

RECEIVED

SANTA BARBARA —
BOTANIC GARDEN TERRACE
07/31/07

SEP 10 2007

S.B. COUNTY
PLANNING & DEVELOPMENT

DISCUSSION ITEMS

6. The County Historic Landmarks Advisory Commission (HLAC) will discuss the potential nomination of the Cold Spring Canyon Bridge as a Santa Barbara County Historic Landmark. The property is located on State Route 154, Santa Barbara, Third Supervisorial District. (Continued from 4/9/07, 5/14/07, 6/11/07, 7/09/07, and 8/13/07)

HLAC COMMENTS:

- Requested that copies of Caltrans' historic reports on the Cold Springs Bridge be provided to Commissioners for their October meeting.
 - Commissioner Schwartz will be reviewing a KEYT program recently aired on the status of the project.
 - Commissioners await a staff update on Michelle Gibbs' request to be involved in the Caltrans' Project Development Team.
7. The County Historic Landmarks Advisory Commission (HLAC) will discuss the potential historic significance of the Arroyo Parida Bridge. The commission will be addressing the Caltrans proposal to replace the existing bridge. The property is located on State Route 192, Carpinteria, First Supervisorial District. (Continued from 8/13/07)

HLAC COMMENTS:

- Because concerns regarding this item were initiated by Michel Nellis, HLAC requested that she attend the October HLAC meeting.

ACTION: Commissioner Lowsley moved, seconded by Commissioner Mussel and carried by a 7-0 vote (Adams, Stotts, and Cervin absent) to continue this item to the October 8, 2007 meeting.

DECISION ITEM

8. The County's Historic Landmarks Advisory Commission (HLAC) will hold a public hearing and determine whether the pending Meadow Terrace project at the SB Botanic Garden is in compliance with Resolution 2003-059. Take appropriate action. The project involves installation of a three-tiered exhibit plaza area with three low level rock retaining walls defining the levels, and a surface in a flagstone rock treatment. The total project area is approximately 4,205 square feet, with planting beds along the edge of each retaining wall and sandstone flagstones making up the terraces. A total of 240 linear feet of retaining walls is proposed. The maximum exposed height of the retaining walls is 18 inches. The project involves less than 50 cubic yards of cut and/or fill. The project site is the former site of a large oak tree that was diseased and recently removed on the west side of the Meadow. The project is located in an area that is part of the historic landscape design concept of the Botanic Garden which is designated as part of County Historic Landmark #24 (Board of Supervisors Resolution 2003-059). The subject parcel is 12.83 acres in the REC zone and is shown as Assessor's Parcel Number 023-340-015, located at 1212 Mission Canyon Road, in the Mission Canyon area, First Supervisorial District. (Continued from 8/22/07)

HLAC COMMENTS:

- **Simply maintaining a “system of trails” in the Meadow does not adequately preserve the “historic landscape design concept” of the Meadow. The HLAC must consider the historic context of the Meadow landscaping. The Meadow has consisted of natural landscaping with natural trails over the past 50 years or more. Therefore, the “historic landscape design concept” is defined by the natural landscaping and natural trails, and the proposed urban hardscape (retaining walls and pavers) in the Meadow is a substantial deviation from this historic landscape design concept.**
- **The project may violate the Secretary of the Interior’s Standards for the Treatment of Cultural Landscapes.**
- **The sheer size of the project (4,200 SF) intrudes into the meadow and would constitute a substantial deviation from the historic landscape design concept.**
- **It is misleading to refer to the project as an exhibit project only, when the area would be used to hold events as well. The area is to be used for both plant exhibits and events, and should be identified as such.**
- **With the addition of hardscape, the proposed project would involve an intensification of use of the area for events, and therefore, would be a substantial deviation from the historic use of the area. The proposed “screen plantings” along the east and south portions of the terrace would serve to separate the event plaza from the Meadow, further underlining the project’s deviation from historic use.**
- **The installation of hardscape under the dripline of the existing oaks to the north and to the east of the proposed project could potentially damage the oaks and is of concern.**
- **The project as proposed, cannot be approved, and must be restudied. The project should be evaluated along with the Botanic Garden’s overall Vital Mission Plan project. Some members of the Commission recommend that the size of the project and/or materials be revised while some members of the Commission recommend that the new exhibit and event area be relocated to a more appropriate location, for example, between the library and the creek, near the greenhouse, where existing infrastructure already exists. Under the latter scenario, the flagstone flooring and walls that have already been installed should be removed and the area should be restored to natural trails and plantings including replanting an oak where the diseased oak was removed.**
- **The plans are inadequate to describe the project and need more detail and specificity, including a site plan showing the relationship of the project to the rest of the site.**
- **The plans show additional walls and pavers to the east of the main terrace area, beyond that which HLAC observed in the field, which would intrude further into the Meadow.**
- **The HLAC is very much interested in working with the Botanic Garden to support its mission and for future projects, encourages the Botanic Garden to come before the HLAC for conceptual review prior to submitting an application to Planning and Development.**
- **The HLAC seeks to improve its interactions with Planning and Development to ensure that it has accurate and adequate information to review projects early enough in the process to make informed decisions.**

ACTION: Commissioner Woodward moved, seconded by Commissioner Lowsley and carried by a 6-0 vote (Adams, Stotts, and Cervin absent; Melcombe abstains) to make the finding that, pursuant to Section 2Bi of Board of Supervisors Resolution No. 2003-059 on County Historic Landmark No. 24, the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT, that (1) Resolution No. 24 includes the entirety of the subject parcel, therefore, the Santa Barbara Botanic Garden's Meadow Terrace project is located in an area that is considered part of the County Historic Landmark No. 24 and is not exempt under 2Bii and requires approval by the HLAC and (2) that the proposed project may affect the historic resources protected under the Resolution and is therefore subject to review and approval by the HLAC.

ACTION: Commissioner Woodward moved, motion amended by Commissioner Lowenthal, amended motion seconded by Commissioner Schwartz and carried by a 6-0 vote (Adams, Stotts, and Cervin absent; Melcombe abstains) to find that the Meadow Terrace project substantially deviates from the historic landscape design concept, pursuant to Sections 2Bi and 2Bii of Board of Supervisors Resolution No. 2003-059 on County Historic Landmark No. 24, the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT, and is not permissible as proposed within the wording of Resolution 2003-059 due to the following:

1. The proposed project involves the conversion of natural landscaped area to paved landscaped area which would be a substantial deviation from the historic landscape design concept;
2. The overall size of the project (4,200 square feet) would result in a substantial deviation from the historic landscape design concept;
3. The proposed project involves an intensification of use of the area, and therefore, would be a substantial deviation from the historic use of the meadow;
4. The proposed project would adversely affect a defining feature of the Garden and would not meet the Secretary of Interior's Standards and Guidelines for the Treatment of Cultural Landscapes; and
5. The piecemeal introduction of elements threatens the historical character of the Garden.

ACTION: Commissioner Lowsley moved, seconded by Commissioner Schwartz and carried by a 7-0 vote (Adams, Stotts, and Cervin absent) to request that prior to submitting another formal application to Planning and Development, the Botanic Garden work with an ad-hoc subcommittee of the HLAC comprising Commissioners Woodward, Adams, and Schwartz to develop a new project that is either (1) modified from the current proposed project, but in the same location or (2) in an alternate location.

**RESOLUTION OF THE SANTA BARBARA COUNTY
BOARD OF SUPERVISORS**

A RESOLUTION DECLARING THAT THOSE PORTIONS OF THE SANTA BARBARA BOTANIC GARDEN, 1212 MISSION CANYON ROAD, SANTA BARBARA, CALIFORNIA, LOCATED ON ASSESSOR'S PARCEL NOS. 23-340-13, 23-340-14 AND 23-340-15 ARE WORTHY OF PROTECTION UNDER CHAPTER 18A OF THE SANTA BARBARA COUNTY CODE, AND PRESCRIBING CONDITIONS TO PROTECT AND PRESERVE THEM AS ADDITIONS TO COUNTY LANDMARK #24.

RESOLUTION No. 2003- 059

WHEREAS, the Santa Barbara County Board of Supervisors has considered the historical significance of those portions of the SANTA BARBARA BOTANIC GARDEN, 1212 Mission Canyon Road/ Santa Barbara, California, located on Assessor's Parcel Nos. 23-340-13, 23-340-14 and 23-340-15, in accordance with the requirements, standards and criteria contained in County Code, Chapter 18A, and finds that they are worthy of protection as a County Historic Landmark.

WHEREAS, the existing County Landmark #24 known as "MISSION DAM", located on Assessor's Parcel No. 23-340-14, should be expanded to include (a) the entirety of Assessor's Parcel No. 23-340-14 and the aqueduct located thereon, (b) Assessor's Parcel No. 23-340-13, and (c) Assessor's Parcel No. 23-340-15, said County Landmark to be known hereafter as the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT;

WHEREAS, the Santa Barbara Board of Supervisors finds that the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT meet the following criteria provided in County Code, Chapter 18A-3:

1. They exemplify or reflect special elements of the County's cultural, social, economic, political, archaeological, aesthetic, engineering, architectural or natural history;
2. They are identified with persons or events significant in local, state or national history, including Anna Dorinda Blaksley Bliss, Elmer Bissell and Frederick Clements;
3. They embody distinctive characteristics of a style, type, period or method of construction or are valuable examples of the use of indigenous materials or craftsmanship;

4. They are representative of the work of notable builders, designers, landscape architects or architects, including Ervanna Bowen Bissell, Beatrix Farrand, Lockwood de Forest Jr. and Lutah Maria Riggs;
5. They contribute to the significance of a historic area, being a geographically definable area possessing a concentration of historic, prehistoric, archaeological, or scenic properties, or thematically related grouping of properties, which contribute to each other and are unified aesthetically by plan or physical development;
6. They have a location with unique physical characteristics or a view or vista representing an established and familiar visual feature of a neighborhood, community, or the County of Santa Barbara;
7. They embody elements of design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation;
8. They are one of the few remaining examples in the County, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen;

WHEREAS, the Santa Barbara County Board of Supervisors finds that the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT meet the following standards provided in County Code, Chapter 18A-4:

1. They have historic, aesthetic or special character or interest for the general public and are not limited in interest to a special group of persons;
2. Their designation as a County Historic Landmark does not require the expenditure of an unreasonable amount of money to carry out the purposes of County Code, Chapter 18A; and
3. Their designation as a County Historic Landmark does not infringe upon the right of a private owner thereof to make any and all reasonable uses of such Landmark which are not in conflict with the purposes of County Code, Chapter 18A.

WHEREAS, the Santa Barbara County Board of Supervisors deems that the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT is worthy of protection and preservation as an historical landmark;

NOW, THEREFORE, IT IS RESOLVED as follows:

1. The premises defined herein as the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT, 1212 Mission Canyon Road, Santa Barbara, California, located on Assessor's Parcel Nos. 23-340-13, 23-340-14 and 23-340-15, meet the eligibility criteria

and selection standards for a County Historic Landmark as described in County Code, Chapter 18A, as established by evidence presented to the Board;

2. The Santa Barbara County Board of Supervisors hereby designates the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT, Assessor's Parcel Nos. 23-340-13, 23-340-14 and 23-340-15, as a Historic Landmark, subject to the following conditions:

A. Historic Structures and Features

- i. Demolition, removal or destruction, partially or entirely, of the following structures or features, as depicted on the attached map, shall be prohibited unless express consent in writing is first had and obtained from the Historic Landmarks Advisory Commission, with reasonable conditions imposed as deemed necessary:
 - a) Mission Dam and Aqueduct
 - b) "Indian Steps"
 - c) Entry Steps (1948)
 - d) Information Kiosk (1937)
 - e) Original Library (1941)
 - f) Campbell Bridge
 - g) Caretaker's Cottage (1927); provided however, that the Board of Supervisors hereby expressly consents to the relocation of the Caretaker's Cottage to another site in the Santa Barbara Botanic Garden.
- ii. No exterior alterations, additions or changes (other than normal maintenance and repair) to the structures or features identified in subparagraph 2-A.i. above shall be made unless and until all plans therefor have first been reviewed by the Historic Landmarks Advisory Commission and approved or modified, and reasonable conditions imposed as deemed necessary.

B. Continued Use as Botanic Garden

- i. The Santa Barbara Botanic Garden has historically functioned as a traditional botanical garden holding documented collections of living plants for purposes of conservation, scientific research, display and education. The historic landscape design concept of the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT is characterized by a system of trails through and around plant communities, displays, exhibits and structures. Such plant communities, displays, and exhibits have, with only limited exceptions, historically been dedicated to plants native to California and the California Floristic Province. No changes to the SANTA BARBARA BOTANIC GARDEN, MISSION DAM AND AQUEDUCT 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 Historic Landmarks Advisory Commission, with reasonable conditions imposed as deemed necessary.

ii. Nothing in this subparagraph 2.B. shall be construed so as to control or restrict the change, maintenance, repair, relocation, replacement, or updating of plant communities, temporary or permanent displays, exhibits, trails, public areas, interpretive materials or existing structures, and such changes, maintenance, repairs, relocation, replacement and updating shall not require review and approval by the Commission. 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 or historic use as set forth above, and shall not cause the landmark property to substantially deviate from, or substantially conflict with, the eight (8) criteria from County Code Chapter 18A-3 listed above.

1. The Board of Supervisors expressly finds that all other existing buildings located on Assessor's Parcel Nos. 23-340-13, 23-340-14 and 23-340-15, other than those listed in subparagraph 2.A.i. above, do not meet the eligibility criteria for historic landmark status under County Code Chapter 18A and shall not be subject to the conditions and restrictions contained herein.

PASSED, APPROVED, AND ADOPTED by the Santa Barbara County Board of Supervisors, Santa Barbara, this 25th day of February ___, 2003, by the following vote:

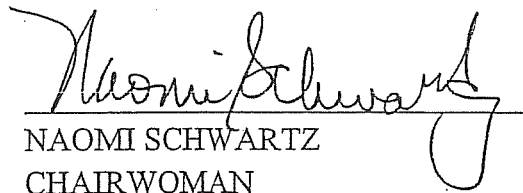
AYES: Supervisors Schwartz, Rose, Marshall, Gray, Centeno

NOES: None

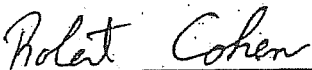
ABSTAIN: None

ABSENT: None

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

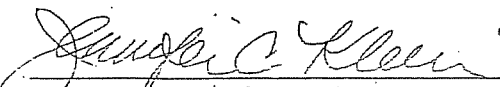


NAOMI SCHWARTZ
CHAIRWOMAN
SANTA BARBARA COUNTY
BOARD OF SUPERVISORS

BY: 

Deputy

Approved as to form:

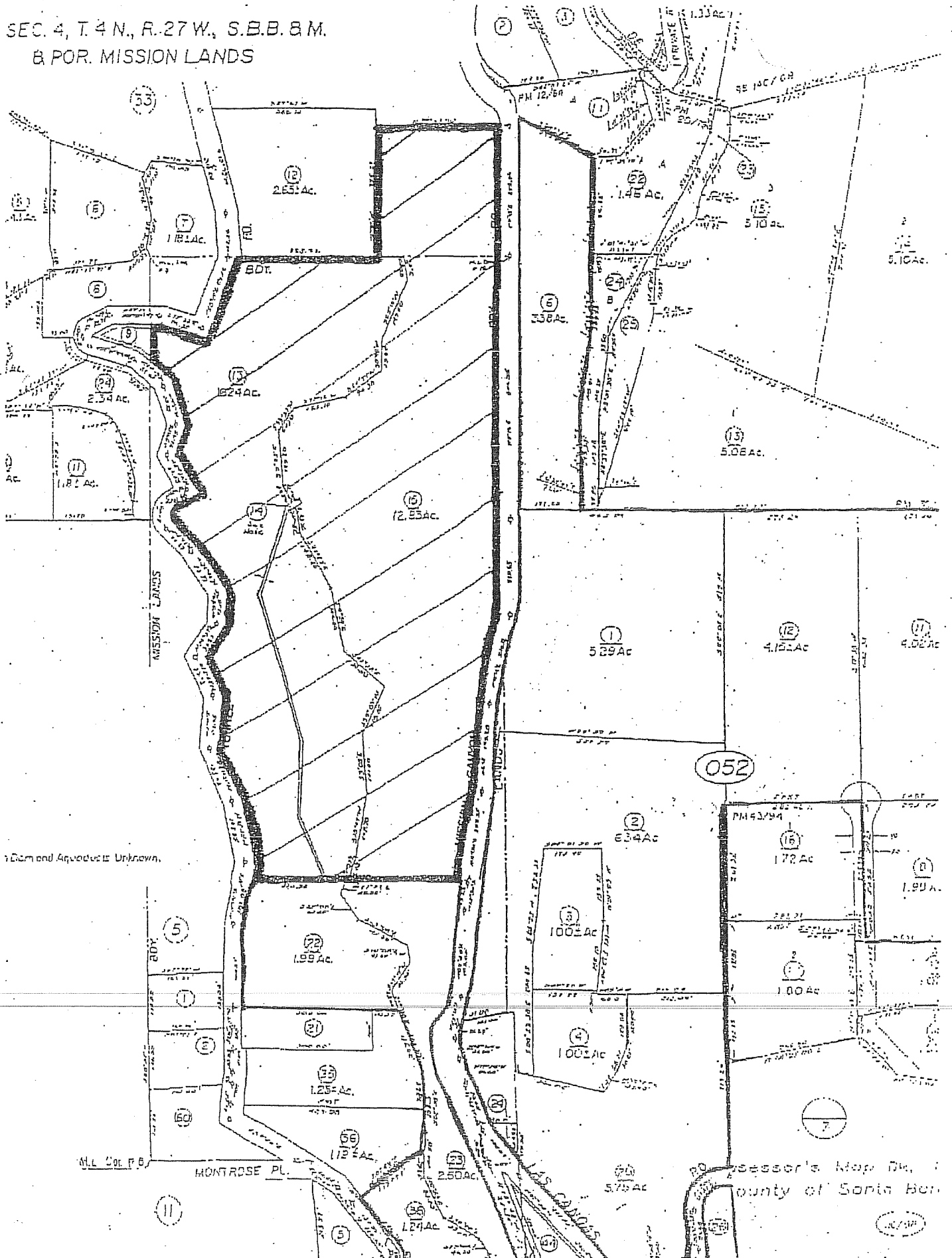


Deputy County Counsel

ATTACHMENT: 2 LOCATION MAPS

EXHIBIT "A"

SEC. 4, T. 4 N., R. 27 W., S.B.B. & M.
 & POR. MISSION LANDS



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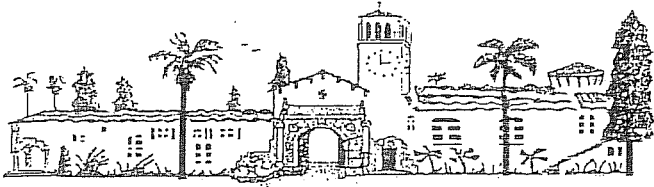
ALL COL. P.B.

MONTROSE PL.

Surveyor's Map No. 1
 County of Santa Bern



- ① Mission Dam and Aqueduct
- ② Indian Steps
- ③ Entry Steps
- ④ Information Kiosk
- ⑤ Blaksley Library
- ⑥ Campbell Bridge
- ⑦ Caretaker's Cottage



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

July 18, 2007

Ed Schneider
Santa Barbara Botanic Garden
1212 Mission Canyon Road
Santa Barbara, CA 93105

RE: Santa Barbara Botanic Garden, 72-CP-116, APN 023-340-015
Substantial Conformity Determination for Meadow Terrace Exhibit

Dear Mr. Schneider:

Planning and Development has reviewed your request for a Substantial Conformity Determination (SCD) for the installation of the Meadow Terrace Exhibit, as follows:

The project site is the former site of a large oak tree that was diseased and recently removed on the west side of the Meadow. The proposal is for a three-tiered exhibit plaza area with three low level rock retaining walls defining the levels, and a surface in a flagstone rock treatment. The total project area is approximately 4,025 square feet, with planting beds along the edge of each retaining wall and sandstone flagstones making up the terraces. A total of approximately 240 linear feet of retaining walls is proposed. The maximum exposed height of the retaining walls is 18 inches. The project will involve less than 50 cubic yards of cut and/or fill.

Please note that the location of the proposed project is within the area of the Botanic Garden that is designated a County Historic Landmark (#24). Pursuant to the Landmark designation (Board of Supervisors Resolution 2003-059), the historic landscape design concept of the Garden is "characterized by a system of trails through and around plant communities, displays, exhibits, and structures. Such plant communities, displays, and exhibits have, with only limited exceptions, historically been dedicated to plants native to California and the California Floristic Province. No changes to the [Garden] 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 Historic Landmarks Advisory Commission..." The Landmark designation goes on to state that the "change, maintenance, repair, relocation, replacement, or updating of plant communities, temporary or permanent displays, exhibits, trails, public areas, interpretive materials or existing structures" may occur without review or approval by the Historic Landmarks Advisory Commission (HLAC) with the understanding that such activity not substantially deviate from the historic landscape design concept and use of the Garden.

Development Review
Building & Safety
Energy Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

July 18, 2007

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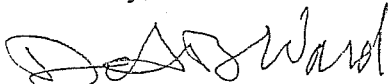
As a new exhibit area, the proposed project falls within this category of work that may occur without review or approval by the HLAC, but please keep this designation in mind when installing the project and selecting plant species and communities for the exhibit space.

It has been determined by Planning and Development that your request for substantial conformity to case number 72-CP-116 can be made since this project falls under the category of continued operation and maintenance of the Garden; maintaining and creating exhibits is considered part of the ongoing operation of the Garden that is approved under the existing CUP.

It has further been determined that no Land Use Permit is required to effectuate the SCD as the project would otherwise be exempt from permits. However, an electrical permit through Building and Safety is required in order to install landscape lighting within the project location.

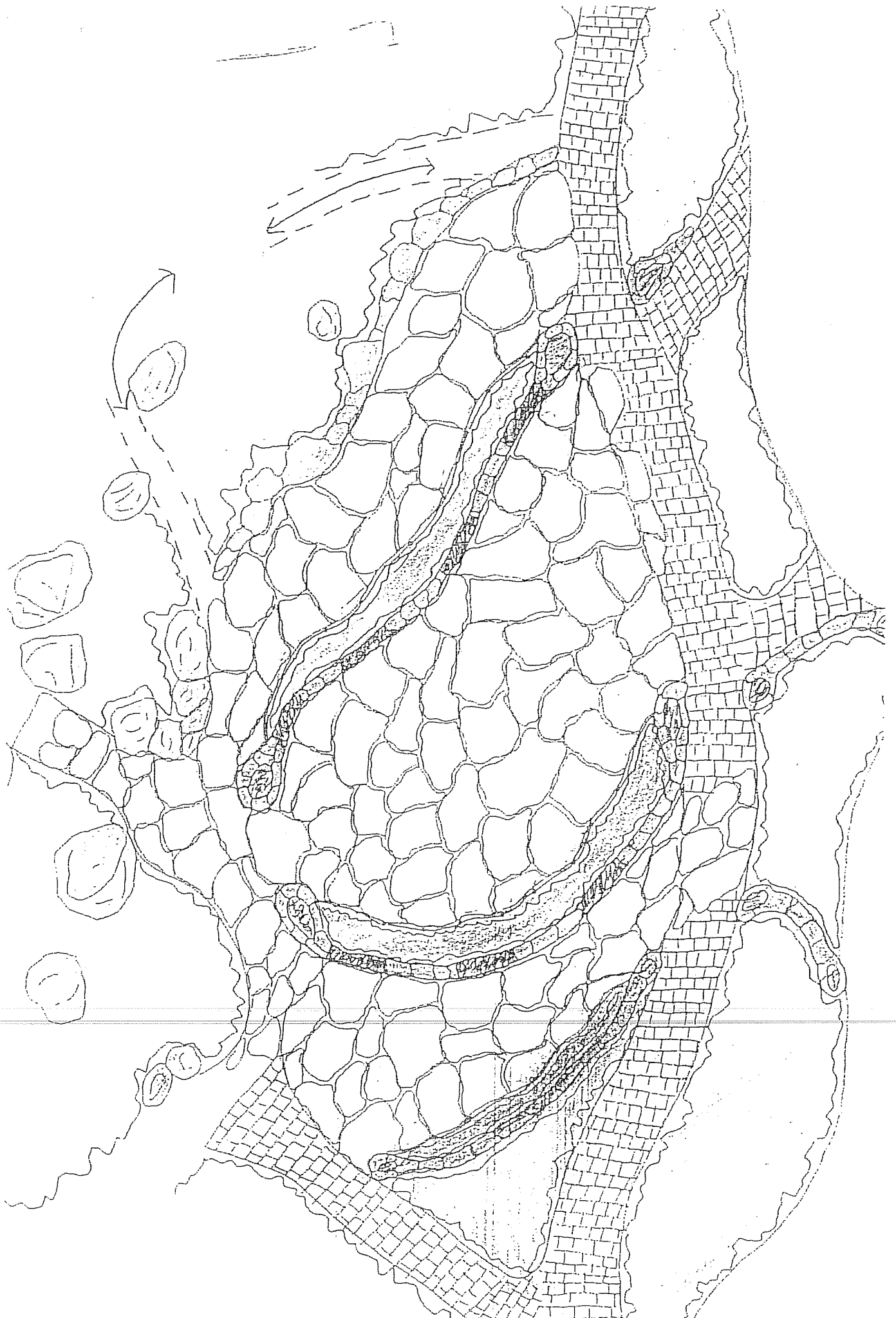
Please contact Alex Tuttle at (805) 884-6844 with any questions regarding this letter.

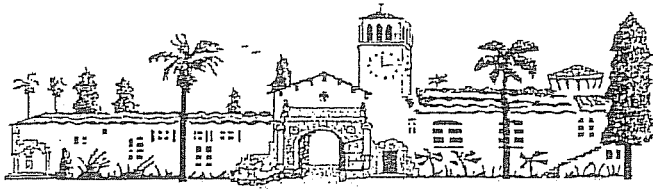
Sincerely,


Dave Ward, Deputy Director

Encl.

cc: case file #72-CP-116
Alex Tuttle, Planner
Anne Almy, Supervising Planner
Records Management
Accounting (cover letter only)
Salud Carbajal, First District Supervisor
Michael Cooney, First District Planning Commissioner
Marc Chytilo, 1505 Mission Canyon Road, Santa Barbara, CA 93105
MCA, c/o Tim Steele, 903 State Street, #210, Santa Barbara, CA 93101





County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

August 16, 2007

Edward L. Schneider, Ph.D.
President & CEO
Santa Barbara Botanic Garden
1212 Mission Canyon Rd.
Santa Barbara, CA 93105

email/fax/mail

Re: Substantial Conformity Determination for Meadow Terrace Exhibit

Dear Ed:

The County's Land Use Development Code (LUDC) Section 35.84.040.C, Substantial Conformity Determinations, authorizes the Planning Director to *approve [...] minor change[s] to a Conditional Use Permit [...] if the Director first determines that the change is in substantial conformity with the approved permit, in compliance with the County's Substantial Conformity Guidelines (Appendix H).* Appendix H states that *if the project [is] the subject of substantial public controversy, or [...] there is a reason to believe the change is likely to create substantial public controversy [...] the Director cannot make a determination of substantial conformity.*

On July 18, 2007, the County approved the Botanic Garden's requested Substantial Conformity Determination (SCD) for the Meadow Terrace Exhibit under the authority of LUDC Section 35.84.040.C in what staff believed was compliance with LUDC Appendix H. When the Garden contacted staff regarding the proposed project they did not inform staff of their previous dialog with community groups, the HLAC and the public. Staff has become aware, however, through community e-mails, phone calls and letters, as well as through public testimony and commissioner statements at the Historic Landmarks Advisory Commission on Monday, August 13, 2007, that the project is indeed the subject of substantial public controversy. Moreover, staff has discovered from these sources that the treatment of the Meadow and its surrounds were the topic of substantial public controversy years ago. Because approval of the SCD in the instant case is in conflict with the provisions of the LUDC Appendix H, we conclude that we approved the SCD in error and hereby rescind the permit.

To compliment this rescission and after thorough internal County review, staff invokes the authority of LUDC Section 35.108.030, Work Stoppage, to arrest any further progress on the project. LUDC Section 35.108.030 states: *Where any construction work is being done in conflict with the provisions of the Development Code, the Director may order the work stopped by giving notice in writing and serving the notice and order on any person engaged in doing or causing the work to be done. Upon receipt of the notice, any person, their agents, employees, or servants, shall immediately stop the work until recommencement is authorized by the Director.*

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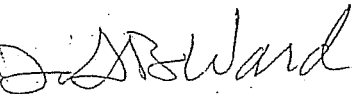
Edward L. Schneider, Ph.D.
August 16, 2007

Staff regrets having to take these actions, however, we are compelled by the new facts of this case to do so.

There are two permit paths available to the Garden for processing of the Meadow Terrace project if so desired. The first option, under Appendix H, Section 6, would be to proceed to a public hearing before the Planning Commission on a proposed new SCD application. The second option would be to fold the project into the Vital Mission Plan currently under analysis by the County.

As we discussed on the phone today at 4:30, we are e-mailing this letter to you this afternoon to ensure that you comply with our directive as of tomorrow. Please inform the department as to how you would like to proceed and staff will assist you as expeditiously as possible. Either Anne Almy (568-2053) or I (568-2520) can be reached during business hours tomorrow and the following Monday.

Sincerely,



Dave Ward
Deputy Director

Cc: John Baker
Dianne Black
HLAC commissioners
Interested Public
Mark Chyttilo
Kellam De Forest
Paulina Conn
Tim Steele