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March 23, 2012

*Via Hand Delivery*

City Clerk  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, CA 93101

**Re: Appeal of One Condition of Approval Imposed by the Planning Commission in Connection with its Approval of the Proposed Redevelopment of the Existing Chevron Gas Station Located at 1085 Coast Village Road to Include a Mini-Market and a Covered Car Wash (MST 2010-00226)**

Dear Clerk:

This office represents the owner and operator of the existing Chevron Gas Station ("Gas Station") located at 1085 Coast Village Road and files this single issue appeal on their behalf.

On March 15, 2012, the Planning Commission approved a proposed redevelopment of the Gas Station. The approval specifically included approval of the following discretionary applications:

1. A Modification to provide less than the 18 required parking spaces (SBMC §28.92.110.1).
2. A Modification to allow two pay point kiosks to be located within the required 10 foot front setback (SBMC §28.92.110.2).

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3. A Conditional Use Permit for the conversion of an existing automobile service station to automobile service station with mini-market (SBMC §28.94.030.V).
4. A Conditional Use Permit for the car wash in the C-1 Zone District (SBMC §28.94.030.Q).
5. A Coastal Development Permit for development including an automobile service station with mini-market and car wash and a new well in the Coastal Zone (SBMC §28.44.060).

The approval did not involve an increase in the number or location of the existing gas pumps or any change in the existing approved Pumpflox installed on the existing gas pumps.

With one exception, the approval included adoption of the Conditions of Approval which were prepared by Staff and submitted to the Planning Commission with the Staff Report.

The one exception was a Condition of Approval relating to the Pumpflox located on the gas pumps which was proposed by one Planning Commissioner and, as revised, was ultimately included in the resolution which approved the Project.

The Staff prepared Conditions of Approval are not being appealed. The only issue which is being appealed is the Planning Commission's imposition of an additional Condition of Approval that requires the installation of a "mute button, if feasible" upon the Pumpflox which currently exist on the existing gas pumps.

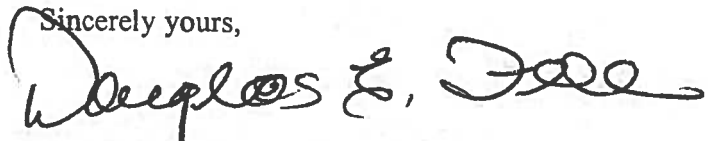
There are multiple reasons why this "mute button" condition is inappropriate:

The first reason is the lack of a nexus between the requested approvals and the imposition of the condition.

The second reason and the most important is that this issue was addressed in depth by the City Council when it adopted the ordinance authorizing the installation of Pumpflox on gasoline pumps in the City of Santa Barbara and was not included in the ordinance. (See SBMC §22.70.030B.26.)

For these (and other issues which will be addressed prior to the appeal hearing), the owner and operator of the 1085 Coast Village Road Chevron Project appeals the "mute button, if feasible" Condition of Approval.

Sincerely yours,



Douglas E. Fell

cc: Kevin Dumain, AIA