



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 29, 2008
TO: Mayor and Councilmembers
FROM: Engineering Division, Public Works Department
SUBJECT: Amendment to Setback Lines for 1929 Cliff Drive

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute and record a Setback Variance Agreement pursuant to Santa Barbara Municipal Code Chapter 28.84; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Granting a Variance at 1929 Cliff Drive, Assessor's Parcel Number 045-015-016, with Respect to the Setback Established for Cliff Drive by Santa Barbara Municipal Code Section 28.83.077 and Chapter 28.84.

DISCUSSION:

BACKGROUND

Santa Barbara Municipal Code (SBMC) Sections 28.82, 28.83, and 28.84 have established Building and Zoning Setbacks along a number of City streets. Many street setbacks were first established in 1927 by Ordinance, and are generally 10 feet wide along the affected Rights-of-Way. The same setback applies to all properties fronting the affected street. For clarification, setbacks are not specific to zoning designations.

For many years, staff has been considering setback variance requests on a case-by-case basis. Approximately one year ago, after considering elimination of certain sections of the Setback Ordinance, Transportation staff decided that setbacks do serve a purpose, so the Ordinance remains in effect.

Staff has received a Setback Variance Application from the developer for the proposed project located at 1929 Cliff Drive (Attachments 1 and 2). The applicant has paid the Setback Variance Application fees in accordance with Resolution 07-052. Section 28.83.077 of the SBMC specifically identifies a 55-foot building setback from the centerline of Cliff Drive, which affects the subject property.

REVIEWED BY: _____ Finance _____ Attorney

Agenda Item No. _____

On December 7, 2006, Modifications, a Conditional Use Permit, a Development Plan and Coastal Development Permit were approved by Planning Commission (PC), by Resolution Number 051-06, for the demolition of an existing gas service station, construction of new gas pumps, a mini-mart and a car wash. One contingency of the PC's project approval is for the applicant to obtain Council approval for a setback variance in order to allow minor encroachments into the Cliff Drive setback. The encroachments include a Monument Sign in the parkway, replacement of one of two existing private light standards, and installation of landscaping, curbing and curb cuts within the setback area. Attachment 3 depicts previous setback variances existing along Cliff Drive.

Upon receiving the Setback Variance Application for 1929 Cliff Drive, staff re-evaluated the possibility of further street widening, and has determined that the Cliff Drive setback, running along the subject property frontage is not likely to be widened, because the current Rights-of-Way widths are adequate for present and future traffic circulation patterns, utilities, and other public needs. In the event the City should ever need these minor encroachments to be removed for future City improvements, the owner has agreed to remove the encroachments, as identified in the signed *Setback Variance Agreement Pursuant to Santa Barbara Municipal Code Section 28.84 and Agreement Imposing Conditions on Real Property*.

It is necessary that Council approve the setback variance request since it conforms to all the requirements of the Municipal Code applicable at the time of approval of the Development review.

The City Attorney's office has reviewed the requirements for Council to grant a setback variance, and a resolution has been prepared for Council's review and consideration.

Staff recommends that Council adopt a resolution granting the setback variance, and authorize the City Administrator to execute the attached Agreement, subject to the approval of the City Attorney. The Agreement shall be recorded in the Official Records of Santa Barbara County in order to give constructive notice concerning the variance to all interested parties in the future.

ATTACHMENTS:

1. Vicinity Map
2. Letter from Applicant requesting variance
3. Photos of site and adjacent properties

PREPARED BY: Homer F. Smith II, Principal Engineer/VJ/kts

SUBMITTED BY: Paul A. Casey, Acting Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
1929 Cliff Drive



Not to Scale



LENVIK & MINOR
ARCHITECTS

April 4, 2007

Attn: Hon. City Council
City of Santa Barbara
735 Anacapa Street
Santa Barbara CA 93102

Subject: Price Service Station/Car Wash; 1929 Cliff Drive; APN 045-015-016

Honorable Mayor Blum and Council Members:

This letter is on behalf of Messrs. Ed Edick and John Price, owners of the Fuel Depot Service station at 1929 Cliff Drive. We propose to replace the aging service station with a new service station, car wash, and convenience market. Our project application requires a setback Variance from Cliff Drive.

Section 28.83.077 of the Santa Barbara City Municipal Code requires a setback of fifty-five feet from the centerline of Cliff Drive. Portions of the existing development on site, namely a low wall, planter strip, monument sign, two light standards, curbs, and curb cuts, currently encroach into the setback. The existing development and the sign both have permits but no Variances on file.

We request a Variance to maintain a monument sign in the planter strip, to replace one of the two existing light standards, and to install landscaping, curbing, and curb cuts within the setback area, per EXHIBIT B, attached.

The sign would be smaller than existing, and would be located slightly eastward, to improve sight distance. Relocating the sign 4.5 feet further from the street would allow for a widened landscape strip separating the sidewalk from Cliff Drive.

The westerly light standard is needed to provide illumination to the parking area. The curbs would replace existing curbs, consistent with the revised site design. The westerly curb cut would be reduced in width from 36 feet to 25 feet. The easterly curb cut would be reduced from 36 feet to 25 feet.

Exhibit A shows the Existing Site Plan;
Exhibit B shows the Proposed Site Plan.

This request is part of a proposal to update and improve the site. We also propose improvements to the area's obsolete site drainage system. Significantly, the new building would reduce the noise impacts which traffic on Cliff Drive imposes on apartments to the south of our site.

We understand that the following findings must be made to approve the Variances. We have included comments, which may help staff in recommending those findings.

VARIANCE FINDINGS

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to all property affected by the setback line involved, and which produce unreasonable practical difficulties or unreasonable and unnecessary hardships in the way of adhering to the setback line or lines as established without the granting of leave for any variance therefrom.

The proposed facility would be the last service station on the Mesa. The proposed project provides substantial public amenities in the parkway, a sidewalk expanded to 8 feet, and front yard landscaping. It would be an unreasonable hardship to adhere to the setback line. The viable alternative would be to leave the existing wall in place, and reduce the landscape area.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner in consonance and harmony with the enjoyment of their property by other neighboring owners, subject to the setback line involved.

The proposed wall would be part of a substantial upgrade on the site. Pedestrian amenities, landscaping, and elimination of more intrusive encroachments into the setback would be possible with the approval of this variance.

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements subject to the setback line involved.

The proposed sign, landscaping, and site improvements would have no adverse effect on neighbors. Upgrading the property, the pedestrian amenities, landscaping, and attractive architecture would constitute a substantial improvement to the neighborhood.

The City of Santa Barbara has no plan to widen Cliff Drive. Such contingency plan was the original basis for creating the Variance process in certain Santa Barbara Streets.

Part of this Variance Request is to add proper lighting for pedestrian visibility, to increase the buffer between pedestrians and cars, and to install and maintain a wider, more attractive landscape strip. The proposed sign is smaller than the existing sign, and better positioned to facilitate traffic safety.

If you have any questions or concerns about this matter, kindly contact me at the letterhead telephone number.

Thank you for your attention to this matter.

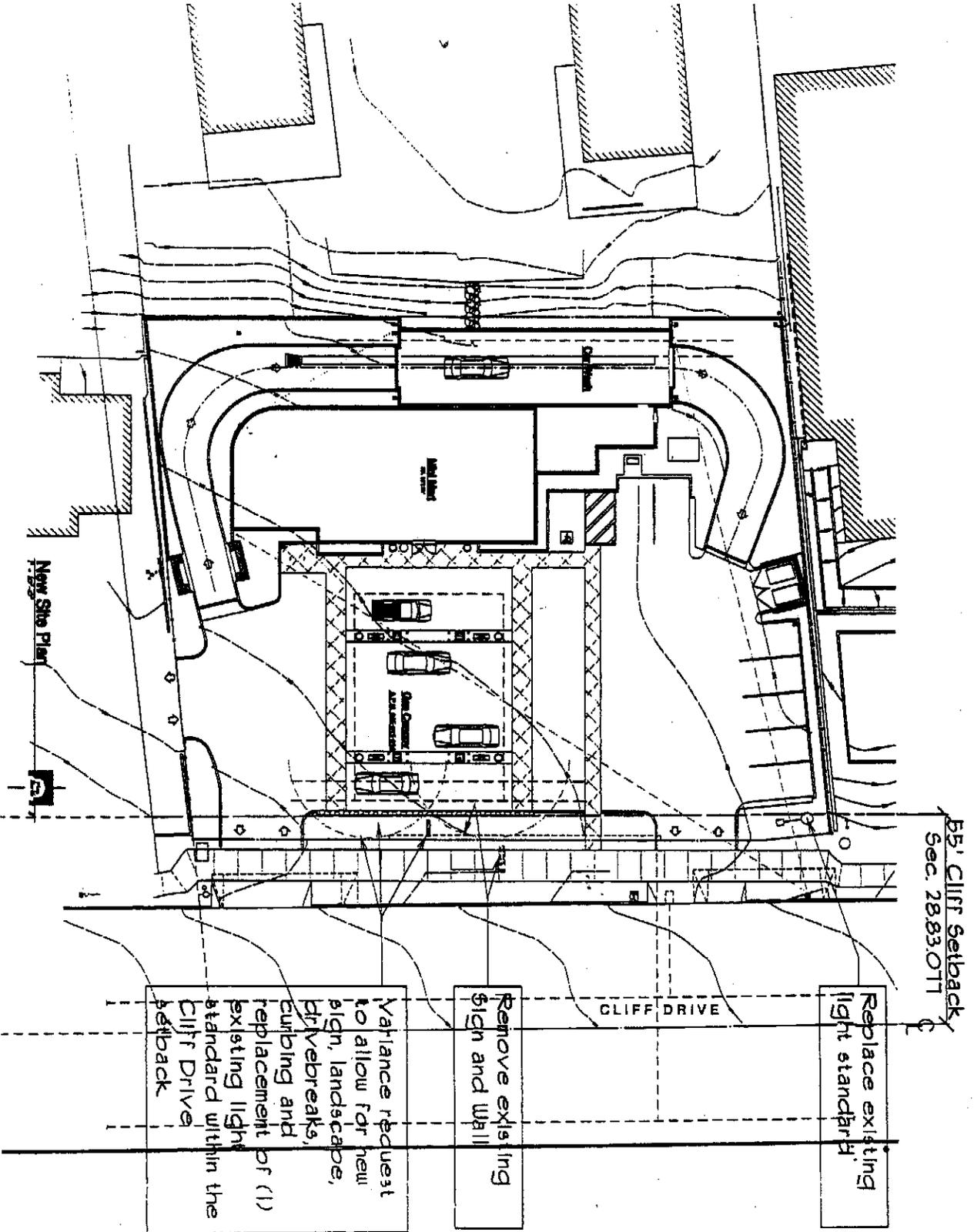
Respectfully submitted,

Lenvik & Minor Architects



Jeffrey Gorrell, A.I.A.

DESCRIPTION



55' Cliff Setback
Sec. 2883.0TT

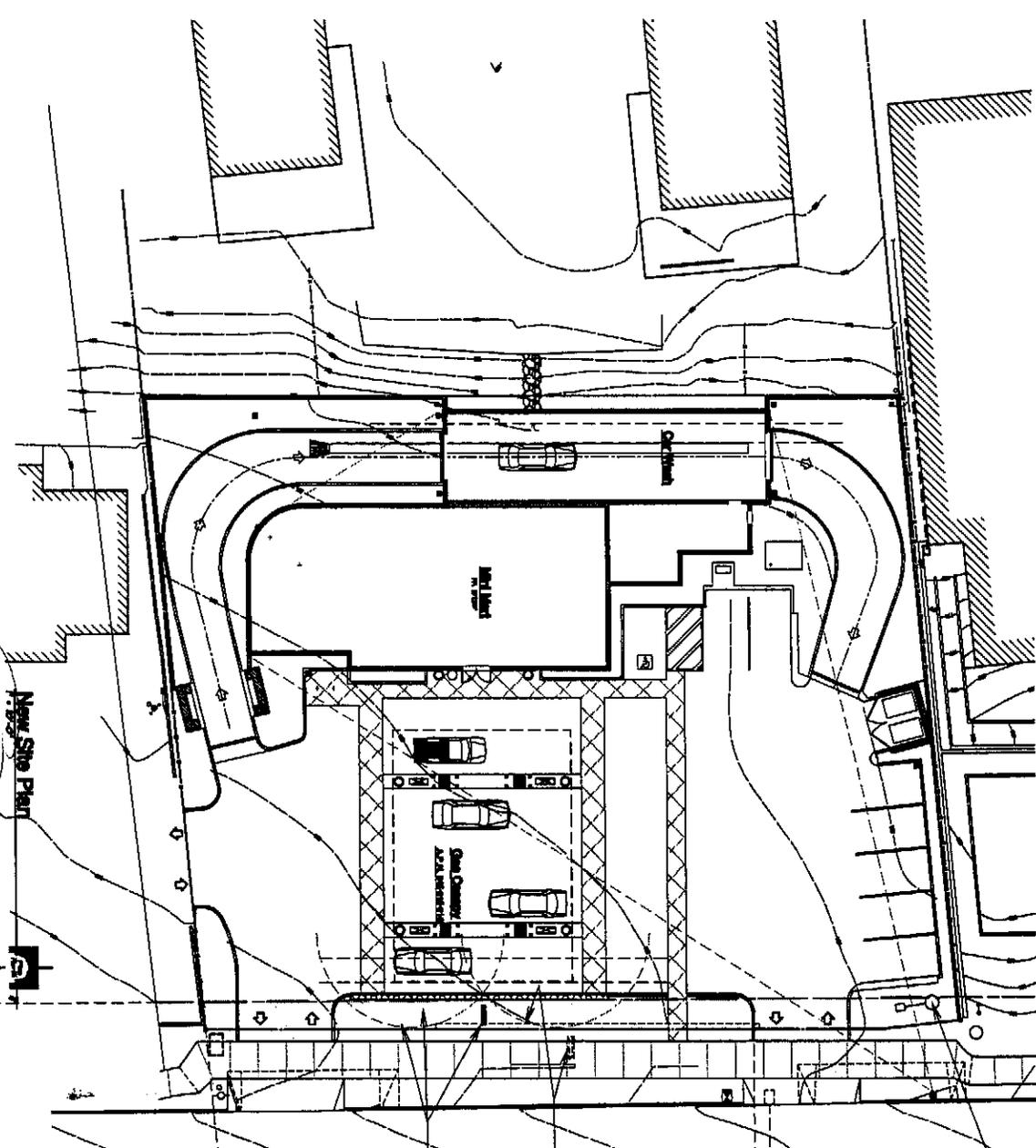
Replace existing
light standard

Remove existing
sign and wall

Variance request
to allow for new
sign, landscape,
drivebreaks,
curbing and
replacement of (1)
existing light
standard within the
Cliff Drive
setback

CLIFF DRIVE

New Site Plan



Replace existing
light standard

id lines
or remove

CLIFF DRIVE

Remove existing
sign and wall

Variance request
to allow for new
sign, landscape,
drivebreaks,
curbing and
replacement of (1)
existing light
standard within the
Cliff Drive
setback

EXHIBIT "B"

REVISED

0314 011 05

1929 CLIFF DR

PBW2006-01391

10/17/2006

PW ROUTING

MESA CENTER
A N O P R I M O

0314 01210

0314 015 BP

0314 016 ps

STATION

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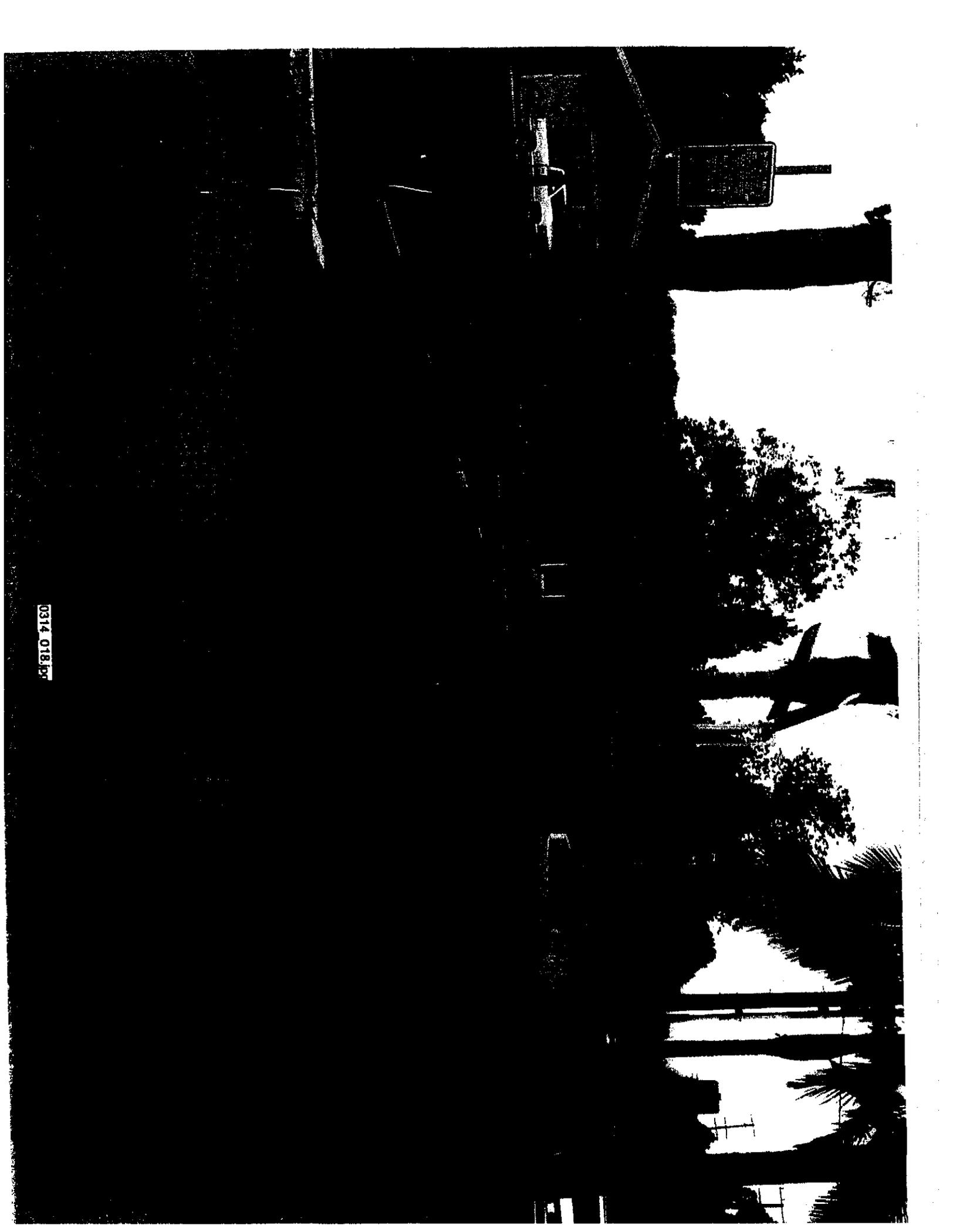
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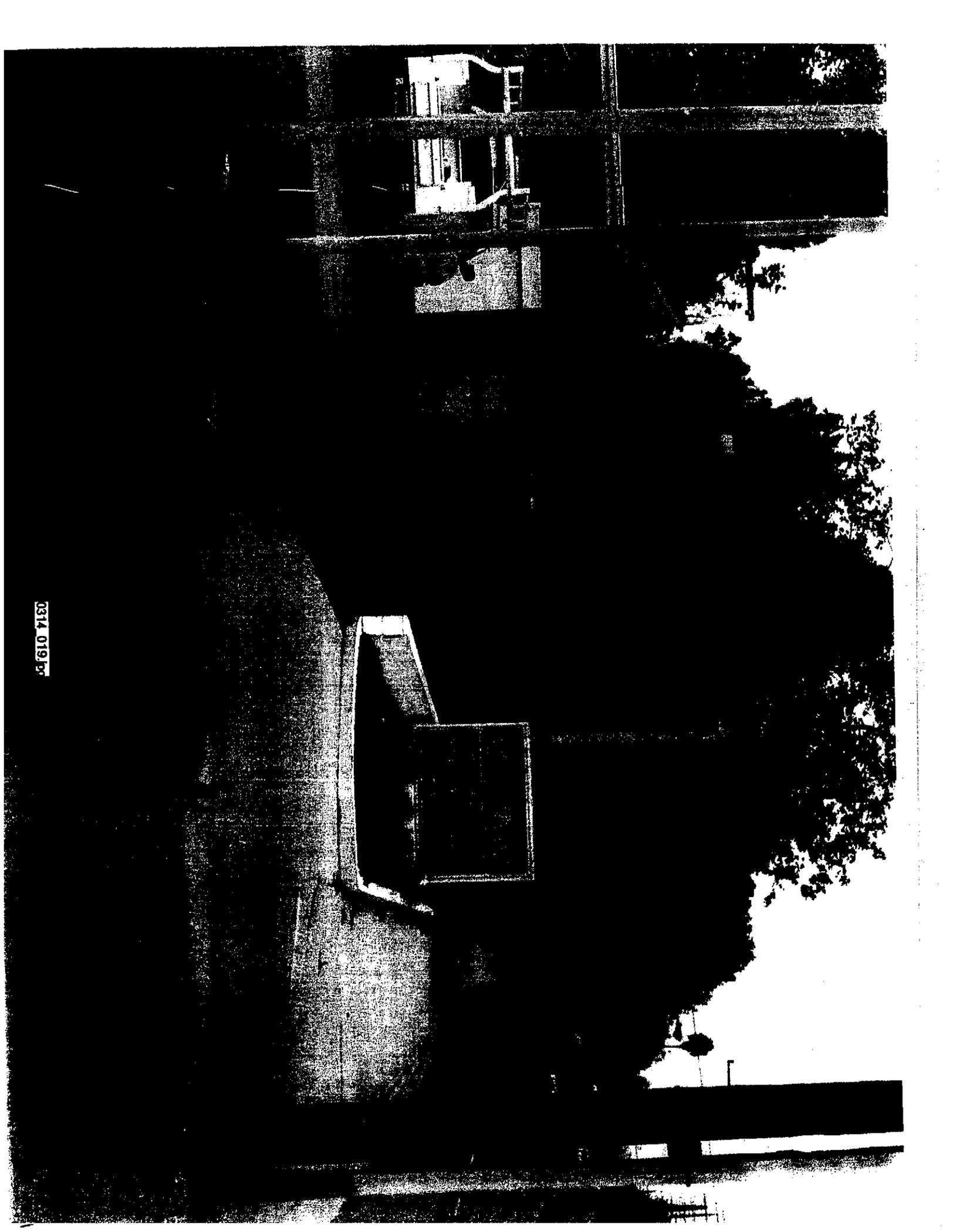
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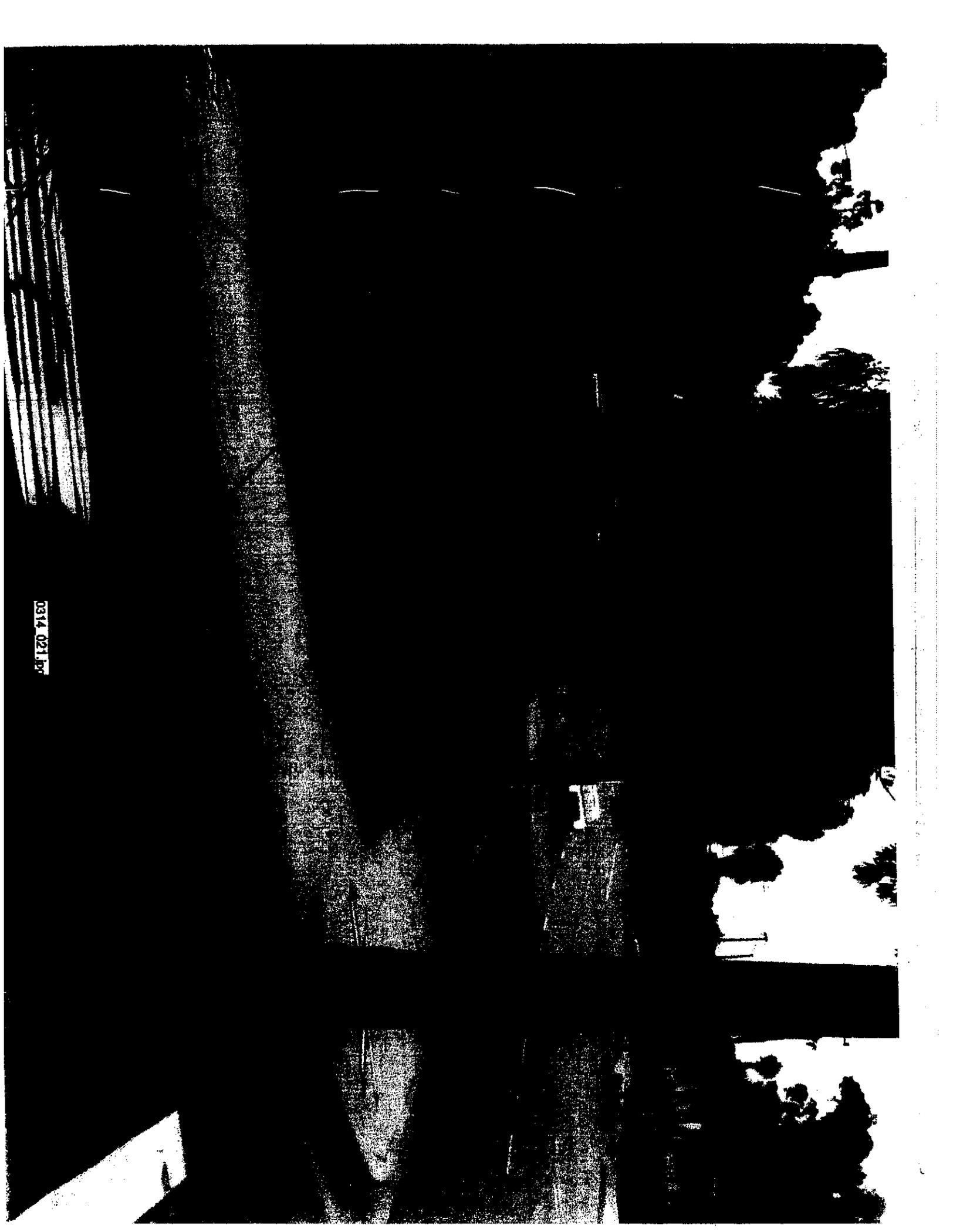


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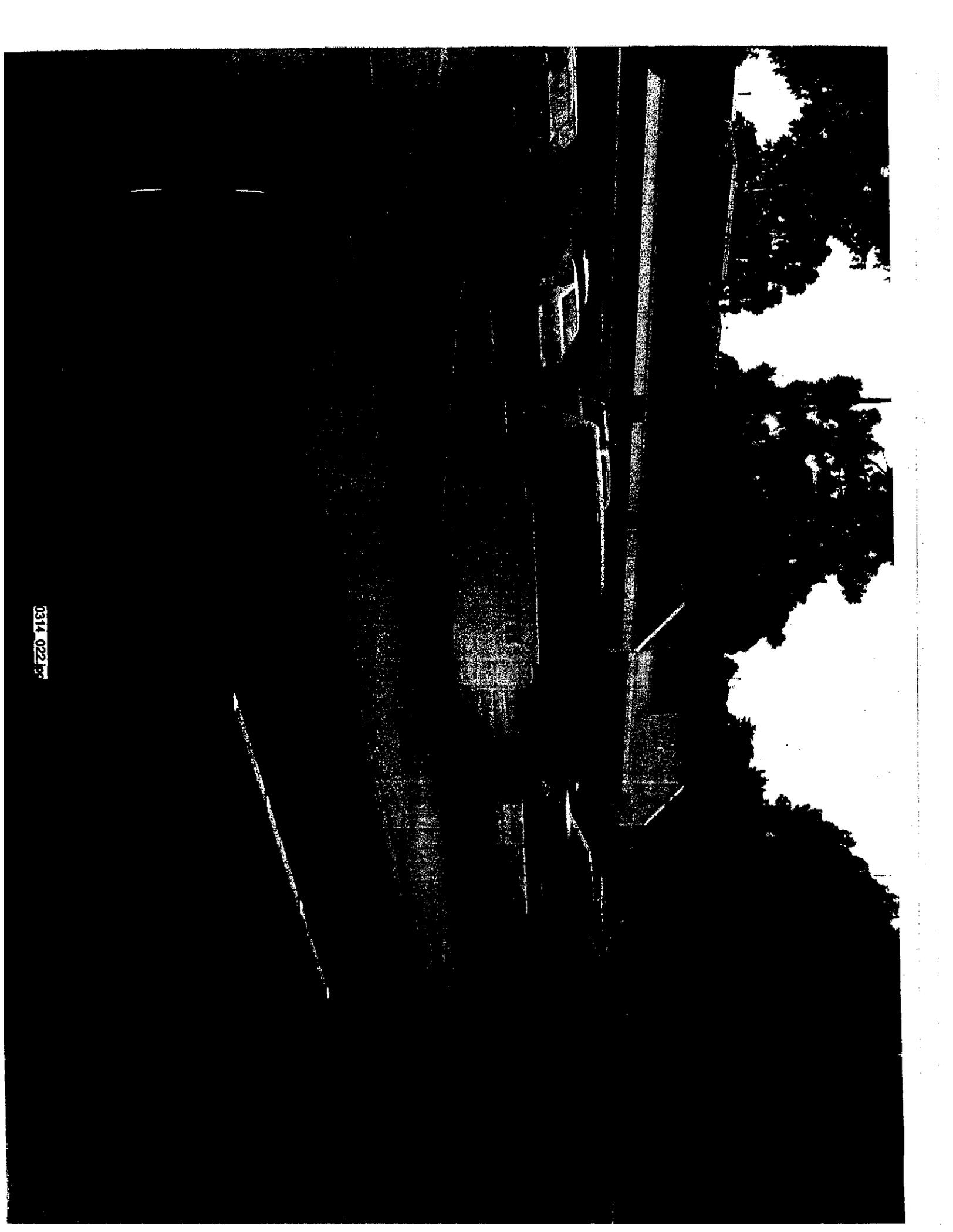


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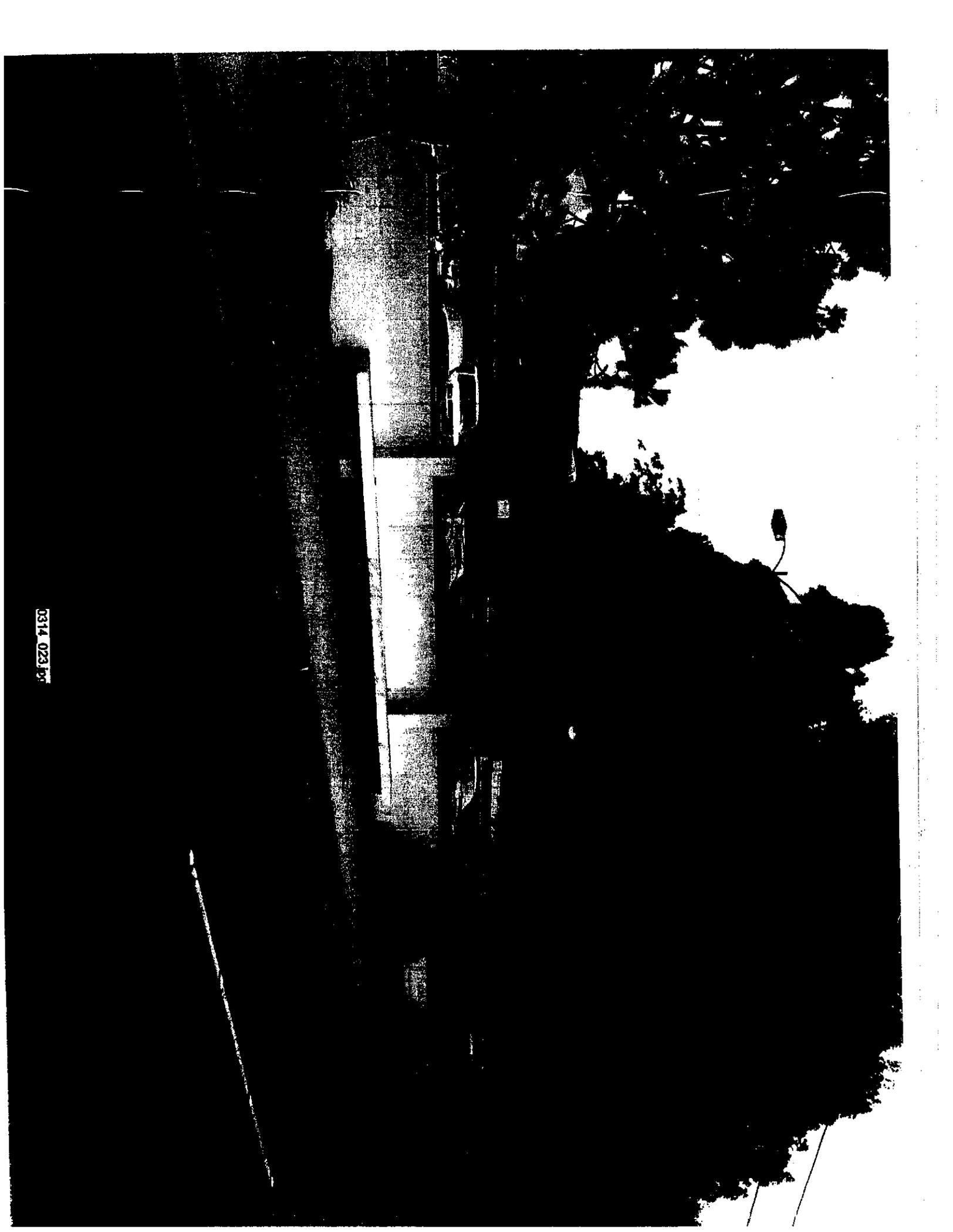
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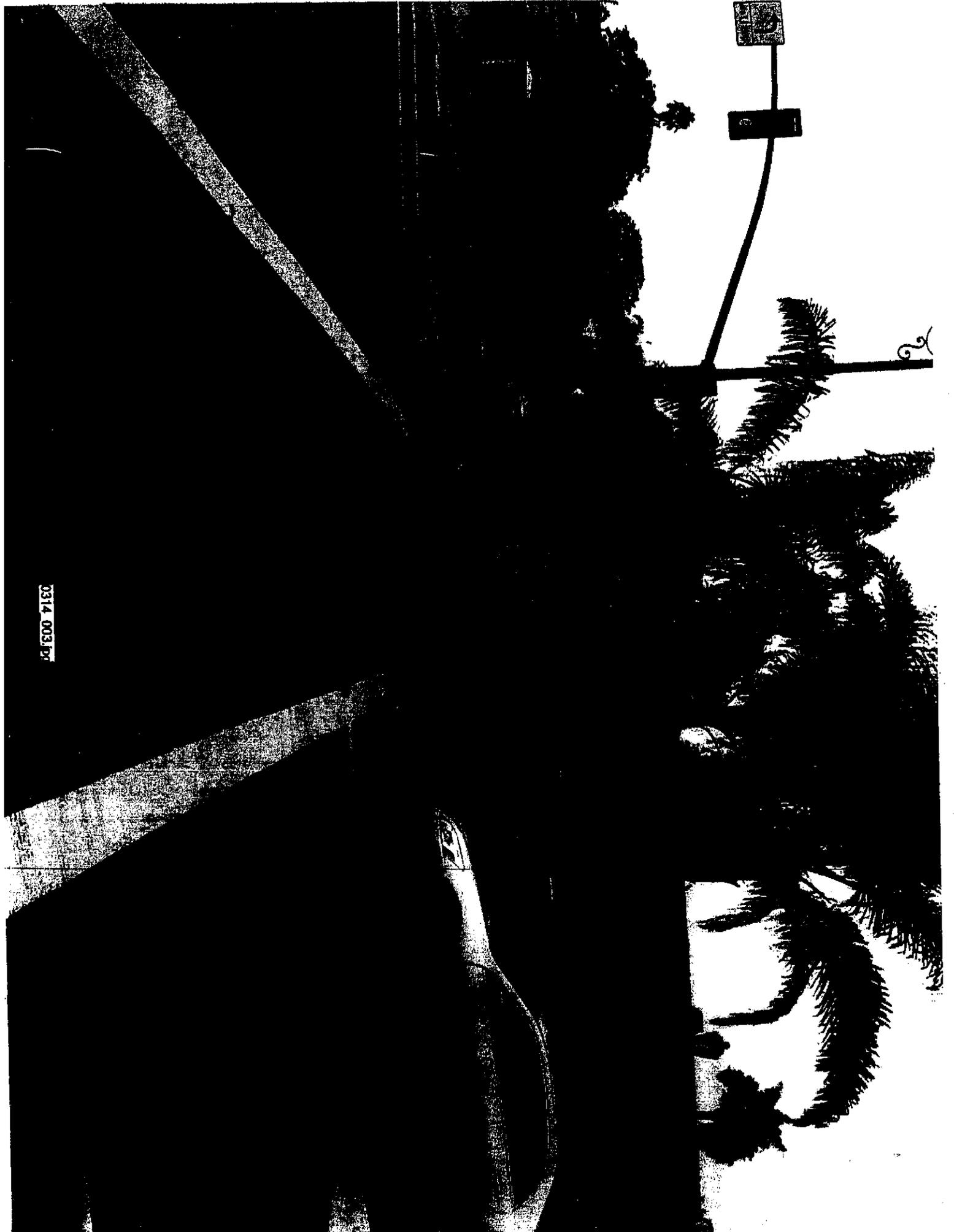
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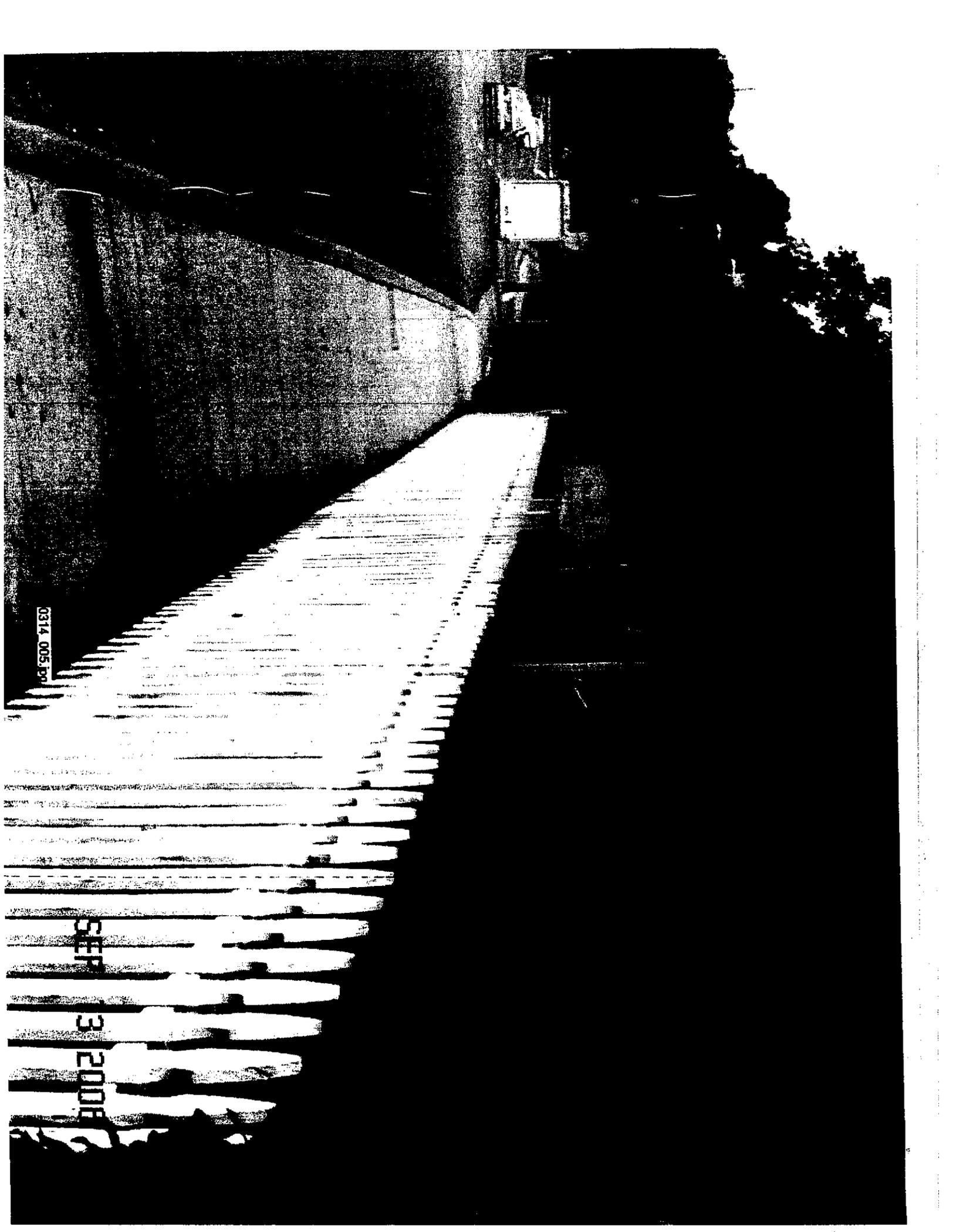




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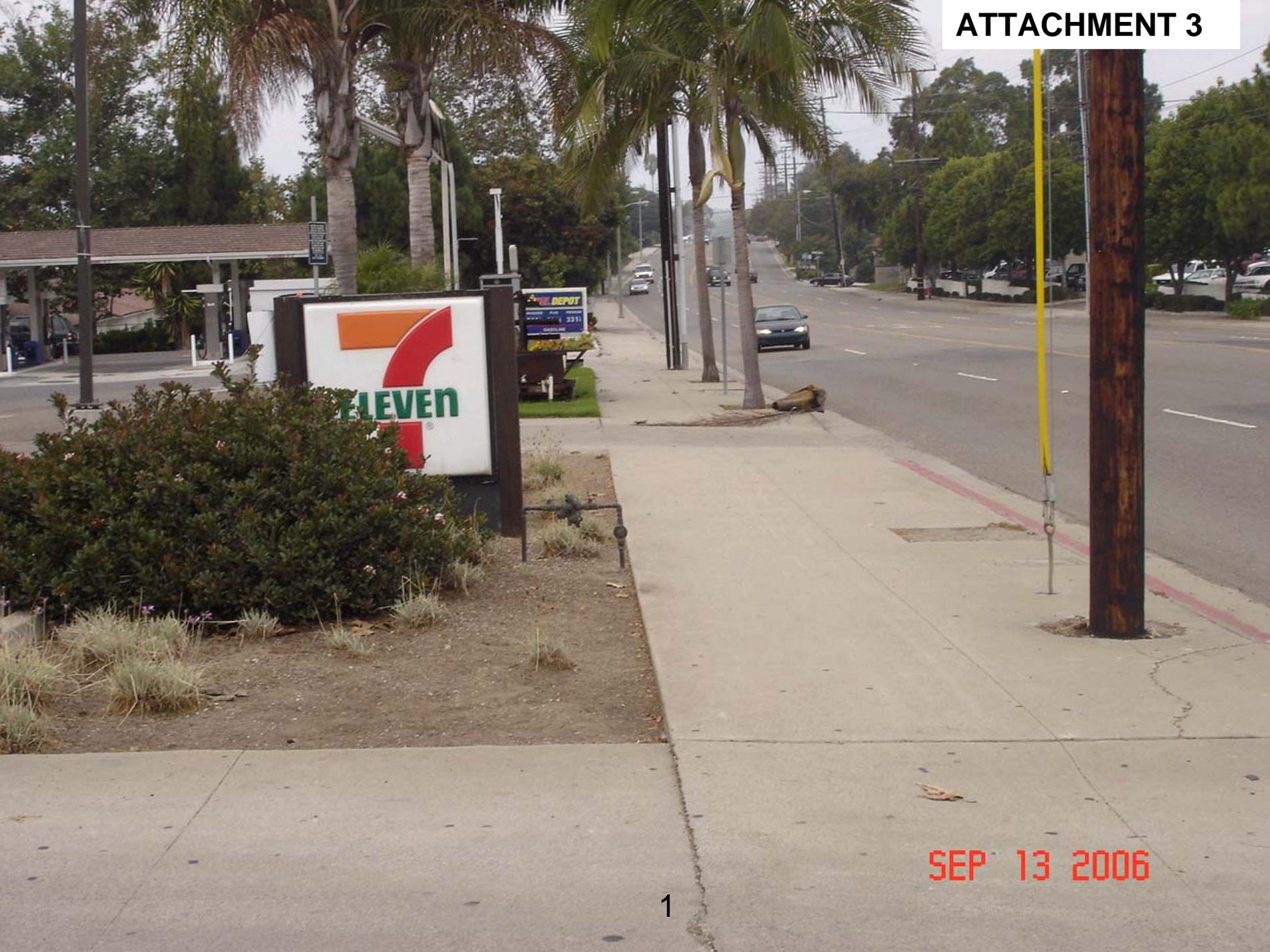


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3350
3450



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SHOPPING

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300

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GOOD CUP
MESA
TEC Inc.
Mesa Thai Cuisine
DAKETA THAI

SEP 13 2006

PROHIBIDA VEICULOS
PARQUEO DE VEICULOS
ACCESIBLES ESPAZIO DEL
MUNICIPIO DE MIAMI
PLAZA DE LICENCIA
PLAZA DE LICENCIA POR
PERMISO DE REGISTRO
NO SE TENDRAN ABAST
DE SERVICIOS ESPECIAL
TODOS VEICULOS DEBEN
DE REGISTRARSE
EN MIAMI
MAY 1987
DE MIAMI

QUIL DEPOT
2311 2211 2311
GASOLINE



1933
Cliff Drive
plaza

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2034

Advanced Eyecare
AND
LASER VISION

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NO U TURN



MONTECITO

Chevron

Gasoline	Sell Price
3.23	per gallon
3.33	per gallon
3.48	per gallon



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