

Botanic Garden DEIR comment points

Background:

The public is encouraged to submit written comments concerning the Botanic Garden DEIR to the County. Comments are due September 7 to Alex Tuttle, 884-6844, Atuttle@co.santa-barbara.ca.us.

Generally comments should be directed to the adequacy of the DEIR and its analysis. In this case, there's lots to talk about. The DEIR suffers from several material flaws that require the County to recirculate a revised draft EIR once again after the flaws are corrected.

The DEIR concludes the Project Redesign Alternative avoids all significant impacts, but does not fully disclose the potentially significant impacts of this alternative. The DEIR must be recirculated to fully evaluate, quantify and seek to avoid and mitigate these impacts.

The DEIR requires a number of substantive plans as mitigation, such as the Fire Prevention Plan and Tree Protection Plan. ***These plans are critical parts of the project and must be included in the DEIR for public review and comment.***

The DEIR establishes that the project is inconsistent with numerous General Plan policies and must be substantially revised prior to approval. It is inappropriate for the County to circulate for comment a DEIR on a project that cannot be approved as proposed. The policy consistency analysis states in several instances that the project must be ***redesigned*** in order to achieve policy consistency (see below). A complete and detailed project description for the required redesign must be made available to the public, since the redesign would likely trigger additional environmental impacts that have not been considered in the DEIR.

Numerous project elements are currently inconsistent with Mission Canyon Specific Plan Policy Requirements, Hillside and Watershed Protection Policies, and Mission Canyon Tree Protection Policies, as acknowledged in the DEIR. Each of these elements requires a redesign in order for the County's decisionmakers to be able to establish consistency with applicable policies. ***Policy consistency is a non-negotiable project element; a project cannot be approved when inconsistent with applicable policies exist.*** The following project elements are located on steep slopes in violation of General Plan policy:

- West facing portions of the horticultural offices above the Gane House;
- Portions of the duplex and office/residence on the Cavalli site;
- The visitor admissions kiosk and restrooms on the west of Mission Canyon Road;
- The proposed Cavalli path, and
- The detention basin.

Other Project Impacts not properly addressed in the DEIR:

Tree Protection: While the DEIR describes impacts to individual oak trees, it does not provide adequate impact details on other important trees, such as sycamores, California bays, alders, willows, and maples, as required by this policy. The policy analysis describing consistency with the Mission Canyon Area Specific Tree Preservation policy does not address the 80+ trees scheduled for removal.

The Alternatives Analysis is too narrowly focused, ignoring an obvious offsite alternative – This has led to major flaws in the DEIR due to improper classification of impacts. There are significant project impacts even after mitigation. The off site alternative is too narrowly drawn, and should include re-locating all Botanic Garden activities that do not involve the Garden's live plant collection to an off-site location. This would reduce the number of people in Mission Canyon, thereby providing true mitigating factors for most impacts by reducing fire hazards, emergency evacuation, traffic, tree removal and other impacts.

Mitigation measures – are poorly described and their impacts not evaluated. For example, the Fire Protection Plan is patently inadequate, but as drafted, the mitigation measure simply requires major revisions without public review and input. The Fire Plan is an essential element of the project and the revisions should be circulated for public review as part of the DEIR.

Specific Impact Issues:

Visual Impacts and aesthetic:

- The impact analysis does not adequately discuss view impacts from private properties – and those impacts are significant. East side structures on ridges are highly intrusive from private properties and public viewpoints in Los Padres National Forest and across the canyon on Tunnel Road.
- The Cavalli trail and structure very prominent and are visually inconsistent with natural Mission Canyon setting. The DEIR's visual analysis should assume no screening vegetation.
- The large, bulky/blocky designs do not conform to the setting. The BAR review should be completed before the DEIR is circulated, as BAR will almost certainly make major changes to the size, bulk, scale and design of the structures.
- The community has not been adequately consulted on the project's visual features – the story pole tours were inadequate as rooflines were not represented and we were told to “use our imagination” to visualize structures' profiles.
- Light and glare impacts are significant impacts since any increase in lighting in the rural, dark Mission Canyon is a significant increase. The mitigation measures for lighting are inadequate. The Garden should be dark after sunset except when necessary for a specific activity. All lights on the site should be motion activated, with systems to prevent lighting associated with wildlife movement.
- The DEIR's impact analysis should assume there is no vegetation screening lights and glare, as there is no requirement of permanent screening vegetation at any particular location.

Biological Resources:

- *Oaks and Trees* – DEIR fails to identify total impacts to oaks from tree trimming, pipelines in root zones for the water line and other project elements. The Tree Protection Plan must be included in the DEIR, not developed after the fact.
- *Wildlife* – Fences and site intensification have and will cause significant impacts to local populations of wildlife. Fences installed to date have dramatically increased road kill and impaired wildlife migration. This is a significant impact.
- *Cavalli Trail* – The Cavalli trail will affect a number of important plant populations and should be removed from the Project Description.
- *Fences* – Fence impacts to biological resources are significant from trampling during construction and impaired wildlife movement. Impacts of past fence installation must be addressed and mitigated. Alternatives to proposed fence location and design must be considered.

Fire Hazard:

- The impact analysis lacks an objective risk assessment of current and future conditions for residents and Garden visitors.
- The number of residential units counted in Mission Canyon is only one-third of all known residences. This severely skews the Fire Response Plan and affects evacuation calculations.
- The one mitigation measure, the Fire Plan(s), must be completely revised. As the revisions are critical to the adequacy of the DEIR, those revised plans should be submitted to the public as part of the DEIR, not merely accepted in a private meeting between the applicant and County staff after the CUP is issued.
- The Fire and emergency evacuation impacts of this project are significant. Human lives are likely to be lost should the DEIR incorrectly calculate these risks.

Noise:

- Baseline noise surveys were taken during the period of lowest Botanic Garden activity.
- Adding 14 new compressors will substantially increase ambient background noise throughout the Garden and surrounding environs, a significant impact.

Recreation:

- Garden fences and gates have blocked or limited access to paths utilized by residents and visitors for decades. **This is a significant impact.**

Traffic:

- Impact analysis - Traffic surveys were taken during the lowest periods of use. The traffic surveys should be conducted during spring. Standard County thresholds are not applicable given Mission Canyon's narrow roadways.
- Traffic Mitigations - The DEIR must consider widening all roadways adjacent to Botanic Garden property to current roadway standards in all sections of roadways affected by Botanic Garden project traffic.

Drainage/water quality:

- The project calls for paving all paths in the garden with either paving stones or asphalt. Although omitted from the DEIR, there are approximately 5 miles of trails to be covered by pavers, each about 4 feet wide. The pavers are actually impermeable, and the DEIR fails to calculate the amount of increased runoff from pavers on all trails. Pavers are placed on compacted soils and are so tightly placed so permeation is nominal to non-existent.