

Botanic Garden Appeal of
Historic Landmark Advisory
Commission Decision

Background – Botanic Gardens/Landmark Status

- Operates under existing CUP, currently processing a comprehensive revision to the CUP
- 23 acres of 63 acre Gardens is designated as a County Historic Landmark (Resolution 2003-059)
- HLAC has jurisdiction over certain elements and activities at the Garden
- Meadow Terrace Project in the area with the Landmark Designation
- Meadow Terrace Project also requires planning permit (applied for SCD)

Background – Botanic Gardens/Landmark Status

- Landmark Resolution, Section 2(B)(i) states: “no changes to the [historic landmark] shall be made which substantially deviate from the foregoing historic landscape design concept or historic use of the landmark property unless express consent in writing is first had and obtained from the Historic Landmark Advisory Commission...”

Background – Botanic Gardens/Landmark Status

- Section 2(B)(ii) states: the “change, maintenance, repair, relocation, replacement, or updating of plant communities, temporary or permanent displays, exhibits, trails, public areas, interpretive materials or existing structures...shall not require review and approval by the Commission.

Background – Botanic Gardens/Landmark Status

- Any construction or installation of new structures, features or facilities on the landmark property shall not substantially deviate from, or substantially conflict with, the historic landscape design concept or historic use as set forth above, and shall not cause the landmark property to substantially deviate from, or substantially conflict with, the eight criteria...”

HLAC 9/10/07 Action on Meadow Terrace Project

- Found that the project may affect a historic resource, and was subject to HLAC review; and,
- Found that the project substantially deviated from the historic landscape design concept and historic use.

HLAC 9/10/07 Action on Meadow Terrace Project

- HLAC Findings:
 - Conversion of a natural landscaped area to paved landscaped area.
 - Overall project size of 4,200 sf.
 - Intensification of use of the area.
 - Adverse affects on a defining feature of the Garden.
 - Piecemeal development.

Board Consideration of 9/10/07 Appeal

- No recommendation from P&D, as HLAC is an independent body appointed by the Board of Supervisors.
- County Counsel recommends the Board focus on Paragraph 2(B)(i) and 2(B)(ii) of the resolution
 - Determine whether the meadow terrace requires HLAC review
 - If yes, determine if the project is consistent with the “historic landscape design concept”

12/10/07 HLAC Decision

- HLAC created an ad-hoc subcommittee to work with the garden
- Botanic Garden submitted a revised project proposal to HLAC, which it considered on 11/15/07 and acted on 12/10/07
- Proposal was disapproved by a 5 to 4 vote

Board Consideration of 12/10/07 Appeal

- Staff recommends that the Board rescind all action taken by the HLAC at its 12/10/07 meeting concerning the Botanic Garden's modified Meadow Terrace project due to a procedural error and dismiss the appeal.

Related Requirements

- Substantial Conformity Determination was requested, granted, then rescinded due to inability to make findings.
- Planning Commission consideration of SCD withdrawn pending outcome of appeal to the Board.
- Planning Permit, including CEQA compliance, is required before completing the project.

Recommendation

- Confirm, Modify or Set Aside HLAC actions on September 10, 2007 regarding proposed Meadow Terrace Project.
- Rescind All Actions Taken by HLAC at its December 10, 2007 Meeting related to the proposed Meadow Terrace Project.
- Direct the HLAC and the Botanic Garden to propose revisions to Resolution 2003-059.