

From: Timothy Hearn <thearn@ppplaw.com>
Sent: Friday, January 20, 2023 11:31 AM
To: sbcob; Supervisor Das Williams; Laura Capps; Hartmann, Joan; Bob Nelson; Lavagnino, Steve
Cc: Todd A. Amspoker
Subject: Rocky Nook Park Historic Landmark Designation -- Board Meeting of January 24, 2023
Attachments: Letter to Board re historical landmark 1-19-23.pdf

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Good Morning,

Please find attached correspondence from Todd Amspoker of our firm in the above-entitled matter.

Respectfully,



PRICE, POSTEL & PARMA LLP

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January 19, 2023

VIA ELECTRONIC MAIL

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Ms. Laura Capps, Supervisor 2nd District
Ms. Joan Hartmann, Supervisor 3rd District
Mr. Bob Nelson, Supervisor 4th District
Mr. Steve Lavagnino, Supervisor 5th District
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Re: Rocky Nook Park Historic Landmark Designation
Board Meeting of January 24, 2023

Dear Members of the Board:

This firm represents the Committee to Preserve Rocky Nook Park. This letter is intended as a friendly communication to provide background to you with respect to designation of Rocky Nook Park as a Santa Barbara County Historic Landmark at your meeting on January 24,

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2023. As you are aware, the Santa Barbara County Historic Landmarks Advisory Commission unanimously voted at its meeting of November 14, 2022, to recommend that Rocky Nook Park be designated a County Historic Landmark.

1. Compatibility with Other County Historic Landmarks

According to the Santa Barbara County Historic Landmarks website, there are currently 53 County-designated historic landmarks in Santa Barbara County, including two others in Mission Canyon--the Santa Barbara Botanic Garden/Mission Dam and Glendessary. The proposed Rocky Nook Park Historic Landmark is completely compatible with these other County historic landmarks in Mission Canyon. The Santa Barbara Botanic Garden celebrates Santa Barbara County's natural ecosystem and beauty, and incorporates the Mission Dam and adjoining aqueducts, some of which pass through and are incorporated into the proposed Rocky Nook Park Historic Landmark downstream. In addition, some of the individuals who were historically involved with the Botanic Garden were also involved with acquisition of Rocky Nook Park for the County of Santa Barbara. Concerning Glendessary, it too has similarities and connections with the other county landmarks in Mission Canyon. After Rocky Nook Park, Glendessary is the largest *in situ* site of boulders from the debris flow of approximately 1,000 years ago that also formed Rocky Nook Park's topography and, like Rocky Nook Park and the Botanic Garden, it also possesses significant *in situ* Chumash artefacts. In short, to designate Rocky Nook Park a historic landmark would be completely compatible with other County-designated historic landmarks in the immediate vicinity.

Moreover, designation of Rocky Nook Park as a historic landmark would be compatible not merely with County-designated historic landmarks in the immediate vicinity of Rocky Nook Park but with other county historic landmarks throughout the County of Santa Barbara. Of the 51 other County historic landmarks (outside of Mission Canyon), at least seven have archaeological and architectural significance as a result of Spanish and Mexican era construction--as does Rocky Nook Park. Furthermore, a number of other County historic landmarks possess historic significance on the basis of early American era inhabitation, as does Rocky Nook Park. Indeed, one of the unique aspects of Rocky Nook Park, and among the most compelling arguments for its designation as a County Historic Landmark, is it contains so many different elements of Santa Barbara County's natural and human history--from the County's geologic history, to the Chumash period, to the Spanish and Mexican periods, to the early American period, and to the American period in the early twentieth century. Designation of Rocky Nook Park as a County Historic Landmark is completely compatible with other County Landmarks.

2. Compatibility with Historic Landmarks in the City of Santa Barbara

Rocky Nook Park is also compatible with nearby and adjacent historic landmarks located in the City of Santa Barbara, including:

- Santa Barbara Mission--National Historic Landmark, National Historic Landmark District, National Register of Historic Places, California Historical Landmark, City of Santa Barbara Historic Landmark
- Mission Historical Park--National Register of Historic Places, California Historical Landmark, City of Santa Barbara Historic Landmark
- Mission Creek Bridge--determined to be eligible for placement on the National Register of Historic Places together with its attached stone walls as contributing structures, California Historic Resources Inventory System (CHRIS), California Historic Bridge Inventory, City of Santa Barbara Historic Landmark

In sum and totality, the entire and combined Santa Barbara Mission-Mission Historical Park-Rocky Nook Park area comprises not merely the most valuable and recognized historic area in Santa Barbara County, but among of the most valuable and recognized historic areas in California and the United States.

3. Compatibility with Deed Conveying Rocky Nook Park to the County of Santa Barbara

Rocky Nook Park was originally conveyed to the County in 1928 by deed. This conveyance was arranged through the gracious efforts of Carolyn Stanwood, beneficial owner of the property and wife of longtime County Supervisor Sam Stanwood. Mrs. Stanwood recognized that the original owners of the property, Mr. and Mrs. George Oliver, wanted to give the property to the County for a park, but were unable to do so because of the significant number of relatives who would have had to have been involved in the transaction. So rather than develop the property, Mrs. Stanwood allowed a group of citizens to raise the \$27,000 to allow the property to be conveyed to the County. Significantly, the recorded deed included the restriction that the property be conveyed "for all the uses and purposes of a public park ..." (See attached deed recorded Page 119 of Official Records, Book 142.)

It should be emphasized that the 1928 deed restriction, still in effect, requires that all of the property be used as a public park. This is made clear by additional language from the 1928 deed, with respect to "uses and purposes of a public park," that these are to receive "broad

construction"--that is, that any use that would conflict with public park uses and purposes are not to be allowed. Since the purpose of the Rocky Nook Park Historical Landmark designation would include to retain Rocky Nook Park for public park uses and purposes, Historic Landmark designation is completely compatible with the deed conveying Rocky Nook Part to the County of Santa Barbara.

4. Compatibility with Testimony of the Chumash

Representatives of the Chumash repeatedly expressed support and their desire for Rocky Nook Park to be designated a County Historic Landmark in the public participation process leading up to the County Historic Landmarks Advisory Commission's recommendation. For example, in a December 10, 2018, letter to the Santa Barbara County Historic Landmarks Advisory Commission, Gino Altamirano, Chair of the Coastal Band of the Chumash Nation, a sovereign nation, wrote in support of historic landmark status: "Rocky Nook Park has always been a very special gathering place for the Chumash Peoples. A place for the Chumash to connect with the land, to prepare foods and socialize. Many countless lives have been lived on or near Rocky Nook Park playing pivotal roles in the history of the area, both pre and post contact [with Europeans]. The entire Park and surrounding areas were part of a larger Chumash village ... When visiting Rocky Nook Park, there is a very strong sense of place that comes from many thousands of years of use. A walk down the ancient trails or a lingering sit on a bench under one of the many beautiful oaks, introduces you to the remnant memories echoing throughout the Park as if it were just yesterday when peoples lived and relied on its land."

A Chumash oral tradition makes reference to a flood in which "it kept raining and the water kept rising higher and higher" and there were then "rocks in the mountains that are ... the remains of the people who died in the flood" (in Thomas G. Blackburn [ed.], *December's Child: A Book of Chumash Oral Narratives* [Berkeley, CA: University of California Press, 1975], pp. 94-95). It is thought by some researchers that this narrative may contain a reference to the debris flow that formed Rocky Nook.

5. Compatibility with Environmentally Sensitive Area

Mission Creek near Rocky Nook Park is a habitat for endangered steelhead trout. UCSB Earth Science and Environmental Studies Professor Edward Keller wrote in *Santa Barbara: Land of Dynamic Beauty; A Natural History* (Santa Barbara, CA: Santa Barbara Museum of Natural History, 2011): Mission Creek in the vicinity of Rocky Nook Park is "one of the refuges for the endangered southern steelhead trout ... In 2005-2006 ... steelhead were found in surprising numbers along Mission Creek, including in large pools in the city ... In the spring of 2006, we observed about 30 juvenile steelhead (approximately 6 inches long) that had schooled into one of the pools. We know they moved to that pool from upstream ... The presence of the steelhead is

encouraging for the restoration of the fish in Mission Creek" (pp. 124-125). The first finding in the Santa Barbara County Historic Landmarks Advisory Commission Resolution determining that Rocky Nook Park meets the eligibility for a County Historic Landmark and is worthy of protection makes reference to Rocky Nook Park's "location along Santa Barbara's primary riparian corridor" (i.e., Mission Creek). Designation of Rocky Nook Park as a County Historic Landmark will provide additional protection to an environmentally sensitive area.

6. Compatibility with County Historic Landmarks Ordinance

Chapter 18A, "Historical Landmarks Advisory Commission," of the Santa Barbara County Code of Ordinances provides nine criteria for eligibility when considering designation of a County Historic Landmark. Rocky Nook Park meets at least eight of these, any one of which could satisfy designation as a County Historic Landmark (Sec. 18A-3. Eligibility):

(a) It exemplifies or reflects special elements of the county's cultural, social, economic, political, archaeological, aesthetic, engineering, or natural history ...

(b) It is identified with persons or events significant in local, state or national history ...

(c) It embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship ...

(e) It contributes to the significance of a historic area, being a geographically definable area possessing a concentration of historic, prehistoric, archaeological, or scenic properties, or thematically related grouping of properties, which contribute to each other ...

(f) It has a location with unique physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the County of Santa Barbara ...

(g) It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation ...

(h) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particularly transportation modes or distinctive examples of park or community planning ...

(i) It is one of the few remaining examples in the county, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

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It is difficult to see, in truth, how the Board of Supervisors could not vote to designate Rocky Nook Park a County Historic Landmark on the basis of these criteria for eligibility as outlined in County ordinance.

7. Compatibility with Mission Canyon Community Plan

The 2014 Mission Canyon Community Plan contains many provisions that provide support for designating Rocky Nook Park a County Historic Landmark. Page 88 of the Mission Canyon Community Plan includes a map with "Environmentally Sensitive Habitats" in which parts of Rocky Nook Park are identified as an Environmentally Sensitive Habitat Overlay. In particular, all of Mission Creek in Rocky Nook Park is identified as a Steelhead Critical Habitat or Steelhead Critical Habitat Stream, or both. In addition, the oak and sycamore woodland is a habitat for rare birds as shown by the annual bird count.

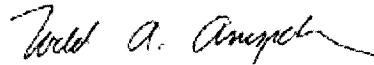
With respect to historical and cultural issues, the Mission Canyon Community Plan states that a goal includes to "preserve and protect historically significant landscapes, County Places of Historic Merit, County Historic Landmarks, and other cultural, archaeological, and historical resources in Mission Canyon" (p. 117). According to Policy HA-MC-1: "Archaeological resources shall be protected and preserved to the maximum extent feasible." The Mission Canyon Community Plan also states: "The County and the community should work to identify structures and places that qualify for nomination to Place of Historic Merit or Landmark status and forward these requests to the Historic Landmarks Advisory Commission ... Traditional cultural, historical, and spiritual sites of concern to the Chumash shall be protected and preserved to the maximum extent feasible" (p. 118). In addition, Mission Canyon Road is "considered a scenic corridor that physically and visually differentiates Mission Canyon from the City of Santa Barbara. Development in this scenic corridor deserves special consideration to ensure it does not detract from the historical character, natural surroundings, and aesthetics of the neighborhood" (p. 119).

Thank you for your consideration of the information and issues outlined, presented, and addressed here. If I or members of the Committee to Preserve Rocky Nook Park could be of assistance to you in your decision-making process, please do not hesitate to be in contact.

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We hope you will vote to designate Rocky Nook Park a County Historic Landmark at your January 24, 2023, meeting in keeping with the unanimous recommendation of the County Historic Landmarks Advisory Commission. Thank you for your service to Santa Barbara County.

Very truly yours,



Todd A. Amspoker
For PRICE, POSTEL & PARMA LLP

cc: Coalition to Preserve Mission Canyon

COUNTY NATIONAL BANK AND TRUST COMPANY OF SANTA BARBARA

TO

COUNTY OF SANTA BARBARA

THIS INDENTURE, made the 7th day of May, 1928,

BETWEEN County National Bank and Trust Company of Santa Barbara, a national banking corporation, having its principal place of business in the City of Santa Barbara, in the County of Santa Barbara, in the State of California, party of the first part, and County of Santa Barbara, a political corporation, in the State of California, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) gold coin of the United States of America, to it in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto said party of the second part for all the use and purposes of a public park (it being specifically understood, without limiting in any way the broad construction which the party of the first part wishes placed upon this instrument, that a public art gallery, museum or structure of similar nature or purpose may be placed upon the property hereinafter described) all that certain real property situate in the County of Santa Barbara, State of California, described as follows:

Commencing at a point in Mission Creek directly beneath the keystone or arch of

south along the east line of same 226.73 feet to a small letter "F" cut on flat top of boulder
 at southeast corner of said 3.74 acre tract; thence 19th, S. 73°10' W. along the southern
 line of said 3.74 acre tract 254.35 feet to an X on small rock from which an "F" cut on
 boulder bears N. 0°01½' W. 10.3 feet, a letter "F" cut on large flat rock bears N. 73°10'
 E. 19.66 feet; thence 20th, S. 0°01½' E. at 206.5 feet a ¾" pipe survey monument set at the
 northeasterly corner of the tract of land described in the deed to Santa Barbara Woman's Club,
 dated September 29, 1927, and recorded in Book 10, at page 351 of Official Records of said
 County, at 469.29 feet to a ¾" pipe survey monument set at the southeast corner of same;
 thence along the southern line of said Women's Club land the following courses and distances:
 21st, S. 78°41' W. 41.66 feet to center of live oak tree; 22nd, S. 67°14' W. 22.97 feet to
 center of a live oak tree; 23rd, S. 82°27' W. 43.68 feet to an X on top of large boulder;
 24th, S. 69°42' W. 48.1 feet to a spike in crotch of a live oak and center of same; 25th, S.
 53°02' W. 64.41 feet to the center of a live oak tree; 26th, S. 60°27' W. 56.5 feet to a
 ¾" pipe survey monument set on the northeasterly line of Mission Canyon Road, said point
 being also the most southerly corner of the said Santa Barbara Woman's Club land; thence 27th,
 S. 44°35' E. along the northeasterly line of Mission Canyon Road and the southwesterly line
 of said Oliver's tract of land 259.5 feet to a ¾" pipe survey monument set at an angle point
 in said road; thence 28th, S. 0°04' W. 56.0 feet to the place of beginning.

Upon motion, duly seconded and unanimously carried, it is

RESOLVED, that said deed and the property mentioned in said deed be accepted for
 the uses and purposes therein mentioned, and that the Clerk of this Board cause said deed to
 be recorded.

State of California)
 County of Santa Barbara) ss

I, D. F. Hunt, County Clerk and ex-officio Clerk of the Board of Supervisors, do
 hereby certify the foregoing to be a full, true and correct copy of the original resolution
 accepting deed, in the matter of Accepting deed for a Public Park from County National Bank
 and Trust Company of Santa Barbara, in the 6th Road District, passed and adopted by said
 Board of Supervisors on the 7th day of May, 1928, now remaining of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board,
 this 7th day of May, 1928.

(SEAL OF BOARD OF SUPERVISORS)

D. F. HUNT, Clerk

RECORDED AT REQUEST OF County Clerk, May 9, 1928 at 6 min. past 9 o'clock A.M.

File No. 4415
 Compared by: L. E. WITTING
 A. GOVARRUBIAS

YRIS GOVARRUBIAS, County Recorder
 By *[Signature]* Deputy Recorder