

October 19, 2015

PHONE: (213) 620-0460
FAX: (213) 624-4840
DIRECT: (213) 621-0815
E-MAIL: kbrogan@hillfarrer.com
WEBSITE: www.hillfarrer.com

Via Email (sbcob@co.santa-barbara.ca.us)

Hon. Janet Wolf, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Eastern Goleta Community Plan Update: Proposed Mixed Use Rezone

Hearing: October 20, 2015

Honorable Chair and Members of the Board of Supervisors

This firm represents Thrifty Oil Co. Thrifty Oil Co., a family owned business, has been the owner of APN 061-110-018 since 1980 and APN 061-110-019 since 2010 (collectively the "Property"). The portion of the Property identified as APN 061-110-018 has been operated continuously as a service station since Thrifty acquired it. Thrifty's present tenant for the service station is Tesoro Refining & Marketing Company. On a small portion of Parcel APN 061-110-018 and on Parcel APN 061-110-019 another tenant operates a limousine service. APN 061-110-018 is currently zoned C-2 (Retail Commercial) and APN 061-110-019 is zoned C-3 (General Commercial).

This past week we learned of the proposed adoption of the Eastern Goleta Community Plan Update which would re-zone our Property to a new restrictive Mixed-Use ("MU") zone. The proposed MU zone would prohibit many of the uses permitted under the C-2 zone and render our service station and the limo operator, and many other businesses in the vicinity, legal non-conforming.

The stated intent of the non-conforming ordinance is to discourage long-term continuance of the existing use and prevent such existing use and structures on a property from being enlarged, expanded or extended (see attached LUDC Section 35.101.010). After more 35 years of operating a service station, incurring a substantial investment and being a responsible neighbor providing an important service to the community, the County by adopting this ordinance will unreasonably interfere with Thrifty's property rights. It is likely that under the non-conforming ordinance Thrifty and its tenants would be denied permits and approvals to repair or improve the Property. The inability to remodel or alter the improvements on the Property would, in effect, eliminate the existing uses at the Property.

As the County is no doubt aware, service stations operate under a variety of statutory conditions and environmental regulations which require continued inspection and modification which would be problematic under the proposed rezone.

The proposed re-zoning is an excessive and impermissible restriction on the Property. The imposition of this new zoning on our Property not only curtails Thrifty's ability to exercise its property rights, but unfairly and adversely effects the value of the Property. The County by imposing such restrictive conditions on our Property would in effect be taking the Property in contravention of law.

We respectfully request that the County re-consider and not adopt the new MU zoning ordinance.

Very truly yours,

Kevin Brogan (digital signature)

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

KHB

HFB 1583865.3 T4589001