



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: February 20, 2007
Placement: Set Hearing
Estimated Tme: 90 minutes on 3/20/07
Continued Item: NO
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director (805) 568-2085
Director
Contact Info: Dianne Black, Assistant Director (805) 568-2086
SUBJECT: Set Hearing for the Appeal of the Montecito Planning Commission's Denial of the Franklin Veterinary Clinic

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

Set a hearing for March 20, 2007 to consider an appeal filed by the applicant (Case No. 06APL-00000-00038) of the Montecito Planning Commission's September 20, 2006 decision to uphold the Planning and Development Department's denial of the proposed Franklin Veterinary Clinic (Case Nos. 05HOC-00000-00008 and 05APL-00000-00033) located at 1396 Greenworth Place, Montecito Area (APN 009-190-009), First Supervisorial District.

Staff recommends that your Board take the following action:

1. Deny the appeal, Case No. 06APL-00000-00038, thereby upholding the Montecito Planning Commission's decision to uphold the Planning and Development Department's denial of the proposed Franklin Veterinary Clinic;
2. Adopt the required findings for denial of the proposed veterinary practice specified in Attachment A of the Montecito Planning Commission action letter (Attachment C to this Board Letter), dated September 27, 2006; and
3. Deny the proposed project, Case No. 05HOC-00000-00008.

Summary:

The applicant applied for a home occupation for a veterinary practice in a single-family residence located at 1396 Greenworth Place, Montecito (Case No. 05HOC-00000-00008). The Staff Report to the Montecito Planning Commission, dated September 1, 2006, includes a complete project description (Attachment A to this Board Letter). In summary, the project would serve small animals and would be conducted in the den of the residence. The den is approximately 140 square feet square in size. All equipment and supplies would be stored in the den. Medications would be maintained on-site. Animals would be picked up in the morning and returned in the afternoon by the applicant. The frequency of pick-up and delivery would be once a day, two to three days a week. One employee would work on-site. Customers would not come to the residence. The hours of operation would be 9:00 a.m. to 3:00 p.m. The practice would not use a commercial vehicle.

The Planning and Development Department (P&D) denied the proposed veterinary practice because it did not conform to the criteria for home occupations listed in Section 35-121.2 of the Coastal Zoning Ordinance (Article II). The applicant appealed this decision to the Montecito Planning Commission (MPC) (Case No. 05APL-00000-00033).

On September 20, 2006, MPC conducted a hearing on the appeal. After considering public testimony and additional materials submitted by the applicant, MPC unanimously denied the applicant's appeal and upheld P&D's decision to deny the proposed veterinary practice. MPC concluded that the project did not conform to three of the 11 criteria for home occupations in Article II. These criteria are listed in Attachment C of the Staff Report to Montecito Planning Commission (Attachment A to this Board Letter). Inconsistent with criterion #3, the proposed practice would not be conducted solely by the occupants of the residence. The proposed practice would not conform to the criterion #6 because it could create noise (barking dogs) audible beyond the boundaries of the premises. Inconsistent with criterion #10, the proposed practice would detrimentally affect the residential character of the neighborhood.

In addition, MPC concluded that the project would not conform to Land Use Goal LU-M-1 in the Montecito Community Plan, which states, "In order to protect the semi-rural quality of life, encourage excellence in architectural and landscape design. Promote area-wide and neighborhood compatibility; protect residential privacy . . ." MPC also did not approve the project because outstanding building violations existed on the subject property (05BDV-00000-00206). The applicant subsequently obtained a building permit to resolve these violations (05BDP-00000-02076). Staff is currently not aware of any zoning or building violations on the subject property.

Numerous neighbors have commented on the proposed project. Before denying the permit, P&D received letters and petitions signed by more than two dozen neighbors opposing the veterinary practice. Approximately a dozen neighbors testified against the project at the Montecito Planning Commission's hearing on September 20, 2006. Most of the neighbors expressed concern that the veterinary practice would detrimentally affect the residential character of the neighborhood.

The applicant appealed MPC's decision to the Board of Supervisors (Case No. 06APL-00000-00038). The applicant believes that the proposed veterinary practice would conform to criteria #3, #6 and #10 for home occupations in Article II.

Background:

The subject property is located in the Coastal Zone and is approximately 18,000 square feet (0.41 acre) in size. The applicant proposed the veterinary practice in a residence that is approximately 2,332 square feet in size, including the habitable space (approximately 1,561 square feet), an attached garage (approximately 420 square feet) and an enclosed rear porch (approximately 351 square feet).

The subject property is zoned Single-Family Residential, 20,000 square-foot minimum lot area (20-R-1) under Article II. The surrounding parcels are also zoned and used for residential purposes. The parcels within 100 feet of the subject property range in size from approximately 15,800 square feet (0.36 acre) to 43,560 square feet (1 acre). They include single-family residences.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The applicant's cost for processing an appeal to the Board of Supervisors is a \$443 fixed fee (County of Santa Barbara Land Development Fees, effective January 15, 2007). The remaining cost of processing the appeal is budgeted in the Permitting and Compliance Program of the Development Review Division – South on page D-290 of the adopted budget for Fiscal Year 2006/07. Estimated staff time to prepare the Board Letter and prepare for and attend the hearing is approximately 30 hours.

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on March 20, 2007. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill the noticing requirements in Section 35-181.2 of Article II. P&D will provide mailing labels for the mailed notice. A minute order of the hearing and copy of the notice and proof of publication shall be returned to P&D, attention Cintia Mendoza, Board Assistant Supervisor.

Attachments:

- Attachment A: Staff Report to Montecito Planning Commission, dated September 1, 2006
- Attachment B: Applicant's Appeal Letter to the Board of Supervisors, received September 22, 2006
- Attachment C: Montecito Planning Commission Action Letter, dated September 27, 2006

Authored by: Allen Bell, Planner III, Development Review Division – South
(805) 568-2033

Set Hearing for Appeal of Montecito Planning Commission's Denial of the Franklin Veterinary Clinic

Case No. 06APL-00000-00038

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cc: Case File (Allen Bell, Planner)
Bonnie Franklin, Applicant (1396 Greenworth Place, Montecito, CA 92108)
June Pujo, Supervising Planner, Development Review Division – South

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