

October 29, 2012

Mr. Bob Braitman, Executive Officer  
Santa Barbara Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara, CA 93101

Ref: Cieneguitas Reorganization, LAFCO 12-4:  
For inclusion at the November 1, 2012 hearing

Mr. Braitman and Members of the Commission:

I represent Britschgi I, LLC, owners of the property at 675 Cieneguitas Road which is occupied by Foothill Pet Hospital.

We are requesting that our property be detached from this application and given its own hearing in order that the situational specifics of our parcel and enterprise can be treated fairly. This is necessary given the gross dissimilarities between our property and that of the proposed Sansum Clinic at Foothill Centre. The City of Santa Barbara applied for annexation in response to directions from LAFCO. It is therefore appropriate that LAFCO reconsider this in light of our specific circumstances.

We are aware of the “no protest” clause in the Sewer Connection Agreement. The waiver of rights to protest annexation is explicitly called out but is not absolute (*...except that the owner shall have the right to be heard in any hearing in which the zoning of the subject property is being considered...*). We have not waived all rights in this matter. Many conditions, both seen and/or unknown are being attached to the 675 Cieneguitas parcel. These are the focus of our protest and, in this, we reserve, affirm and assert all rights not specifically waived.

In spite of being a stakeholder we were never contacted nor asked to participate conceptually in the formative days of this reorganization. We had no input and only learned of the project by a mailed announcement for a public hearing of the City of Santa Barbara Planning Commission. On the notice Britschgi I, LLC appeared to be named as part of the Applicant group. Since then we received hearing notices only sporadically. This illustrates the character of our experience over the months as we have tried to play catch-up.

As we learned more and more details of what was being proposed and how our property was affected, our concerns grew. We read and responded to the City Planning Commission Resolution No. 0090-12 that was heard at the Santa Barbara City Council meeting on July 24<sup>th</sup> of this year. We were able to have removed several conditions that had been wrongly placed on our parcel. Subsequently, we became aware that, until a full and comparative study was made, the zoning changes would likely create unfavorable conditions. After all, this is not just a change in zoning designation, but a change in the complete body of codes, going from Santa Barbara County to the City of Santa Barbara.

Please consider that our property was developed in the early 1970s conforming to those contemporary codes of Santa Barbara County. Foothill Centre is being reviewed and proceeding through the City of Santa Barbara agencies of today. This is a difference of forty-plus years and a change in governing bodies. Our site is being subjected to the same conditions of approval required of the new construction. We do not have the luxury to be in compliance with the City's requirements after the fact. Zoning changes and other imposed conditions may place, as yet unaddressed, burdens on our site by creating legal non-conforming aspects such as more restrictive setbacks, lot coverage, parking, etc. These all affect the market value of our property.

Regarding the Orderly Boundary concept; until fully adopted there will be irregular and un-orderly areas on the map, including islands and ragged edges. We do not understand the urgency of having our parcel annexed by attaching it to a time-critical construction project. It seems that including our site is premature and an action done in haste for an expediency not in our best interest. Across Cieneguitas, east of our property, are several residential parcels on La Barbara Drive. Some are in the City and some in the County. This is an island of County land with peninsulas of the two jurisdictions surrounded by City land. Why were these parcels not also included in the current project? They certainly seem to fit the same criteria used for inclusion of our parcel in this reorganization.

The current use of 675 Cieneguitas is the only similarity with the Sansum Clinic. Scale, age of construction, and the immutable code substitution do not burden the new project. The fact is that our parcel is more like the La Barbara island than the Foothill Centre project. La Barbara properties are existing older structures built under County zoning and codes. Further, similar to our site, some of these properties have agreements regarding annexation. And yet our preexisting agreement was a factor for including our parcel with Foothill Centre. We remain confused and confounded by the decision to attach our parcel to a new, large multi-story construction project.

We realize that, in general, the community is anxious to have the Sansum Clinic built. This is understandable, but we have been caught up in this whirlwind of necessity that unfairly impacts our property. We have a right to a hearing specific to our situation and conditions and feel that there is no compelling reason to keep 675 Cieneguitas attached to this application.

Thank you,

Delbert Britschgi  
Manager