



COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Dave Ward *DWard*  
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Staff Contact: Alex Tuttle, Planner  
884-6844

DATE: October 16, 2009

RE: Santa Barbara Botanic Garden Vital Mission Plan  
Case Nos. 72-CP-116 RV01, 99-DP-043  
Planning Commission Hearing October 26, 2009

The purpose of this memo is to respond to the questions raised and direction provided by your Commission at the September 16, 2009 PC hearing on the Santa Barbara Botanic Garden Vital Mission Plan project. At that hearing, your Commission identified several outstanding issues and directed staff to return with responses and proposed revisions to conditions of approval reflecting your direction. The following discussion reflects staff's responses to your direction on the various project elements.

**Commercial Bus Restrictions**

The Fire Protection Plan includes a restriction on the use of large commercial buses during the declared fire season (i.e. High Fire Season Preparedness levels). This restriction has been incorporated into Condition #31 per the direction of the Planning Commission. The condition has also been revised to reflect an interest in providing greater flexibility to the Garden in maintaining their native plant exhibits within the fuel modification zones around buildings.

31. **FIRE 1-1** The FPP is documented in the report entitled *Santa Barbara Botanic Garden Vital Mission Plan Conceptual Fire Protection Plan*, Dudek, Draft July 2009 (contained in Appendix E of the FEIR). The FPP shall be revised to provide greater flexibility in the maintenance of irrigated planted exhibits of native California plants within the fuel modification zones. SBBG shall be required to implement all requirements set forth in this FPP, which has been approved by the SBCFD and P&D, or subsequent updated versions of the plan as approved by the SBCFD and P&D. Specific operational elements of the plan include the following:

- a. Closure of Garden to the public, including special events, on all Red Flag Alert days, as called by the County Fire Chief;
- b. Restrictions on special events during High Fire Season Preparedness levels, including 1) maximum attendance of 180 guests for any single event, and 2) the use of shuttle buses or trolleys to transport guests for any event exceeding 80 guests, with a requirement that the shuttle buses remain on-site for the duration of the event to facilitate rapid evacuation of the guests in a single trip.
- c. At no time shall commercial buses greater than two axles or 45 passengers be sanctioned by the Garden for carrying visitors to and from the Botanic Garden during High Fire Season Preparedness levels.

### **Guild Studio Parking**

Your Commission expressed an interest in changing the location of the proposed Guild Studio parking lot due to its location at the intersection of Mission Canyon Road and Las Canoas Road, and if it could not be changed due to site constraints, eliminating it altogether. The Guild Studio currently provides seven unmarked informal parking spaces for Garden staff at the end of the driveway serving the building. By demarcating a formal handicapped parking space at this location, space for additional formal parking is lost. To offset this lost parking and to provide a link between the Guild Studio and the rest of the Garden by way of the proposed pedestrian footbridge over Mission Creek, the Garden is proposing five parking spaces along Mission Canyon Road, along with the one handicapped parking space at the Guild Studio itself (see Sheet A2.3 in the project plan set). Due to topographical constraints in this area, it is not possible to relocate the parking area to another location along Mission Canyon Road far enough from the Las Canoas Road intersection to avoid any potential traffic hazard.

According to the parking requirements in the LUDC (Section 35.36.060), museums and other similar uses require one parking space per 2 employees and 1 parking space per 300 square feet of gross floor area. As applied to the Botanic Garden, this would equate to 37 spaces for employees, based on a predicted future weekday average of 73 full time equivalent staff. For the public, this would equate to 74 spaces based on total square footage (21,979 s.f.) of all of the existing and proposed structures that are open to the public, including the Library, Lath House/Plant Sales, North Wing, Information Kiosk, Tea House, Children's Laboratory, Education Center, and Admissions Kiosk. Thus, total parking requirements would be 111 spaces, or two less than what is proposed by the Garden.

The parking analysis prepared as part of the EIR and historic experience at the Garden are both evidence that existing and proposed parking is adequate to serve the project in all but a few instances, as the EIR predicts a total parking surplus during typical weekdays and weekends. Where an event or activity would result in a shortage of available on-site parking, the Garden implements a Transportation Demand Management program that involves a combination of valet parking and/or off-site parking and shuttling, depending on the size and nature of the event.

Staff has reviewed the parking count data and analysis in the EIR and do not believe that the loss of the five employee spaces would significantly affect the Garden's parking supply relative to employee demand. According to the EIR parking analysis, there would be a surplus of employee

parking spaces of at least 14 during a typical weekday. The EIR parking analysis concluded that a shortfall of visitor parking spaces would occur in the future associated with project-related increases in visitation during a 3-hour period on weekends, but that the shortfall could be accommodated by a surplus of employee parking on the east side of Mission Canyon Road. The loss of five spaces associated with the Guild Studio parking would not change this conclusion.

Given the parking requirements under the LUDC and the EIR parking analysis, the options for your Commission to consider in respect to the Guild Studio parking area include:

- 1) Approving the parking area as originally proposed;
- 2) Reducing the size of the proposed new parking area from five spaces down to three spaces to reduce its impact and level of vehicle use, while ensuring an adequate parking supply consistent with LUDC parking requirements; or
- 3) Eliminating the proposed parking area altogether, thereby continuing to rely on parking at the base of the Guild Studio building (note that there would continue to be room for informal parking around the dedicated handicapped space). Under this scenario, total parking supply would be below LUDC parking requirements (by three spaces), thus requiring a modification to parking requirements.

### **Construction Moratorium**

Your Commission expressed an interest in conditioning the project to require a break (i.e. quiet period) in the construction schedule in order to give the surrounding neighborhood a break from continual construction for an extended period of time. The Garden's anticipates that full buildout would occur over an approximate 10-year period. Their proposed construction schedule is listed below, though it is subject to change based on funding availability:

- Phase I: All proposed water and sewer line extensions in an 8-month duration.
- Phase II: Construction of new Horticulture Facilities in an 11-month duration.
- Phase III: Reconstruction of the Gane House and construction of new Herbarium/Conservation Center in a 14-month duration.
- Phase IV: Relocation of existing Administration Cottage and conversion to residential use, demolition of existing Herbarium, and construction of the Educational Center in a 13-month duration.
- Phase V: Renovations to existing Blaksley Library and North Wing buildings and construction of new entrance kiosk in a 12-month duration.
- Phase VI: Construction of new staff residences in a 14-month duration.
- Phase VII: Construction of public path and overlook kiosk on Cavalli property in a 6-month duration.
- Phase VIII: Construction of Cavalli housing and office structures and associated parking/paving once sewer/septic becomes available.

As you can see from the construction phases, the total number of months of each phase added together is closer to 7 years, so it is likely that either construction would be completed in less than 10 years or there would be built-in breaks in between certain phases. That said, in order to ensure that such breaks in construction do occur and recognizing that buildings may be constructed in a

different order than suggested above due to funding considerations, staff suggests the following options to consider:

- A mandatory one-year break in construction after every three years of cumulative construction, assuming said cumulative three-year construction period occurs within four years or less;
- A mandatory one-year break in construction after 50% of the project's new gross square footage is completed;
- A mandatory one-year break in construction after five years from the start of construction of the initial phase; or
- Any variations of the above.

### Snack Window

Per the Commission's direction, the project description has been revised to allow the use of a microwave oven for hot drinks and soups only, but hot solid foods would not be permitted.

A 226 square-foot snack window is proposed within the lower level of the Library (E3) which would provide visitors with light lunch fare consisting of pre-packaged cold foods such as salads and sandwiches, various snack foods, fruit and primarily bottled or canned drinks. A microwave oven would be provided to heat ~~pre-packaged foods~~ beverages and soups. The proposed food service would be available during regular visiting hours only. In addition, a kitchen area with refrigerator, dishwasher, microwave oven, and sink is proposed within the lower level of the Library (E3) that would serve as a preparation and storage area for special events held at the Garden. No cooking facilities are proposed as part of this project; all cooking would be done off-site.

### Compliance Review

Your Commission expressed continued support for a compliance review during construction, with more frequent review than after five years of construction activities. Condition #97 has been revised to include more informal annual reports to the Planning Commission during your regularly scheduled agenda, to be coordinated with the receipt of annual reports from the Garden on the previous year's visitor attendance and activities.

97. Compliance Review. P&D staff shall prepare a compliance report and present it to the Planning Commission after five years of construction activities associated with buildout of the Vital Mission Plan. The report shall discuss the applicant's compliance with applicable conditions of approval associated with construction activities and operation of the Garden during that period. In addition, P&D shall provide a verbal report to the Planning Commission (as part of the administrative agenda) on an annual basis during construction in order to report on the status of construction and condition compliance. This annual briefing shall be coordinated with the receipt of the annual monitoring report from the Garden on the previous year's attendance levels and programs as identified in Condition # 63, such that this information can be transmitted to the Planning Commission at the same time.

In addition, Condition #63 has been amended to eliminate the 10-year monitoring clause, such that the submittal of annual monitoring reports would need to continue for the life of the project.

## Trash Storage

Based on comments from the Planning Commission, Condition #61 related to trash storage has been revised to ensure that waste is not transported off-site. This measure is consistent with the design standards required by Project Clean Water in implementing the County's Storm Water Management Plan. There is no requirement that trash storage areas be covered.

61. **WAT 3-8** All trash container areas must meet the following requirements:
- 1) Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s) divert drainage from adjoining paved areas.
  - 2) Trash container areas must be screened or walled~~protected~~ and regularly maintained to prevent off-site transport of trash.

## Event Noise

In order to ensure noise associated with special events does not create a nuisance to surrounding residents, Condition #39 has been amended as follows:

39. **N 2-1** All music and organized social gathering events shall end in sufficient time to allow for attendees to disperse and exit the property by no later than 10 p.m. Amplified sound shall cease by 9 p.m. Sound amplification equipment shall be directed away from the nearest residences. Noise levels shall not exceed 65 dBA at the property lines during special events where amplified sound is provided. Sound monitors shall be utilized in at least two locations on the property lines closest to off-site residences in order to measure sound levels during events. **Plan Requirements and Timing:** Prior to Zoning Clearance, the Santa Barbara Botanic Garden shall submit to P&D for review and approval, documentation from their website and prototypical rental contracts demonstrating compliance with this mitigation.

**Monitoring:** P&D shall respond to neighbor complaints. The applicant shall submit annual reports ~~at the beginning~~by the end of February of each calendar year to the County Permit Compliance documenting compliance with this condition for the prior year. Sound data gathered during events in which amplified sound is utilized shall be included in these annual reports, including the maximum dBA experienced during each event. The reports shall include the dates and times that such events are held and what type of music is used, if any. The report shall also include a log of complaints received by neighbors and what measures were or are being taken to respond to the complaints. In the event that noise levels are exceeded during a special event, appropriate measures shall be imposed on the use of amplified sound for the following year's events to ensure compliance with this condition.

## Night Lighting

Your Commission asked for more information on the LZ1 lighting standards. In developing outdoor lighting standards to be incorporated into Title 24 California Building Energy Efficiency Standards, the California Energy Commission established four lighting zones (LZ1, LZ2, etc.). The lighting zone approach correlates outdoor lighting power allotments to the ambient illumination levels of a local area. LZ1 would be defined to include state and national parks, wilderness areas, and wildlife preserves. LZ2 would be defined as those areas that are designated as rural by the U.S. Census

Bureau and do not qualify as LZ1 according to the previous definition. LZ3 would be defined as those areas designated as urban by the U.S. Census Bureau. Each zone has different lighting power allowances; LZ1 has the lowest lighting power allowances and LZ4 has the highest. For example, one measure of the standards establishes maximum lighting power allowances and control requirements for outdoor parking lots. The requirements vary with lighting zones. This provides a way to compensate for sites with significantly different ambient light conditions. The recommended lighting power ranges from 0.04 in LZ1 to 0.20 in LZ4. For the Botanic Garden, it will ultimately be up to a lighting consultant to design the lighting program consistent with LZ1 standards and requirements in order to conform to the maximum lighting power allowances for the various project elements.

Your Commission also requested information on how the Meadow Terrace would be lit. Since the project has been conditioned to eliminate proposed permanent path lighting in the area of the Meadow Terrace, any lighting would be of a temporary nature and would likely consist of temporary path lights and bollard type lights and strung lights within the terraces during evening events held in this location. However, Condition #4 does not specifically address temporary lighting. Thus, if your Commission chose to place limitations on the types of temporary lighting during evening events, the condition would have to be amended accordingly.

In addition, your Commission wanted to ensure that the Lighting Plan, to be reviewed and approved by the SBAR, includes arrows showing the direction of light being cast by each fixture. Condition #4 has been amended in response to this direction.

4. **AES 3-1** Exterior lighting shall be designed consistent with LZ1 standards. With the exception of security lighting, all exterior lighting shall be on timers and shut-off during non-business hours. When necessary to support an evening activity (class, special event, lecture, etc.), only those buildings or areas in use shall be lit as well as the parking area serving the activity and any necessary pathways between the activity and said parking. Any exterior night lighting shall be of low intensity, low glare design, minimum height, and shall be fully hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements and Timing:** Prior to Zoning Clearance approval, the applicant shall submit a Lighting Plan that demonstrates compliance with LZ1 standards and the restrictions of this condition for review and approval by the SBAR and P&D. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan.

**Monitoring:** P&D shall site inspect to ensure compliance prior to occupancy clearance. Permit compliance shall respond to complaints.

### Levels of Use

In considering the Garden's requested uses related to education classes and special events, your Commission requested more information on the Garden's existing and historic uses at the site, and options for placing restrictions on future uses. As discussed in the staff memo dated September 2, 2009, there is a difference between the visitation data included in Appendix H to the EIR and attached to this memo (representing a 10-year history from 1997 to 2006) and the uses identified as "existing" in the project description and shown in the tables below. As stated in the previous

memo, these “existing” use levels are more accurately described as representative of historic maximums at the Garden, going back even before 1997.

**“Existing” Classes, Hours, and Attendance**

Classes/Year	Hours	Attendance (per class)
<b>Daytime Classes</b>		
80-90 Courses 200-225 Sessions	7:30 a.m.-5:30 p.m.	12-20
<b>Nighttime Classes</b>		
25-35 Courses 60-90 Sessions	6 p.m. -10 p.m.	12-20
<b>Master Gardener and Docent Training</b>		
20 Sessions	7:30 a.m.-5:30 p.m.	40-50
<b>Annual Lecture Series</b>		
7 Sessions	6 p.m.-10 p.m.	50-70

**“Existing” Special Events, Hours, and Attendance**

Event Type	Frequency/ Duration	Hours	Attendance
Plant Sales, Book Signings	4/year	11 am- 7 pm	100-250/event
Art/Craft Exhibits	4/year Case-by- Case	9 am- 5 pm	Case-by-Case
Community Festivals (Exhibits/Vendors/Music)	2/year 2 days	9 am- 5 pm	250-750 per day
Fundraising/Special Events (Food/Music)	10/year 1 day	Noon- 10 pm	20-300/event
Community Group Meetings	10-20/year 1 day	9 am- 10 pm	30-150/event
Private Parties (Music/Food)	2-4/year 1 day	9 am- 10 pm	75-200/event
Symposia & Workshops	1-2/year 1-3 days	8 am- 8 pm	50-150 per day
Recognition Events	3/year 1 day	9 am-10 pm	50-200/event
* Note that these events would end by 9pm (i.e. no music after 9 pm) with additional time provided for event breakdown, cleanup, and guest departure.			

Based on information provided by the Garden, these historic levels represent a totaling of all of the events, classes, and other activities based on maximum possible attendance for each event.

The following table provides a comparison of the use levels described in the tables above (Historic Maximums) and data from the 10-year historic visitation table. The grouping of activities is different between the two data sources; staff has attempted to organize them appropriately for comparison purposes.

As can be seen from the table below, the historic maximums reflected in the project description equate to up to 7,790 annual attendees associated with classes, trainings, and lectures, and up to 8,300 annual attendees associated with community group meetings, fundraisers, private parties, recognition events, and symposia/workshops. These numbers are significantly higher than actual annual attendance counts over the past 10 years and so may not be particularly reflective of annual attendance associated with these activities. Rather, the 10-year visitation data for events and education classes is more reliable and reflective of use levels experienced by the Garden in recent history. It is for this reason that the EIR relied upon the visitation data from 2005 as its baseline condition for evaluating impacts of the project.

**Botanic Garden Use Levels Comparison**

<b>Program/Activity</b>	<b>Historic Maximums (per year)</b>	<b>2005 Levels (per year)</b>	<b>10-Year Average (per year)</b>	<b>10-Year Peak (per year)</b>
<b>Education...</b>				
Daytime Classes	90 courses/225 sessions, 20 students per class = 4,500 visitors	1,655 visitors	1,778 visitors	2,202 visitors (2000)
Nighttime Classes	35 courses/90 sessions, 20 students per class = 1,800 visitors			
Master Gardner/Docent Trainings	20 sessions, 50 students each = 1,000 visitors			
Annual Lecture Series	7 lectures = 490 visitors			
<b>Subtotal Education</b>	<b>7,790 visitors</b>	<b>1,655 visitors</b>	<b>1,778 visitors</b>	<b>2,202 visitors</b>
<b>Events</b>				
Plant Sales/ Book Signings	4 events = 1,000 visitors	Included in General Visitation Category		
Art/Craft Exhibits	4 events = N/A			
Community Festivals	2 events/ 2 days = 3,000 visitors			
Community Group Meetings	20 events = 3,000 visitors	1,582 visitors	1,983 visitors	2,888 visitors (1999)
Fundraising Events	10 events = 3,000 visitors			
Private Parties	4 events = 800 visitors			
Recognition Events	3 events = 600 visitors			
Symposia/ Workshops	2 events/ 3 days = 900 visitors			
<b>Events Subtotal</b>	<b>8,300 visitors*</b>	<b>2,594 visitors</b>	<b>3,145 visitors</b>	<b>4,443 visitors</b>
<b>Total Annual Visitation</b>	<b>N/A</b>	<b>111,308</b>	<b>104,739</b>	<b>111,308</b>
* Excludes plant sales, art/craft exhibits, and community festivals from total since these are accommodated within general visitation.				

An examination of the Garden's program guide from 2005 (July-September) indicates that the



Garden held approximately 10 on-site classes during this three-month period, with additional classes and field trips held off-site. A similar program guide from 2009 (January-March) indicates that the Garden held nine classes and two lectures during this three-month period, with additional classes and field trips held off-site.

In recognition of the year to year variability in the number, types, and sizes of activities and events that are held at the Garden, it is important that use restrictions provide the Garden with sufficient flexibility for managing its programs while still providing the necessary protections for the surrounding community. For this reason, it may be more appropriate to regulate the Garden based on annual attendance for general categories of uses, rather than placing restrictions use-by-use. One Commissioner suggested the use restriction should be based on the Garden's existing uses, with a reasonable increase allowed of up to 1.8% per year. It is important to note that the CUP is in effect for the life of the project, meaning a 1.8% per year increase could extend indefinitely. For this reason, your Commission may want to consider an upper limit. The Commission also expressed an interest in ensuring that all of the events in a given year are not overly concentrated during any single period. In response to this direction, staff offers the following options for your consideration:

1. Limit the Garden to no more than a 1.8% annual increase over existing use levels for Education Classes and Events. Define "existing use levels" as the 10-year average between 1997 and 2006 (1,778 for classes and 1,983 for events). Institute a maximum increase, such as 50% over existing levels, without further review by the Planning Commission. Events where attendance is staggered throughout the day (e.g. annual plant sales or community festivals) would not be subject to these restrictions. A 50% increase over the 10-year average would equate to 2,974 annual attendees associated with events (i.e. up to 10 events with 300 attendees or 15 events with 200 attendees) and 2,667 annual attendees associated with educational programs.

OR

2. Limit the Garden to an increase of 25% above peak levels experienced between 1997 and 2006. This would equate to up to 3,610 annual attendees associated with events and 2,752 annual attendees associated with educational programs. This would be more easily monitored since it does not involve an annual increase in use levels.

In either case, incorporate the following restrictions:

1. No single event shall exceed 300 guests, notwithstanding the restrictions during the High Fire Season Preparedness Levels included in Condition #31.
2. Maintain attendance caps on individual classes and educational programs.
3. Allow no more than three events individually exceeding 80 attendees in any given month, inclusive of community events.
4. Allow for a 3-year rolling average. If these limits are exceeded in any single year, the Garden shall take the necessary steps to adjust its scheduling in order to adhere to the limits on a three-year rolling average. This provides the Garden with certain flexibility in accommodating requests or opportunities as they come along.

Depending on the approach to restricting use taken by your Commission, the condition of approval (Condition #63) would be replaced as follows:

63. **Intensity of Use.** Attendance associated with Garden classes and events shall be limited to a 1.8% annual increase above existing levels (1,778 for classes and 1,983 for events), up to a maximum increase of 50% without subsequent approval by the Planning Commission. [Or: Attendance associated with Garden events and educational programs shall be limited to 3,610 and 2,752 annual attendees, respectively.] These limits shall be based on a 3-year rolling average. If these limits are exceeded in any single year, the Garden shall take the necessary steps to adjust its scheduling in order to adhere to the limits on a three-year rolling average. No single event shall exceed 300 guests at any one time, notwithstanding the restrictions during the High Fire Season Preparedness Levels included in Condition #31. Attendance for individual classes and educational programs shall comply with the maximums identified in the project description. No more than three events individually exceeding 80 attendees in any given month, inclusive of community events, shall be permitted. **Monitoring:** The Garden shall submit an annual monitoring report to P&D by the end of February for each prior year documenting the number of programs and activities and associated attendance within each use category in order to demonstrate compliance with this condition.

### Construction Traffic Management

The Planning Commission expressed concern regarding traffic delays during construction activities and directed staff to incorporate additional guidance into the condition of approval in order to ensure that the intent of the condition is met. That is, to ensure that construction-related traffic delays are minimized and that 20-minute construction delays are the exception and not the rule. To this end, Condition #33 has been revised as follows:

33. **FIRE 1-3 Traffic Flag Crew.** A traffic flag crew shall be specifically dedicated and present on-site at all times during construction within the road right-of-way to conduct vehicle traffic flow along Mission Canyon Road and Las Canoas Road. The flag crew shall strive to achieve the goal of maintaining traffic flow and access at all times. One lane shall be kept open at all times except when construction vehicles are moving within the construction site closure of both lanes is unavoidable and essential to construction activities. The flag crew shall strive to minimize the periods when both lanes are closed. The maximum time in which both lanes may be closed shall be 20 minutes. Such closures shall occur no more than four times on any single day. Construction activities that necessitate more extensive lane closures require prior approval by P&D and Public Works and redirection of local traffic through the site. All open trenches shall be covered to provide full use of both traffic lanes at the end of each work day and in the event of an emergency evacuation of Canyon residents. Plan Requirements and Timing: The applicant shall develop and submit a Construction Traffic Control Plan for review and approval by P&D and County Public Works. The Plan shall include the name and phone number of an on-site construction supervisor overseeing implementation of the Plan. This contact information shall be posted on-site adjacent to any area in which traffic flow is impeded. This condition shall be included on all building and grading plans.

### **Allowable Uses within Recreation Zone**

A question was raised at the last hearing regarding allowable uses within the Recreation (REC) zone district, and members of the public asserted that certain activities are not allowed in the REC zone pursuant to the Temporary Uses section of the LUDC.

The first step in determining what uses are allowed in a particular zone district, pursuant to Section 35.20.030 of the LUDC, is to look at the list of allowable uses in each zone provided in the land use tables in Chapters 35.21 through 35.26. Allowable uses in the REC zone are listed in Table 2-23 in Section 35.26.030. This table lists several uses allowable in the REC zone under various permit types, including a Library/Museum with a Conditional Use Permit. The LUDC defines a museum as “a building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.” Staff believes that the Santa Barbara Botanic Garden clearly fits within this allowable use. Since the project conforms to an allowable use in the REC zone, there is no need to make a Use Determination, which is utilized when a use is proposed that is not listed as an allowable use in the land use tables.

With any principal use, there are secondary uses that are ancillary or customarily incidental to the principal use. In the case of the Botanic Garden, it is reasonable to conclude that fundraising events and other types of community activities are ancillary or incidental to the primary use as a non profit botanical garden, and function as an integral component supporting its ongoing operation. The intent of the Temporary Use section of the LUDC (Section 35.42.250) is to provide a permitting path for occasional or sporadic uses or events when the underlying permit for the site (e.g. CUP, DP, LUP, etc.) does not otherwise allow for such uses. One does not look to the Temporary Use section to determine what uses are allowable within a particular zone. Rather, one looks to the allowable uses as listed in the table included in Chapters 35.21 through 35.26. Since the Botanic Garden operates under a CUP, and fundraisers and other types of community events have been, and continue to be, an incidental component of the operation (i.e. not a temporary use), the Temporary Use section of the ordinance does not apply to this particular case.

### **Oak Tree Replacement**

The EIR identified significant but mitigable (Class II) impacts to oak woodlands and adverse but less than significant (Class III) impacts with respect to individual native trees associated with development of the proposed project. To mitigate these impacts and ensure consistency with County policies related to native tree protection, the EIR identified mitigation measures requiring the replacement of each protected oak tree removed at a 10 to 1 replacement ratio. This ratio is consistent with Planning and Development’s standard conditions for tree replacement. It assumes that most of the trees would not survive but that out of 10 seedlings at least one tree would reach maturity. The County Fire Department has recently expressed a concern about the application of the 10 to 1 replacement ratio for this project, since it would be contrary to their attempts at reducing fuel loads in Mission Canyon. It is also recognized that the Botanic Garden would likely have a greater rate of success in planting trees and ensuring their survival than a typical developer, given their experience as a botanical garden and the professional horticulturalists that they have on staff. For these reasons, staff is recommending that the replacement ratio be reduced from 10:1 down to 3:1.

The visual effect of the reduction in replacement trees would be offset by the use of larger saplings (5 gallon containers) for replacement. This would accomplish the same goal and objective of the original mitigation measures without adding significantly to the site's fuel loads. To this end, Conditions 9 and 12 have been revised as follows:

9. **BIO 2-1** In accordance with PRC Section 21083.4 (SB 1334), up to 50 percent of the project's impacts shall be mitigated by planting of trees as follows:
- a. For each oak tree removal (5 inches dbh or greater), the applicant shall plant ~~ten (10)~~three (3), 45-gallon size coast live oak trees obtained from locally occurring saplings or seed stock, preferably from the same watershed. The trees shall be planted, gopher fenced, and irrigated (drip irrigation on a timer) for a 7- year maintenance period. Planted trees that do not survive during the maintenance period shall be replaced at a 1:1 ratio and monitored and protected for an additional five years.
  - b. Mitigation of oak trees at a ~~10:1~~3:1 ratio shall be accompanied by replacement of understory species placed in appropriate soils and spaced appropriately in an area large enough to mitigate the loss.
  - c. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan.

**Plan Requirements/Timing:** Proposed seed collection and planting plans shall be shown on a landscape plan and submitted to P&D for review and approval. Prior to Zoning Clearances, the applicant shall obtain approval of the plan and shall submit a performance security to P&D for maintenance. Prior to the proposed permit, the trees and understory species shall be planted, fenced, and irrigated to the satisfaction of P&D.

12. **BIO 5-1 Tree Protection and Replacement.** In order to protect existing native coast live oak and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:
- j. Any tree that is removed shall be replaced on a ~~10:1~~3:1 basis with ~~45~~5-gallon size saplings grown from seed obtained from the same watershed as the project site. Trees that are damaged (i.e. more than 20 percent encroachment into the critical root zone) shall be monitored for 10 years. If at any time during this monitoring period the health of the tree declines, it shall be replaced on a ~~10:1~~3:1 basis. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. If relocation is unsuccessful, the tree shall be replaced on a ~~10:1~~3:1 basis. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period. Planted trees that do not survive during the maintenance period shall be replaced at a 1:1 ratio and monitored and protected for an additional five years.

- k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities including, for example, excessive tree pruning or limbing shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 403:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for ~~installation and maintenance~~ of replacement trees will be released by P&D after its inspection and approval of such ~~installation and maintenance~~.
- l. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan, unless approved by the County Fire Department.

**Plan Requirements and timing:** Prior to Zoning Clearance, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to Zoning Clearances, the applicant shall post a performance security in an amount acceptable to P&D to guarantee the maintenance of tree replacement. Timing on each measure shall be stated where applicable on each respective plan; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**Attachments:**

**Attachment B: EIR Revision Letter**

**Attachment C: Conditions of Approval**

SANTA BARBARA BOTANIC GARDEN  
 HISTORIC VISITATION DATA  
 1997 TO PRESENT

Year	Non Member		Free Visits:		Docent Tours:		Other Tours	Events	Education Classes	Research Visits	Visitors attending meetings	Misc. Entry Estimate	Grand Total	Est. # vehicles	Est. # buses	Percent Change
	Paid Visits	Member Visits	Guest passes, etc.	Elementary School children	Elementary School children											
1997	51,238	23,491	4,605	4,007	1,278	1,920	1,568	358	1,105	3,865	93,435	33,658	94	-		
1998	53,211	23,011	3,874	4,600	1,436	1,971	1,516	319	1,181	3,809	94,928	30,580	147	1.60%		
1999	54,014	25,112	4,910	3,989	1,207	2,888	1,926	348	1,347	4,166	99,907	32,228	126	5.25%		
2000	55,456	31,664	5,462	3,581	1,317	2,062	2,202	273	1,555	4,065	107,637	34,800	224	7.74%		
2001	55,489	30,122	5,119	3,843	1,273	2,373	1,930	602	1,179	4,455	106,385	26,608	82	-1.16%		
2002	55,863	31,902	4,817	3,908	1,322	1,752	1,858	735	1,389	4,497	108,043	28,565	78	1.56%		
2003	55,185	32,277	4,689	4,418	1,539	1,617	1,902	572	1,089	4,658	107,946	26,952	102	-0.09%		
2004	54,911	31,183	4,806	4,610	1,558	1,757	1,715	907	1,281	4,633	107,361	24,566	97	-0.54%		
2005	56,942	33,768	4,970	5,192	1,324	1,582	1,655	642	1,012	4,221	111,308	28,531	72	3.68%		
2006	55,821	32,550	6,546	5,114	1,689	1,911	1,504	82	479	4,740	110,436	27,192	79	-0.78%		
Total	548,130	295,080	49,798	43,262	13,943	19,833	17,776	4,838	11,617	48,109	1,047,386	293,680	1,101	18.20%		
10 Year Average	54,813	29,508	4,980	4,326	1,394	1,983	1,778	484	1,162	4,311	104,739	29,368	110	1.82%		

**ATTACHMENT B: FEIR REVISION LETTER RV1**

TO: County Planning Commission

FROM: Alex Tuttle, Planner  
Planning and Development, Development Review Division

DATE: October 16, 2009

RE: Revisions to 07EIR-00000-00001, the proposed Final EIR for the Santa Barbara Botanic Garden Vital Mission Plan (72-CP-116 RV01, 99-DP-043) to reflect revisions proposed subsequent to completion of the proposed Final EIR for the project and prior to decision-maker action (including potential certification of the FEIR)

**I. LOCATION**

The project site is located at 1212 Mission Canyon Road in the Mission Canyon area, First Supervisorial District.

**II. BACKGROUND**

An EIR was prepared for the Santa Barbara Botanic Garden Vital Mission Plan (07EIR-00000-00001) to analyze the project's environmental impacts and identify project alternatives. During the public hearings on the project before the County Planning Commission, the Planning Commission (PC) concluded that one of the impacts identified in the EIR as significant but mitigable (Class II) was in fact Class III, less than significant based on substantial evidence in the record. Subsequent to the September 16, 2009 PC hearing, in response to discussions with the County Fire Department, staff has proposed a modification to the replacement ratios for oak tree mitigation in order to achieve a better balance between tree replacement and fuel modification. To this end, this FEIR Revision letter (RV1) has been prepared to discuss the basis for the changed conclusion and modified mitigation measure.

Section IV of this Revision letter includes an errata section that contains minor corrections and additions to the proposed Final EIR in addition to those identified in Section III below that will be incorporated into the document upon EIR certification.

**III. CHANGED CONCLUSION AND MITIGATION MEASURE**

Caretaker's Cottage

The EIR identified a significant but mitigable impact (Class II) associated with relocation of the Caretaker's Cottage outside of the Historic Garden boundaries. The EIR concluded that relocation would disassociate the Cottage from its historic setting and location within the Historic Garden, resulting in a significant impact to historical resources. The EIR acknowledged

that the Cottage had previously been moved in 1942, during the period of significance, but had always remained within the Historic Garden boundaries.

Pam O'Connor, an architectural historian with Kaplan Chen Kaplan, concluded in her historic report of the Botanic Garden (prepared on behalf of the Garden), entitled *Santa Barbara Botanic Garden Historic Resources – Supplemental Report*, dated February 19, 2009 and included in Appendix I of the FEIR, concluded that the historic setting of the Caretaker's Cottage had already been compromised by its move in 1942 outside of the cluster of administrative buildings. This determination was reiterated in a comment letter submitted to the Planning Commission by Alex Cole, architectural historian, dated August 27, 2009 (included as Attachment A to this EIR Revision Letter). Both historians concluded that by disassociating the Caretaker's Cottage from the administrative cluster in 1942, the historic integrity of its setting was lost. As stated by Alex Cole, "As a result of this loss of integrity of setting, the significance of the cottage rested not on its location or setting, but rather on its presence as a first-generation Botanic Garden building. As such, its retention was important, but its location and setting were not." Thus, relocation of the cottage to the east side of Mission Canyon Road would not result in a significant impact on historic resources. This analysis and conclusion is also contained in a historic resource report prepared by Alex Cole for the Botanic Garden in February 2001, entitled *Phase I Historical Resources Report Library and Auxiliary Buildings, Santa Barbara Botanic Garden*, which was one of the reports utilized in preparation of the EIR.

Faced with conflicting conclusions from experts, the Planning Commission found the logic of the assessment above to be sound and that it provided substantial evidence to support a changed conclusion in the EIR. Based on the Planning Commission's determination, the impact to historic resources associated with relocation of the Caretaker's Cottage outside of the Historic Garden boundaries is reclassified as *adverse but less than significant* (Class III). Mitigation Measure CULT 3-5 is therefore revised as follows:

**CULT 3-5** ~~The Applicant shall change the relocation site for the Caretaker's Cottage such that it is relocated to a site within the boundaries of the Historic Garden. Plans for structural removal and relocation of the Caretaker's Cottage shall be designed by a P&D qualified architectural historian and comply with County and Secretary of the Interior's Standards and Guidelines. (Potential alternative locations within the Historic Garden that would avoid or lessen impacts to the Historic Garden are evaluated in Section 6.0 of this EIR.)~~

**Plan Requirements/Timing:** Removal and relocation plans shall be reviewed and approved by P&D and SBAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall monitor relocation activities to ensure compliance with the relocation plan.

Therefore, with this EIR Revision Letter, the EIR has been revised to reflect the changed conclusion.



### Oak Tree Mitigation

The EIR identified significant but mitigable (Class II) impacts to oak woodlands and adverse but less than significant (Class III) impacts with respect to individual native trees associated with development of the proposed project. To mitigate these impacts and ensure consistency with County policies related to native tree protection, the EIR identified mitigation measures requiring the replacement of each protected oak tree removed at a 10 to 1 replacement ratio. This ratio is consistent with Planning and Development's standard conditions for tree replacement. It assumes that most of the trees would not survive but that out of 10 seedlings at least one tree would reach maturity. The County Fire Department has recently expressed a concern about the application of the 10 to 1 replacement ratio for this project, since it would be contrary to their attempts at reducing fuel loads in Mission Canyon. It is also recognized that the Botanic Garden would likely have a greater rate of success in planting trees and ensuring their survival than a typical developer, given their experience as a botanical garden and the professional horticulturalists that they have on staff. For these reasons, the mitigation measures have been modified by reducing the replacement ratio from 10:1 down to 3:1. The visual effect of the reduction in replacement trees would be offset by the use of larger saplings (5 gallon containers) for replacement. This would accomplish the same goal and objective of the original mitigation measures without adding significantly to the site's fuel loads.

Additionally, the Planning Commission found that there is no need to require a performance security for installation of required oak tree mitigation planting since the Botanic Garden is in the business of tree planting and the County would retain its ability to ensure that the plantings are installed in compliance with the Tree Protection and Replacement Plan through its permit compliance and monitoring program.

Therefore, Mitigation Measures BIO 2-1 and BIO 5-1 have been revised as follows:

**BIO 2-1** In accordance with PRC Section 21083.4 (SB 1334), up to 50 percent of the project's impacts shall be mitigated by planting of trees as follows:

- a. For each oak tree removal (5 inches dbh or greater), the applicant shall plant ~~ten (10)~~three (3), ~~45~~-gallon size coast live oak trees obtained from locally occurring saplings or seed stock, preferably from the same watershed. The trees shall be planted, gopher fenced, and irrigated (drip irrigation on a timer) for a 7- year maintenance period. Planted trees that do not survive during the maintenance period shall be replaced at a 1:1 ratio and monitored and protected for an additional five years.
- b. Mitigation of oak trees at a ~~10:1~~3:1 ratio shall be accompanied by replacement of understory species placed in appropriate soils and spaced appropriately in an area large enough to mitigate the loss.
- c. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan.

**Plan Requirements/Timing:** Proposed seed collection and planting plans shall be shown on a landscape plan and submitted to P&D for review and approval. Prior to Zoning Clearances, the applicant shall obtain approval of the plan and shall submit a performance security to

P&D for maintenance: Prior to the proposed permit, the trees and understory species shall be planted, fenced, and irrigated to the satisfaction of P&D.

**Monitoring**: Through consultation of a certified arborist, the applicant shall demonstrate to P&D that the planted trees and understory species are surviving and are self-sustaining. P&D staff shall ensure adequate installation and maintenance of trees and understory species. Performance security release for maintenance requires P&D sign-off.

**BIO 5-1 Tree Protection and Replacement**. In order to protect existing native coast live oak and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:

- j. Any tree that is removed shall be replaced on a 403:1 basis with 45-gallon size saplings grown from seed obtained from the same watershed as the project site. Trees that are damaged (i.e. more than 20 percent encroachment into the critical root zone) shall be monitored for 10 years. If at any time during this monitoring period the health of the tree declines, it shall be replaced on a 403:1 basis. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. If relocation is unsuccessful, the tree shall be replaced on a 403:1 basis. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period. Planted trees that do not survive during the maintenance period shall be replaced at a 1:1 ratio and monitored and protected for an additional five years.
- k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities including, for example, excessive tree pruning or limbing shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 403:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for ~~installation and~~ maintenance of replacement trees will be released by P&D after its inspection and approval of such ~~installation and~~ maintenance.
- l. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan, unless approved by the County Fire Department.

**Plan Requirements and timing**: Prior to Zoning Clearance, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to Zoning Clearances, the applicant shall post a performance security in an amount acceptable to P&D to guarantee the maintenance of tree replacement. Timing on each measure shall be stated where applicable on each respective plan; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**Monitoring:** P&D or a designated monitor shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security for maintenance shall not occur unless all measures have been complied with to the satisfaction of P&D.

These modifications do not alter the conclusions of the EIR in terms of the residual impacts of the project on oak woodlands and individual oak trees. The effectiveness of the mitigation measures remain the same.

#### IV. FEIR ERRATA

This errata section contains minor corrections and additions to the proposed Final EIR, in addition to that which was identified in Section III above, which will be incorporated into the final certified EIR. None of the proposed corrections or additions alter the conclusions of the EIR analysis or identify new significant impacts, except as discussed above.

The corrections and additions are listed below, by EIR section, along with an explanation for the change. Deleted text is in strikeout. New text is underlined.

##### Executive Summary

- *Page 1-29, Mitigation Measure CULT 2-2:* The phrase "Native American representative, as applicable" should not be crossed out. **Reason:** This error reflects a discrepancy between the Executive Summary and the text in Section 4.4 of the EIR.

First paragraph should read:

**CULT 2-2** In the event potentially significant archaeological remains are encountered, work shall be stopped immediately or redirected until the P&D approved archaeologist and a Native American representative, as applicable, evaluates the significance of the find pursuant to County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

- *Page 1-30, Class II Historic Resources Impacts:* This paragraph should be revised to eliminate reference to relocation of the Caretaker's Cottage as a Class II impact. **Reason:** Changed conclusion in the EIR, revising the impact from Class II to Class III, as discussed in Section III above.
- *Page 1-31, Mitigation Measure CULT 3-5:* The mitigation measure in the executive summary should be revised to reflect the changed conclusion by the Planning Commission, as discussed above in Section III. **Reason:** Changed conclusion.

First paragraph should read:

**CULT 3-5** ~~The Applicant shall change the relocation site for the Caretaker's Cottage such that it is relocated to a site within the boundaries of the Historic Garden.~~ Plans for structural

removal and relocation of the Caretaker's Cottage shall be designed by a P&D qualified architectural historian and comply with County and Secretary of the Interior's Standards and Guidelines. ~~(Potential alternative locations within the Historic Garden that would avoid or lessen impacts to the Historic Garden are evaluated in Section 6.0 of this EIR.)~~

#### Section 4.1 Aesthetics and Visual Resources

- *Page 4.1-33, Mitigation Measure AES 2-2:* The mitigation measure has been revised to eliminate the requirement for performance securities. **Reason:** The Botanic Garden is in the business of landscaping and the Planning Commission considered it unnecessary to require the Garden to pay performance securities for the installation and maintenance of landscaping. The County would retain the ability to ensure compliance with the landscaping requirements through its permit compliance and monitoring program.

The **Monitoring** paragraph should read:

**Monitoring:** ~~P&D shall require landscape performance securities prior to Zoning Clearance approval for any buildout under the Vital Mission Plan.~~ Compliance staff shall ensure consistency of installation with approved plans and shall respond to complaints.

#### Section 4.12 Water Resources, Drainage, and Flooding

- *Page 4.12-30, Second full paragraph:* The reference to Table 4.12-11 should be corrected to Table 4.12-6. **Reason:** This simply reflects an error in the reference.

#### Attachments

Attachment A – Alex Cole memo, dated August 27, 2009

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# PRESERVATION PLANNING ASSOCIATES

519 Fig Avenue, Santa Barbara, CA 93101  
Telephone (805) 450-6658 Email: accole5@yahoo.com

MEMO

*Date:* August 27, 2009

*To:* Santa Barbara County Planning Commission, Mr. David Villalobos, Board Assistant Supervisor

*From:* Alexandra C. Cole, Principal, Preservation Planning Associates

*Re:* Relocation of Caretaker's Cottage, Botanic Garden

In my July 30, 2009 letter to the Planning Commission, I outlined my reasons for approving the relocation of the Caretaker's cottage to the east side of Mission Canyon Road, where it would serve again as a residence. Pam O'Connor, architectural historian with Kaplan Chen Kaplan Architects and Planners, who spoke at your last meeting, concurred with my analysis. We both respectfully disagree with the findings of HRG, who determined that unless the Caretaker's cottage was moved within the boundaries of the Historic Garden, located on the west side of Mission Canyon Road, there would be a significant impact.

My analysis, as presented in my 2001 SAIC report, determined that the historic setting of the Caretaker's cottage had been compromised by its move during the 1942 Farrand major remodel of the administration section of the Botanic Garden. In the original plan, the Caretaker's cottage, administrative office, lath house, potting shed, garage, greenhouse, workshop and seed storage building were organized in a cluster to the south of the meadow section. The 1942 plan placed the new library as the focal point of the administration cluster. The director's house was moved downhill from the new library, with the Caretaker's cottage relocated even further down the hill. It was at this point that the Caretaker's cottage was no longer part of the administrative cluster of buildings, and its setting was compromised. Its setting was compromised further when the new herbarium building was constructed in 1973-74, very close to the Caretaker's cottage, further disassociating it visually from the rest of the Botanic Garden administrative cluster.

As a result of this loss of integrity of setting, the significance of the cottage rested not on its location or setting, but rather on its presence as a first-generation Botanic Garden building. As such, its retention was important, but its location and setting were not. Hence its proposed relocation to the east side of Mission Canyon Road was considered to not have a potential significant impact (SAIC 2001:32-33). Therefore, in my professional opinion, the proposed relocation of the Caretaker's cottage on the east side of Mission Ridge Road is appropriate.

**ATTACHMENT C: CONDITIONS OF APPROVAL**

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN  
COUNTY LAND USE DEVELOPMENT CODE, CHAPTER 35  
CASE NOS. 72-CP-116 RV01, 99-DP-043

I. A Conditional Use Permit And Final Development Plan are Hereby Granted:

TO: Santa Barbara Botanic Garden

APNs: 023-340-013, -014, -015; 023-052-001, -002, -003, -004, -008, -011, -012; 023-060-018,  
-022, -023, -024, -025, -038; 023-350-006; 021-030-001

PROJECT ADDRESS: 1212 Mission Canyon Road

ZONE: REC, 1-E-1, AG-I-10

AREA/SUPERVISORIAL DISTRICT: Mission Canyon, First District

FOR: 1) Continued operation of an existing botanic garden and approval of all existing and proposed development.

II. This permit is subject to compliance with the following conditions:

1. This Conditional Use Permit and Development Plan approval [72-CP-116 RV01, 99-DP-043] is based upon and limited to compliance with the project description and conditions of approval. Any deviations from the project description or the conditions must be reviewed and approved by the Director of the Planning and Development Department for conformity with this approval. Deviations from the project description or conditions of approval may require a modification (via a Substantial Conformity Determination, an Amendment or a Revision) to 72-CP-116 RV01 and/or 99-DP-043 and further environmental review. The conditional language (i.e. use of the word "would") used in this condition #1 must be interpreted as imperative (i.e. "shall").

**The project description is as follows:**

***Modifications to Existing Structures and New Structures***

The Garden currently includes 30 existing buildings (including five shade structures) providing a total of approximately 39,558 s.f. of floor area<sup>1</sup>. The proposed project would involve changes to a number of these buildings as well as the development of additional buildings, as identified in the tables below.

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<sup>1</sup> This figure represents the pre-fire condition and is kept as is to reflect the fact that the Garden intends to rebuild structures that were lost in the Jesusita Fire.

**Santa Barbara Botanic Garden Existing Structures**

Symbol	Building Name / Description	Square Footage (Footprint)	Changes	# of Floors
E1	Caretaker's Cottage (offices)	1,390 (1,390)	Relocate, convert to residence	1
E2	Herbarium (collections)	2,818 (1,209)	Demolish	2
E3	Blaksley Library (library, office)	3,153 (1,577)	Remodel, offices, exhibit space, snack window	2
E4	Lath House/Plant Sales	3,003 (3,003)	Remodel	1
E5	North Wing (office, gift shop, kitchen, classroom)	3,298 (1,649)	674 s.f. addition, remodel	2
E6	Visitor Kiosk (admissions)	170 (170)	Demolish	1
E7	Restrooms	404 (404)	Remodel – storage	1
E8	Information Kiosk	320 (320)	No change	1
E9	Tea House	188 (188)	No change	1
E10	Gane House (maintenance and storage)	9,318 (3,975)	Rebuild (fire) 8,178 s.f., offices	2 + basement
E11	Storage Shed	339 (339)	Demolish	1
E12	Storage Shed	356 (356)	Rebuild (fire)	1
E13	Storage Shed	323 (323)	Demolish	1
E14	Storage Shed	150 (150)	Rebuild (fire) and relocate	1
E15	Can Yard (shade structure)	1,984 (1,984)	Rebuild (fire)	1
E16	Shade Structure (plants)	244 (244)	Rebuild (fire), 119 s.f. addition	1
E17	Lath House (plants)	725 (725)	Rebuild (fire)	1
E18	Shade Structure (plants)	686 (686)	Rebuild (fire)	1
E19	Head House (office, seed bank)	1,138 (1,138)	No change	1
E20	Wood Shed (storage)	143	Rebuild (fire) and relocate	1
E21	Guild Studio (office, storage, guest quarters)	1,585 (1,440)	No change	1 (raised)
E22	Tunnel Road Annex (storage)	483 (483)	No change	1
E23	Employee Residence	1,185 (1,185)	Remodel	1
E24	Employee Residence (duplex)	2,502 (2,203)	Remodel, SFD	2
E25	Storage Shed	667 (667)	No change	1
E26	Storage Shed	185 (185)	Demolish	1
E27	Director's Residence	1,496 (1,496)	Rebuild (fire)	1
E28	Director's Garage	500 (500)	Rebuild (fire), 457 s.f. 2 <sup>nd</sup> story addition	2
E29	Shade Structure	400 (400)	No change	1
E30	Shade Structure	405	Demolish	1
<b>Additions/Subtractions</b>		N/A	-4,130 (-1,997)	N/A
<b>Total</b>		39,558 (28,937)	35,428 (26,940)	N/A

**Santa Barbara Botanic Garden Proposed Structures**

Symbol	Building Name / Description	Square Footage (Footprint)	# of Floors
P1-A	Children's Lab	2,678 (1,748)	2
P1-B	Library/Education Center	7,941 (2,779)	2 + basement
P3	Visitor's Admission	724 (724)	1
P5	Conservation Center	5,552 (2,215)	2 + basement
P6/7/8	Horticulture Offices, Garage & Services	3,527 (3,527)	1
P9	Horticultural Garage/Support	1,733 (1,733)	1
P10	Can Yard (propagation)	400 (400)	1
P12	Garage	386 (386)	1
P13	Staff Residence	1,472 (1,472)	1
P14	Staff Residence	1,496 (1,496)	1
P17	Shade Structure	400 (400)	1
P18	Shade Structure	400 (400)	1
P19	Shade Structure	400 (400)	1
P20	Overlook Kiosk	470 (470)	1
P21	Garage/Office	1,168 (1,168)	1
P22	Staff Residence	1,267 (1,267)	1
<b>Total – Proposed Development</b>		<del>30,014</del> <u>29,544</u> ( <del>20,095</del> <u>565</u> )	N/A
<b>Total – Existing + Proposed</b>		<del>65,442</del> <u>64,972</u> ( <del>47,035</del> <u>505</u> )	N/A
<b>Net Increase</b>		<del>25,884</del> <u>25,414</u> ( <del>18,098</del> <u>568</u> )	N/A

Of the existing 30 structures, six buildings with a combined floor area of 4,240 s.f. would be demolished (an herbarium, the visitor services kiosk, one shade structure, and three storage sheds), the Gane House would be reduced in size from 9,318 s.f. to 8,178 s.f., a reduction of 1,140 s.f., and three existing structures (North Wing, a shade structure, and Director's garage) would be expanded to add a total of 1,250 s.f. The proposed floor area changes to existing structures would result in a net reduction to existing development floor area of 4,130 s.f. (minus 5,380 s.f. plus 1,250 s.f.), resulting in 35,428 s.f. of floor area associated with existing structures. Three existing structures (the cottage, a storage shed and a wood shed) would be relocated on site with no change in floor area. Condition of approval 24 requires that the cottage be relocated to a site located within the boundaries of the Historic Garden.

Sixteen-Fifteen new structures are proposed with a combined floor area of 30,014~~29,544~~ s.f. The total floor area at the Garden after implementation of the proposed project would be 65,442~~64,972~~ s.f., for a net increase of 25,884~~25,414~~ s.f. relative to existing development.

In addition to the permanent structures identified above, the Garden would periodically erect temporary installations, representing either seasonal displays or art exhibits. Seasonal displays would be in place for no more than 90 days and temporary art exhibits such as have occurred in the past (e.g. Toad Hall, Herb Parker) would be in place for no more than three years. Temporary art exhibits would not exceed 1,200 square feet in size.



### *Circulation and Parking Facilities*

The proposed project would also include modifications to existing roadways, construction of new parking areas, visitor circulation modifications, and various Americans with Disabilities Act (ADA) accessibility elements.

The existing driveways and circulation pattern on the West of Mission site would remain largely unchanged. However, a new cut in the parking lot approximately 18 feet in width to create a new large vehicle turnaround would be created at the south exit driveway to Mission Canyon Road, which would allow larger vehicles a better access approach to the east side of the Botanic Garden property while also providing emergency vehicles an alternative means of turning around on Mission Canyon Road.

The primary visitor parking lot on the West of Mission site currently contains 74 parking spaces (3 ADA accessible) and one bus parking space. A total of 70 marked parking spaces (including three ADA accessible spaces) and one bus parking space are proposed. Therefore, the net change in parking on the west property lot would be four fewer vehicular parking spaces. A new ADA accessible pedestrian entry sequence to the West of Mission site would be constructed of stone pavers and would include a small pedestrian bridge located just south of the existing entry path. The existing entry path would then serve as a separate maintenance and emergency access route.

The Guild Studio is currently served by 7 informal employee parking spaces adjacent to the building. The proposed project would provide 1 formal ADA accessible space at the Guild Studio in place of the informal spaces and a new employee parking area containing 5 employee parking spaces on the west side of Mission Canyon Road adjacent to the Mission Canyon Road and Las Canoas Road intersection. This would result in a net decrease of 1 parking space serving the Guild Studio. The new employee parking area would be accessed directly from Mission Canyon Road (presently gated), and a paved pedestrian path and span bridge (approximately 55 feet long and six feet wide) would provide access from the parking area to the Guild Studio across Mission Creek.

The East of Mission site currently contains 35 unmarked parking spaces in various locations (not including parking spaces used by staff residences on the Hansen site). New pocket parking would be provided for 23 spaces along the driveway accessing the Gane House and a 14-stall parking lot and view "overlook" is planned where the driveway terminates beyond the existing propagation center. This parking area would also function as a helipad in emergency situations (e.g. wildfires) for use by emergency crews, as identified in the Fire Protection Plan. It would not be used for any other occasion.

The net change in the total supply of visitor and employee parking on the project site would decrease by 3 spaces, from 116 to 113 spaces.

The entire access road through the East of Mission and Hansen sites (extending from Mission Canyon Road to Las Canoas Road) is proposed to be paved, partially re-routed, and improved in order to meet current Fire Department standards. Re-grading of the existing circulation system will be required to increase road widths and to provide road grades consistent with current Fire Department standards (i.e. 12% maximum grade). In all, approximately 2,400 linear feet of roads on the East of Mission and Hansen sites will be improved and widened to 16 feet in most places (not including turnouts, turnarounds and parking spaces).

### Employee and Visitor Parking

	Existing Number of Spaces	Proposed Number of Spaces	Change
<u>Visitor</u>			
West of Mission	74	70	-4
East of Mission	0	0	0
<i>Total Visitor Parking</i>	74	70	-4
<u>Employee</u>			
Guild House	7 (unmarked)	6 (marked)	-1
East of Mission	35 (unmarked)	37 (marked)	+2
<i>Total Employee Parking</i>	42	43	+1
Total Visitor And Employee Parking	116	113	-3

The Botanic Garden currently implements traffic management programs for all events that have the potential to exceed the existing supply of visitor parking spaces and thereby result in traffic congestion and parking impacts along Mission Canyon Road. The traffic management programs typically employ on-site traffic monitors and valet parking programs, offsite parking agreements with shuttle services and local law enforcement for traffic control. The Garden currently implements the following vehicle use reduction efforts:

- Promoting carpooling and bus transportation in all advertisements for events. This is provided for events of all sizes, not just the larger events which trigger the transportation and parking provisions.
- Promoting carpooling for staff, though varying schedules make consistent carpooling impractical for many.
- For large events, typically occurring on the weekends when MTD Line 22 runs, SBBG pays for visitors traveling to the Garden via MTD. MTD collects the event ad presented by riders, and then bills SBBG for those ads collected from individuals traveling on Line 22 to the Garden. In addition, for large events, the Garden provides bookmarks to all public library branches and Borders bookstore that have a free-ride MTD tear off.

As part of the Vital Mission Plan, the Garden would continue these efforts and is also proposing to purchase MTD passes for weekend employees to further reduce vehicular use.

#### ***Grading, Paving, and Pathways***

Grading for full project buildout consists of approximately 13,200 cubic yards (cy) of cut and 5,400 cy of fill, resulting in a net export of approximately 7,800 cy, with allowance for compaction loss in the fill areas. New retaining walls are proposed as masonry block units and will be faced with rock (sandstone) where walls are visible from locations within the Garden.

As part of the proposed project, all remaining pathways, with the exception of the proposed path on the Cavalli property, would be surfaced with pavers as individual portions of pathways are determined in need of maintenance and increased accessibility for mobility-impaired Garden visitors, up to a maximum of 10% above existing paved trails. The proposed path on the Cavalli property would be narrowed to eliminate the need for engineered vertical retaining walls and would be unpaved. Nonengineered stacked rock walls, with a maximum height of 24" would be allowed.

The project also includes terracing of the Meadow Oaks area on the west side of the Meadow, an area that has historically been used as a gathering space and where a large oak tree previously existed but was removed due to its failing condition. This feature, referred to as the Meadow Terrace, would consist of three low-level rock retaining walls defining the terrace levels. The total Meadow Terrace project area is approximately 4,025 square feet, with planting beds along the edge of each retaining wall and decomposed granite making up the terraces. A total of approximately 240-150 linear feet of retaining walls is proposed and would have a natural Santa Barbara sandstone facing. The maximum exposed height of the retaining walls would be 18 inches and they would be designed to provide seating for the public. ~~A total of 36 path lights and 11 electrical outlets are proposed.~~ The Meadow Terrace would be used as both an exhibit of annual and low growing colorful California perennials and other native plants and an area for hosting special events. The Meadow Terrace project would be re-designed so that hardscape is minimized and the terrace reflects the naturalistic and informal design historically associated with the area. The hard edge of terrace retaining walls shall be softened, potentially with earthen berms and plantings, to minimize the effect of abrupt changes in elevation. Terrace surfaces and areas between the retaining walls shall remain unpaved and the retaining walls shall not continue east of the footpath surrounding the Meadow. An oak tree ~~should~~ shall be planted to replace the tree that was removed ~~during initial construction~~ so that spatial relationships between the Meadow Oaks area and the Meadow are maintained.

### *Fencing*

Approximately 30% of the Garden property is currently fenced with various fence materials (cyclone, post with wire, and wood) in areas generally along portions of Mission Canyon Road, Tunnel Road, Las Canoas Road, and along the south and east property boundaries of the Cavalli Site. The Garden proposes to replace and install a 3½-foot high perimeter fence along most of the Garden property boundaries, and will maintain, except as noted below, an existing six-foot high, black cyclone security fence which is limited to specific portions of the Mission Canyon Road and Tunnel Road property boundary. Existing and proposed fencing would result in approximately 70% of the Garden property perimeter being fenced.

The perimeter fence is proposed to be a 3½ foot high visually and wildlife permeable post with smooth wire or stone pillar with two flat rail design, avoiding designated fence openings within riparian/wildlife corridors. In addition, fencing would not be placed where setbacks are required from riparian vegetation and installation shall not require oak tree removal impacts. The perimeter fence would be set back six feet from adjacent roadways where feasible given topographic and vegetation constraints. The existing six-foot security fence, a portion of which along Tunnel Road was constructed subsequent to the Notice of Preparation and is considered part of the proposed project, is a black-vinyl coated cyclone fence designed with wildlife portals and would be maintained as-is on portions of the site along Mission Canyon Road and Tunnel Road. The existing fencing along Tunnel Road included in the project would be relocated to provide an approximate six foot setback from the roadway to minimize visibility of the fence and accommodate pedestrian passage along the roadway, where feasible given the site's topographic and vegetation constraints. Currently, nearby residents who are also members in good standing of the Garden and who have been granted permission are permitted access to Garden paths via existing secured gates during regular operating hours. The Garden intends to continue to allow neighboring residents to gain access through its gates under the current terms, but reserves the right to restrict access in the future.

### *Lighting Plan*

Exterior lighting is proposed to provide security and safety around structures. The lighting plan consists of small, 3 x 6 inch shielded pathway lights between buildings, 3 x 4 inch step lights

along low walls, 24-inch tall sandstone path lights with two-inch shielded lights directed to the ground, and 2 x 6 inch hidden trellis lights to be provided at the main entrance to the Botanic Garden. Timers would be used to control the duration of daily lighting including paths of travel to and from vehicles. Lights would be illuminated from dusk until the end of the business day and until the end of classes or lectures, as needed. Selected areas around buildings within the Garden are proposed to continue to include low level security lighting which would remain illuminated throughout the night. During special events, low level and shielded light fixtures may be utilized along pathways around the meadow area. The parking lot would be provided with pole lighting consisting of 12-foot high pole lights set in mission-style fixtures with sharp cut-off luminaires to reduce glare. Residential lighting typical of residential uses in the neighborhood are proposed for new residences at the Botanic Garden as well. It is the goal of the Garden to achieve LZ1 lighting standards, which are designed for areas with minimal lighting needs, such as parks, wilderness areas, and wildlife preserves. Achievement of LZ1 lighting standards is mandated by condition of approval 4.

### ***Water and Sewer Services***

The Botanic Garden is served by both a private well and the City of Santa Barbara's municipal water system. The City of Santa Barbara currently serves domestic needs, and approximately 35 percent of irrigation needs, while the existing well provides for the remaining irrigation needs. New water mains and hydrants would be installed and all new and remodeled buildings would be fire sprinkled. Except for the Director's Residence (1140 Tunnel Road), which is served by municipal sewers, the Botanic Garden wastewater disposal is currently processed through septic systems. All new and existing facilities would be connected to the municipal sewer system, with the necessary sewer main extensions and laterals, and all sewer connections are proposed to be gravity lines. The proposed residence and office space on the Cavalli site (P-21 and P-22) would only be constructed if and when sewer service is introduced into the adjacent residential area.

### ***Drainage Facilities***

The proposed grading and drainage plans for the Vital Mission Plan include stormwater runoff control and treatment improvements in project areas that would be subject to new development. Where new impervious surfaces are proposed, drainage devices with oil and grit filtration are incorporated into the design to filter, control and divert runoff from the site in a non-erosive manner to an appropriate location for discharge. Additionally, two detention basins and one bioswale have been incorporated into the project design to retain and treat stormwater runoff onsite where site terrain is level enough to accommodate this type of stormwater treatment method. Two detention basins are proposed to be installed along the access road between Mission Canyon Road and Las Canoas Road, and one bioswale is proposed to be installed to collect stormwater runoff from the proposed Cavalli site improvements. Bioswales and detention basins would be redesigned to avoid slopes of 30% or greater.

### ***Proposed Fire Protection/Fuel Modification Plans***

The Garden is subject to Fire Department requirements, which include fuel modification within 100 feet of habitable structures. In addition, a Conceptual Fire Protection Plan has been developed for the Garden (Dudek, July 2009, Appendix E of DFEIR). This Plan includes requirements and recommendations for fuel modification, building construction, road design, water systems, and evacuation. Condition of approval 32 mandates that all construction shall be prohibited on red flag days as declared by the County Fire Chief. Except during Low Fire Season Preparedness levels, a water truck shall be on hand during all construction activities with the potential to ignite fires, including but not limited to welding, pipe cutting and rough grading.

### ***Construction Phasing***

Implementation of the Vital Mission Plan is expected to occur in eight sequential phases, consisting of the following:

- Phase I: All proposed water and sewer line extensions in an 8-month duration.
- Phase II: Construction of new Horticulture Facilities in an 11-month duration.
- Phase III: Reconstruction of the Gane House and construction of new Herbarium/Conservation Center in a 14-month duration.
- Phase IV: Relocation of existing Administration Cottage and conversion to residential use, demolition of existing Herbarium, and construction of the Educational Center in a 13-month duration.
- Phase V: Renovations to existing Blaksley Library and North Wing buildings and construction of new entrance kiosk in a 12-month duration.
- Phase VI: Construction of new staff residences in a 14-month duration.
- Phase VII: Construction of public path and ~~overlook kiosk~~ on Cavalli property in a 6-month duration.
- Phase VIII: Construction of Cavalli housing and office structures and associated parking/paving once sewer/septic becomes available.

The number, sequencing, and/or timing of the phases may change due to funding considerations.

## **OPERATIONAL COMPONENTS OF THE PROPOSED PROJECT**

### ***Existing and Proposed Botanic Garden Uses***

The general uses that occur at the Botanic Garden on a typical day include curation of collections, exhibit development, self-guided garden tours and garden tours in groups, educational programs, workshops, volunteer meetings, research activities, ~~staff activities~~ related to administration, management and maintenance, business and group meetings, retail sales at the garden shop and plant nursery, and horticultural activities. No change in these existing primary uses is proposed.

Most visitors to the Botanic Garden are touring the outdoor gardens and visiting the garden shop and nursery. An average of approximately 305 people visit the Botanic Garden daily (based on admissions counts taken in 2005 by Botanic Garden staff). This number includes general visitors as well as attendees at special events, classes, lectures, and other activities. The Botanic Garden estimates that 75 percent of the daily public visitors remain on the west side, while 25 percent also tour the exhibits on the east side.

The Botanic Garden has four on-site existing residential units contained within three buildings. These include the Director's residence and two employee residential structures (one single-family dwelling and one duplex). All residences are occupied by full-time staff of the Botanic Garden. The project includes converting the existing administration building (cottage) to its original use as a residence, constructing a garage addition to the Director's residence, and restoring the existing single family dwelling and duplex as two single family residences (the existing duplex would be converted to a single family residence) at the Hansen Site. In addition, the project includes construction of two new single-family dwellings at the Hansen Site, and one single family residence at the Cavalli property in the event sewer service is introduced into the adjacent residential area ~~or a suitable private septic system becomes available~~. This would result in a net gain of three residential units beyond what exists currently, for a total of seven units.

A 226 square-foot snack window is proposed within the lower level of the Library (E3) which would provide visitors with light lunch fare consisting of pre-packaged cold foods such as salads and sandwiches, various snack foods, fruit and primarily bottled or canned drinks. A microwave oven would be provided to heat ~~pre-packaged foods~~ beverages and soups. The proposed food service would be available during regular visiting hours only. In addition, a kitchen area with refrigerator, dishwasher, microwave oven, and sink is proposed within the lower level of the Library (E3) that would serve as a preparation and storage area for special events held at the Garden. No cooking facilities are proposed as part of this project; all cooking would be done off-site.

### *Hours of Operation*

The Garden is open to the general public from 9:00 a.m. to 5:00 p.m. during the winter season and 9:00 a.m. to 6:00 p.m. during the summer season. The Botanic Garden is open 361 days per year. All activities occur seven days per week, with most staff working Monday through Friday. Staff typically work 8:00 a.m. to 5:00 p.m., while educational programs run from 7:30 a.m. to 10:00 p.m. Approximately 75 percent of classes occur during the daytime hours and 25 percent occur during evening hours. Meetings related to garden activities can occur throughout the day from 7:30 a.m. to 6:00 p.m. All special events at the Garden such as private parties and fundraisers conclude by 9 p.m. with additional time provided for event breakdown and cleanup. Music associated with special events ends by 9 p.m. No change in operating hours is proposed.

### *Staff Levels*

Staffing at the Botanic Garden at the time of the Notice of Preparation consisted of 32 full-time and 15 part-time employees, 1 intern, and approximately 31 instructors. Typically, 1 instructor is involved with a class on any given day. At the time of the Notice of Preparation, approximately 20 volunteers provided services such as docents, horticultural assistance, membership/visitor services, garden shop, fundraising, etc. each day. The Botanic Garden estimates that staffing needs will increase to 37 full-time and 24 part-time employees, 4 interns and approximately 32 instructors, while volunteers are assumed to remain at 20. Therefore, it is anticipated that total staff and volunteers would increase from 99 to approximately 117 under buildout of the project, accounting for 5 more full-time employees, 9 more part-time employees, 3 more interns, and 1 more instructor.

### *Classes, Visitors, and Special Events*

The Botanic Garden is requesting visitor increases associated with classes, lectures, special events, etc., however these proposed increases are not included in the approved project. Rather, use levels are capped. ~~Existing~~ Classes, lectures, special events, and other activities are identified in the tables below. Currently, five to ten professionals use the herbarium and research facilities weekly, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The Botanic Garden Volunteer meetings consisting of 5 to 25 people are held 6 to 12 times per year. The Botanic Garden does not expect an increase in these meetings or attendance. Miscellaneous business, research and educational visits not included above account for approximately 12 people per day and would not directly increase with project implementation. These individuals typically utilize various buildings on the west side or are out on the Botanic Garden grounds.

**Classes, Hours, and Attendance**

Classes/Year	Hours	Attendance (per class)
<b>Daytime Classes</b>		
80-90 Courses 200-225 Sessions	7:30 a.m.-5:30 p.m.	12-22
<b>Nighttime Classes</b>		
25-35 Courses 60-90 Sessions	6 p.m. -10 p.m.	12-22
<b>Master Gardener and Docent Training</b>		
20 Sessions	7:30 a.m.-5:30 p.m.	40-50
<b>Annual Lecture Series</b>		
7 Sessions	6 p.m.-10 p.m.	50-70

**Special Events, Hours, and Attendance**

Event Type	Frequency/ Duration	Hours	Attendance
Plant Sales, Book Signings	4/year	11 am- 7 pm	100-250/event
Art/Craft Exhibits	4/year Case-by- Case	9 am- 5 pm	Case-by-Case
Community Festivals (Exhibits/Vendors/Music)	2/year 2 days	9 am- 5 pm	250-750 per day
Fundraising/Special Events (Food/Music)	10/year 1 day	Noon- 10 pm	20-300/event
Community Group Meetings	10-20/year 1 day	9 am- 10 pm	30-150/event
Private Parties (Music/Food)	2-4/year 1 day	9 am- 10 pm	75-200/event
Symposia & Workshops	1-2/year 1-3 days	8 am- 8 pm	50-150 per day
Recognition Events	3/year 1 day	9 am-10 pm	50-200/event
* Note that these events would end by 9pm (i.e. no music after 9 pm) with additional time provided for event breakdown, cleanup, and guest departure.			

Tents are commonly utilized during most of the private parties and other special events indicated above, including certain outdoor classes depending on weather and solar radiation conditions (up to an estimated 55 uses per year). Tents are removed immediately after an event has completed. Alcohol may be served at special events as well, with liquor licenses obtained as necessary. The number of such events varies year to year. All events include an on-site monitor. Music (both acoustic and amplified) would typically be used up to approximately 25 times per year. The Garden proposes to maintain these use parameters.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto.

## MITIGATION MEASURES FROM 07EIR-00000-00001

2. **AES 2-1** Roof-top building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used. **Plan Requirements and Timing:** Materials shall be denoted on building plans. Final building plans shall be reviewed and approved by the SBAR prior to Zoning Clearance. Structures shall be painted prior to final building inspection.

**Monitoring:** P&D shall inspect prior to final building inspection.

3. **AES 2-2** Where feasible and consistent with the Fire Protection Plan and County Fire Department fuel management requirements, the Botanic Garden shall incorporate landscaping in the form of planted buffers along its perimeter and in areas open to public views, with special emphasis along Mission Canyon Road and the East Ridge north of the Gane House. Landscaping shall include groundcover, understory and canopy plantings as needed to achieve effective screening. Landscape screening shall be maintained for the life of the project. In the event of a natural disaster, including wildfire, landscape screening shall be replaced to the satisfaction of this condition in a timely manner. Landscape plans shall be submitted to the BAR for review and approval as to species, locations, and size at installation. **Plan Requirements and Timing:** Prior to Zoning Clearance approval for each phase of buildout, the applicant shall submit landscape planting plans for each phase of buildout for review and approval by the SBAR and P&D.

~~**Monitoring:** P&D shall require landscape performance securities prior to Zoning Clearance approval for any buildout under the Vital Mission Plan.~~ Compliance staff shall ensure consistency of installation with approved plans and shall respond to complaints.

4. **AES 3-1** Exterior lighting shall be designed consistent with LZ1 standards. With the exception of security lighting, all exterior lighting shall be on timers and shut-off during non-business hours. When necessary to support an evening activity (class, special event, lecture, etc.), only those buildings or areas in use shall be lit as well as the parking area serving the activity and any necessary pathways between the activity and said parking. Any exterior night lighting shall be of low intensity, low glare design, minimum height, and shall be fully hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements and Timing:** Prior to Zoning Clearance approval, the applicant shall submit a Lighting Plan that demonstrates compliance with LZ1 standards and the restrictions of this condition for review and approval by the SBAR and P&D. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan.

**Monitoring:** P&D shall site inspect to ensure compliance prior to occupancy clearance. Permit compliance shall respond to complaints.

5. **AQ 1-1** The applicant shall prepare a Construction Management Plan to control PM-10 emissions. At minimum the Plan shall include the following dust control measures:
- During construction, water trucks or sprinkler systems should be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.



- Minimize the amount of disturbed area and reduce onsite vehicle speeds to 15 mph per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered with a tarp from the point of origin.
- After clearing, grading, earthmoving, or excavation is completed, the disturbed area should be treated by watering, revegetating, or spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to Zoning Clearance.
- All requirements shall be shown on grading and building plans.

**Plan Requirements/Timing:** These measures shall be noted on all construction plans and approved by the County Planning and Development department prior to Zoning Clearance.

**Monitoring:** The County building/grading inspector shall perform periodic site inspections throughout the construction period and respond to complaints.

6. **AQ 2-1** The applicant shall prepare a Construction Management Plan to control diesel emissions during construction. At a minimum the Plan shall incorporate the following mitigation measures:
- Diesel catalytic converters, diesel-oxidation catalysts, and diesel particulate filters, as certified and/or verified by EPA or California, shall be installed, if available.
  - Diesel-powered equipment should be replaced by electric equipment whenever feasible.
  - Idling of heavy-duty diesel trucks during loading and unloading should be limited to five minutes; auxiliary power units should be used whenever possible.
  - Construction worker's trips should be minimized by requiring carpooling and by providing for lunch on site.
  - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with Federally mandated "clean" diesel engines) should be utilized wherever feasible.
  - The engine size of construction equipment operating simultaneously shall be the minimum practical size.
  - The amount of construction equipment operating simultaneously shall be minimized through efficient construction management practices to ensure that the smallest practical number is operating at any one time.
  - Construction equipment shall be maintained per the manufacturer's specifications.
  - Construction equipment operating on site shall be equipped with two or four degree engine timing retard or pre-combustion chamber engines.
  - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

**Plan Requirements/Timing:** These measures shall be noted on all construction plans and approved by the County Planning and Development department prior to Zoning Clearance.

**Monitoring:** The County building/grading inspector shall perform periodic site inspections throughout the construction period. Permit compliance will respond to complaints.

7. **AQ 3-1 Energy Conservation Measures.** The applicant shall incorporate the following energy conservation measures into building plans unless the applicant or future landowner proves to the satisfaction of P&D that incorporation of a specific measure is infeasible:
- a. Meet or exceed the California Title 24 Energy Code for all relevant applications, including energy efficient appliances and lighting.
  - b. Install heat transfer modules for all furnaces.
  - c. Apply water based paint on all structures.
  - d. If feasible, incorporate the use of solar panels for water heating systems or water heater systems that heat water only on demand into the design of all habitable structures.
  - e. Include design elements that maximize the use of natural lighting and passive solar cooling/heating.
  - f. Construct parking areas with concrete or other non-polluting materials instead of asphalt.

**Plan Requirements and Timing:** The applicant shall incorporate the listed provisions into building and improvement plans or shall submit proof of infeasibility prior to Zoning Clearance.

**Monitoring:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

8. **BIO 1-1** During construction, the placement of the Cavalli path and fence shall be monitored by a qualified botanical consultant and realigned as necessary in order to avoid direct impacts to special-status plants, and to protect special-status plants from incidental damages. **Plan Requirements and Timing:** Improvement plans shall be modified as necessary to depict the "as-built" conditions of the path and fence alignment. Prior to initiation of construction, the applicant shall receive P&D department approval of the proposed botanical consultant.

**Monitoring:** The botanical consultant shall be on-site throughout the Cavalli path and fence construction and shall submit a summary report of the changes to the alignment that were necessary. The report shall be submitted for P&D approval, along with revised plans (as necessary).

9. **BIO 2-1** In accordance with PRC Section 21083.4 (SB 1334), up to 50 percent of the project's impacts shall be mitigated by planting of trees as follows:
- a. For each oak tree removal (5 inches dbh or greater), the applicant shall plant ~~ten (10)~~ three (3), 15-gallon size coast live oak trees obtained from locally occurring saplings or seed stock, preferably from the same watershed. The trees shall be planted, gopher fenced, and irrigated (drip irrigation on a timer) for a 7- year maintenance period.
  - b. Mitigation of oak trees at a ~~10:1~~ 3:1 ratio shall be accompanied by replacement of understory species placed in appropriate soils and spaced appropriately in an area large enough to mitigate the loss.

- c. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan.

**Plan Requirements/Timing:** Proposed seed collection and planting plans shall be shown on a landscape plan and submitted to P&D for review and approval. Prior to Zoning Clearances, the applicant shall obtain approval of the plan and shall submit a performance security to P&D for maintenance. Prior to the proposed permit, the trees and understory species shall be planted, fenced, and irrigated to the satisfaction of P&D.

**Monitoring:** Through consultation of a certified arborist, the applicant shall demonstrate to P&D that the planted trees and understory species are surviving and are self-sustaining. P&D staff shall ensure adequate installation and maintenance of trees and understory species. Performance security release for maintenance requires P&D sign-off.

10. **BIO 2-2** In accordance with PRC Section 21083.4 (SB 1334), the remainder of the project's impacts (i.e., the portion not mitigated by the planting of oaks) shall be mitigated by the contribution of funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A calculation of the appropriate amount of funds shall be based on the acreage of oak woodlands impacted by the project, in consultation with the California Wildlife Conservation Board. **Plan Requirements and Timing:** Payment of mitigation fee shall be completed prior to Zoning Clearance.

**Monitoring:** P&D shall verify compliance with this requirement prior to Zoning Clearance.

11. **BIO 3-1** The fencing plan shall require that portions of the proposed fence that traverse oak woodlands shall be constructed using hand equipment only so as to minimize the area of disturbance, under the supervision of a biological monitor. All fencing along Las Canoas Creek shall be sited so as to avoid removal of or disturbance to riparian vegetation or habitat. **Plan Requirements and Timing:** This requirement shall be indicated on the project's fencing plan and shall be submitted and approved by P&D staff prior to installing the fence. The final location of all fencing shall be staked in the field and approved by P&D staff or a designated monitor prior to construction.

**Monitoring:** P&D or a designated monitor shall conduct periodic site inspections during the construction period to ensure that the fence is installed in accordance with the fencing plan.

12. **BIO 5-1 Tree Protection and Replacement.** In order to protect existing native coast live oak and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:
  - a. An exhibit showing the location, diameter and critical root zone of all native coast live oak trees located onsite, in the vicinity of project elements.
  - b. In areas of disturbance, fencing of all trees to be protected at or outside of the critical root zone. Fencing shall be temporary high-visibility orange plastic to a height of four feet and staked every six feet. The applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed

prior to Zoning Clearance and shall remain in place throughout all grading and construction activities.

- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor where feasible such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
  - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block) where feasible.
  - ii. Where feasible, installation of utility lines within the root zones of any protected tree shall be accomplished using methods other than trenching, such as by boring, or removal of soil by pressurized water systems. When trenching is required, it shall be done by hand.
  - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
  - i. Only trees designated for removal on the approved tree protection plan shall be removed.
- j. Any tree that is removed shall be replaced on a 403:1 basis with 15-gallon size saplings grown from seed obtained from the same watershed as the project site. Trees that are damaged (i.e. more than 20 percent encroachment into the critical root zone) shall be monitored for 10 years. If at any time during this monitoring period the health of the tree declines, it shall be replaced on a 403:1 basis. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. If relocation is unsuccessful, the tree shall be replaced on a 403:1 basis. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period. Planted trees that do not survive during the maintenance period shall be replaced at a 1:1 ratio and monitored and protected for an additional five years.
- k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities including, for example, excessive tree pruning or limbing shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 403:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for ~~installation and maintenance~~ of replacement trees will be released by P&D after its inspection and approval of such ~~installation and maintenance~~.

1. Trees shall be planted outside of fuel modification zones identified in the project's Fire Protection Plan, unless approved by the County Fire Department.

**Plan Requirements and timing:** Prior to Zoning Clearance, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to Zoning Clearances, the applicant shall post a performance security in an amount acceptable to P&D to guarantee the maintenance of tree replacement. Timing on each measure shall be stated where applicable on each respective plan; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**Monitoring:** P&D or a designated monitor shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security for maintenance shall not occur unless all measures have been complied with to the satisfaction of P&D.

13. **BIO 6-1** No alteration of stream channels or banks shall be permitted until the Department of Fish and Game and US Army Corps have been contacted to determine whether permits are required from these agencies. **Plan Requirements and Timing:** Prior to issuance of Zoning clearances, the applicant must receive all necessary permits from California Department of Fish and Game and US Army Corps of Engineers. Proof of obtainment of the required permits shall be submitted to P&D.

**Monitoring:** On-site monitoring during construction is recommended to enforce standard County conditions to protect the integrity of the stream and the water. Monitoring requirements shall be specified in CDFG and Corps permits.

14. **BIO 6-2** Bridges shall be designed to span the entire stream distance from bank to bank, with buttresses located entirely outside banks of the channel. Construction activity shall also occur outside the banks of the channel. To the extent possible, construction activity shall minimize damage to vegetation in the work area adjacent to bridge construction, which is not to exceed fifteen feet from the bridge buttresses. Work areas shall be clearly demarcated prior to construction using high-visibility orange mesh fencing material. At the end of construction, work areas in which vegetation has been damaged shall be re-vegetated. These areas shall be fenced during re-vegetation. Bare soil shall be covered with a weed-free mulch to minimize erosion, and natural regeneration of vegetation shall be allowed to ensue through an entire fall-winter growing season, and monitored by a qualified person in mid-winter (January 31), and again in mid-spring (March 15) following construction. At those times, action shall be taken, as necessary, to control invasive weeds, and/or install appropriate containerized native plantings. The County shall be apprised of conditions and measures undertaken. **Plan Requirements and Timing:** All bridge improvement plans shall be submitted to P&D for review and approval prior to Zoning Clearances.

**Monitoring:** Site inspections by P&D or a designated monitor shall occur throughout the construction period, and ensuing growing season to ensure consistency with the approved bridge improvement plans.

15. **BIO 6-3** For the Cavalli path foot-bridge only, bridge construction, including placement of the buttresses shall be done by hand, without the need for wheeled vehicles to cross over the stream through the channel. Once the bridge has been built, it would be acceptable for small equipment to use the bridge to cross the channel. **Plan Requirements and Timing:** Bridge improvement plans shall be submitted to P&D for review and approval prior to Zoning Clearances. The Plans shall include specifications stating the requirement to construct the buttresses by hand.

**Monitoring:** A P&D designated monitor shall conduct periodic site inspections throughout the bridge construction period to ensure compliance.

16. **BIO 8-1** If demolition or construction is proposed to take place during the normal nesting season for birds, between February 1 and August 30, then a qualified biologist shall be required to perform a survey of the immediate construction site to determine the status of nesting birds thereon, or within 200 feet, and to prepare recommendations for their protection and compliance with California Fish and Game Code Sections 3500 et seq. The survey shall be conducted no earlier than 14 days and no later than 5 days prior to initial construction. The Department of Fish and Game shall be notified of the findings of such survey, and no demolition or construction activities shall take place without approval of the Department, where potential violations of the Code are identified. **Plan Requirements/Timing:** The applicant shall submit a proposed grading, construction and demolition schedule to P&D for approval prior to issuance of construction permits. Project improvement plan specifications shall incorporate this measure. The surveys shall be performed not more than five (5) days prior to the planned commencement of grading, demolition or construction.

**Monitoring:** Throughout the construction period, monitoring of construction during the nesting season shall occur by a P&D approved biologist. The monitor shall submit monitoring reports to P&D documenting observations and any protective measures taken.

17. **CULT 1-1 Avoidance:** Prehistoric site CA-SBA-22 has been identified through archaeological investigations to be a significant historical resource. Impacts to high and medium density areas of the site have been avoided through project design. As currently proposed, the project would impact low density areas within the site. ~~as having low~~ Avoidance of impacts through redesign of the project is the preferred mitigation approach. Project alternatives that would avoid impacts to CA-SBA-22 are evaluated in Section 6.0 of this EIR. If avoidance is not possible through project redesign, the next preferred option is capping, which would also require Phase 3 data recovery to mitigate for the loss of access to data from the site. If avoidance or capping are not feasible, then Phase 3 data recovery will be required.

**Phase 3 excavations:** Phase 3 studies would involve the data recovery of a larger sample of the site's resources, resulting in the formulation of a research design, compilation of a data set, addressing research questions with the data, report preparation, and the preservation of the cultural materials through curation. This level of investigation also provides a permanent record of the site for future studies. The Phase 3 study must be performed in a manner consistent with County Archaeological Guidelines and current professional standards, to adequately recover the scientifically consequential information from and about the resource.

**Plan Requirements/Timing:** All Phase 3 archaeological work shall be completed prior to approval of Zoning Clearances for development in or around the resource site. The applicant shall hire a P&D qualified archaeologist to perform the studies.

**Monitoring:** A Native American monitor shall be on-site during all field investigations associated with the Phase 3 studies. Assuming the Phase 3 studies result in approval of construction within the area of CA-SBA-22, a P&D qualified archaeological monitor and Native American observer shall be on-site to oversee the proposed construction and all earth disturbances, including scarification and placement of fill, and to prevent impacts to previously unidentified resources (e.g. additional burials) consistent with County Archaeological Guidelines. If additional resources are identified and determined potentially significant, subsequent data recovery would again be necessary. It should be noted that the resources need not be of Native American or prehistoric origin, but may represent the

later historic occupation of the area. Such resources may also represent a different period in prehistory, indicating a multi-occupational use of the area. P&D shall review the results of the archaeological investigations and shall spot check in the field to confirm monitoring by archaeologists and Native American observers during grading and construction.

18. **CULT 2-1** Archaeological monitoring shall be conducted by a County-approved archaeologist in all areas of ground alterations (including excavation or grading for building construction, paving, pathway improvement, fencing, or infrastructure as well as fuel modification activities that would involve subsurface disturbance, e.g., tree removals) on the project site and within public roadways, and during demolition of E26-R. The archaeological monitor shall have the authority to halt any activities impacting potentially significant archaeological resources and the monitor/archaeological consultant must be permitted to adequately evaluate the find in accordance with CEQA criteria. Prior to the commencement of any ground-disturbing activity, the archaeological monitor shall instruct construction staff as to the archaeological sensitivity of the site and procedures to follow in the event that an archaeological resource is encountered. See mitigation measure CULT 2-2, below, for further discussion of measures to be taken if resources are encountered. **Plan Requirements/Timing:** Prior to issuance of a grading permit, a contract or Letter of Commitment between the applicant and a County approved archaeologist, consisting of a project description and scope of work, shall be prepared. The contract/letter must be executed and submitted to P&D for review and approval.

**Monitoring:** P&D shall confirm monitoring by the archaeologist and P&D grading inspectors shall spot check field work.

19. **CULT 2-2** In the event potentially significant archaeological remains are encountered, work shall be stopped immediately or redirected until the P&D approved archaeologist and a Native American representative, as applicable, evaluates the significance of the find pursuant to County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

If human remains are uncovered, the County Coroner must be notified and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted by the Coroner and will identify the Most Likely Descendant (MLD). The disposition of the remains will be coordinated between the MLD and the landowner. In the event that mediation between the MLD and landowner is necessary, the NAHC will serve as a mediator.

All cultural materials recovered from this property must be curated at a qualified institution in accordance with the Santa Barbara County Cultural Resource Guidelines. The project applicant will be responsible for the curation costs.

**Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**Monitoring:** P&D shall check plans prior to Zoning Clearance and shall spot check in the field.

20. **CULT 3-1** The volume, massing, and siting of all new construction both east and west of Mission Canyon Road shall respect the historic character and features of the Historic Botanic Garden and conform to the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Restructuring Historic Buildings and Guidelines for the Treatment of Cultural Landscapes*.

**Plan Requirements/Timing:** Prior to approval of Zoning Clearances, the Applicant shall prepare a

Cultural Landscape Master Plan for the Historic Botanic Garden to be used as a guide for project implementation, as well as a framework for ongoing Garden management. This plan will reiterate the historic design intent for the Garden; identify character-defining features; prescribe a process to ensure that historic features are protected throughout implementation of the proposed project; assure transparency in implementation; and guide maintenance, interpretation, and visitor experience incorporating the Garden's history. The Cultural Landscape Master Plan shall include the following:

- a) Documentation of character-defining features of the Historic Garden, including the preparation of an Historic Structures Report for each historically significant building on the property, and documentation of existing conditions for trails, planted sections, structures, objects, and other significant features.
- b) Goals and design principles based on the Secretary of the Interior's Standards to guide Garden development.
- c) Brief history of Garden development, a construction chronology, and description of the Garden's historic significance.
- d) Methodology for implementing the proposed plan and its various mitigation measures.
- e) Treatment approaches for each facet of the proposed project including building design, paving and fencing materials and location, trail and section maintenance and interpretive program. An historic plant palette, along with a historic building materials palette will be identified for research and treatment purposes, but should not limit future materials use or plantings.

Final plans and completed reports shall be submitted to P&D prior to Zoning Clearance. Final designs shall be reviewed and approved by South County BAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall ensure completion of documentation prior to Zoning Clearance issuance and shall spot check in the field to ensure implementation of the Cultural Landscape Master Plan during construction of the Vital Mission Plan. Permit Compliance staff shall confirm buildings are constructed in conformance with final approved plans prior to occupancy clearance.

21. **CULT 3-2** Limit pavement (including areas improved with pavers) and hardscape to the Administration/Education area, Horticulture/Support area, the currently paved central areas surrounding the Meadow, and selected adjacent areas for accessibility. Paved pedestrian access and trail areas shall constitute no more than ten percent (10%) above the existing paved areas within the Historic Garden regardless of material. It is also recommended that the Applicant consider the repaving of the Administration/Education courtyard with more historically appropriate material based on historic photos. Trail design shall reflect the naturalistic and informal patterns historically associated with the trail system. It is recommended that for the currently paved areas and for areas to be paved in accordance with this measure (the 10% additional paved area), alternate materials such as decomposed granite and permeable grids be investigated and that a materials palette be developed to ensure sustainability, integration with the natural environment, and sensitive transition from hardscape to natural sections. **Plan Requirements and Timing:** Paving and hardscape plans shall be reviewed and approved by P&D and SBAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall conduct field inspections to ensure compliance with the approved paving plans.

22. **CULT 3-3** The Applicant shall re-design the proposed Meadow Terrace project so that hardscape is



minimized and the terrace reflects the naturalistic and informal design historically associated with the area. The hard edge of terrace retaining walls shall be softened, ~~potentially~~ with earthen berms and plantings, to minimize the effect of abrupt changes in elevation. Terrace walls shall be capped but not extended any further than what currently exists. Terrace surfaces and areas between the retaining walls shall remain unpaved and the retaining walls shall not continue east of the footpath surrounding the Meadow. An oak tree ~~should~~ shall be planted to replace the tree that was removed ~~during initial construction~~ so that spatial relationships between the Meadow Oaks area and the Meadow are maintained. Path lighting shall be eliminated and any electrical outlets concealed by vegetation. Archival photographs and plans can be used for guidance. **Plan Requirements/Timing:** Final plans shall be reviewed and approved by P&D and SBAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall conduct field inspections to ensure compliance with the approved plans.

23. **CULT 3-4** The Applicant shall educate Garden staff regarding the maintenance of historic buildings, structures, objects, and furnishings, as well as the importance and sensitivity of archaeological resources within the site. **Plan Requirements/Timing:** The Applicant shall submit a training curriculum to P&D prior to occupancy clearance.

**Monitoring:** P&D shall review and approve training materials prior to occupancy clearance to ensure compliance.

24. ~~CULT 3-5 The Applicant shall change the relocation site for the Caretaker's Cottage such that it is relocated to a site within the boundaries of the Historic Garden. Plans for structural removal and relocation of the Caretaker's Cottage shall be designed by a P&D qualified architectural historian and comply with County and Secretary of the Interior's Standards and Guidelines. (Potential alternative locations within the Historic Garden that would avoid or lessen impacts to the Historic Garden are evaluated in Section 6.0 of this EIR.)~~ **Plan Requirements/Timing:** Removal and relocation plans shall be reviewed and approved by P&D and SBAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall monitor relocation activities to ensure compliance with the relocation plan.

25. **CULT 3-6** Demolition, removal or destruction, partially or entirely, exterior alterations, additions or changes (other than normal maintenance and repair) to the structures or features identified as being part of Santa Barbara County Historic Landmark #24 shall be prohibited unless express consent in writing is first had and obtained from Historic Landmarks Advisory Commission, with reasonable conditions imposed as deemed necessary. **Plan Requirements/Timing:** Plans affecting structures identified as being part of Landmark #24 shall be reviewed and approved by the Historic Landmarks Advisory Commission prior to Zoning Clearance issuance.

**Monitoring:** P&D shall monitor construction activities to ensure compliance with approved plans.

26. **CULT 3-7** All historical resource features to be renovated or remodeled shall be documented by a P&D approved architectural historian and completed in accordance with the County and Secretary of the Interior's *Standards for the Treatment of Historic Properties* to insure maintenance of the integrity. **Plan Requirements/Timing:** Prior to Zoning Clearance approval, the applicant shall provide for documentation of all historical resource features using historic photographs, measured drawings and archival quality photography. A copy of these documents shall be provided to P&D and the (local) Historic Society.

**Monitoring:** P&D shall ensure completion of this documentation.

27. **CULT 3-8** Restoration, renovation, and remodeling of historic structures shall follow the historical guidelines of the County and Secretary of the Interior's *Standards for the Treatment of Historic Properties*. A P&D-qualified historian shall be retained to identify appropriate preservation and restoration/renovation guidelines for on-site structures pursuant to County Historical guidelines. **Plan Requirements/Timing:** Prior to Zoning Clearance approval, the report shall be reviewed and approved by P&D and the applicant shall record a covenant, subject to P&D and County Counsel approval, to implement the program. Project elements impacting historic features included as part of Landmark #24 shall be reviewed and approved by the County Historic Landmarks Advisory Commission prior to Zoning Clearance.

**Monitoring:** Permit Compliance shall ensure compliance through site visit and/or photo documentation. The Applicant shall provide construction monitoring to ensure compliance with the Secretary of the Interior's Standards as necessary throughout project implementation. Monitoring shall be done by a qualified historic preservation professional who meets the Professional Qualifications Standards developed by the National Park Service.

28. **CULT 3-9** The Applicant shall also develop an interpretive program to educate the public on the Garden's development history. This program shall be incorporated into existing docent training, Garden maps, and other materials. **Plan Requirements and Timing:** The Applicant shall submit an educational curriculum to P&D for review prior to occupancy clearance.

**Monitoring:** Permit Compliance shall review educational materials prior to occupancy clearance to ensure compliance.

29. ~~**CULT 3-10** The Applicant shall prepare and submit a National Register Nomination for the Historic Garden that identifies and verifies historic context, character defining features, and historic boundaries. **Plan Requirements and Timing:** A copy of the nomination shall be submitted to Planning and Development prior to Zoning Clearance for the project.~~

~~**Monitoring:** P&D shall review the nomination prior to Zoning Clearance to ensure compliance.~~

30. **CULT 4-1** All grading and building plans shall include a provision requiring that construction staff are informed of the presence and location of historic resources on the site and required to keep construction equipment sufficiently removed from these resources. The boundaries of existing historic resources within 50 feet of construction activities shall be flagged prior to construction. This historic entry steps shall not be used for construction vehicles or material deliveries into the site unless appropriate measures, as deemed appropriate and adequate by a County-approved architectural historian, are implemented. **Plan Requirements/Timing:** Prior to issuance of a building or grading permit, P&D shall review construction documents to ensure inclusion of this provision. Use of the historic entry steps for access during construction shall required P&D review and approval.

**Monitoring:** Permit Compliance will spot check during construction of the project.

31. **FIRE 1-1** The FPP is documented in the report entitled *Santa Barbara Botanic Garden Vital Mission Plan Conceptual Fire Protection Plan*, Dudek, Draft July 2009 (contained in Appendix E of the FEIR). SBBG shall be required to implement all requirements set forth in this FPP, which has been approved by the SBCFD and P&D, or subsequent updated versions of the plan as approved by the SBCFD and P&D. Specific operational elements of the plan include the following:

- a. Closure of Garden to the public, including special events, on all Red Flag Alert days, as called by the County Fire Chief;
- b. Restrictions on special events during High Fire Season Preparedness levels, including 1) maximum attendance of 180 guests for any single event, and 2) the use of shuttle buses or trolleys to transport guests for any event exceeding 80 guests, with a requirement that the shuttle buses remain on-site for the duration of the event to facilitate rapid evacuation of the guests in a single trip.
- c. At no time shall commercial buses greater than two axles or 45 passengers be sanctioned by the Garden for carrying visitors to and from the Botanic Garden during High Fire Season Preparedness levels.

**Plan Requirements and Timing:** The FPP shall be included in the project's deed encumbrances. In addition, a requirement for annual inspection of all active and passive fire protection mitigation measures, including vegetation management, shall also be included in the project's deed encumbrances. SBBG shall submit an annual report to P&D in February of each year documenting the number, size, and dates of special events and activities held during periods of High Fire Season Preparedness Levels during the previous year and measures taken to ensure compliance with the above requirements. The report shall also include a list of days in which the Garden closed due to Red Flag conditions, and any activities that were canceled or rescheduled as a result.

**Monitoring:** Prior to Zoning Clearance, P&D shall review and approve the Final Fire Protection Plan and assure that the above measure is included in deed encumbrances. An annual report of inspection shall be filed with the SBCFD and with Permit Compliance. Where deficiencies are found, the required maintenance or repair shall be accomplished forthwith. In the event of a failure to perform, the SBCFD is authorized to contract such work by a third party. The cost of such inspection and/or maintenance shall, if not paid, be made a lien on the property, executable by the fire authority. P&D shall conduct periodic site inspections during construction and operation to ensure compliance.

32. **FIRE 1-2** All construction shall be prohibited on red flag days as declared by the County Fire Chief. Except during Low Fire Season Preparedness levels, a water truck shall be on-hand during all construction activities with the potential to ignite fires, including but not limited to welding, pipe cutting, and rough grading. **Plan Requirements and Timing:** The applicant shall prepare a Fire Awareness and Avoidance Plan to regulate construction activities throughout the year, including steps to be taken to minimize fire hazards during construction. This plan shall be submitted to P&D and County Fire prior to zoning clearance and shall be implemented for each phase of construction. This condition shall be included on all building and grading plans.

**Monitoring:** Permit compliance shall respond to complaints and spot check in the field to ensure compliance with this condition.

33. **FIRE 1-3 Traffic Flag Crew.** A traffic flag crew shall be specifically dedicated and present on-site at all times during construction within the road right-of-way to conduct vehicle traffic flow along Mission Canyon Road and Las Canoas Road. The flag crew shall strive to achieve the goal of maintaining traffic flow and access at all times. One lane shall be kept open at all times except when construction vehicles are moving within the construction site closure of both lanes is unavoidable and essential to construction activities. The flag crew shall strive to minimize the periods when both lanes are closed. The maximum time in which both lanes may be closed shall be 20 minutes. Such closures shall occur no more than four times on any single day. Construction activities that necessitate more extensive lane closures require prior approval by P&D and redirection of local traffic through the site. All open trenches shall be covered to provide full use of both traffic lanes at the end of each work day

and in the event of an emergency evacuation of Canyon residents. **Plan Requirements and Timing:** The applicant shall develop and submit a Construction Traffic Control Plan for review and approval by P&D and County Public Works. The Plan shall include the name and phone number of an on-site construction supervisor overseeing implementation of the Plan. This contact information shall be posted on-site adjacent to any area in which traffic flow is impeded. This condition shall be included on all building and grading plans.

**Monitoring:** Permit compliance shall respond to complaints and spot check in the field to ensure compliance with this condition.

34. **GEO 3-1** Slope stability is an issue for the project elements located a) within close proximity to slopes descending into Mission Creek (west of the WOM and east of the Guild Studio elements, and west of the EOM and Hansen to Mission Canyon Road) and Las Canoas Creek (east of the EOM and Hansen), b) along the Cavalli site path, and c) adjacent to the EOM and Hansen detention basins. Geotechnical/engineering geology recommendations included in the RHA (1990 and 1999), Adam Simmons and Associates (2001, 2002, and 2005), and Coast Valley Testing (1997, 2002a and 2002b) reports shall be consolidated and refined as necessary, including means to assure sufficient foundation and slope stability data and analyses are available for incorporation into the project design. **Plan Requirements and Timing:** An updated/consolidated geotechnical/engineering geology report shall be submitted to P&D for review prior to Zoning Clearance. The refined report shall depict the slopes, canyons, and ridgelines adjacent to affected project elements and the recommended remedial measures (e.g., type and depth of foundations, erosion prevention, retaining walls, flatter slope angles). The slope setback requirements may be modified (reduced) for specific sites if slopes and proposed structures are demonstrated to be stable in an engineering geology/geotechnical report(s) submitted by the applicant and reviewed and approved by P&D.

**Monitoring:** As part of the Zoning Clearance process, P&D shall review submitted plans to assure that the proposed affected project elements are designed consistent with the slope setback standards or approved remedial measures. Grading/building inspectors shall perform site inspections to assure construction occurs in accordance with approved plans.

35. **GEO 4-1** Where expansive and/or liquefiable soils are found within areas planned for structures, the soils engineer shall make appropriate recommendations for construction. Such recommendations may include removal and replacement of certain soils. **Plan Requirements and Timing:** The soils investigation, submitted with project grading plans prior to the approval of Building and/or Grading Permits, shall determine the location of expansive and liquefiable soils. Grading plans for individual residences and other relevant structures shall indicate remedial steps to be taken.

**Monitoring:** Grading inspectors shall verify compliance in the field.

36. **GEO 8-1** Prior to issuance of building permits, radon testing shall be conducted. If radon gas is present, habitable structures shall be designed to provide venting and any other measures identified to reduce exposure. **Plan Requirements and Timing:** A radon report including recommendations shall be submitted to Building and Safety prior to issuance of building permits.

**Monitoring:** P&D shall ensure compliance with this requirement.

37. **GEO 9** All project elements that require foundations or footings into earth materials shall have specific recommendations by a geotechnical engineer as to the suitability of the materials for the intended loads. Recommendations for grading, slope configuration, foundations, retaining walls, top-of-slope setback distances, toe-of-slope setback distances, and other structure characteristics

contained in existing reports (e.g., Coast-Valley Testing, 1997, 2002a and 2002b; Simmons & Associates, 2001 and 2002; RHA, 1990 and 1999) shall be adhered to, and/or refined, as they apply to specific proposed project elements as determined by P&D. Those project elements investigated for the prior studies (e.g., WOM, EOM, Hansen) and those with no previous specific investigation (e.g., detention basins, Cavalli path, new and relocated project elements for residential use, garages, utilities, footbridges) shall have location-specific engineering geology/geotechnical report(s) prepared as needed to evaluate and approve proposed project elements. Reports shall be submitted by the applicant and reviewed and approved by P&D. **Plan Requirements and Timing:** Prior to Zoning Clearance, the applicant shall submit a site plan, and supporting reports/calculations, that depicts the project elements requiring grading and foundation recommendations/remedial measures (e.g., residential foundations, retaining wall foundations, slab-on-grade, and trench backfill) for review and approval by P&D. The nature and extent of remedial measures shall be depicted on the site plan as diagrams and notes.

**Monitoring:** As part of the Zoning Clearance process for buildout of the project, P&D shall review submitted plans to assure that the proposed affected project elements are designed consistent with the grading and foundation recommendations, building code standards, and/or approved remedial measures. Grading/building inspectors shall perform site inspections to assure construction occurs in accordance with approved plans.

38. N 1-1 In order to mitigate construction activity noise the following mitigation measures are required.

- All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Non-noise generating construction activities such as interior painting are not subject to these restrictions.
- Staging areas shall be located away from existing residences.
- All construction equipment shall use properly operating mufflers.
- Stationary construction equipment that generates noise exceeding 65 dBA at the property boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences.
- Electrical power shall be used to run air compressors and similar power tools.

**Plan Requirements and Timing:** Construction plans shall specify the above requirements. These plans shall be approved by P&D prior to issuance of the grading permit. A minimum of six signs stating these restrictions shall be posted on-campus. Signs shall be in place prior to the beginning of and throughout grading and construction activities for each element of buildout. The signs shall include the name and phone number of a contact person for noise complaints. Any noise complaint received shall be reported to P&D within one week.

**Monitoring:** Permit Compliance, or a designated monitor, shall conduct periodic site inspections during the construction period to ensure compliance and respond to complaints.

39. N 2-1 All music and organized social gathering events shall end in sufficient time to allow for attendees to disperse and exit the property by no later than 10 p.m. Amplified sound shall cease by 9 p.m. Sound amplification equipment shall be directed away from the nearest residences. Noise levels shall not exceed 65 dBA at the property lines during special events where amplified sound is provided. Sound monitors shall be utilized in at least two locations on the property lines closest to

off-site residences in order to measure sound levels during events. **Plan Requirements and Timing:** Prior to Zoning Clearance, the Santa Barbara Botanic Garden shall submit to P&D for review and approval, documentation from their website and prototypical rental contracts demonstrating compliance with this mitigation.

**Monitoring:** P&D shall respond to neighbor complaints. The applicant shall submit annual reports at the beginning by the end of February of each calendar year to the County Permit Compliance documenting compliance with this condition for the prior year. Sound data gathered during events in which amplified sound is utilized shall be included in these annual reports, including the maximum dBA experienced during each event. The reports shall include the dates and times that such events are held and what type of music is used, if any. The report shall also include a log of complaints received by neighbors and what measures are being taken to respond to the complaints. In the event that noise levels are exceeded during a special event, appropriate measures shall be imposed on the use of amplified sound for the following year's events to ensure compliance with this condition.

40. **PF 1-1** The Applicant shall develop and implement a Solid Waste Management Plan (SWMP) to reduce waste generated by construction and demolition activities by a minimum of 75%. The SWMP shall include the following:
1. Contact information: The name and contact information of who will be responsible for implementing the SWMP.
  2. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project.
  3. Recycling and waste collection areas: Waste sorting/recycling and/or collection areas shall be clearly indicated on the Site Map submitted to P&D with the permit application. The Site Map(s) shall also indicate the location of recyclable and waste storage facilities during occupancy.
  4. Transportation and processing: A description of the means of transportation of recyclable materials and waste, ~~and~~ destination of materials (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed at a mixed waste sorting facility).
  5. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
  6. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site SWMP.
  7. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the Project.
  8. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume). The County has the ability to stockpile excess material for later recycling at existing facilities such as the Tajiguas Landfill at a nominal fee and shall offer use of facilities if feasible. Implementation of this plan may incur additional cost for storage and handling.

To implement a SWMP addressing waste generated during construction:

1. Manager: The Permit Applicant or Contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the SWMP for the Project Site Foreman. The contact will notify the Department of Public Works Resource Recovery and Waste Management Division immediately should any deviance from the SWMP be necessary.

2. Distribution: The Contractor shall distribute copies of the SWMP to the Job Site Foremen, impacted subcontractors, and the Architect.
3. Instruction: The Permit Applicant or Contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.
4. Separation and/or Collection areas: The Permit Applicant or Contractor shall ensure that the approved recycling and waste collection areas are designated on site.
5. Construction of Recycling and Waste container facilities: Inspection shall be made by Public Works to ensure the appropriate recycling and waste container storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and Santa Barbara County Zoning Ordinances.
6. Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state and local regulations.
7. Documentation: The Contractor shall submit with each Building/Zoning Inspection a Summary of Waste Generated by the Project on a quarterly basis. Failure to submit this information shall be grounds for a stop work order. The Summary shall be submitted on a form acceptable to Planning & Development or Public Works and shall contain the following information:
  - a) Disposal information:
    - i. amount (in tons or cubic yards) of material landfilled
    - ii. identity of the landfill
    - iii. total amount of tipping fees paid at the landfill
    - iv. weight tickets, manifests, receipts, and invoices (attach copies)
  - b) Recycling information:
    - i. amount and type of material (in tons or cubic yards)
    - ii. receiving party
    - iii. manifests, weight tickets, receipts, and invoices (attach copies)
  - c) Reuse and salvage information:
    - i. list of items salvaged for reuse on project or campus (if any)
    - ii. amount (in tons or cubic yards)
    - iii. receiving party or storage location
8. Contingency Plan: The Permit Applicant or Contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a Contingency Plan.

**Timing:** The plan shall be submitted for review and approval by the Department of Public Works prior to Zoning Clearances for the development. Plan components shall be implemented prior to occupancy clearance.

**Monitoring:** Public Works staff shall inspect the site during construction prior to occupancy.

41. **PF1-2** The applicant shall develop and submit a Solid Waste Management Plan to be reviewed and approved by the County Public Works Solid Waste Division and Planning and Development, and shall include one or more of the following measures:
  - Provision of space and/or bins for the storage of recyclable materials within the project site;
  - Implementation of a curbside recycling program to serve the development;

- Development of a plan for accessible collection of materials on a regular basis;
- Development of Source Reduction Measures, indicating method and amount of expected reduction; and
- Implementation of a composting waste reduction program.

Design and implement a storage area for pesticides, herbicides, and fertilizers with the following components:

- A low berm shall be designated around the interior floor to prevent migration of materials in the event of a spill.
- The floor shall be a concrete slab.
- The berm shall be designed to provide 100% containment of any stored liquids.

**Plan Requirements and Timing:** The applicant shall submit a Solid Waste Management Plan to the County of Santa Barbara Planning and Development and Public Works Departments for approval prior to Zoning Clearance. The mitigation measures will be implemented prior to occupancy of the project.

**Monitoring:** The County of Santa Barbara Planning and Development Department will inspect the site as specified in the Solid Waste Management Plan.

42. **PF 2-1** The applicant shall fund and construct any upgrades necessary to the City of Santa Barbara's existing water system to ensure adequate water capacity and pressure to support domestic water service and fire flows to the Garden as prescribed by the Santa Barbara County Fire Department without negatively impacting the City's existing water system. This shall include, at a minimum, the construction of a 12-inch ductile iron water main that will extend from the existing 12-inch gravity fed water main on Tunnel Road to the existing fire hydrant at the intersection of Las Canoas Road and Mission Canyon Road, unless other means of upgrading the system are approved by the City of Santa Barbara Public Works. The line shall run across the north end of the APN 023-060-018 in an easement and alignment to be approved by the City, then north on Mission Canyon Road to the intersection with Las Canoas Road. Extension of any additional lines shall be designed to avoid impacts to sensitive vegetation, including oak trees and other specimen trees. This line upgrade would be subject to all applicable mitigation measures included in this document related to air quality, oak tree removal, cultural resources, geologic processes, and noise impacts associated with construction. The Botanic Garden shall deed ownership of the 12-inch water main to the City and grant the City a no-cost maintenance easement for the section of water main on the Botanic Garden's private property. **Plan Requirements and Timing:** Plans for the water system upgrade shall be submitted for review and approval by Planning and Development, County Fire Department, and the City of Santa Barbara Public Works prior to Zoning Clearance for any new structural development at the Garden. The water system upgrades must be constructed and the lines must be tested, and the results of the testing reviewed, to ensure they meet the minimum County Fire Department and City Water Resources Division standards prior to receiving occupancy clearance for any proposed development. The design for the water system upgrades shall be shown on all building and grading plans.

**Monitoring:** Planning and Development and the City of Santa Barbara shall inspect the site during and after construction to ensure compliance prior to granting occupancy clearance.

43. **PF 2-2** The applicant shall meet with the City of Santa Barbara Water Resources Division as part



of the final project design with the goal of incorporating all feasible conservation measures that go beyond current plumbing code standards. **Plan Requirements and Timing:** The applicant shall submit a letter from the City of Santa Barbara Water Resources Division demonstrating compliance with this condition prior to Zoning Clearance. All water conservation measures shall be shown on building plans.

**Monitoring:** Planning and Development and the City of Santa Barbara shall inspect the site during and after construction to ensure compliance prior to granting occupancy clearance.

44. **PF 3-1** Development of residential structures on the Cavalli site shall be served by a municipal sewer service connection. The habitable structures on the Cavalli site shall not be developed until municipal sewer service is extended to that area. In the event that an alternative private treatment technology is deemed suitable for the site by Environmental Health Services, the Garden may request of the County a modification to this condition through the appropriate permit process. **Plan Requirements and Timing:** Sewer mains shall be constructed per City standards. Designs for the sewer line connection shall be shown on all grading and building plans and shall be submitted to Planning and Development, County Public Works, and City Public Works for review and approval prior to Zoning Clearance for that element of the project.

**Monitoring:** County Public Works staff shall site inspect in the field to ensure compliance prior to issuing occupancy clearance.

45. **T 2-1** The Botanic Garden shall require class participants to park on the East of Mission Site on Saturdays between 11:00 AM to 3:00 PM. There are surplus parking spaces available on the East of Mission site on Saturday which can accommodate this deficit. Also, Botanic Garden employees shall be assigned to park in the hilltop parking area on Saturdays in order to provide available parking for class participants in close proximity to the West of Mission Site on Saturdays. **Plan Requirements and Timing:** The Garden shall conduct an annual employee orientation during April that addresses parking as well as instructions for emergency scenarios. The Garden shall also post a notice or memo to all staff reminding them of the parking requirements on weekends. A notice shall be included with class applications or orientation packages informing class participants of the requirements for parking on the east property. A copy of the notice shall be provided to the County Permit Compliance once each year.

**Monitoring:** County permit compliance staff shall conduct site visit spot checks and respond to complaints.

46. **T 3-1** The Botanic Garden shall revise its Transportation and Parking Management Plan for special events to require traffic monitors for events that generate a parking demand in excess of 70 spaces and off-site parking provisions for events that generate a parking demand in excess of 107 spaces. With the exception of the roadside pullout across from the main visitor entrance on Mission Canyon Road, on-street parking shall not be permitted. **Plan Requirements and Timing:** The Garden shall submit their final Transportation Management Plan to County P&D for review and approval prior to Zoning Clearance for the project.

**Monitoring:** County permit compliance staff shall conduct site visit spot checks and respond to complaints.

47. **T 4-1** Construction workers and construction delivery activities shall be scheduled to arrive and depart the project site during the off-peak travel periods, to the extent possible. It should be noted that many construction workers in the construction field typically arrive and depart a job site during

the off-peak hours to avoid the AM and PM peak commuter traffic periods and to maximize the work day. **Plan Requirements and Timing:** The applicant shall provide written notice to construction contractors to inform them of this requirement with a copy to County Planning and Development prior to commencement of construction activities. This requirement shall also be included in project grading and building plans.

**Monitoring:** County Permit Compliance shall check plans and monitor during construction as needed.

48. **WAT 1-1** The project proposes to provide for on-site detention of storm water runoff. Adequacy of the proposed drainage system conveyance elements and detention basin designs, locations, and characteristics to satisfy both drainage (flood) control and to act as a water quality BMP shall be determined by Flood Control District Engineer and Project Clean Water. Detention basin(s) shall be maintained for the life of the project by the landowner/operator. In addition, storm water exiting the site must be conveyed in pipes either directly to a suitable drainage or to the appropriate drop inlet structure and not to surface flow paths along existing streets. In the case of the unnamed drainage where buildings P21 and P22 are proposed, a specific drainage analysis shall be performed to establish (1) final finished floor elevations for P21 and P22, and (2) design elements (if any) required to prevent flood damage to the improvements associated with P21 and P22. **Plan Requirements and Timing:** Drainage plans and current supporting drainage (flow rate) calculations showing, and describing, the location and design parameters of the detention basins, appurtenant structures, finished floor and bridge elevations, and storm water conveyance pipelines shall be submitted to P&D and Flood Control for review and approval. Outlet structures at Mission and Las Canoas Creeks for energy dissipation shall minimize disturbance to the natural drainage and avoid the use of unnatural materials, such as concrete, grouted rock, and asphalt rubble where feasible. Where hard bank materials must be used, natural rock, gabions, crib-wall, or other more natural means of energy dissipation shall be preferred. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control. Installation and maintenance of the basin and appurtenant structures for five years shall be ensured through a performance security provided by the applicant. Long-term maintenance requirements shall be specified in the final grading approval. Detention basins shall be installed (landscaped and irrigated subject to P&D and Flood Control District approval) prior to occupancy clearance. Water conveyance pipelines to off-site drainages and/or drop inlet structures shall be designed and constructed in accordance with Flood Control District requirements.

**Monitoring:** P&D shall site inspect according to approved plans for compliance with design requirements, installation and maintenance of landscaping. Flood Control sign off is required on final grading/drainage plans, and Permit Compliance sign off is required for release of the performance security.

49. **WAT 2-1** During grading and construction the best available erosion control and sediment control measures shall be implemented. Control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net and straw bales. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures, or landscaping. In addition, the following measures are designed to comply with water quality maintenance requirements.
- a. Grading shall be prohibited within 50-feet of the top of bank of Mission Creek, unless (1) structures are proposed to be demolished and rebuilt, in which case the new building may be located within the 50 foot setback but no closer to the top of bank than the original structure, as recommended by a registered geotechnical engineer, and (2) satisfactory erosion prevention

design measures are reviewed and approved by P&D and Flood Control. If construction within the 50-foot setback area is required (e.g., P1-B), the protected area shall be designated with orange construction fencing or other barrier to prevent entry by equipment or personnel.

- b. Methods such as geotextile fabrics, erosion control blankets, mulch, crushed stone, geotextile fabrics, soil stabilizers, temporary seeding and planting, retention basins, drainage diversion structures, siltation basins and spot grading (or other methods as agreed by P&D and Flood Control) shall be used to minimize erosion from occurring and to capture sediment onsite during grading and construction activities.
- c. All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- d. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- e. Graded areas not proposed for structural development shall be revegetated within 2 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- f. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- g. A detailed geological and/or soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.
- h. Temporary storage of construction equipment shall be limited to a 100 by 100 foot area located in an area away from slopes and along an existing interior access road; equipment storage sites shall be located at least 100 feet from any water bodies.
- i. General site and materials management practices shall be employed to prevent contaminated discharges from occurring. These shall include cleaning up spills or vehicles drips and leaks immediately and disposing of waste materials appropriately, refueling vehicles at a designated offsite location, washing vehicles at a designated offsite location, or otherwise preventing any wash waters from entering the storm drains, keeping materials storage areas covered especially prior to and during rain, providing covered trash receptacle areas, and training of employees and subcontractors regarding site measures to prevent pollution.
- j. Special provisions for project areas involving paint work, concrete installation, and roadwork/paving shall be addressed with activity-specific BMPs included in the Erosion & Sediment Control Plan (see County Code 14-29(5)) or approved SWPPP.

**Plan Requirements:** An Erosion and Sediment Control Plan (see County Code 14.-29) or Storm Water Pollution Prevention Plan submitted in lieu of an Erosion and Sediment Control Plan shall be submitted to and approved by P&D prior to approval of Grading Permits. The plan shall be designed to address erosion and sediment control during all phases of development of the site. Bulk storage locations for construction materials and any measures proposed to contain such materials shall be shown on the grading plans submitted to P&D for review prior to Grading Permit approval. **Timing:** Components of the grading plan shall be implemented prior to occupancy clearance. Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized.

**Monitoring:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

50. **WAT 2-2** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to Zoning Clearance the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

**Monitoring:** P&D shall review the documentation prior to Zoning Clearance. Permit Compliance shall site inspect during construction for compliance with the SWPPP.

51. **WAT 2-3 Washout Area.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site, and shall not be conducted within the critical root zones of oak trees on the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. The washout area(s) shall be in place and maintained throughout construction. **Plan Requirements and Timing:** Prior to Zoning Clearance, the applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans.

**Monitoring:** Permit Compliance and Building & Safety shall confirm the availability and maintenance of a designated washout area during construction.

52. **WAT 2-4** To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance.

**Monitoring:** P&D shall site inspect, as needed during construction.

53. **WAT 2-5** Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to Zoning Clearance.

**Monitoring:** P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.

54. **WAT 3-1** A combination of structural and non-structural BMPs from the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association), or other approved methods (e.g. bioswales, storm drain filters, permeable pavement, etc.), shall be installed to effectively prevent the entry of pollutants into the storm drain system after development. Recommended post-construction structural BMPs include:

- Biofiltration Swales and Strips.
- Catch Basin Inserts.
- Hydrodynamic Separation Systems and/or Gross Solids Removal Devices (HSS/GSRD).
- Detention Basins.

Design of treatment control BMPs shall demonstrate compliance with the Standard Conditions for Project Plan Approval – Water Quality BMPs, by adequately treating runoff from the design storm event(s).

**Plan Requirements:** The applicant/owner shall submit for review and approval by P&D and Public Works – Project Clean Water and implement a Storm Water Quality Management Plan (SWQMP). The SWQMP shall include the following elements: identification of potential pollutant sources that may affect the quality of the storm water discharges; the proposed design and placement of structural and non-structural BMPs to address identified pollutants; a proposed inspection and maintenance program; and a method for ensuring maintenance of all BMPs over the life of the project. The approved measures shall be shown on all site, building, and grading plans. Records of maintenance shall be maintained by the landowner. **Timing:** Prior to Zoning Clearance, the SWQMP shall be submitted to P&D and Public Works – Project Clean Water. All features of the SWQMP shall be shown in the SWQMP and on the grading, building, and landscape plans as appropriate. All measures specified in the plan shall be constructed and operational prior to occupancy clearance. Maintenance records shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. After the fifth year the records shall be maintained by the landowner and be made available to P&D or Public Works on request.

**Monitoring:** P&D staff shall perform site inspections throughout the construction phase. P&D and/or Public Works shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

55. **WAT 3-2** As a part of the SWQMP program the applicant shall install a roof runoff collection and disposal system for all new and relocated buildings that are part of the project. Runoff shall first be directed to a subsurface infiltration trench, French drains, or connected to the site's irrigation system; in local areas where native soils or amended native soils are suitable for infiltration and where it would not have a detrimental effect on structures, roof runoff may be directed to landscaped areas. **Plan Requirements and Timing:** The roof runoff collection system shall be shown on grading, building and landscape plans. The plans shall be submitted to P&D and Public Works – Project Clean Water for review prior to Zoning Clearance. The system shall be installed prior to occupancy clearance.

**Monitoring:** P&D shall site inspect for installation of the system.

56. **WAT 3-3** The project proposes to allow for infiltration and treatment of runoff from the site using biofiltration swales, detention basins, and permeable pavement. Runoff shall be directed to either a permanent grass or appropriately vegetated swale (biofiltration area) or a detention basin. A registered civil engineer or other qualified professional shall design the biofiltration features in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. Only non-invasive perennial grass or other drought tolerant vegetation species shall be used in the biofiltration

system. To reduce runoff from impervious areas and allow for infiltration, to the extent feasible, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement, gravel, or unit pavers on sand) into the project design where native soils or amended native soils are suitable for infiltration and where it would not have a detrimental effect on structures. **Plan Requirements and Timing:** Swale designs, including the plant palette and the source of plant material, shall be described and detailed in the SWQMP, on the site grading and drainage and landscape plans, and depicted graphically. An inspection and maintenance program shall be specified in the SWQMP. The plan shall specify, at a minimum, annual inspection for signs of erosion, vegetation loss, and channelization, and regular mowing when grasses reach a height of 6 inches. Long term maintenance shall be the responsibility of the landowner/operator. A performance security will be required to ensure installation and maintenance. Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans. The final plans for the swales and the permeable surfaces, and a long-term maintenance program for the swales and permeable surfaces, shall be submitted by the landowner to P&D, and Public Works – Project Clean Water for review prior to Zoning Clearance.

**Monitoring:** Planning and Development and Public Works shall inspect the site during the installation of the basins, swales and the permeable surfaces, and shall inspect for maintenance throughout a 5-year performance period. Performance security release requires P&D approval. The landowner shall be responsible for maintenance inspections at least once/year for the life of the project. Proof of maintenance inspections shall be maintained and made available to County of Santa Barbara upon request.

57. **WAT 3-4** To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing, shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building, and grading plans prior to approval of grading permits and Zoning Clearance. Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading permits and Zoning Clearance.

**Monitoring:** P &D shall site inspect prior to occupancy clearance.

58. **WAT 3-5** The landowner shall be responsible for the long-term maintenance of the water quality conditions of approval. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in a maintenance program submitted by the landowner for review by P&D and Public Works, Project Clean Water, prior to Zoning Clearance. Annual records of the maintenance activities shall be maintained by the landowner and submitted to P&D upon request.

**Monitoring:** P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the landowner.

59. **WAT 3-6** Permanent erosion control measures shall be installed for all construction allowed within 50-feet of the top-of-bank of Mission Creek and Las Canoas Creek. **Plan Requirements and Timing:** Prior to Zoning Clearance, the applicant shall submit to P&D for review and approval, detailed plans and a report prepared by a licensed geologist or registered civil engineer for any proposed permanent erosion control measures adjacent to Mission Creek and Las Canoas Creek. Measures will be depicted in the SWQMP and on all grading, construction, and landscape plans as appropriate. Erosion control design plans shall be approved prior to Zoning Clearance.

**Monitoring:** P&D shall ensure installation prior to any structural development or initiation of grading.

60. **WAT 3-7** Parking Lot Cleaning Program. A parking lot cleaning program shall be developed and implemented. The program shall include the following elements: weekly removal of litter; immediate cleaning of oil, fuel, and other automotive leaks; vacuum sweeping on a bimonthly basis; and inspection and cleaning of storm drain inlets and catch basins before November 1 and in January of each year. Debris removed from the catch basins or inlets shall be disposed of accordingly. **Plan Requirements and Timing:** The cleaning program shall be submitted to P&D for review prior to Zoning Clearance. The requirement for storm drain cleaning shall be included on the site and building plans submitted to P&D and reviewed prior to Zoning Clearance.

**Monitoring:** P&D shall site inspect prior to occupancy clearance and shall respond to complaints. The landowner shall maintain annual records of storm drain cleaning and make them available to P&D upon request.

61. **WAT 3-8** All trash container areas must meet the following requirements:

- 1) Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s)~~divert drainage from adjoining paved areas.~~
- 2) Trash container areas must be screened or walled~~protected~~ and regularly maintained to prevent off-site transport of trash.

**Plan Requirements and Timing:** The location of any trash container areas shall be shown on all building plans prior to Zoning Clearance.

**Monitoring:** P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

## PROJECT SPECIFIC CONDITIONS

62. **Policy Consistency.** Prior to Zoning Clearance Issuance, the project shall be modified to avoid development on slopes in excess of 30%. This shall include 1) a modification to the parking stalls along the private driveway leading up to the Gane House; 2) a redesign of the Cavalli path to eliminate paving and the need for vertical retaining walls (non engineered stacked rock walls at a maximum height of 24" would be allowable); 3) a reconfiguration of the detention basin on the East of Mission site; and 4) relocation of the utility line infrastructure extending from Mission Canyon Road up to the Gane House to stay within the roadway. **Plan Requirements and Timing:** These modifications shall be shown on all grading and building plans submitted to the Building Division and shall be reviewed and approved by the BAR prior to Zoning Clearance Issuance.

**Monitoring:** Permit compliance and Grading/Building Inspectors shall verify conformance with the plans during construction.

63. **Intensity of Use.** Garden activities and programs (e.g. classes, lectures, special events, fundraisers, community festivals, etc.) shall be capped at current levels as identified in the project description, except that class attendance may increase from 20 to 22 students.

**Monitoring:** The Garden shall submit an annual monitoring report to P&D by the end of February for each prior year documenting the number of programs and activities and associated attendance

~~within each use category in order to demonstrate compliance with this condition. If after 10 years, the Garden demonstrates continued compliance, then it shall no longer be required to submit the annual reports, but such reports shall continue to be prepared and made available to P&D on request.~~

64. No signs of any type are approved with this action unless otherwise specified. All signs require a separate permit and Board of Architectural Review approval and shall comply with Section 35.38 of the County Land Use Development Code (Sign Regulations).
65. All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval 06BAR-00000-00316. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to Zoning Clearance Issuance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.
66. **Haul Permit.** The approved project requires grading in excess of 13,000 cubic yards. Prior to Grading Permit issuance, the applicant shall obtain a Haul Permit from the Department of Public Works.
67. **Road Encroachment.** Prior to Building Permit Issuance, the applicant shall obtain an Encroachment Permit from the Department of Public Works for all development within the road right-of-way.
68. **Off-street Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Zoning Clearance. A copy of the written notice shall be submitted to P&D prior to permit clearance and at any time during construction, at P&D's request. **Timing:** This restriction shall be maintained throughout construction. **Monitoring:** P&D Permit Compliance and Building & Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
69. **Construction Housekeeping.** The applicant shall prepare and submit a construction housekeeping plan for review and approval. The plan shall include methods to (1) screen construction sites, (2) store both demolished and construction materials, and (3) properly recycle and dispose of refuse materials from the activity. **Plan Requirements and Timing:** Prior to Zoning Clearance, the applicant shall provide to P&D a construction period housekeeping plan that covers the timeframe of the construction period through occupancy. The applicant shall designate and provide to P&D the name and phone number of a contact person(s) to oversee this condition during construction. The name and phone number of the contact person shall be posted on the construction site in at least two locations visible to the public. This requirement shall be noted on all plans.

**Monitoring:** Permit Compliance staff shall inspect periodically throughout grading and construction activities.

70. Pursuant to the provisions of ordinances and resolutions adopted by the county, the applicant will be required to pay development impact mitigation fees to finance the development of facilities for



libraries, public administration, and the County Sheriff. Based on the fee schedules in effect at the time of project approval, the library, public administration and Sheriff fees are estimated as follows:

<b>Estimated Countywide Development Impact Mitigation Fees</b>			
<b>Fee Program</b>	<b>Base Fee (per unit or 1,000 sf)</b>	<b>Estimated Fee</b>	<b>Fee due at</b>
Recreation (Parks)	\$1,135 per unit	\$3,405	Final Inspection
Transportation	\$1,945 per PHT	\$73,912	Zoning Clearance
Fire (\$0.10/sf.)	\$0.10/sf. (sprinklered)	\$3,001	Final Inspection

Fees shall be paid prior to final building permit inspection, and shall be based on the fee schedules in effect when paid. The fees are subject to yearly adjustments. Fees are payable to the County of Santa Barbara.

71. Prior to issuance of Zoning Clearance, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County P&D, paid for by the applicant and submitted for review and approval by P&D. The EQAP shall include the following: 1) All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area. 2) A plan for coordination and implementation of all measures and the plans and programs required therein. 3) A description of all measures the applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D. Contractor feedback responsibilities include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data. 4) A contractor to carry out the EQAP shall be selected by P&D in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the applicant. The EQAP contractor shall appoint at least one On-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the OEC has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.
72. Project phasing may be altered administratively by the Director of P&D without processing of an SCD.

## **CONDITIONAL USE PERMIT CONDITIONS**

73. This Conditional Use Permit is not valid until a Zoning Clearance Permit for the development and/or changes in use has been obtained. Failure to obtain said Zoning Clearance Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to Zoning Clearance must be satisfied. Upon issuance of the Zoning Clearance Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
74. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35.84.060 of the County

Land Use Development Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

75. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
76. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
77. Within 24 months after the effective date of this permit, construction and/or the changes in use shall commence. Construction or changes in use cannot commence until a Zoning Clearance has been issued. Failure to commence the construction and/or use pursuant to a valid Zoning Clearance shall render the Conditional Use Permit null and void.
78. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
79. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Zoning Clearance.

## **DEVELOPMENT PLAN CONDITIONS**

80. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
81. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated August 5, 2009 (as amended by the decision maker). Substantial conformity shall be determined by the Director of P&D.
82. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
83. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of Zoning Clearance Issuance.
84. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to Zoning Clearance Issuance.

## **GENERAL CONDITIONS**

85. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Zoning Clearance Permit and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
86. **Signed Agreement to Comply Required:** Prior to approval of Land Use Permits\Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
87. **Landscape Requirements:** ~~Two~~ A performance security~~ies~~ shall be provided by the applicant prior to Zoning Clearance Issuance, ~~one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five years of maintenance of the items.~~ The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. ~~The installation security shall be released upon satisfactory installation of all items in section (a).~~ If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security three years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The ~~installation~~ maintenance security shall guarantee compliance with the provision below:
- a. ~~Installation-Maintenance~~ of tree protection measures and tree replacement in accordance with the approved tree protection and replacement plan; ~~landscaping~~; and riparian restoration in accordance with Condition #13.
- Monitoring:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of ~~both installation and maintenance~~ securities.
88. **Landscape Requirements:** Landscaping shall be maintained for the life of the project.
89. Prior to Zoning Clearance Issuance, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development prior to Zoning Clearance Issuance.
90. **Compliance with Departmental letters required as follows:**
- a. Project Clean Water dated July 16, 2009
  - b. Environmental Health Services dated July 14, 2009
  - c. Fire Department dated November 3, 2005
  - d. Flood Control dated August 7, 2006
  - e. Parks Department dated July 15, 2009
  - f. Public Works, Roads Division dated July 17, 2009

91. **Print & illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
92. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to approval of Zoning Clearance Issuance as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
93. **Fees Required:** Prior to Zoning Clearance Issuance, the applicant shall pay all applicable P&D permit processing fees in full.
94. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
95. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit and Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
96. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
97. **Compliance Review.** P&D staff shall prepare a compliance report and present it to the Planning Commission after five years of construction activities associated with buildout of the Vital Mission Plan. The report shall discuss the applicant's compliance with applicable conditions of approval associated with construction activities and operation of the Garden during that period. In addition, P&D shall provide a verbal report to the Planning Commission (as part of the administrative agenda) on an annual basis during construction in order to report on the status of construction and condition

compliance. This annual briefing shall be coordinated with the receipt of the annual monitoring report from the Garden on the previous year's attendance levels and programs as identified in Condition # 63, such that this information can be transmitted to the Planning Commission at the same time.

**98. Site Accessibility Plan.** An overall site accessibility plan shall be prepared and submitted for review and approval by the Building Division prior to Building Permit issuance.

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