

Katherine Douglas *Public Comment*

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From: Marcus J. Kocmur <MKocmur@flasllp.com>
Sent: Saturday, November 2, 2024 9:33 AM
To: sbcob
Cc: Supervisor Das Williams; Laura Capps; Joan Hartmann; Supervisor Nelson; Steve Lavagnino; Olivia Marr
Subject: Letter on behalf of Hill Road Ventures, LLC re Appeal of the Music Academy of the West Revised CUP Case Nos. 23-APL-00021, 21RVP-00000-00109, and 21CDP-00000-00129
Attachments: FLAS LLP - Hill Road Ventures - Letter to BOS re Appeal of Music Academy revised CUP 23-APL-00021 11.01.2024.pdf

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Dear Madam Clerk,

In connection with the upcoming public hearing on the appeal of the Music Academy of the West's revised CUP, attached please find our letter in support of the appeal, submitted on behalf of neighbor Hill Road Ventures, LLC.

Thank you,

Marcus J. Kocmur, Partner



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November 1, 2024

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA

Via email sbcob@countyofsb.org

**RE: Appeal of the Music Academy of the West Revised CUP
Case Nos. 23-APL-00021, 21RVP-00000-00109, and 21CDP-00000-00129**

Dear Chair Lavagnino and members of the Board of Supervisors:

Our office represents Hill Road Ventures, LLC (Hill Road), a property owner with holdings in close proximity to Music Academy of the West (Music Academy). As with most everyone in Santa Barbara, our client believes the Music Academy is a great asset to our community as a renowned educational institution for the musical arts. Our client is sympathetic to the fact that operating an institution and facility like the Music Academy is increasingly expensive.

However, Hill Road is also sympathetic to the concerns expressed by the Appellant and the ongoing conflict between the Music Academy operations and the surrounding neighborhood. While our client appreciates the Music Academy's withdrawal of its previous request to expand the attendance cap, credible concerns remain about the existing operations compliance with their CUP and how these issues will be exacerbated with the proposed revised operation.

The County of Santa Barbara (County) seems to have glazed over the fact that the Music Academy is designated as, and required first and foremost to be, an Educational Facility -- not an events center. In the Coastal Land Use Plan, Educational Facilities are defined as public and private schools at all levels from elementary through college level. While Educational Facilities are allowed in residential zones with a Major CUP, the County Coastal Zoning Ordinance does not provide any further or expanded definition for this use. Staff insists it is common course for Educational Facilities to rent out their facilities for private events like weddings and birthday parties. However, the "supporting" examples offered by the Music Academy in their slides of other locations hosting Significant Life Events – local museums, parks and landmarks – none are an Educational Facility. Educational Facilities do often rent their rooms or space for a small fee

for meetings, seminars, small non-profit events and even camps, particularly when those events are related to their educational mission, but not for ancillary commercial operations like weddings and birthday parties. The Music Academy is seeking to add unrelated commercial uses to its property in order to support its charitable mission. No matter how laudable the charitable mission, we ask that the Board carefully consider the impacts of the proposed commercial use **and exercise its authority to grant the appeal.**

Should the Board decide to allow the Music Academy to be used as a private event center, then we ask it be done with the utmost caution and sensitivity to the surrounding neighborhood.

With this in mind, we ask the Board and the Music Academy to consider making some additional changes to the Revised CUP project and conditions:

- **Size and Frequency of Significant Life Events** – Of the 15 Significant Life Events proposed, our client would request the following additional restrictions:
 - Only allow 5 of the 15 requested Significant Life Events to have an attendance level over 100, with an attendance maximum of 175. Larger private events in Montecito require additional staff and service providers (whom are not counted toward the attendance caps), additional deliveries and delivery trucks, noise and other activities impacting the neighborhood roads.
 - Only allow 10 of the 15 requested Significant Life Events to occur or continue into evening hours past 5:00pm, to minimize noise and traffic impacts in the evening.
 - Do not permit any 2 Significant Life Events over 50 attendees at any one time.
 - Do not permit more than 2 Significant Life Events over 100 attendees in any one month.
 - Do not permit Significant Life Events to end between the hours of 3:00pm and 6:00pm, thereby avoiding adding to peak trips in the neighborhood and at the Cabrillo Blvd. roundabout.

- **Noise and Amplified Voice** – Music Academy is proposing to increase its outside use of amplified voice more than 800%, from 2 to 17 times per year, and has expanded the outdoor locations where this will be allowed, rather than maintaining the limited area permitted under its existing CUP. Some proposed locations are proposed to be restricted to 2 hours of amplified voice (per day/per event?) and others 4 hours (per day/per event?) and then Condition No. 55(c) states there is a maximum of 6 hours of amplified voice allowed per event.
 - This needs clarification as there appears to be no area where amplified voice for 6 hours is allowed. The restrictions for each area should be specified in Condition No. 55.

- Further, permitted amplified voice should not be allowed in areas adjacent to property lines or residences in the vicinity of Fairway Road. Amplified voice in Zones 2/2.5 should therefore be limited to 2 hours. Condition No. 1 and 55 should be updated accordingly.
- **Traffic Impacts on Fairway Road** – Despite what the ATE traffic calculations may show, traffic and circulation on Fairway Road under the existing CUP is a problem. Vehicles aiming to pass through Music Academy, vehicles entering Music Academy for events, and vehicles hoping to reach the beach all end up negatively impacting traffic on Fairway Road. Cars line up to await entry to the Music Academy while other cars are trying to turnaround to head back to Channel Drive and East Cabrillo by backing up into residential driveways and blocking traffic.
 - *Existing Signage Needs Improvement* – The existing County directional signage is insufficient. Additional signage is needed in multiple locations to inform the public that Channel Drive may only be used by vehicles for access to the Cemetery, Music Academy and residences. Multiple signs should be installed indicating there is no beach access or access to Butterfly Lane for vehicles. Condition No. 30 should be updated accordingly, although the County should incur some of the obligation for signage rather the burden being borne solely by Music Academy. Further, the County should consider designating a turnaround area away from all residences for all vehicles that must return to Channel Drive.
 - *Gate and Parking Attendants* – Attendants working events or monitoring the gate at the Music Academy should be instructed to require vehicles to turnaround inside the Music Academy property. Attendants should not allow or instruct vehicles to turn around on Fairway Drive. Music Academy should install a hammerhead within its property where vehicles can turn around. Condition No. 74 and others should be modified accordingly.
 - *Require Third Party Traffic Monitoring and Reporting* – For the first 5 years of operation under the Revised CUP, a third-party traffic monitor and consultant should monitor the site on days reaching maximum attendance levels and audit the traffic reporting generated by the Music Academy. This third-party traffic monitor should have the ability to make recommendations to the Music Academy and County Planning and Development for consideration by the Planning Director and/or Montecito Planning Commission as part of an annual permit compliance review. This will allow for adjustment to the Cut Through Reduction Plan and Gate Closure Program using updated data and information once Significant Life Events are incorporated into Music Academy operations. Condition No. 34 should be updated accordingly.

- *Bus Idling and Usage* – Music Academy should commit to using mid-size shuttles rather than full-size coaches for student transportation during the Summer Season whenever feasible. Bus providers must be instructed that idling is not permitted anywhere outside the Music Academy grounds. Buses and shuttles waiting for students and guests must remain on Music Academy property rather than park on neighborhood streets. Condition No. 74(c) should be modified accordingly.

Hill Road appreciates the Board of Supervisors careful consideration of this matter. The Board should grant the Appellants appeal or, at the very least, implement the above suggestions to ensure the Music Academy and the surrounding neighborhood are compatible for years to come.

Sincerely,

FAUVER, LARGE, ARCHBALD & SPRAY, LLP



Marcus J. Kocmar, Partner

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