

## 5.0 POLICY CONSISTENCY

The following is a preliminary analysis of the proposed project against the subset of policies which may require conditions or mitigation measures to ensure project consistency. The decision maker will make the final decision regarding consistency.

POLICY REQUIREMENT	DISCUSSION
<p><b>Mission Canyon Area Specific Plan Landform Alterations:</b> All development, including grading, on slopes of 30% or greater shall be avoided unless this would preclude all reasonable development of the parcel. In addition, all development including grading should be avoided on slopes of 20% or greater, except in special instances where such prohibition would preclude any reasonable, otherwise permitted use of a legal parcel.</p>	<p>The project site is characterized by significant topographical variation with the bulk of proposed development occurring on relatively flat areas along ridge tops and valley bottoms. Steep slopes, often densely vegetated, and riparian corridors surround these areas such that the project site is fairly constrained in terms of buildable areas. For the most part, proposed development has been sited to avoid slopes greater than 30%, including the residential development on the Hansen site, the majority of the main visitor buildings west of Mission Canyon Road, and the structures adjacent to the Gane House. However, west-facing portions of the Horticultural offices above the Gane House protrude onto a slope in excess of 30%. This slope is considered a natural topographic feature and does not represent an anomaly. Avoidance of the steep slope would not preclude reasonable use of the parcel. As such, these structures as currently designed would be inconsistent with this policy. A redesign of these structures to pull them off of the steep slope or reduce their footprint would ensure consistency with this policy.</p> <p>Similarly, small portions of the proposed duplex and office/residence on the Cavalli site also protrude onto a slope of 30% or greater. Relocating these structures off of the slope is a feasible redesign alternative given the surrounding terrain, thereby achieving consistency with this policy. Other structures located on slopes equal to or greater than 30% include the proposed new visitor admissions kiosk and restrooms on the west of Mission Canyon Road. These structures are located on the edge of an existing arroyo that runs along the western side of the main parking area. Moving the structures off of the slope and closer to the parking area or in a flatter area of the entrance would ensure consistency with this policy.</p> <p>In addition, the proposed Cavalli path, a six-foot wide paved path winding its way up to a proposed overlook kiosk at the top of the ridge on the Cavalli site, would be located on slopes in excess of 30%. This path is</p>

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	<p>considered development, especially given its width and paved material. The path is therefore considered potentially inconsistent with this policy. The parcels through which the path crosses are currently undeveloped and offer very little level ground that could be easily developed. There is no other development proposed for two of the three parcels. The only other development proposed on the third parcel is located on the other side (eastern) of the ridge top, topographically separated from the Cavalli path. As such, it could be argued that the path represents a minimal level of development in this area and eliminating the path altogether would preclude all development on at least two of the parcels. Thus, a less obtrusive path (i.e. narrower and unpaved) that is more respectful of the natural terrain and results in less overall development in this area, while achieving the desired objectives of this element of the project, would ensure consistency with this policy.</p> <p>The proposed footbridges over Mission Creek and Las Canoas Creek span creek banks with slopes in excess of 30%. However, the footings and abutments for the bridges themselves would be located upland from the creek banks, thereby avoiding development on the steep slopes of the banks in these instances. Thus, these elements of the project are consistent with this policy.</p> <p>The locations of the proposed detention basins on the Hansen and East of Mission sites, installed to treat runoff from new development, are in areas with some slopes in excess of 30%. These detention basins have to be designed to treat a certain amount of runoff for flood control purposes, which places constraints on their location and design. Redesign or relocation of the detention basins would ensure consistency with this policy. However, if no other location or design is proven feasible to treat runoff while avoiding steep slopes, then the basins in their current locations and configurations could be found consistent with this policy.</p>
<p><b>Mission Canyon Area Specific Plan Grading Design Guidelines:</b> The overall shape, height and grade of any cut or fill slope shall be developed in concert with existing natural contours and scale of the natural terrain of the particular site.</p>	<p>Much of the grading associated with the proposed project is related to improving existing access roads to meet County Fire Department standards. Graded slopes associated with the proposed Cavalli path would be screened by existing vegetation. There are no areas of excessive grading associated with the</p>

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<p><b>Exposed Slopes:</b> Graded slopes shall be concealed wherever possible, and revegetation of those slopes shall be required.</p>	<p>proposed project and graded areas would either be covered with proposed development or revegetated in accordance with soil erosion and sedimentation control. The proposed Cavalli path, if left unpaved to achieve consistency with other policies, would need to be designed to protect the slopes and minimize erosion and drainage problems by directing surface runoff to the sides of the path in a non-erosive manner. With these design elements built in, the project would be consistent with these policies.</p>
<p><b>Mission Canyon Area Specific Plan Tree Preservation:</b> All new development shall avoid, to the maximum feasible extent, the removal of native and specimen ornamental trees. Those deserving special protection include oaks, sycamores, California bays, alders, willows, and maples. If it is determined by Planning and Development that proposed tree removal cannot feasibly be avoided, removed trees shall be relocated or replaced onsite. Preferably, replacements for native trees shall be propagated from onsite or nearby specimens.</p>	<p>The proposed project would remove approximately 50 to 60 coast live oak trees throughout the project site and oak trees deserve special protection pursuant to this policy. While this number represents only a small fraction of the total number of oak trees at the Botanic Garden, the policy still requires oak tree protection where feasible. Many of the oak trees (between 13 and 15) would be removed due to the proposed Cavalli path. It is likely that a redesign of the path, making it narrower and/or unpaved, would reduce the number of trees requiring removal and/or being damaged by grading and/or paving and thereby enhance the project's consistency with this policy. Another element of the project requiring the removal of a large number of oak trees (approximately 10 trees) is the proposed detention basin on the Hansen site adjacent to Las Canoas Road. The purpose of the detention basin is to capture runoff from the increased development of this site (including both the staff residences and the improved road) and detain it and meter it out in order to reduce potential flooding impacts downstream. However, a relocation or redesign of the detention basin could potentially reduce the number of trees removed as part of the project thereby enhancing the project's consistency with this policy while still addressing drainage concerns. If a redesign is not feasible given the site constraints, relocation and replacement of the removed trees would facilitate consistency with this policy. Other new development associated with the proposed project is primarily located in areas of existing development where disturbance has already occurred. As such, the removal of native specimen trees would be minimized. Consistency with this policy would be achieved through implementation of proposed mitigation measures.</p>

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<p><b>Hillside and Watershed Protection Policy 1:</b> Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p><b>Hillside and Watershed Protection Policy 2:</b> All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p>	<p>The proposed project involves structural development in areas characterized by steep terrain and abundant native vegetation. The project has been designed such that the bulk of the project would be accommodated within relatively flat areas that have previously been disturbed. Grading for the proposed project is estimated at approximately 12,593 cubic yards of cut and 7,646 cubic yards of fill. The majority of grading is necessary to improve existing roads and driveways and bring them into conformance with County Fire Department standards. As such, grading is kept to a minimum where feasible. However, there are elements of the proposed project that do not fit the site topography and would result in the loss of trees and alteration of natural landforms, and which could be carried out with fewer disturbances. Specifically, the proposed Cavalli path, a six-foot wide paved path winding up a steep hillside with slopes over 30%, would not be consistent with these policies; it would result in significant vegetation removal, including several mature oak trees, and would not minimize grading and site alteration. A redesign of the proposed path would help to ensure this element of the project is consistent with these policies.</p>
<p><b>Hillside and Watershed Protection Policy 3:</b> For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</p> <p><b>Hillside and Watershed Protection Policy 5:</b> Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</p>	<p>The proposed project would involve grading activities on hillsides. It is not known at this time how these grading activities would occur in terms of their scheduling. However, mitigation measures applied to the project to reduce erosion and sedimentation from ground disturbances, including preparation and implementation of an erosion and sediment control plan, would ensure consistency with these policies.</p>
<p><b>Streams and Creeks Policy 1:</b> All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</p>	<p>The bulk of the proposed project is located outside of stream corridors. However, there are proposed footbridges over both Mission and Las Canoas creeks. In both cases, the footbridges would be spanned in style such that there would be no footings located within the creekbed or banks. This would help to</p>

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	minimize impacts to the creeks associated with these project elements. Implementation of erosion and sediment control measures, as set forth in an erosion and sediment control plan, as well as permanent drainage improvements, would ensure that indirect impacts to creeks from increased runoff, sedimentation, and other pollution is reduced consistent with this policy.
<p><b>Flood Hazard Area Policy 2:</b> Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</p>	<p>The proposed project includes detention basins and other drainage improvements to ensure that increased development of the Garden does not increase flood hazards downstream, or require any alterations to downstream creek channels to accommodate increased flow from the project. No public funds would need to be expended to ensure adequate flood control resulting from the proposed project.</p>
<p><b>Historical and Archaeological Sites Policy 2:</b> When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</p> <p><b>Historical and Archaeological Sites Policy 3:</b> When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</p> <p><b>Historical and Archaeological Sites Policy 5:</b> Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.</p>	<p>The proposed project includes development in an area occupied by a known archaeological site. Efforts have been made to site the development to avoid impacts to the archaeological resources. However, given the level of development proposed in that area of the project site, there is the potential for archaeological resources to be impacted. Implementation of the proposed mitigation measures would ensure impacts to archaeological resources are avoided or reduced to the maximum extent feasible, thereby ensuring consistency with these policies.</p>
<p><b>Parks/Recreation Policy 4:</b> Opportunities for hiking and equestrian trails should be preserved, improved, and expanded wherever compatible with surrounding uses.</p>	<p>The Botanic Garden has several miles of trails and paths within its property that are used by visitors of the Garden to view exhibits and explore the varied terrain and natural beauty of the property. Many surrounding residents have historically used the paths and trails for their own use and enjoyment even though the land is in private ownership. The Garden proposes to install additional fencing around much of the perimeter of the Garden property in order to protect the Garden's exhibits and collections from theft and vandalism, as well as to reduce the risks of human-caused wildfire. Despite these fences, the Garden would continue to be open to visitors and</p>

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	<p>surrounding residents who are members of the Garden. Equestrian use of the property is not and would not be compatible with the use of the Garden as a natural museum. Abundant hiking and equestrian opportunities exist in the foothills further up Mission Canyon on land owned by the U.S. Forest Service. The proposed project would have no impact on the use of those public trails.</p>
<p><b>Circulation Element</b></p> <p><b>Roadway Standards:</b> The policy capacities provided in this Element shall be used as guidelines for evaluating consistency with this section of this Element. A project's consistency with this section shall be determined as follows:</p> <ol style="list-style-type: none"> <li>A project that would contribute ADTs to a roadway where the Estimated Future Volume does not exceed the policy capacity would be considered consistent with this section of this Element.</li> <li>For roadways where the Estimated Future Volume exceeds the policy capacity but does not exceed the Acceptable Capacity, a project would be considered consistent with this section of this Element only if the number of ADTs contributed by the project to the roadway was less than or equal to 2 percent of the remaining capacity of that roadway or 40 ADT, whichever is greater.</li> <li>For roadways where the Estimated Future Volume exceeds the acceptable capacity but does not exceed Design Capacity, a project would be considered consistent with this section of this Element only if the number of ADTs contributed by the project to the roadway does not exceed 25 ADT.</li> <li>For roadways where the Estimated Future Volume exceeds the design capacity, a project would be consistent with this section of this Element only if the number of ADTs contributed by the project to the roadway does not exceed 10 ADT.</li> </ol> <p><b>Intersection Standards:</b></p> <ol style="list-style-type: none"> <li>Projects contributing PHTs (peak hour trips) to intersections that operate at an Estimated Future Level of Service that is better than LOS C shall be found consistent with this section of this</li> </ol>	<p><i>Roadways:</i> Existing ADT counts on roadways in the vicinity of the project site indicate that all of the roadways are currently operating within acceptable levels of service and below the policy capacities assigned to those segments. The contribution of ADTs from the proposed project to these roadways would not result in the Estimated Future Volumes for any of these segments exceeding their policy capacities. As such, the proposed project would be consistent with this policy with respect to roadways.</p> <p><i>Intersections:</i> With the exception of the Mission Canyon Road (West)/Foothill Road intersection, all of the area intersections evaluated in this project are currently operating at Level of Service A or B. Their Estimated Future Levels of Service are expected to remain within this range. The proposed project's increases at these intersections would be below the thresholds identified. As such, the project would be consistent with this policy. For the Mission Canyon Road (West)/Foothill Road intersection, the Estimated Future Level of Service during the pm peak hour is D. The proposed project would add up to 34 pm trips to this intersection. This would be inconsistent with the policy threshold established for these intersections. Implementation of a mitigation measure requiring that this intersection be improved with an additional turning lane, as well as limiting the arrival and departure time of construction workers to avoid peak hour periods, would ensure consistency with this policy.</p>

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<p>Element unless the project results in a change in V/C (volume/capacity) ratio greater than 0.20 for an intersection operating at LOS A or 0.15 for an intersection operating at LOS B.</p> <p>b. For intersections operating at an Estimated Future Level of Service that is less than or equal to LOS "C", a project must meet the following criteria in order to be found consistent with this section of this Element.</p> <ol style="list-style-type: none"> <li>1) For intersections operating at an Estimated Future Level of Service C, no project must result in a change of V/C ratio greater than 0.10.</li> <li>2) For intersections operating at an estimated future Level of Service D, no project shall contribute 15 or more Peak Hour Trips.</li> <li>3) For intersections operating at an Estimated Future level of Service E, no project shall contribute 10 or more Peak Hour Trips.</li> <li>4) For intersections operating at an Estimated Future Level of Service F, no project shall contribute 5 or more Peak Hour Trips.</li> </ol> <p>c. Where a project's traffic contribution does not result in a measurable change in the V/C ratio at an intersection but does result in a finding of inconsistency with Intersection Standard 2 above, intersection improvements that are acceptable to the Public Works Department shall be required in order to make a finding of consistency with these intersection standards. A measurable change in V/C ratio shall be defined as a change greater than or equal to 0.01.</p> <p>d. Where a project's traffic contribution does result in a measurable change in V/C ratio and also results in a finding of inconsistency with Intersection Standards 1 or 2, above, intersection improvements that are sufficient to fully offset the change in V/C ratio associated with the project shall be required in order to make a finding of consistency with these intersection standards.</p> <p>e. The above intersection standards shall also apply to all projects which generate Peak Hour Trips to intersections within incorporated cities that are operating at levels of service worse than those permitted by the city's Circulation Element.</p>	