

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

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

**SANTA BARBARA COUNTY
BOARD OF SUPERVISORS**

June 1, 2010

Board-directed Revisions

- Condition #63 – Intensity of Use:
 - Any-one-time cap of 200 people between May 1 and November 30 (high fire season)
 - Any-one-time cap of 250 people between December 1 and April 30 (low fire season)
 - Method to monitor caps
 - Eliminate 1.8% growth rate/annual cap of 110,000 visitors
 - Cap of 17 special events per year
 - Cap annual special event attendance at 1,983

Board-directed Revisions

- Condition #63 Continued:
 - Special events to end by sunset, with all off-site within one hour
 - No changes to classes from PC approval
- Prohibit amplified music; amplification for speaking only – Condition #39
- Incorporate advisory finding regarding site capacity and neighborhood compatibility

Board-directed Revisions

- Eliminate new staff residences at Hansen site – Condition #1
- Relocate Caretaker's Cottage and use it as Director's residence – Condition #1
- Replace existing fencing with 3 ½ foot post and wire – Condition #1
- Eliminate 10% allowance for additional paving - Condition #21
 - Require new paving to be naturalistic material

Board-directed Revisions

- Require finding of compliance/consistency with MCCP for follow-up permits – Condition #101
- Define high fire season as May 1 through November 30 – Condition #31
- Require closure if RAWs triggers red flag conditions – Condition #102
- Give discretion to Fire Chief to close the Garden as necessary

Board-directed Revisions

- Require safety officer on-site during Red Flag Watch periods – Condition #103
- Require rental contracts to disclose criteria for closures and cancellation of events – Condition #104
- Require posting of closure sign by Fire Station #15 – Condition #104
- Require Garden to send email blast to Visitor's Bureau upon closures – Condition #104

Board-directed Revisions

- Limit buses to 31 feet in length, except school buses – Condition #31
- Limit location of off-site parking/shuttling – Condition #31
- Require at least one unannounced fire drill each year – Condition #31
- Require additional shovel test pits on Hansen site – Condition #100

Board-directed Revisions

- Require Native American monitor during all ground disturbance – Condition #18
- Require HLAC oversight of CLMP within Landmarked boundaries – Condition #20
- Require infrastructure prior to construction of Phase I – Condition #1 and #42

Board-directed Revisions

- Revise rest period to the longer of one year or 1/2 length of Phase I construction – Condition #1
- Require public meeting to receive comments/input on plans prior to approval – Condition # 99
- Limit temporary exhibits to 2 years – Condition #1
- Eliminate Meadow Terrace – Condition #1

Timing of CUP

- Condition #105
 - Revised CUP supersedes existing CUP
 - Requires obtaining Zoning Clearance for operational conditions by January 1, 2011
- Condition #77/80
 - Approved development expires in 5 years unless construction has commenced or time extension granted

Revisions to Findings

- Findings 2.1.3 and 2.2.3:
 - Correct date range for low fire season to December 1 through April 30
- Findings 2.1.4 and 2.2.4:
 - Clarify that on-site Fire Watch safety officer only allows Garden to be open on Fire Watch days
 - Add sentence clarifying Fire Chief's ability to require closure of Garden under County Fire Code

Clarifications to Conditions

- Paving: change from “natural” to “naturalistic” consistent with HLAC findings – Condition #1 and #21
- Condition #1, Construction Phasing – clarify that storage sheds and shade structures are exempt from building limit:
“No more than two buildings, not including shade structures and storage sheds, shall be constructed at any time during Phases I and II.”

Clarifications to Conditions

- Condition #21: Clarify paving restriction applies to paving within Historic Garden boundaries:

“New paving within the Historic Garden shall be of naturalistic material and be limited to that which is required for path of travel access for ADA purposes and emergency vehicle access for County Fire Department purposes to and around proposed new buildings. Paving shall not be permitted on existing dirt trails within the Historic Garden.”

- Condition #31: Update FPP to clarify that roadside vegetation clearance applies to perimeter roads:

“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 and to clarify that the roadside vegetation clearance requirements apply to Mission Canyon Road, Tunnel Road, and Las Canoas Road along the Garden’s perimeter.”

Clarifications to Conditions

- Condition #32: Clarification on construction prohibitions:

“All construction shall be prohibited on red flag warning days and Fire Weather Watch days issued by the National Weather Service. Between May 1 and November 30 of each year, 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.”

Clarifications to Conditions

- **Condition #63: Clarifications on Community Events:**
 - *“Community Events shall be limited to no more than 10 per year. Footnote: Community Events, which shall include events that are both open to the general public ~~er-and~~ where visitation is spread out throughout the day, shall not count towards the annual special event limit, but shall otherwise comply with this condition and shall only occur during normal operating hours.”*
- **Condition #101: Clarification on MCCP**
 - *“No Land Use Permit or Zoning Clearance shall be issued for development under the Vital Mission Plan without 1) a finding of consistency with policies and development standards of the ~~adepted~~ Mission Canyon Community Plan if adopted, and 2) a finding of compliance with ordinance amendments of the Board initiated Mission Canyon Community Plan.”*

Clarifications to Conditions

- **Condition #102: Change to RAWS parameter:**
“The Garden shall be closed to the public, including special events, on days when the Garden’s Remote Access Weather Station (RAWS) records the following weather conditions:
 - *Relative humidity of 15% or less with either sustained winds of 25 mph or greater or frequent gusts of 35 mph or greater (for a duration of 6 hours or more); or*
 - *Relative humidity of 10% or less with either sustained winds of 15 mph or greater or frequent gusts of 25mph or greater for a period of 40 6 hours or more ~~(with no wind criteria)~~; or*
 - *Widespread and/or significant dry lightening (to be determined by the National Weather Service).”*

HLAC Appeal

- Modifications to HLAC action:
 - Not require review and approval of restoration plan for Meadow Terrace area by the HLAC
 - Not require review and approval of paving/hardscape plan by HLAC
 - Limit HLAC review of CLMP to the portion located within the Landmark #24 boundaries

Staff Recommendations

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

Staff Recommendations

- Deny the Garden's appeal of the HLAC actions on November 9, 2009
- Make the required findings pursuant to Resolution 2003-059
- Uphold the HLAC's action subject to the modifications
- Accept the certified EIR as adequate for CEQA