
 - Site surrounded by low density residential development
 - Project reduced in scale and refined in design to maintain structural compatibility
 - New development sited in areas of existing development, maximizing area of open space
 - Concerns remain over the proposed fencing plan, especially existing cyclone fencing to remain
 - Night lighting would comply with strict requirements

Key Issues Raised at PC Hearings

- Neighborhood Compatibility
 - Increases in use, especially group activities and events, bring land use conflicts
 - Increases in noise, traffic, and evacuation problems associated with events
 - Limitations on use designed to ensure compatibility

EIR Analysis

- DEIR and 2 Recirculation Documents
- 1st Recirculation - Cultural Resources and Fire
- 2nd Recirculation - Air Quality, Solid Waste, and Alternatives
- No Class I impacts
- Mitigation measures adopted to reduce impacts to less than significant levels

EIR Analysis

Key Mitigation Measures

- Night lighting restrictions
- Tree protection and replacement
- Phase 3 survey of archaeological site and monitoring by archaeologist/Native American
- Preparation of Cultural Landscape Master Plan
- Limitations on paving
- Redesign of Meadow Terrace

EIR Analysis

Key Mitigation Measures

- Implementation of Fire Protection Plan
- Closure of Garden on red flag days
- Limitations on use during high fire season
- Restricting noise levels associated with events
- Requiring upgrade/extension of water lines
- Shuttling for events in excess of parking supply

Policy Consistency

Key Policy Issues

- Slopes and Grading
- Tree Protection
- Cultural Resources
- Water Quality
- Visual Resources

Policy Consistency

Slopes and Grading

- MCASP Landform Alterations: *Avoid development and grading on 30% slopes.*
- MCASP Grading Design Guidelines: *Grading to be in concert with existing natural contours and scale of the natural terrain*
- LUE Hillside and Watershed Protection Policy 2: *Development shall be designed to fit the site topography, soils, geology, hydrology, and natural features, landforms, and native vegetation shall be preserved*

Policy Consistency

Slopes and Grading

- Project revised to avoid development on steep slopes in most cases, limited to areas of existing development with fewer constraints
- Alteration of the natural terrain is minimized

Policy Consistency

Tree Protection/Removal

- MCASP Tree Preservation: *Development shall avoid, to the maximum feasible extent, removal of native and specimen ornamental trees. Removed trees shall be relocated or replaced onsite.*
- Project removes approximately 45 protected oak trees and 2 protected specimens – relocation and replacement included as condition of approval
- Trees removed due to fire do not require replacement

Policy Consistency

Cultural Resources

- LUE Historical and Archaeological Sites Policy 2: *Development on parcels where archaeological or other cultural sites are located, shall be designed to avoid impacts to such cultural sites if possible.*
- LUE Historical and Archaeological Sites Policy 3: *When avoidance is not possible, adequate mitigation shall be required.*
- LUE Historical and Archaeological Sites Policy 5: *Native Americans shall be consulted when development proposals impact significant archaeological or cultural sites.*

Policy Consistency

Cultural Resources

- Development proposed in area of known archaeological site
- Project has been revised to reduce development in this area, avoiding the most sensitive areas
- Project has been conditioned to mitigate impacts, consistent with State and County guidelines

Policy Consistency

Cultural Resources

- Native Americans have been consulted in this process
- Development proposed within County Historic Landmark
- Impacts have been mitigated to less than significant levels
- Development would be consistent with Secretary of the Interior's standards

Policy Consistency

Water Quality

- LUE Streams and Creeks Policy 1: *All construction and grading within stream corridors shall minimize impacts from increased runoff, sedimentation, and pollution.*
- LUE Hillside and Watershed Protection Policy 7: *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site.*
- LUE Hillside and Watershed Protection Policy 6: *Surface water shall be conducted to storm drains or suitable watercourses to prevent erosion. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.*

Policy Consistency

Water Quality

- Project conditioned to avoid impacts to water quality and minimize erosion
 - Implementation of erosion and sediment control plan
 - Installation of construction and post-construction best management practices to reduce erosion and surface runoff
 - Implementation of Storm Water Quality Management Plan to treat runoff before it exits the site

Policy Consistency

Visual Resources

- LUE Visual Resource Policy 3: *In urban areas, new structures shall be in conformance with the scale and character of the existing community.*
- Development designed in conformance with scale and character of community
- New buildings adhere to height limits in place for hillside/ridgeline development

Policy Consistency

Visual Resources

- Development clustered to minimize areas of disturbance and maximize open space
- Incorporation of flat roofs and green roofs to integrate buildings into landscape
- SBAR review and approval will ensure neighborhood compatibility

Policy Consistency

Mission Canyon Community Plan Update

- Initiated by Board October 2008
- Includes new draft policies and ordinance requirements for Mission Canyon area
- Project needs to be consistent with policies in effect at time of zoning clearance
- Staff reviewed project against draft policies – no inconsistencies identified

Ordinance Compliance

- Development consistent with applicable ordinance requirements, including height, setbacks, parking
- Institutional facility permitted in zone district with CUP
- 1 caretaker unit per parcel in REC zone with CUP
- Development Plan required in REC zone
- Compliance with initiated MCCP ordinance amendments required with Zoning Clearance
- Project consistent with proposed MCCP ordinance amendments

Design Review

- Project reviewed by SBAR on 11 occasions between February 2007 and October 2008
- Project significantly revised and reduced in scale (~ 12,000 sf) in response to SBAR comments
- SBAR in general support of current design and layout
- Continue to have concerns with fencing

PC Appeals

- PC approved project on 10/26/09
- Project appealed by:
 - Mission Canyon Association
 - Friends of Mission Canyon
 - Frank Arredondo and Friends of Xana'yan
- Facilitations held but no agreements reached
- Many overlapping appeal issues

Appeal Issues - Fire

- Fire hazards most significant issue posed by project
- EIR analysis did not consider climate change and recent fires
- Lack of secondary access creates fire hazard and is not permissible
- Double-counting of mitigation measures for reducing fire hazards and offsetting lack of secondary access is inappropriate
- Adequate services (water and fire) not available to serve project
- Fire Protection Plan inadequate in mitigating fire hazard impacts

Appeal Issues – EIR Defects

- EIR inadequate because cumulative analysis not updated with fire rebuilds
- EIR inadequate because baseline not updated after Jesusita Fire
- EIR inadequate because did not assess impacts associated with County policy and ordinance inconsistencies
- Determination of infeasibility of alternatives based on applicant's desires, not independent judgment
- Response to comments inadequate, especially fire hazards

Appeal Issues – Archaeological Resources

- EIR inadequate because did not evaluate ethnic impacts
- Project is inconsistent with cultural resource policies
- Hansen site roadway should be eliminated because it impacts archaeological resources
- Project inconsistent with County Conservation Element
- EIR does not comply with County's CEQA Thresholds and Guidelines Manual
- Archaeological site is sacred site and was not considered in EIR

Appeal Issues – Ordinance/Policy Issues

- Project inconsistent with purpose and intent of REC zone and arts/crafts fairs are prohibited
- Project conflicts with Draft Mission Canyon Community Plan
- Inclusion of large events with amplified sound and alcohol is incompatible with neighborhood

Appeal Issues – Other Issues

- Administrative and CEQA Findings not based on substantial evidence
- The conditions of approval are inadequate and do not protect public safety
- Condition #20 is inadequate to mitigate impacts to historic resources and defers preparation of Cultural Landscape Master Plan

Staff Recommendations

- Eliminate new staff residences on Hansen site and relocate Caretaker's Cottage
- Modify Condition #63 to eliminate the 3-year rolling average
- Modify the construction phasing to require infrastructure improvements prior to structural development

Staff Recommendations

- Deny the appeals, thereby upholding the PC's approval, as revised herein
- Make required findings for approval, including CEQA findings
- Certify the Final EIR and adopt the mitigation monitoring program
- Approve 72-CP-116 RV01 and 99-DP-043, subject to conditions of approval, as revised

HLAC Appeal

- Components of project fall within HLAC jurisdiction under terms of Landmark Resolution
 - Meadow Terrace
 - Paving of trails
 - New construction within Landmark
- HLAC reviewed project subsequent to PC approval

HLAC Appeal

- HLAC denied Meadow Terrace project
- Limited any new paving to heavy traffic areas at entrances and around buildings
- Found new buildings to be consistent with Landmark Resolution and took no action
- Approved alterations to Blaksley Library
- Approved new entrance, with continued use of historic entry steps
- Required review authority of Cultural Landscape Master Plan

HLAC Appeal

- Botanic Garden appealed HLAC's action on:
 - Meadow Terrace
 - Pavers
 - Cultural Landscape Master Plan
- Board of Supervisors may confirm, modify, or set aside any or all of the HLAC actions

HLAC Appeal Issues

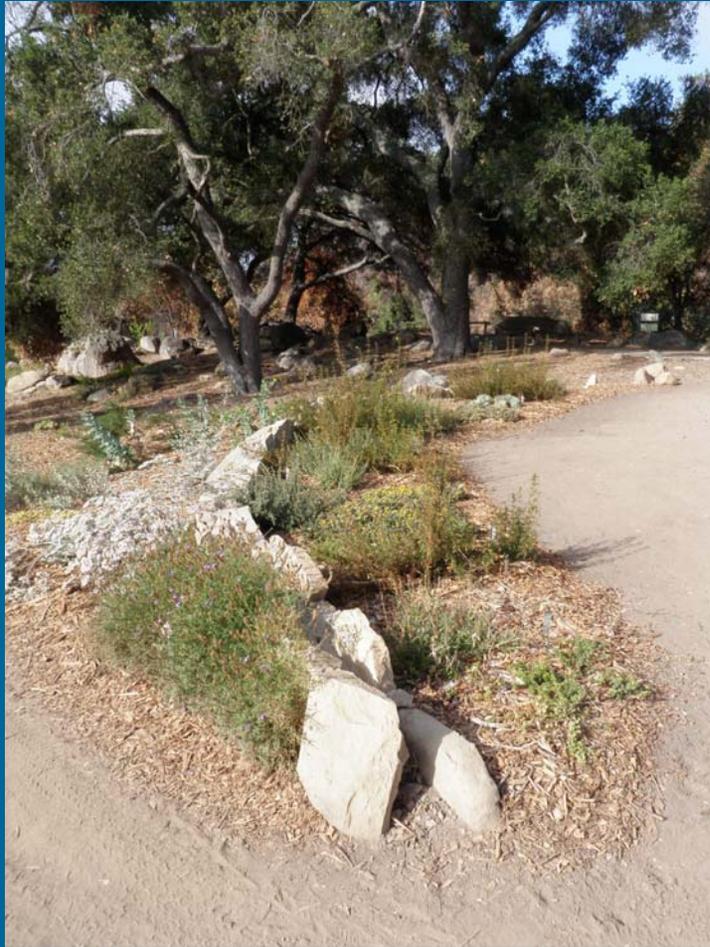
Meadow Terrace

- Project involves three, 18-inch tall rock retaining walls defining terrace levels, with planting beds along the edges
- Identified as significant but mitigable impact on historic landscape
- Conditioned to require restoration of oak tree in center
- Conditioned to cap but not extend partially constructed walls and eliminate lighting

Meadow Terrace



Meadow Terrace



Botanic Garden's HLAC Appeal Issues

Meadow Terrace

- Garden asserts that HLAC has no jurisdiction because project reduced in scope and EIR concluded Class II impact

HLAC Appeal Issues Response

Meadow Terrace

- Standards for evaluating project under Landmark Resolution different from CEQA
- HLAC repeatedly asserts jurisdiction over Meadow Terrace

Botanic Garden's HLAC Appeal Issues

Pavers

- HLAC's objection of existing pavers inappropriate
- HLAC has no authority to require paving be of natural material
- HLAC's findings on pavers inconsistent with conclusions of EIR and PC
- HLAC failed to consider needs of disabled community
- HLAC cannot require review of paving plans prior to construction

Pavers



HLAC Appeal Issues Response

Pavers

- Not inappropriate for HLAC to state objections to existing pavers and recommend replacement
- HLAC concluded pavers would substantially deviate from historic landscape design concept
- Resolution allows HLAC to impose reasonable conditions on project
- HLAC guided by Landmark Resolution, with different standards than CEQA thresholds

HLAC Appeal Issues Response

Pavers

- Issues of disabled access outside of HLAC scope
- Garden could continue to comply with ADA requirements under HLAC approval
- Paving outside of Landmark boundaries would not require HLAC review or approval

Botanic Garden's HLAC Appeal Issues

Cultural Landscape Master Plan

- Provides guide for project implementation and ongoing management
- Ensures development consistent with Secretary of Interior's standards and protects historic resources
- Applies to 36-acre Historic Garden, extending beyond Landmark boundaries

HLAC Appeal Issues

Cultural Landscape Master Plan

- Garden asserts HLAC improperly inserted itself into review responsibility of Cultural Landscape Master Plan
 - HLAC may impose reasonable conditions on project
 - Certain elements of CLMP likely outside of HLAC jurisdiction and would not be subject to HLAC review

Recommended Action

- Confirm, modify, or set aside the HLAC's actions on November 9, 2009 regarding Vital Mission Plan project