

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: 05/13/99
Department Name: Planning and Development
Department No.: 053
Agenda Date: 05/25/99
Placement: Departmental
Estimate Time: 1 hours
Continued Item: Yes
If Yes, date from: 03/02 and 04/20/99
Document File Name: DEV_REV\WP\CP\0CP004\BDREPT2.DOC

TO: Board of Supervisors
FROM: Albert J. McCurdy
Secretary to the Planning Commission
STAFF CONTACT: Victoria Greene, Planner
568-2009

SUBJECT: **Appeal of Lotusland Revised Conditional Use Permit, 90-CP-004 RV01**
Consider the appeal of Sharyne Merritt et al., of the Planning Commission's November 25, 1998 decision to approve, with conditions, the request of Dr. Steven Timbrook, agent for Ganna Walska Lotusland Foundation, for a Revised Conditional Use Permit, 90-CP-004 RV01, under the provisions of Article IV, zoned 1-E-1, including increasing the number of annual visitors and allowing additional vehicles onsite for annual special events; and to certify the Supplement, 98-SD-02 to the Environmental Impact Report (88-EIR-21), AP Nos. 013-090-005 and 013-220-009, located on the north side of Sycamore Canyon Road, between Cold Springs Road and Ashley Road, Montecito area, First District.

Procedures:

1. Grant the appeal of Sharyne Merritt, et al, of the Planning Commission's decision to conditionally approve 90-CP-004 RV01 as modified in the revised Conditional Use Permit dated May 13, 1999 included as Attachment B;
2. Adopt the required findings for the project specified in Attachment A, including CEQA findings;
3. Certify the Supplemental Environmental Impact Report and adopt the mitigation monitoring program contained in the conditions of approval; and
4. Approve 90-CP-004 RV01 subject to the conditions of approval included in Attachment B.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary/Discussion:

On April 20, 1999 the Board of Supervisors took conceptual action and directed staff to modify the revised Conditional Use Permit approved by the Planning Commission. Based upon the Board's direction, revised

findings and conditions of approval have been drafted. The changes to the revised CUP approved by the Planning Commission include the following:

- 1) A cap of 13,500 annual visitors during the first 18 months of operation under the revised CUP with an increase to 15,000 annual visitors after completion of a successful compliance hearing before the Planning Commission;
- 2) Elimination of all activities after dark and before 9 a.m.;
- 3) Allowing two special events for up to 500 persons and 200 vehicles and one smaller event during the first 18 months of operation under the revised CUP and three larger special events after a successful compliance hearing; and
- 4) Require review of implementation of external landscaping installation and pedestrian improvements at the compliance hearing.

The Board's conceptual action was contingent upon the applicant's revision of the project description to state that Lotusland will not request changes in use limitations for a period of 10 years. A paragraph stating this intent is included on pages 3 and 4 of the revised CUP (Attachment B).

Revisions to reflect the Board's direction are marked in Attachment A (findings) and Attachment B (Conditional Use Permit). Text deletions are indicated by ~~strikeout~~. Text insertions are underlined.

Mandates and Service Levels:

The Board of Supervisors considers appeals of Planning Commission action on Major Conditional Use Permits pursuant to Article IV, Section 35-489.3.1.

Fiscal and Facilities Impacts:

Pursuant to Board of Supervisors' Resolution No. 96-323, a non-applicant appeal fee of \$435 was paid. Additional costs of processing the appeal are budgeted and funded through the general fund.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, attention: Deanna Cox.

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

Concurrence: N/A