

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 10/14/04
Department Name: Planning & Development
Department No.: 053
Agenda Date: 10/26/04
Placement: Administrative
Estimate Time: N/A (5 min. staff presentation; 15 minute hearing)
Continued Item: NO
Document FileName: F:\GROUP\PERMITTING\CASE FILES\CP\1990S\1990 CASES\90CP111\90CP-111RV01\BOS APPEAL\BOS DEPT HRG.DOC

TO: Board of Supervisors

FROM: Val Alexeeff, Director

STAFF CONTACT: Anne Almy, Supervising Planner (568-2053)
Natasha Campbell, Planner (962-0030)

SUBJECT: Consider 04APL-00000-00019, the Goldstein (represented by Jana Zimmer) Appeal of Montecito Planning Commission approval of 90-CP-111 RV01, the Music Academy of the West Revised Conditional Use Permit¹, Montecito Area, APNs 9-282-029, 030, First Supervisorial District

Recommendation:

In response to a facilitated resolution of this appeal, staff recommends that the Board of Supervisors grant *de novo* approval to 90-CP-111 RV01 including revisions to the language of specific CUP conditions of approval (included as Attachment 3 to this Board letter) as follows:

1. Adopt the required findings for the project consistent with the MPC's action on June 16, 2004, as revised to reflect:
 - a) the amended condition language (in Attachment 3 to this Board letter);
 - b) the change in the final County decision-maker (Board of Supervisors rather than the Montecito Planning Commission); and
 - c) the final action date (October 26, 2004 rather than June 16, 2004);
2. Certify the Final Environmental Impact Report, 03-EIR-06 as updated by the EIR Revision Letter dated April 20, 2004 and CEQA Revision Letter dated June 7, 2004 included as Attachment B of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and adopt the mitigation monitoring program contained in the conditions of approval, as revised at the hearing of October 26, 2004;

¹ The revised CUP is also referred to in comments as the MAW "Master Plan" or "Renaissance Plan."

3. Grant the requested modifications to the height limitation (for existing Abravanel Hall) and side yard setback (paving only) for the 1-E-1 zone district pursuant to Article II §35-172.12, specified in Attachment C of staff memorandum dated June 7, 2004;
4. Grant the requested modification to the number of required parking spaces required pursuant to Article II §35-109, Parking Regulations, specified in Attachment C of staff memorandum dated June 7, 2004 and staff memorandum dated June 14, 2004, and in the parking analyses in 03-EIR-06, the 4/20/04 EIR revision letter, and the 6/7/04 CEQA revision letter, as revised at the hearing of June 16, 2004; and
5. Approve Major Conditional Use Permit, 90-CP-111 RV01, subject to the conditions included as Attachment 3 of this Board letter dated October 26, 2004.

In the event that the Board of Supervisors concurs with this recommendation, the appellant has agreed that no further action would be taken with regard to the filed appeal.

Executive Summary and Discussion:

The project involves the request of Suzanne Elledge, agent for the Music Academy of the West, for a Revised Conditional Use Permit allowing the implementation of a Master Plan for the site including physical expansion of existing facilities and operational changes. These changes would include a net increase in structural development of approximately 50,630 square feet and associated grading and tree removal to accommodate the structural development and 285 total surface parking spaces, attendance limitations and modification of zone district requirements to the required number of parking spaces, side yard setback for paving, and maximum height limit under the provisions of Article II, Zoned 1-E-1; and to certify the Environmental Impact Report, 03-EIR-06, as revised pursuant to the CEQA revision letters and Findings by the Montecito Planning Commission at their June 16, 2004 public hearing. The application involves AP Nos. 009-282-029, and -030, located south of Highway 101 between the Montecito Sanitary District Facilities and Butterfly Lane, at 1070 Fairway Road (also known as The Fairway), Montecito area, First Supervisorial District.

The Montecito Planning Commission held four public hearings (12/11/03, 4/21/04, 5/19/04, and 6/16/04) and considered staff and applicant presentations and substantial public testimony during their review of the Music Academy of the West's request for a Revised CUP. On June 16, 2004, the Montecito Planning Commission approved the Music Academy's request for a Revised Conditional Use Permit (90-CP-111 RV01), including approval of both physical and operational changes spelled out in the Conditional Use Permit conditions of approval.

The Montecito Planning Commission's approval was then appealed to the Board of Supervisors by Jana Zimmer, representing Lew and Carolyn Goldstein. County Counsel's office held a facilitation meeting with the project applicant, the appellants and P&D staff in September. Following this meeting the applicant and the appellants successfully continued negotiations to resolve the issues identified in the appeal.

The revisions to the MPC's conditions of approval have been negotiated and agreed upon by the project applicant (Music Academy of the West, represented by agent Suzanne Elledge and attorney Peter Brown) and the appellants (Lew and Carolyn Goldstein represented by attorney Jana Zimmer) as indicated in their respective letters (Attachments 1 and 2 to this Board letter). The proposed changes to condition language are

minor in nature and do not substantively alter or diminish the effects of the project conditions, nor do they change the conclusions of the environmental review. The modified language of the affected conditions essentially provides a further level of surety to the appellants that the intent of the MPC approved project conditions will be implemented as intended to address their identified concerns in the filed appeal. In addition, an advisory in the conditions has been changed to reflect that it is the Board, not the Commission, making the advisory.

In the event that the Board of Supervisors concurs with this recommendation, the appellant has agreed that no further action would be taken with regard to the filed appeal.

Mandates and Service Levels:

No changes in programs or service levels are anticipated.

Fiscal and Facilities Impacts:

There is no charge for an appeal of a Planning Commission decision (i.e., a conditional use permit) in the Coastal Zone. Staff time and ancillary costs for processing this appeal are funded by the County general fund.

Special Instructions:

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and the Montecito Journal and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Attn: Cintia Mendoza, Hearing Support.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: N/A

Attachments:

1. Letter from Peter Brown representing the applicant, Music Academy of the West
2. Letter from Jana Zimmer representing appellants, Lew and Carolyn Goldstein
3. Proposed Revised CUP Conditions of Approval, including the Mitigation Monitoring Plan
4. Findings of Approval
5. Project Plans (reductions of MPC stamped plans A-L, referenced in condition of approval #1)