

ATTACHMENT A  
WESTMONT COLLEGE APPEAL

Westmont College appeals certain conditions, as adopted by the Montecito Planning Commission (“MPC”) on November 20, 2006, as a part of its approval of Westmont’s application for an Updated Master Plan. Westmont does not appeal the approval, only certain conditions.

Conditions 7 and 9 concern the related subjects of parking and traffic. The original language of Condition 9 arose as a voluntary offer by the college to cap its traffic, with serious consequences for exceeding the cap, even though there was no significant traffic impact identified during the extensive environmental review that has taken place over the past six years.

Westmont’s original voluntary offer to cap traffic at 3,500 ADTs was criticized based upon the concern that weekend and non-school days have fewer traffic trips occur on weekends and during school breaks, and should not have been included in the average. In response, Westmont proposed a much lower cap of 2,500 ADTs for these non-academic and weekend days. The net result was a voluntary offer to cap Westmont’s annual traffic over the entire year at 2,930 ADTs.

This annual average is far below the number of trips that the SEIR considered to be acceptable. Westmont cannot agree to a lower cap, as the college’s voluntary offer was made in good faith as the lowest number that it could effectively manage.

Condition 7, as revised and adopted by the MPC, is a case of a “solution looking for a problem.” There is no evidence of an existing parking problem in the neighborhood, and no reason to fear that a problem will be created in the future. Yet the MPC adopted condition incorporates provisions that are unworkable, impractical and ineffective, and will have adverse unintended consequences for both Westmont and the neighbors in the vicinity of the College. (For example, Condition 7 would allow students to rent parking in the vicinity of campus and requires Westmont to issue “non-parking permit” decals.)

As revised and adopted by the MPC, Conditions 7 and 9 “go too far” and do not follow the Planning & Development Department’s recommendations for these conditions in the staff report dated October 30, 2006 (such staff recommendations for Conditions 7 and 9 were acceptable to Westmont).

As revised and adopted by the MPC, Conditions 7 and 9 are in excess of the MPC’s jurisdiction and authority because there is no nexus to any identified impact of the proposed project that is supported by substantial evidence in the record, and therefore such conditions violate constitutional and statutory requirements.

The problems with Conditions 7 and 9 may be cured by (a) changing the ADT Limitation to 3,500 ADTs for Semester Weekdays in Condition 9.D, and (b) adopting the Condition 7 language recommended by P&D staff in their report dated October 30, 2006.

Westmont reserves the right to object to the final language of various conditions since the MPC Action Letter is not yet available and the MPC made numerous changes in final condition language on November 20, 2006, which Westmont has not yet had an opportunity to read and review. A detailed explanation of the legal and factual basis for this appeal will be provided in advance of the Board of Supervisors hearing and after the Action Letter is available.