




COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Dave Ward   
Deputy Director, Development Review South

Staff Contact: Alex Tuttle, Planner  
884-6844

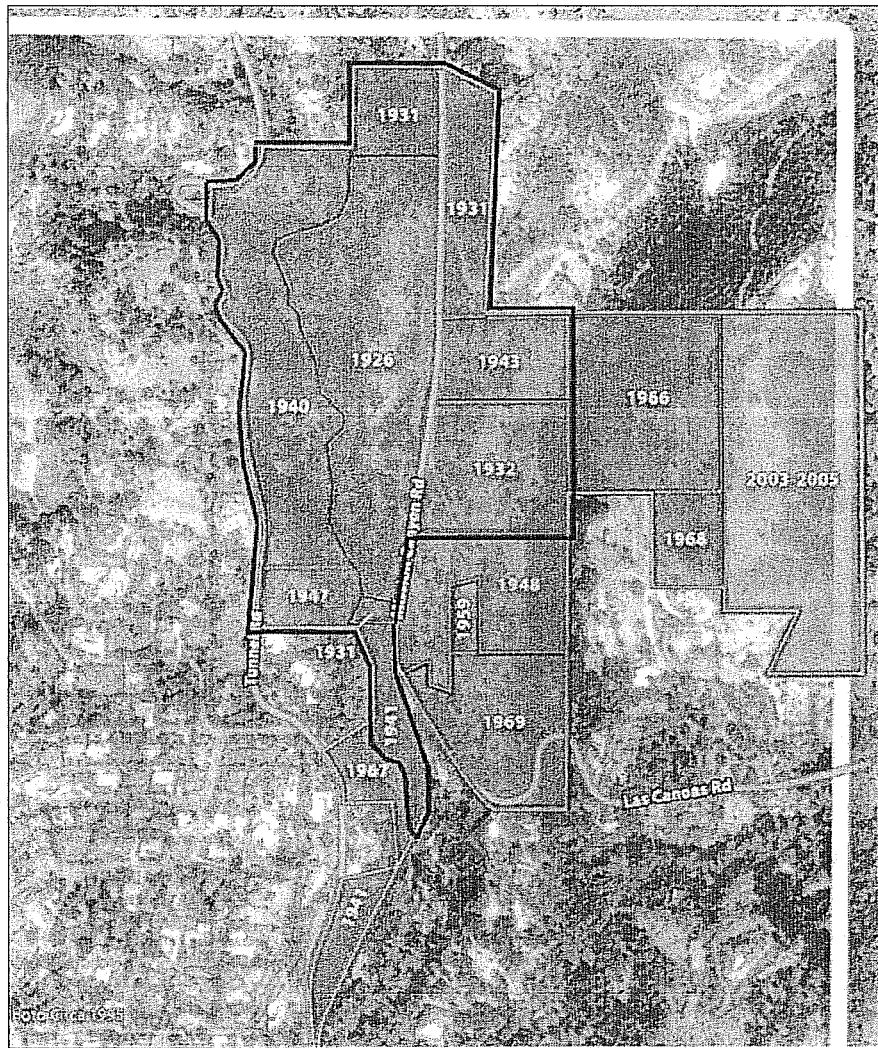
DATE: October 23, 2009

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

In the staff memo to the Planning Commission dated August 5, 2009, staff indicated that a discrepancy in the boundaries of the Historic Garden and associated parcel numbers was identified and that the boundaries and associated parcel numbers would be updated as part of final action on the project. The discrepancy arose as a result of inaccurate parcel boundaries and configurations on a site map that was utilized by Historic Resources Group (HRG) in identifying the boundaries of the Historic Garden. The text description of the boundaries in the report, and which parcels are excluded from the boundaries due to a lack of association with the Garden's operation during the period of significance, does reflect the correct boundaries and requires no changes. Page 43 of the HRG Historic Resources Assessment states:

*The Historic Garden boundary and land acquisition dates are shown in Figure A. Two acquisitions date from the period of significance but are not included in the Historic Garden boundary. One of these is an approximately two-acre parcel donated by Mr. and Mrs. A.B. Watkin in 1941, located at the southern end of the Garden. This portion is not contiguous with the majority of the Historic Garden land and was not actively used for Garden purposes (display, cultivation, research, etc.) during the period of significance. **The second portion is over six acres of the original Gane property donated in 1948. This parcel was also not actively used for Garden purposes during the period of significance (in bold for emphasis).** All other parcels now controlled by the Santa Barbara Botanic Garden were acquired after the period of significance.*

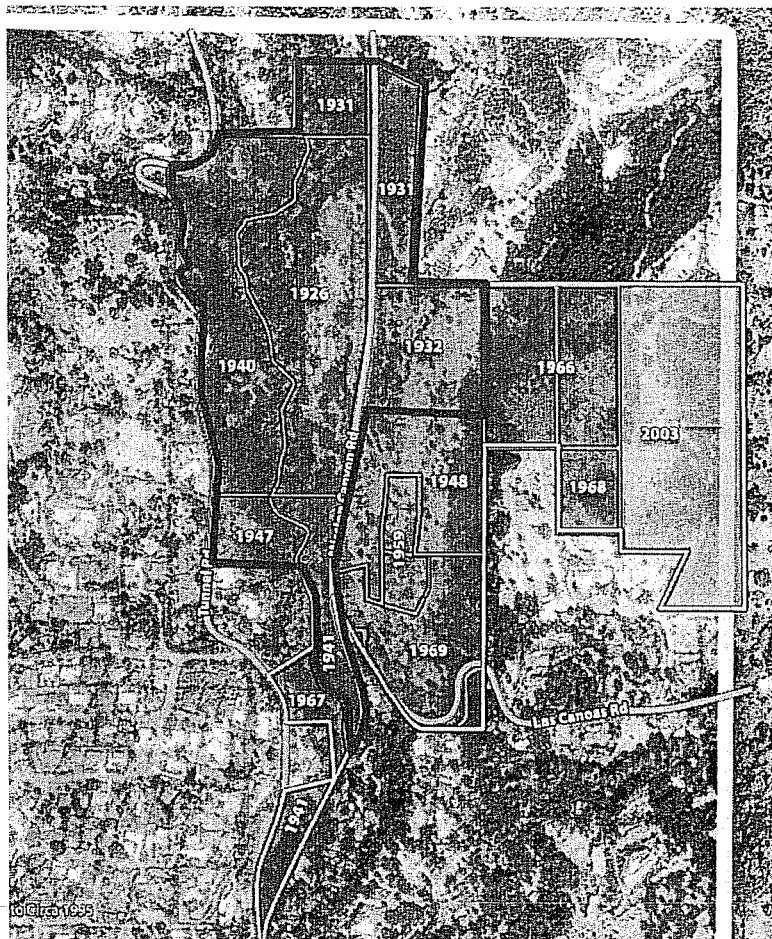
However, Figure A (below) in the report does not reflect this text description due to the error in the parcel boundaries and configurations in the underlying base map.



A corrected base map (see below) has been provided and the boundary of the Historic Garden adjusted accordingly. The correct acreage for the updated boundary is 36.47 and includes seven separate parcels:

- APN 023-340-015 (1926)<sup>1</sup>
- APN 023-350-006 (1931)
- APN 023-052-001 (1932)
- APN 023-340-013 (1940)
- APN 023-340-014 (1940)
- APN 023-060-023 (1941)
- APN 023-060-022 (1947)

<sup>1</sup> Parcel includes portion located west of Mission Canyon Road and labeled 1931 on the boundary map.



The result of this correction is that the new buildings proposed as part of the Horticultural Offices (P-6/7/8 and P-9) on the east side of Mission Canyon Road in the area of the existing shade structures would be adjacent to but outside of the boundaries of the Historic Garden as identified by HRG. The HRG report, as restated in the EIR, concluded that impacts to the Historic Garden from development of these structures would be less than significant (Class III). The corrected boundary would not alter this conclusion. In addition, the boundary correction does not alter the extent of trails that are included within the Historic Garden, since the Porter Trail remains within the parcel north of the Horticultural Offices. Thus overall, the boundary adjustment represents a minor clarification based on an accurate underlying base map and does not alter the impact conclusions or analysis in the EIR. The EIR Revision Letter has been amended to reflect this clarification.

**ATTACHMENT B: FEIR REVISION LETTER RV1**

TO: County Planning Commission

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

DATE: October 23, 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. Additionally, following completion of the proposed Final EIR, a minor discrepancy in the boundaries of the Historic Garden, as discussed in Section 4.4 of the EIR and the accompanying Historic Resources Assessment prepared by Historic Resources Group (Appendix D to EIR), was identified and warrants clarification. 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, CLARIFICATION, 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 1 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.

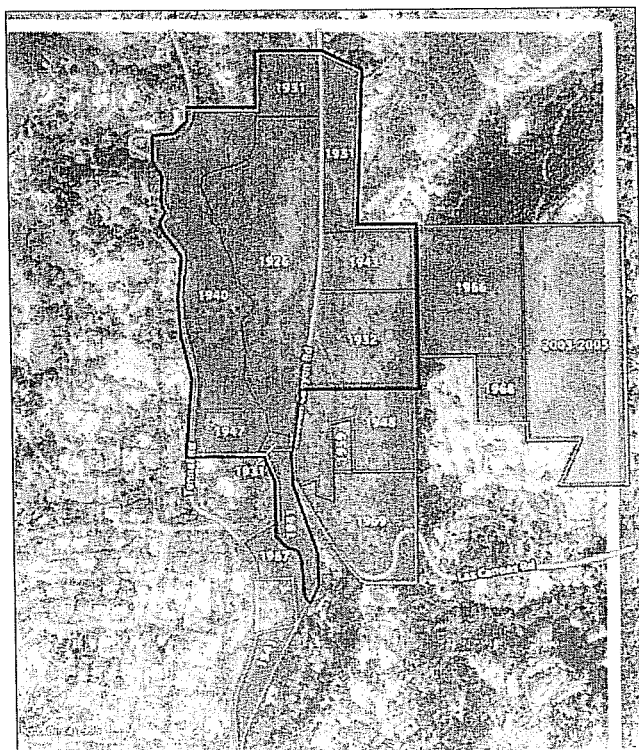
Therefore, with this EIR Revision Letter, the EIR has been revised to reflect the changed conclusion.

### Historic Garden Boundaries

A discrepancy in the boundaries of the Historic Garden and associated parcel numbers was identified. The discrepancy arose as a result of inaccurate parcel boundaries and configurations on a site map that was utilized by Historic Resources Group (HRG) in identifying the boundaries of the Historic Garden. The text description of the boundaries in the report, and which parcels are excluded from the boundaries due to a lack of association with the Garden's operation during the period of significance, does reflect the correct boundaries and requires no changes. Page 4.4-10 of the EIR, reflecting the HRG report, currently states:

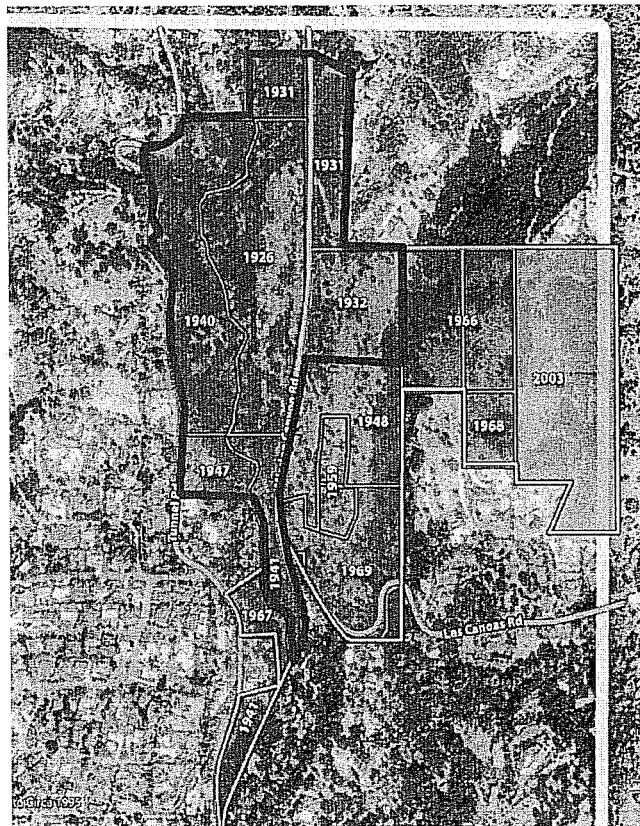
*Two acquisitions date from the period of significance but are not included in the Historic Garden boundary. One of these is an approximately two-acre parcel donated by Mr. and Mrs. A.B. Watkin in 1941 and located at the southern end of the Garden. This portion is not contiguous with the majority of the Historic Garden land and was not actively used for Garden purposes (display, cultivation, research, etc.) during the period of significance. **The second parcel consists of more than six acres of the original Gane property and donated in 1948. This parcel was not actively used for Garden purposes during the period of significance (in bold for emphasis).** All other parcels now controlled by the Santa Barbara Botanic Garden were acquired after 1950 and, therefore, not within the period of significance.*

However, Figure A (below) in the report does not reflect this text description due to the error in the parcel boundaries and configurations in the underlying base map.



A corrected base map (see below) has been provided and the boundary of the Historic Garden adjusted accordingly. The correct acreage for the updated boundary is 36.47 and includes seven separate parcels:

- APN 023-340-015 (1926)<sup>1</sup>
- APN 023-350-006 (1931)
- APN 023-052-001 (1932)
- APN 023-340-013 (1940)
- APN 023-340-014 (1940)
- APN 023-060-023 (1941)
- APN 023-060-022 (1947)



The result of this correction is that the new buildings proposed as part of the Horticultural Offices (P-6/7/8 and P-9) on the east side of Mission Canyon Road in the area of the existing shade structures would be adjacent to but outside of the boundaries of the Historic Garden as identified by HRG. The HRG report, as restated in the EIR, concluded that impacts to the Historic Garden from development of these structures would be less than significant (Class III). The corrected boundary would not alter this conclusion. In addition, the boundary correction does not alter the extent of trails that are included within the Historic Garden, since the Porter Trail remains within the parcel north of the Horticultural Offices. Thus overall, the boundary

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<sup>1</sup> Parcel includes portion located west of Mission Canyon Road and labeled 1931 on the boundary map.

adjustment represents a minor clarification based on an accurate underlying base map and does not alter the impact conclusions or analysis in the EIR.

Page 4.4-10 of the EIR has been revised as follows to identify the correct parcel numbers:

- *APN 023-340-015 (1926)*
- *APN 023-350-006 (1931)*
- *APN 023-052-001 (1932)*
- *APN 023-340-013 (1940)*
- *APN 023-340-014 (1940)*
- *APN 023-060-023 (1941)*
- *APN 023-060-022 (1947)*

Page 4.4-19 of the EIR has been revised as follows in order to clarify the relationship of the proposed new Horticultural Offices to the Historic Garden:

*The proposed project also anticipates the construction of several new buildings ~~within adjacent~~ to the Historic Botanic Garden east of Mission Canyon Road. These include a new Herbarium (P5), the horticulture offices (P6), horticulture services (P7) as well as support facilities and a garage. New construction ~~within adjacent to~~ the Historic Garden and east of Mission Canyon Road does not appear to result in significant impacts to the Historic Garden. The proposed changes involve only one resource that has been evaluated as historically significant (Wood Shed, see below), and important topographical features, plant life, and views that have characterized the area throughout its history would remain. In addition, this area's historical propagation, maintenance, and service functions would continue. Therefore, proposed new construction of structures east of Mission Canyon Road would result in **less than significant impacts** on the Historic Garden. Regardless, the historic Wood Shed was destroyed in the recent Jesusita Fire and has thus lost its historic significance. The Jesusita Fire did burn the hillside leading up to the east ridge north of the driveway leading up to the Gane House, however many individual trees remain and revegetation of this area, including the re-establishment of exhibits, is expected over time.*

Similar corrections apply to the Historic Resources Assessment prepared by Historic Resources Group (Appendix D in the EIR).

### **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), ~~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. 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 1:1 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 1:1 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 1:1 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 1:1 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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