



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240


2007 JAN 30 PM 1:57

COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS

Department Name: Planning & Development
Department No.: 053
For Agenda Of: February 6, 2007
Placement: Departmental
Estimated Tme: 2 hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

07-00011

TO: Board of Supervisors

FROM: Department John Baker, 568-2085
Director(s) 
Contact Info: Dianne Black, Assistant Director 568-2086

SUBJECT: Westmont Appeal of the MPC Approval of the Westmont College Revised CUP and Master Plan Update

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

Consider an appeal filed by the applicant (Case No. 06APL-00000-00044) of the Montecito Planning Commission's November 20, 2006 approval of a revised Conditional Use Permit including an updated Campus Master Plan (Case No. 90-CP-096 RV01) for Westmont College in the Montecito area of the First Supervisorial District, as follows:

1. Deny the appeal, thereby upholding the Montecito Planning Commission's decision;
2. Adopt the required findings for approval of 90-CP-096 RV01, including the Campus Master Plan for Westmont College, specified in Attachment A of the Montecito Planning Commission action letter (Attachment C to the Set Hearing Board letter), dated November 30, 2006, including CEQA findings;
3. Certify the Final Subsequent Environmental Impact Report, 05SEIR-00000-00010 to Negative Declaration 90-ND-60, Negative Declaration 74-ND-140, and Environmental Impact Report 76-EIR-1, including the FSEIR Revision Letter (RV1), dated September 29, 2006, as revised by staff memorandum dated October 30, 2006, which describes the environmental effects and policy consistency of the final revised project and includes errata, and adopt the mitigation monitoring program contained in the conditions of approval;

4. Grant *de novo* approval of 90-CP-096 RV01, including the Campus Master Plan, for Westmont College marked as Planning Commission Exhibit No. 1 and dated October 16, 2006, and build out of Phase I, subject to the conditions of approval included as Attachment B of the Montecito Community Plan action letter dated November 30, 2006 (Attachment C to the Set Hearing Board letter); and
5. Grant *de novo* approval of the requested height modification of 49 feet in height for the Chapel/Auditorium.

Background:

Westmont College has been operating at its current location in Montecito since 1945. The campus is set on approximately 111 acres surrounded by residential development in the Montecito foothills. The college is currently operating under a CUP that was last amended in 1996 and a Master Plan that was reaffirmed in 1993 as part of the change to enrollment averaging, and has not undergone any significant changes since 1976. Existing structural development on the campus totals approximately 380,000 square feet, with over 80% of the campus undeveloped. Student enrollment is set at an average of 1,200 with a maximum of 1,235. Westmont College submitted its application for revisions to its CUP and an update to its Master Plan in 2000. Since that time and through the environmental review and public hearing process, the proposed revisions to the CUP and Master Plan update have gone through several iterations with the end result being a refined project that meets the goals of the college while respecting the residential character of the surrounding neighborhoods. Under the project approved by the MPC, buildout of the Master Plan would add approximately 345,000 square feet of new development. However, student enrollment would remain the same. The EIR prepared for the project identified no significant unavoidable impacts from buildout of the Master Plan that could not be mitigated. Key issues associated with the project include the size and scale of campus buildout under the proposed update to the Master Plan, construction impacts associated with buildout of the campus, traffic generated by the college during construction and long-term operation of the college, and overall compatibility of the expanded college with the surrounding community.

Summary:

After 10 hearings, on November 20, 2006 the Montecito Planning Commission unanimously approved Westmont College's revised Conditional Use Permit (Case No. 90-CP-096 RV01), including the update to its Campus Master Plan. The Campus Master Plan involves the addition of approximately 345,000 square feet of new development consisting primarily of new academic buildings, a new residence hall, a chapel/auditorium, and additions to its student center. The project would be built in a series of phases over the next two to three decades with prescribed minimum quiet periods in between each phase. Included with the approval of the revised CUP are 116 conditions of approval applied to the operation of the college and buildout of the Campus Master Plan.

Westmont College has appealed the Montecito Planning Commission's decision based on disagreement over two specific conditions of approval related to student parking in the Montecito Community and college-generated traffic on Cold Spring Road (Attachment B of Set Hearing Board letter).

Westmont College Appeal

Westmont College has appealed two conditions of the project approval. Condition 7 addresses student parking within the college campus and around the Montecito community and Condition 9 addresses college-generated traffic on Cold Spring Road. A discussion of each of those conditions and staff's recommendation follows.

Condition 7

Under its current Conditional Use Permit, Westmont implements a parking permit program with restrictions on parking on and off campus. One of the provisions of the parking program is that students and employees must have parking permits to park on campus and no more than 600 permitted vehicles may be present on campus at any one time. Another provision of the parking program is that students may not park in the vicinity of the campus while they are physically present on campus. In such cases, students must park either on campus or at their off-campus residence. The vicinity is defined as a collection of roads and streets adjacent to or within close walking distance to the campus. The purpose of this provision is to discourage students from parking in surrounding neighborhoods and walking, biking, or getting shuttled to campus in order to circumvent the parking permit restrictions. There have long been complaints made by the public that Westmont students are violating this provision and impacting their neighborhoods. As discussed below, however, there is no substantial evidence to support these claims. Enforcement of this provision includes active patrolling by college parking enforcement officers and the issuance of citations and other disciplinary action when appropriate. Enforcement officers also actively respond to neighbor complaints and issue citations when it is determined that a parked vehicle belongs to a student who does not reside at the parking location.

To respond to the neighbor concerns, the Montecito Planning Commission approved a revision to the existing condition language that requires all students with vehicles who do not have parking permits to register their vehicles with Westmont and affix an identification decal to their vehicles so that they may be more easily identified by neighbors and college parking enforcement staff. This would make it easier to enforce the requirement that, while physically present on campus, students must park their vehicles either on campus or at their off-campus residence. However, it would be difficult to enforce the identification decal requirement in terms of making sure all students who do not have campus parking permits comply with the rule and register their vehicles with the college and obtain and affix identification decals.

Westmont maintains that unsanctioned off-campus parking is not a significant problem and there is no need to institute another layer of restrictions on parking beyond what currently exists. Available evidence would tend to support Westmont's position. Westmont parking enforcement staff reported 17 violations of unsanctioned parking in the community in the last two years in response to patrolling in the vicinity of campus and responding to neighbor complaints. This is an average of just over four violations per semester. Similarly, Planning and Development staff has not received any neighbor complaints regarding this issue in recent years. Thus it is questionable whether or not this requirement is warranted or necessary. In addition, the number of student vehicles that would be affected by this requirement is small, since freshmen cannot bring vehicles to school and all junior and seniors who want a campus parking permit are issued one. This leaves sophomores. Westmont strongly encourages sophomores to not bring vehicles to school in order to avoid the parking difficulties associated with the college's requirements and the community's sensitivity on the issue. Additionally, most sophomores reside on campus, so parking in the surrounding community would not be very practical on a regular

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp096 Westmont\90cp096 rv01\Appeal to BOS\Westmont Board hearing Letter - Westmont Appeal.doc

basis. Staff has estimated that the number of vehicles that could potentially be parking in the community inappropriately because regular campus parking permits are unavailable would be around 50, though it is potentially far less than that based on the number of violations that have been recorded in the last two years and the lack of complaints that we receive.

The proposed revision to the Westmont College CUP and update to its Master Plan would not result in an increase in student enrollment. Therefore, the proposed project is not likely to result in a change in the number or frequency of students who park in the surrounding community. As such, the existing parking situation, whether or not it is a problem, is part of the existing setting and therefore there is no real nexus for requiring additional restrictions on off-campus parking. For these reasons, staff could support removal of this requirement and approval of the condition as revised by Westmont College, with one recommended addition to the end of the condition, as follows: *If at any time Planning and Development determines that other roads or streets in the Montecito community are being used for student parking whilst physically present on campus, the definition of vicinity may be amended accordingly.* This would ensure that all roads and streets in the Montecito community could be protected from inappropriate parking by students, not just those in the immediate vicinity of the campus.

Condition 9

The second point of contention for Westmont College is traffic on Cold Spring Road. Throughout the hearing process before the Montecito Planning Commission numerous concerns were raised by the public and members of the Commission over the project's impacts to traffic in the Montecito area. Questions were raised as to whether the employment projections (and associated traffic increases) provided in the EIR analysis associated with buildout of the campus were realistic, and concerns were expressed over the potential use of new and expanded facilities and the potential increases in special events and the traffic they could generate.

The EIR projected an increase of 82 average daily trips (ADTs) associated with buildout of the campus, resulting from the additional 39 employees needed to staff the new buildings on campus. The reason that a greater number of ADTs was not expected as a result of the project, even though the campus was roughly doubling its square footage, is that student enrollment was not changing so traffic increases associated with an expanding college community were not at issue. The EIR also projected up to 162 construction workers and 50 construction-related deliveries on a daily basis during construction of the new campus facilities, resulting in an additional 424 ADTs during periods of construction. Under these scenarios, the EIR concluded that traffic impacts to area roadways and intersections associated with buildout of the campus would be less than significant with mitigation. With respect to intersections, mitigation was proposed and included as a condition of approval to limit construction traffic and new employee traffic to off-peak hours to the extent feasible in order to minimize impacts to intersections during a.m. and p.m. peak traffic periods. With respect to area roadways, all roadways would continue to operate within their existing or acceptable levels of service under the projected traffic increases associated with buildout of the campus. Therefore, there was no need or requirement to reduce the number of ADTs potentially resulting from buildout of the campus.

Nonetheless, in response to the questions and concerns made by the public and members of the Commission, Westmont College volunteered to place a permanent cap on the number of ADTs that it would be able to generate on a daily basis, as measured along Cold Spring Road, in order to ensure that no unanticipated increases in traffic would occur in the future. Westmont's existing CUP attempts to control college-generated traffic by restricting the number of permitted vehicles that may be present on

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp096 Westmont\90cp096 rv01\Appeal to BOS\Westmont Board hearing Letter - Westmont Appeal.doc

campus at any one time. However, traffic has continued to grow since this program was established, even though the number of permitted vehicles (600) present on campus at any one time has never been exceeded. Most parties agree that a traffic cap is a better and more direct means of controlling traffic than a parking program. Westmont's proposed cap would limit the college to 3,500 ADTs during academic weekdays and 2,500 ADTs during all other days (weekends, holiday breaks, and summer).

Pursuant to the Montecito Community Plan (MCP), Cold Spring Road is considered an unclassified roadway and the MCP calls for that road to remain unclassified. An unclassified roadway in Montecito is considered to carry less than 5,530 ADTs (the minimum acceptable capacity for classified roads). 5,530 ADTs is the threshold above which the Board of Supervisors may consider classifying a road. Based on the traffic study prepared as part of the EIR for the project, Westmont's existing traffic levels on Cold Spring Road (recorded in April 2005) include a peak of 3,368 ADTs and an average of 3,166 ADTs during academic weekdays. Non-Westmont traffic levels on Cold Spring Road during this same time period included a peak of 1,372 ADTs and an average of 1,316 ADTs. Total traffic on Cold Spring Road at the time of the 2005 traffic study measured a peak of 4,740 ADTs and an average of 4,482 ADTs.

In sum, current traffic levels on Cold Spring Road are well below the threshold for an unclassified roadway so the road is currently operating at an acceptable capacity. The 3,500 ADT cap proposed by Westmont College represents an increase of approximately 4% (132 ADTs) above its current peak traffic levels, or 50 ADTs greater than what was projected in the EIR and determined to result in a less than significant impact on area roadways. Implementation of the cap by Westmont College of 3,500 ADTs during academic weekdays would result in total ADTs on Cold Spring Road, including neighborhood traffic, of up to 4,872, still well below the threshold of 5,530 ADTs for an unclassified road. Westmont College has also proposed, and the MPC accepted, an additional 300 ADTs on academic weekdays during construction phases to accommodate construction-related traffic. Even with an additional 300 ADTs on top of the 3,500 ADTs, total ADTs on Cold Spring Road would be up to 5,172, still below the threshold of 5,530 ADTs for an unclassified roadway. For these reasons, staff originally recommended replacing the existing parking permit program with approval of this volunteered traffic cap.

During the most recent hearings at the Montecito Planning Commission in October and November, the Commission expressed an interest in reducing this cap and holding Westmont more closely to its current traffic levels, only allowing a modest increase to accommodate increased staffing needs and permitted special events. The purpose for this was to ensure that operation of the college would remain compatible with the surrounding low density residential neighborhoods. In response, staff considered both the 2005 traffic data as well as traffic counts from 2003 that were used in the original draft EIR. Taking an average of the traffic counts from these two years results in a weekday average of 3,243 ADTs for Westmont College on Cold Spring Road. Staff presented this figure as being a reasonable representation of Westmont's existing average traffic levels on Cold Spring Road during academic weekdays. Allowing for the additional 82 ADTs projected for new employees and an additional 30 ADTs for permitted large special events held during academic weekdays, and the total ADTs would be 3,355. The Montecito Planning Commission approved the project with weekday traffic capped at that level rather than the 3,500 ADTs that was originally volunteered by Westmont College.

Westmont contends that a cap of 3,355 is unreasonable and cannot be easily managed even under current conditions. Under either scenario (3,355 or 3,500 ADTs) and in consideration of potential area growth, total traffic on Cold Spring Road would remain under the threshold for unclassified roadways of

G:\GROUP\Permitting\Case Files\Cp\1990s\90 cases\90cp096 Westmont\90cp096 rv01\Appeal to BOS\Westmont Board hearing Letter - Westmont Appeal.doc

5,530 ADTs. In addition, as the applicant points out, the original proposed cap of 3,500 ADTs for academic weekdays and 2,500 ADTs for all other days equates to 2,930 ADTs if averaged over the entire year. This is well below what was analyzed in the EIR and determined to result in a less than significant traffic impact. For these reasons, staff could support Westmont's original proposed cap of 3,500 ADTs, to be gradually phased in as construction of Phase I is completed.

Clean Up Item

In addition to the issues identified by Westmont in their appeal, the college has identified an oversight in the extent of development proposed for Phase I that they would like resolved as part of your Board's consideration of the project. Along with several new buildings, Phase I is proposed to include reconstruction of the existing track and infield. Westmont intended to include construction of the 2,500 square foot Track Storage structure along with the reconstruction of the track and infield but inadvertently left the Track Storage structure off of the list of structures to be completed in Phase I. This structure was always considered part of the project, and analyzed as such (and in fact the plans identify it as an element of Phase I), but was accidentally left off of the list of structures and facilities to be constructed in the first phase of campus buildout. Inclusion of this structure into Phase I would not impact the proposed construction schedule for Phase I, nor would it increase the construction-related impacts of Phase I; it is a fairly modest structure that requires minimal grading or site disturbance and could be completed within a short period of time. Therefore, staff supports correcting this oversight and including the Track Storage structure in Phase I development.

Summary

In the discussions above, staff has discussed how the basis for Westmont College's appeal does have certain credence and therefore staff would support either an affirmative or negative decision on Westmont's appeal. There is a valid argument for either position in the case of the grounds for Westmont's appeal.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The fee for processing an appeal is \$443 per the current Planning and Development Department fee schedule adopted by the Board of Supervisors, effective January 9, 2006. Fees were collected for both the appeal filed by Westmont College and the appeal filed by the Citizens Concerned over Westmont Expansion for a total of \$886 to process the appeals. The remaining cost of processing these appeals is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-290 of the Fiscal Year 2006/07 adopted budget. Estimated staff time to prepare the board letters, and prepare for and attend the hearings is approximately 40 hours for both appeals.

Staffing Impacts:

Legal Positions:

N/A

FTEs:

N/A

Special Instructions:

A minute order of the hearing shall be returned to Planning and Development, attention Alex Tuttle.

Attachments:

Authored by: Alex Tuttle, Planner 884-6844

cc: