

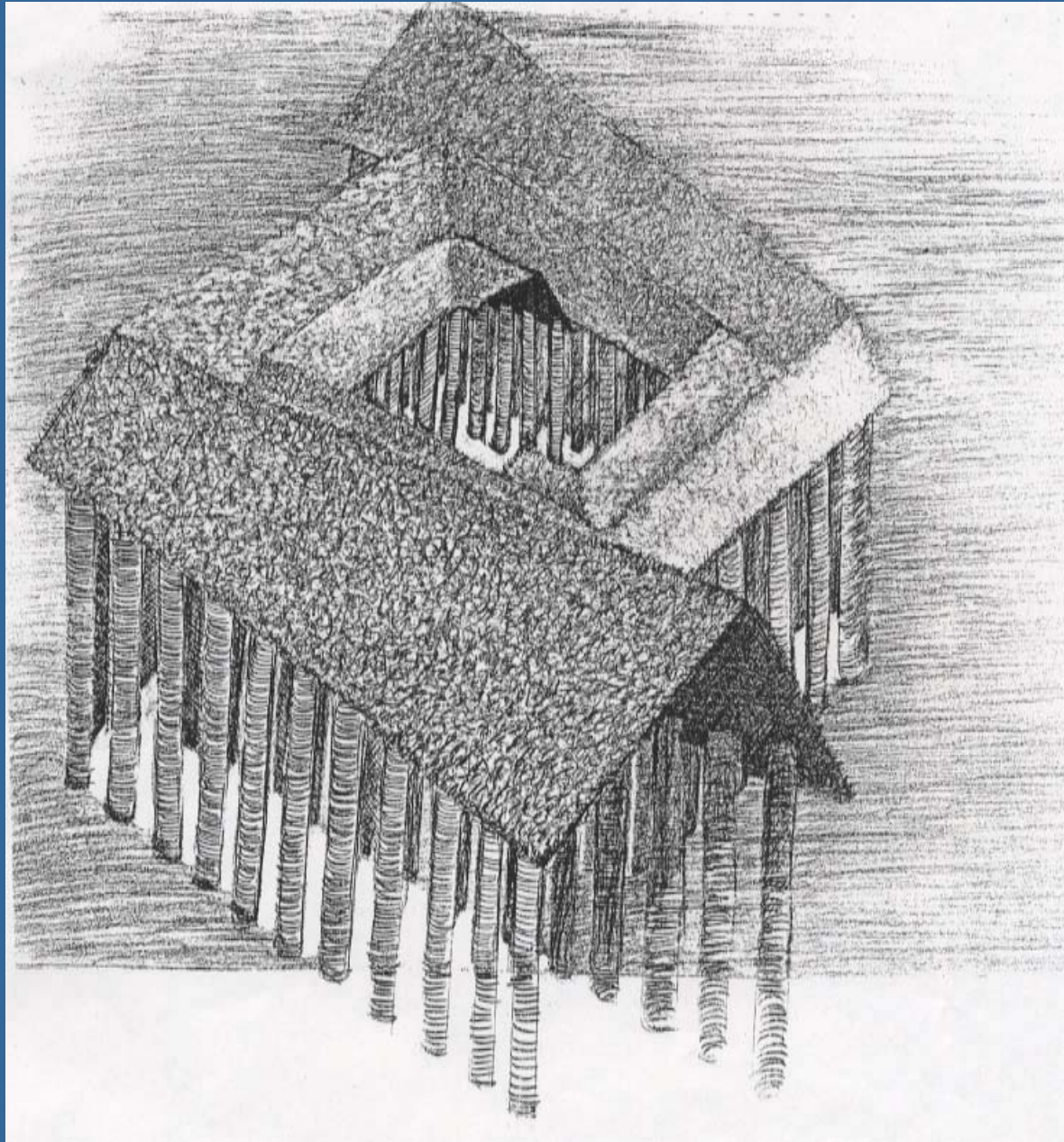
Appeal of Historic Landmarks Advisory Commission Decision

Botanic Garden Herb Parker Exhibit

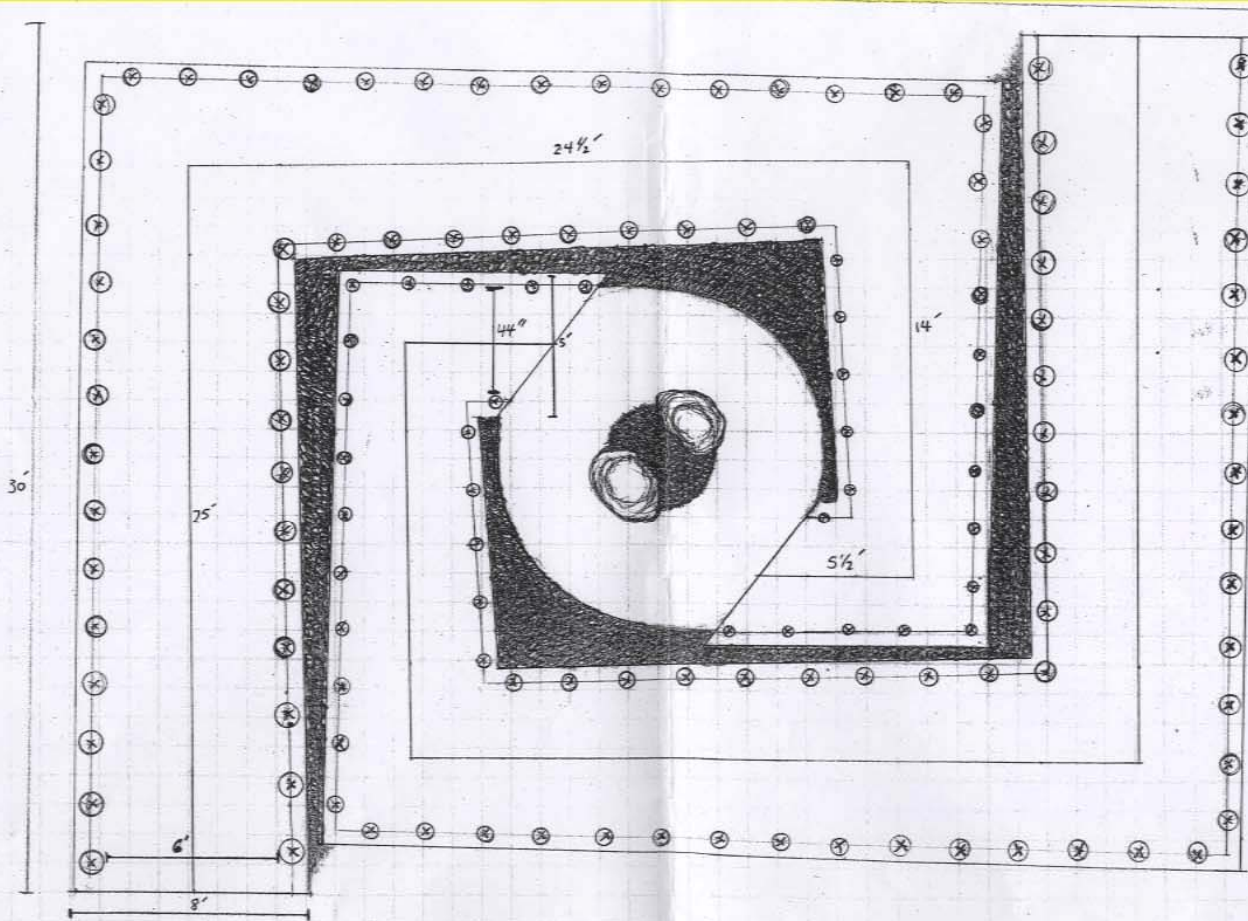
Board of Supervisors
March 17, 2009

Herb Parker Exhibit

- Nature-based art sculpture
- Designed to simulate a labyrinth
- 2 opposing entrances leading through narrowing corridors to an open courtyard in center
- Materials include natural timber columns and vegetated roof
- Approximately 1,200 s.f., 13 feet peak height
- Sited in upper Meadow section of Garden



INTERIOR COURTYARD
 APPROXIMATELY 12' x 14'.
 TWO STONE SEATS IN
 CENTER, APPROXIMATELY
 18" HIGH, 36" LONG, 24"
 DEEP. WALKWAYS -
 NARROWEST POINT 44".
 CRUSHED STONE OR
 MULCH WALKWAY.
 EXTERNAL EGRESS
 APPROXIMATELY 1.5' HIGH.
 INTERNAL EGRESS
 APPROXIMATELY 7' HIGH



140' OF ROOFED
 WALKWAY. COLUMNS
 4" TO 5" DIAMETER AT
 TOP. BURIED IN GROUND
 2' TO 3'. ATTACHED AT
 TOP WITH 6" LAG SCREWS.
 69 COLUMNS PER SIDE. 43
 COLUMNS INSIDE EACH LENGTH.
 138 COLUMNS OVERALL.

LABYRINTH: RESPITE

2008

4 2 0

Background

- Garden operates under existing CUP, currently processing comprehensive CUP revision
- 23 acres of Garden is designated County Historic Landmark (Resolution 2003-059)
- HLAC has jurisdiction over certain elements and activities at the Garden
- Herb Parker exhibit is within Landmarked boundaries

HLAC Action

- On 1/12/2009, HLAC found project was subject to their jurisdiction
- Conceptually approved the project, pending CEQA Notice of Exemption

HLAC Action

- On 2/9/2009, HLAC accepted the CEQA NOE and approved the project
- Found project, as conditioned, was consistent with historic use and historic landscape design concept
 - Temporary display up to 3 years
 - Not precedent-setting
 - Return site to existing meadow setting upon removal

Appeal Issues

- HLAC Abused their discretion
- CEQA Exemption not adequate
- Project not permissive under the active CUP

Landmark Resolution

- 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 HLAC...”

Landmark Resolution

- 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.”

Landmark Resolution

- Section 2(B)(ii) further states: “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 of historic use as set forth above, and shall not cause the landmark property to substantially deviate from or substantially conflict with, the eight criteria from County Code Chapter 18A-3...”

CEQA Exemption

- CEQA Exemption Adequate
 - No significant increase in traffic, special events expected as a result of exhibit
 - Site would be returned to its natural state after temporary exhibit is removed
 - Exhibit would be designed to minimize fire hazard

Use Allowed Under CUP

- P&D Director found that the use is allowed under existing CUP, consistent with other temporary exhibits previously allowed in the same area.

Recommendation

- Confirm, Modify or Set Aside HLAC action on February 9, 2009 regarding the Herb Parker Exhibit