

**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: 03/06/03
Department Name: P&D
Department No.: 053
Agenda Date: 03/18/03
Placement: Regular
Estimate Time: 30 Minutes
Continued Item: Yes
If Yes, date from: 02/04/03
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00028/Boardletter for March 18, 2003.doc

TO: Board of Supervisors

FROM: Rita Bright, Deputy Director, Secretary of the Planning Commission
Planning and Development Department

STAFF CONTACT: Anne Coates, Planner (934-6262)
June Pujo, Supervising Planner (568-2056)

SUBJECT: Farr Appeal of ARCO Gas Station, 02APL-00000-00028

Continued hearing to consider Doreen Farr's appeal of the Planning Commission's August 28, 2002, decision to deny the Patterson Area Neighborhood Association's (PANA) appeal 02APL-00000-00003, and uphold P&D's Director level approval of 99-DP-052, with revisions, for an approximately 1,327 square foot gas station/mini-mart and associated fueling pumps on the corner of Patterson Avenue and US Highway 101 (APN 067-200-005).

A. RECOMMENDATION AND PROCEDURES:

Based on your conceptual action of January 7, 2003, staff recommends your motion include the following:

1. Grant the appeal, and deny approval of Development Plan 99-DP-052, as revised at the PC hearing of August 28, 2002;
2. Adopt the findings for denial of the project, included as Attachment A of this report, dated March 6, 2003.

B. BACKGROUND:

At the Board of Supervisor's hearing of February 4, 2003, planning staff submitted Development Plan draft findings for denial for the proposed project per direction by the Board at the hearing of January 7, 2003. In addition to the required Development Plan findings of the Article III Zoning Ordinance, staff prepared four additional draft findings (2.1.9, 2.1.10, 2.1.11, 2.1.12, and 2.1.13) which are intended to address the Board's interest, as expressed in the hearing of January 7, 2003. These additional findings identifying alternatives

that could potentially further reduce impacts and better protect the general welfare of the neighborhood. For ease of reference we have re-attached these draft findings to today's report.

During the February 4, 2003, ARCO Attorney, Richard Monk, presented both written and oral testimony alleging that ARCO had a vested right to develop the subject parcel with a gas station/mini-mart. (See letter dated January 30, 2003, submitted to the Board of Supervisors as part of the February 4, 2003 hearing.) County Counsel requested a continuance of the hearing item in order to respond to the vesting issue. The Board continued the item, and directed staff to return on March 18, 2003. Since the date of that hearing Planning and Development has assisted County Counsel in their historical research of the site, including review of Fire Department, Hazardous Materials Section files associated with the soil remediation efforts at the ARCO site. As part of that research and in discussion with Kate Sulka, Hazardous Materials Specialist Supervisor, Planning and Development learned that the County of Santa Barbara Fire Department, Fire Prevention Division, re-opened the site for soil remediation in 2003. As mentioned above, County Counsel is prepared to address vesting issues raised by the applicant, prior to your Board taking final action on the project.

C. MANDATES AND SERVICE LEVELS:

The appeal was filed pursuant to Section 35-327.3 of Article III of Chapter 35 of the County Zoning Ordinances, which states that the decisions of the Planning Commission may be appealed to the Board of Supervisors within ten days of the Planning Commission's actions.

Pursuant to Government Code Sections 65355 and 65090, a notice was published in at least one newspaper of general circulation. Mailed notice was sent to the real property owners, project applicant, and agencies expected to provide essential services at least 10 days prior to the hearing (Government Code Section 65091).

CONCURRENCE: County Counsel

ATTACHMENTS:

- A. Draft Findings for Denial
- B. Letter from the Fire Department, Fire Protection Division

cc

Case File: 02APL-00000-00003, 99-DP-052, 02APL-00000-00028
Lisa Martin, Administration Division
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Owner: Ron Reger, ARCO Products Company, 4 Centerpoint Drive, La Palma, CA 90623-1066
Agent: George Garcia, Garcia Architecture & Design, 1880 Santa Barbara Street, Suite C, San Luis Obispo, CA 93401
Attorney: Richard Monk, Hollister & Brace, 1126 Santa Barbara Street, Santa Barbara, CA 93101
Doreen Farr, 5270 Paseo Cameo, Goleta, CA 93117
County Surveyor
Fire Department
Commissioner Jordan, Second District

Case #: 02APL-00000-00028
Project Name: The Farr Appeal of the ARCO DP
Project Address: Patterson Ave. & US Highway 101
Hearing Date: March 18, 2003

Mary Ann Slutzky, Deputy County Counsel
Dianne Meester, Acting Director Planning and Development Department
Rita Bright, Deputy Director, Development Review Division South County
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