

**ATTACHMENT 3: FEIR REVISION LETTER RV1**

TO: Board of Supervisors

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

DATE: April 8, 2010

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 the impact identified in the EIR as significant but mitigable (Class II) related to relocation of the Caretaker's Cottage 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 warranted clarification. Subsequent to the September 16, 2009 PC hearing, in response to discussions with the County Fire Department, staff proposed a modification to the replacement ratios for oak tree mitigation in order to achieve a better balance between tree replacement and fuel modification. At the hearing of October 26, 2009, the Planning Commission revised the mitigation measure related to the installation of pavers in the Historic Garden based on substantial evidence in the record, concluding that such a change would not reduce the effectiveness of the mitigation measure in reducing the impact to a less than significant level. And lastly, subsequent to the Planning Commission hearing of October 26, 2009, further attempts were made to enumerate the extent of Jesusita Fire rebuilds occurring in Mission Canyon as they relate to the cumulative impact discussions in the EIR. To this end, this FEIR Revision letter (RV1) has been prepared to discuss the basis for the changed conclusion, boundary clarification, related projects and cumulative impacts, and modified mitigation measures.

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, CLARIFICATIONS, AND MITIGATION MEASURES

#### 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 FEIR 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.

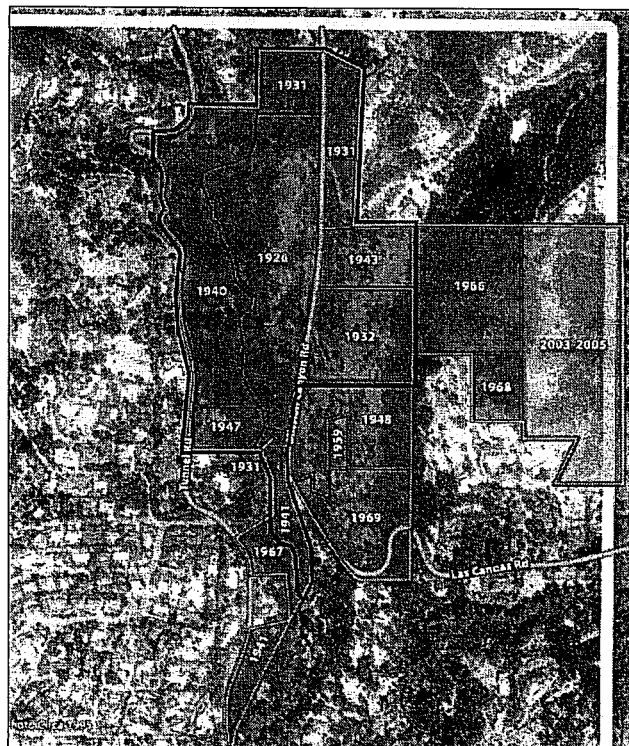
**Monitoring:** P&D shall monitor relocation activities to ensure compliance with the relocation plan.

Therefore, with this FEIR Revision Letter, the FEIR 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:

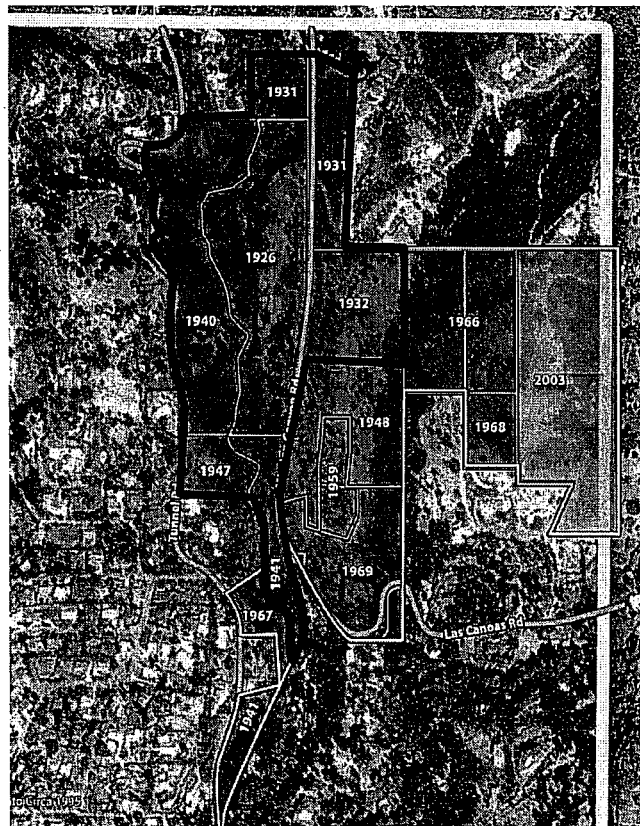
*Two acquisitions date from the period of significance but are not included in the Historic Garden boundary. One of these is an approximately two-acre parcel donated by Mr. and Mrs. A.B. Watkin in 1941 and located at the southern end of the Garden. This portion is not contiguous with the majority of 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 (above) 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).

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

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.

Page 4.4-10 of the FEIR 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 FEIR 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 103:1 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 103:1 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 103:1 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 103:1 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 FEIR 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.

## **Paver Installation**

The EIR identified a significant but mitigable impact associated with the installation of pavers throughout the Historic Garden, including the heretofore unpaved trail system. The Historic Resources Assessment that was prepared to evaluate the historical significance of the Garden concluded that “trails represent an important design feature of the Historic Garden, providing access to planted areas and scenic vistas while maintaining the naturalistic and informal character championed by landscape architects Lockwood de Forest and Beatrix Farrand.” The assessment further concluded that “the proposed new paving will compromise the naturalistic design of the Historic Garden which has been historically characterized by the subtle variations found in nature. Paving of the trails will result in a significant loss of naturalistic landscape features and will formalize and make uniform what was originally designed as an informal and unaffected landscape, resulting in a potentially significant impact.”

A mitigation measure was identified to reduce this impact to a less than significant level. The measure restricts additional paving to no more than 10% above existing levels within the Historic Garden, and limits the pavement to the Administration/Education area, Horticulture/Support area, the currently paved central areas surrounding the Meadow, and selected adjacent areas for accessibility.

Pam O'Connor, an architectural historian with Kaplan Chen Kaplan, 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 (as excerpted in a letter to the Planning Commission from Richard Monk, attorney for the Botanic Garden, dated August 25, 2009), concluded that:

“The goal of the paving is to provide universal access along all of the Botanic Garden’s trails and to all of its structures. The pavers will not impact any distant views. The pavers can be installed with minimal impact on adjacent plantings. The [HRG] *Technical Report’s* recommendation in the “Recommended Mitigation Measures” section is that “paved trails should constitute no more than 10 percent above the existing paved areas regardless of materials.” [National Park Service] *Brief 32* acknowledges that sometimes “full access throughout a historic landscape may not always be possible” but there is no recommendation regarding the minimum percentages of paving that should be required. The balancing act between accessibility and historic preservation is not achieved by limiting accessibility.”

Therefore, Kaplan Chen Kaplan came to a different conclusion on the impacts of the paving than Historic Resources Group, representing a disagreement among experts. Faced with conflicting conclusions from experts, the Planning Commission accepted the assessment provided by Kaplan Chen Kaplan, concluding that it provided substantial evidence to support a change to the mitigation measure in the EIR to exclude from the 10% calculation pathways and access ways to and around buildings that are necessary for ADA and County Fire Department access. Based on the Planning Commission’s determination, the impact to historic resources associated with the installation of pavers and hardscape remains significant but mitigable (Class II), as the mitigation



measure remains effective in reducing the impact to a less than significant level. Mitigation Measure CULT 3-2 in the FEIR is therefore revised as follows:

**CULT 3-2** Limit pavement (including areas improved with pavers) and hardscape to the Administration/Education area, Horticulture/Support area, the currently paved central areas surrounding the Meadow, and selected adjacent areas for accessibility. Paved pedestrian access and trail areas shall constitute no more than ten percent (10%) above the existing paved areas within the Historic Garden regardless of material. Required paved access for ADA and County Fire Department purposes to and around proposed new buildings shall not count towards the 10% limit. It is also recommended that the Applicant consider the repaving of the Administration/Education courtyard with more historically appropriate material based on historic photos. Trail design shall reflect the naturalistic and informal patterns historically associated with the trail system. It is recommended that for the currently paved areas and for areas to be paved in accordance with this measure (the 10% additional paved area), alternate materials such as decomposed granite and permeable grids be investigated and that a materials palette be developed to ensure sustainability, integration with the natural environment, and sensitive transition from hardscape to natural sections. **Plan Requirements and Timing:** Paving and hardscape plans shall be reviewed and approved by P&D and SBAR prior to Zoning Clearance issuance.

**Monitoring:** P&D shall conduct field inspections to ensure compliance with the approved paving plans.

### **Related Projects and Cumulative Impacts**

The May 2009 Jesusita Fire destroyed 74 homes and 84 accessory structures (e.g. garages, sheds, etc.) within Mission Canyon and further west towards Highway 154. At the time of preparation of the proposed Final EIR (July 2009), only one application for a rebuild of a single family dwelling destroyed in the Jesusita Fire had been submitted. Since that time, more applications have been submitted for single family dwelling and accessory structure rebuilds and repairs. As of March 12, 2010, a total of 24 applications have been submitted for single family dwelling rebuilds, 11 applications have been submitted for accessory structure rebuilds, and an additional seven applications have been submitted for repairs of damaged structures. Of these, nine permits for single family dwelling rebuilds have been issued, 10 permits for accessory structure rebuilds have been issued, and six permits for repairs have been issued.

It is unknown at this point the extent or timing of rebuilding efforts associated with the remaining properties that suffered damage or loss from the Jesusita Fire but have yet to submit applications. It would be speculative to presume that all of the lost homes will be rebuilt, though it is expected that most of the rebuild efforts related to lost residences that are to occur will happen within the next two years in order to minimize the length of owners' displacement from their homes. However, due to insufficient insurance payouts, it is possible that some of the lost homes may not be rebuilt or at least not for some time.

At the same time, it will likely take more than one year from the date of final approval of the Garden's project before building permits have been obtained to start construction, based on the various steps that must be taken and conditions that must be complied with before permits can be issued. Once permits are obtained, buildout of the project would occur in phases over the next decade. Thus, the amount of overlap between construction of the proposed project and Jesusita Fire rebuilds is not expected to result in significant cumulative impacts on the environment.

The Jesusita fire rebuild projects that have been submitted would contribute incrementally to various cumulative impacts; however, all of the cumulative impacts of these projects would be short-term construction related impacts and would not contribute to any long-term effects as they simply restore properties to a previous condition. In this regard, the addition of these projects to the list of related projects would not alter the conclusions of the EIR.

The proposed Final EIR discusses the cumulative effects of the Jesusita Fire and rebuilding projects (generally) as they relate to aesthetics, biological resources, land use, and noise. The contribution of the Jesusita Fire rebuilds and repairs identified above to cumulative impacts in other issue areas was determined to not be significant and therefore was not included in the proposed Final EIR. Nonetheless, a brief discussion of these projects as it relates to cumulative impacts in these other issue areas is provided below now that more applications have been submitted.

### *Air Quality*

The Jesusita Fire projects would contribute incrementally to short-term air quality impacts in combination with the proposed project and other planned, pending, and recently constructed projects. As discussed in Section 4.2 of the EIR, short-term construction-related air quality impacts are considered less than significant. These projects are rather small in scale and would not be expected to generate significant dust or emissions that would result in a significant cumulative impact when added to the list of other related projects.

### *Cultural Resources*

The Jesusita Fire destroyed or damaged two historically significant buildings in the Botanic Garden, namely the Gane House and Wood Shed. As a result, their historical significance has been lost and rebuilding of these structures, along with other off-site non-historic structures, would not result in a cumulative impact on historic resources. Also destroyed in the fire was the Campbell Bridge, identified as one of the seven historic features in the Landmark Resolution for County Landmark #24. Rebuilding this bridge in a similar design, respecting its historic features, would not contribute to a cumulative impact on historic resources. Additionally, these projects would not contribute to cumulative impacts on archaeological resources, as they simply involve rebuilding lost or damaged structures in place.

### *Fire Protection*

The cumulative fire analysis discussed the cumulative impacts of buildout of the Botanic Garden project, along with buildout of the Mission Canyon community and associated planned and pending projects on emergency evacuation in a wildfire scenario. Rebuilding of the single family dwellings and accessory structures destroyed in the Jesusita Fire would incrementally add construction vehicles to an already constrained roadway network along with the other related projects. However, these effects would be short-term and would be offset by the reduced residential population in the community while houses are being rebuilt. Additionally, they would not contribute traffic at night, when evacuation is most difficult due to poor visibility. Further, unlike residents, construction workers do not need time to gather personal belongings and valuables, and would likely be the first to evacuate, clearing the area before many residents have even left their homes. These rebuild projects would not contribute to any long-term impacts except that the new structures will be built with more fire-resistant building material than what previously existed, thus improving defensibility. With the mitigation measures imposed on the project, these related projects would not affect the significance of the Garden's contribution to these cumulative impacts.

### *Geologic Processes*

The Jesusita Fire rebuilds would contribute incrementally to cumulative erosion and sedimentation impacts associated with grading and site disturbance. However, most of these projects would include little or no grading given their scope and the fact that the sites have already been developed and graded. In addition, any impacts would be short-term and would be mitigated through standard erosion control measures.

### *Public Facilities and Recreation*

These Jesusita Fire rebuild projects would have no cumulative impact on public facilities, including water and sewer service. They would add to the amount of construction and demolition waste generated by related projects. However, this would have no bearing on the project's cumulative contribution to this impact. These rebuild projects would also have no cumulative impact on recreation, as they merely involve rebuilding what was destroyed.

### *Transportation/Circulation*

As discussed in the land use section, the Jesusita Fire rebuilds would result in short-term construction traffic. This would be at least partially offset by the reduced residential population in the community while homes are being rebuilt. In any case, these impacts would be short-term and would not result in any of the area roadways or intersections being degraded to a level of service below what was already analyzed in the EIR. The EIR already includes an analysis of cumulative traffic impacts and these related projects would have no bearing on long-term cumulative traffic levels. Additionally, many of the rebuild projects are spread throughout the Mission Canyon area, and many of the construction vehicles would utilize different travel routes to access these different project sites. This would help to minimize the potential for cumulative traffic impacts affecting single intersections or road segments.

### *Water Resources/Flooding*

The Jesusita Fire rebuilds would contribute incrementally to cumulative short-term water quality impacts resulting from erosion and sedimentation associated with grading and site disturbance. However, most of these projects would include little to no grading or site disturbance given their scope and the fact that the sites have already been developed and graded in the past. In addition, any impacts would be short-term and would be mitigated through standard erosion control measures.

In sum, the Jesusita Fire rebuild and repair projects would add incrementally to many of the environmental effects generated by the list of related projects. However, these impacts would be short-term and would not result in changing the significance of the project's cumulative contribution in any of the issue areas.

## **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 4.5 Fire Protection

- Page 4.5-10, Last paragraph: The text should be amended to clarify that the County Fire Department requirement for road widths applies to private roads. **Reason:** Mission Canyon Road is a public road and therefore this width requirement does not apply. Additionally, the width requirements for a private road would be between 24 feet with no parking, 32 feet with parking on one side, and 40 feet with parking on both sides of the roadway.

The paragraph should read:

“Access to the Garden is provided via Mission Canyon Road, a public road. This road has pavement width of 20 to 22 feet from Foothill Road to the Santa Barbara Botanic Garden site. The road ~~does~~ would not meet County Fire Department requirements for road width applied to private roads, which are based on the number of parcels served. In this location a road width of ~~24~~ 32 to 40 feet would be necessary, depending on whether or not parking would be allowed, in order to meet County requirements. However, since the road is public, this road width requirement does not apply. In addition...”

- Page 4.5-17, Last paragraph: The text should be corrected to eliminate reference to non-compliance associated with the lack of designated secondary access. **Reason:** There is no code requirement for secondary access that applies to this project. Secondary access is preferred to aid in emergency access, but not required in this case. Thus, the discussion of project elements providing the *same practical effect* on page 4.5-18 to offset the lack of secondary access is beneficial but unnecessary.

The paragraph should read:

“With implementation of the FPP, the project will meet or exceed all applicable Code requirements ~~except designated secondary access at a location that is remote from the primary access to the west property. However, this non-conformance-~~ The lack of secondary access, considered beneficial for emergency access and evacuation, is provided the same practical effect with the provision of the following measures:”

- Enhanced fire resistive construction to 2007 California Building and Fire Code standards, including:
  - Life safety interior sprinklers
  - Exterior fire rated walls
  - Glazing, dual pane, tempered windows
  - Vent design, size, and placement
  - Appendage restrictions
  - Attic protection (sprinklered or design features)
  - Others per County Code

- Road circulatory system improvements with new roads and improved, widened and paved existing roads.
- Improved water availability, fire flow and volume.
- Fire Department approved fuel modification zones around all structures.
- Annual inspections and maintenance of fuel modification zones.
- Emergency Preparedness Plan.
- Registration of all telephone numbers in Mission Canyon with Reverse 911
- Planned and rehearsed evacuation, reduced reliance on Mission Canyon Road in wildfire emergency.
- Training and annual emergency drills.
- Restrictions on general public visitation during red flag days—~~as declared by the County Fire Chief~~. Limited participation and mandated shuttle bus transportation associated with events during High Fire Season Preparedness Levels.
- Remote Area Weather Station establishment in Mission Canyon.

#### 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 table number.

#### Attachments

Attachment A – Alex Cole memo, dated August 27, 2009

Attachment B – Excerpt from Richard Monk letter (pages 10-12), dated August 25, 2009

# PRESERVATION PLANNING ASSOCIATES

519 Fig Avenue, Santa Barbara, CA 93101  
Telephone (805) 450-6658 Email: accole5@yahoo.com

## MEMO

*Date:* August 27, 2009

*To:* Santa Barbara County Planning Commission, Mr. David Villalobos, Board Assistant Supervisor

*From:* Alexandra C. Cole, Principal, Preservation Planning Associates

*Re:* Relocation of Caretaker's Cottage, Botanic Garden

In my July 30, 2009 letter to the Planning Commission, I outlined my reasons for approving the relocation of the Caretaker's cottage to the east side of Mission Canyon Road, where it would serve again as a residence. Pam O'Connor, architectural historian with Kaplan Chen Kaplan Architects and Planners, who spoke at your last meeting, concurred with my analysis. We both respectfully disagree with the findings of HRG, who determined that unless the Caretaker's cottage was moved within the boundaries of the Historic Garden, located on the west side of Mission Canyon Road, there would be a significant impact.

My analysis, as presented in my 2001 SAIC report, determined that the historic setting of the Caretaker's cottage had been compromised by its move during the 1942 Farrand major remodel of the administration section of the Botanic Garden. In the original plan, the Caretaker's cottage, administrative office, lath house, potting shed, garage, greenhouse, workshop and seed storage building were organized in a cluster to the south of the meadow section. The 1942 plan placed the new library as the focal point of the administration cluster. The director's house was moved downhill from the new library, with the Caretaker's cottage relocated even further down the hill. It was at this point that the Caretaker's cottage was no longer part of the administrative cluster of buildings, and its setting was compromised. Its setting was compromised further when the new herbarium building was constructed in 1973-74, very close to the Caretaker's cottage, further disassociating it visually from the rest of the Botanic Garden administrative cluster.

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. Hence its proposed relocation to the east side of Mission Canyon Road was considered to not have a potential significant impact (SAIC 2001:32-33). Therefore, in my professional opinion, the proposed relocation of the Caretaker's cottage on the east side of Mission Ridge Road is appropriate.

**FEIR, Vol. I, § 4.4, p. 4-4 – 20; emphasis included in original.**

Unlike HLAC, neither the FEIR nor P&D Staff have recommended denial of the Meadow Terrace Project component nor the removal of the partially completed stonework. Rather, both the FEIR and Staff have proposed mitigation limiting pavers in the currently paved central area surrounding the Meadow and selected adjacent areas for accessibility. **Condition of Approval No. 21 (CULT 3-2)**. Further mitigation to reduce the impact of the Meadow Terrace to a significant level includes a project redesign so that hardscape is minimized, a dead and previously removed tree is restored, and the terrace reflects the naturalistic and informal design historically associated with the area. **Condition of Approval No. 22 (CULT 3-3)**. With the exception of the limitation on pavers, the Garden agrees with the proposed mitigation measures.<sup>4</sup>

**B. Paving of Trails**

The Vital Mission Plan Project proposes that all remaining pathways, with the exception of the proposed path on the Cavalli property, be surfaced with pavers as individual portions of such pathways are determined to be in need of maintenance and increased accessibility for mobility-impaired Garden visitors. The FEIR concluded that such paving would result in substantial alterations to the Historic Garden (the boundaries of which are defined by the County's Historic Consultant, HRG, and include the 23-acre landmarked property and 12 additional acres of Garden Property for a total of 35-acres) thereby constituting a potentially significant impact. Consequently, the FEIR recommended mitigation measure CULT 3-2 limiting paving of pedestrian access in trail areas to no more than 10% above the existing paved areas within the Historic Garden regardless of material. Staff incorporated the recommended mitigation measure in Condition of Approval No. 21.

In its objection to the proposed paving of the pathways, HLAC refers to the "naturalistic trails" and references HRG's conclusion that "Paving of the trails will result in a significant loss of naturalistic landscape features..." However, it is noteworthy that Landmark Resolution No. 2003-059 never uses the adjective "naturalistic" in its discussion of trails. Rather, it refers to the Garden as being "characterized by a system of trails through and around plant communities, displays, exhibits and structures ... dedicated to plants native to California and the California Floristic Province." **Resolution, ¶ 2.B.i, p. 3.**

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<sup>4</sup> See Hollister & Brace companion letter of August 25, 2009, pp. 23-24.



The Garden respectfully disagrees with the FEIR's and Staff's impact conclusions regarding pavers and the proposed mitigation measures. In its Historic Resources-Supplemental Report of February 17, 2009, Kaplan Chen Kaplan offered the following opinion:

**"The goal of the paving is to provide universal access along all of the Botanic Garden's trails and to all of its structures. The pavers will not impact any distant views. The pavers can be installed with minimal impact on adjacent plantings. The *Technical Report's* recommendation in the "Recommended Mitigation Measures" section is that "paved trails should constitute no more than 10 percent above the existing paved areas regardless of materials." *Brief 32* acknowledges that sometimes "full access throughout a historic landscape may not always be possible" but there are no recommendations regarding the minimum percentages of paving that should be required. The balancing act between accessibility and historic preservation is not achieved by limiting accessibility. FEIR, Vol. IV, Kaplan Chen Kaplan 2/17/09 Letter, p. 18; emphasis added.**

Similarly, attorney Anthony Goldsmith of National Access Consultants, LLC, in his letter of February 17, 2009, opined as follows:

**"...the statements set forth in the HRG Report regarding the historic status of the trails do not, on a stand alone basis, provide an adequate reason for turning down or limiting the installation of additional paving along the subject trails when viewed through the lens of Disability Rights Laws. In this regard, I believe it is critical for anyone making a decision based on the recommendations set forth in the HRG Report to also address the federal and state civil rights impacts that would be created by the denial of a request to enhance the accessibility of the Garden's trail system." FEIR, Vol. II, Goldsmith letter of 2/17/09, p. 4 (Letter No. 32); emphasis added.**

Mr. Goldsmith offered essentially the same opinion at your Commission's hearing of August 5, 2009.

Based upon the disagreement among experts regarding the significance of the impact of the proposed paved trails, the Garden respectfully requests that your Commission find that the Project's proposed paving will not result in a significant impact, notwithstanding the contrary conclusion reached in the FEIR similar to what the Garden has requested with respect to the issue regarding the relocation of the Caretaker's Cottage. See Hollister & Brace companion letter of August 25, 2009, pp. 20-22. As stated in that letter, we respectfully request that your Commission find that the Project's proposed paving will not result in a significant impact, notwithstanding the contrary conclusion reached in the FEIR and follow the procedures outlined in that letter.

**C. Historic Main Entrance**

HLAC objects to the Project's proposal to create a new entrance to the Garden and demand that your Commission require the reopening of the historic main entrance through the Entry Steps. The Entry Steps were built in 1948 as a pedestrian entrance from Mission Canyon Road through the parking lot. **FEIR Vol. I, § 4.4, p. 4.4-14.** This entrance has been closed off for many years because it is inaccessible to people with disabilities and cannot be altered because the Entry Steps are one of the seven specifically identified structures and features protected by Resolution No. 2003-059.

None of the historical consultants who have studied the Vital Mission Plan (HRG, Preservation Planning Associates, Kaplan Chen Kaplan) have found any adverse environmental impact, significant or otherwise, with the creation of the new entrance and leaving the Entry Steps in their present gated condition. Further, the FEIR concluded as following regarding the Garden's proposed new entrance:

"Similar sensitivity is evident in the design of the new entrance to the Garden to be constructed just south of the current entrance. A new Visitor's Admissions building (P3) and small wooden bridge over the Arroyo would be constructed, but both the Admissions building and bridge maintain a modest design aesthetic, are appropriate in scale and massing, and do not detract from the landscape and surrounding setting." **FEIR Vol. I, § 4.4, p. 4.4-18.**

**D. New Education/Library Building and Entrance Kiosk**

The Vital Mission Plan Project proposes the construction of new buildings within the Historic Garden west of Mission Canyon Road. These include a new