

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 10/10/02
Department Name: P&D
Department No.: 053
Agenda Date: 10/22/02
Placement: Administrative
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Dianne Meester, Interim Director
Planning and Development

STAFF Lisa Surynt, Planner (568-2007)
CONTACT: Jackie Campbell, Supervising Planner (568-2076)
Development Review Division

SUBJECT: Sandpiper Liquors Appeal of the Zoning Administrator's Denial of a Sign Variance
01VAR-00000-00007 and 02APL-00000-00022
APN 005-176-001 at 2262 Ortega Hill Road in Summerland
First Supervisorial District

Recommendation

That the Board of Supervisors consider the appeal of Nadim Maida, owner, of the Zoning Administrator's June 3, 2002 decision to deny the Variance request for an internally illuminated pole sign that is approximately 30 feet high (sign, base, and pole) in the community of Summerland. Staff recommends that the Board of Supervisors:

1. Adopt the required findings for the project, specified in the Zoning Administrator Action Letter dated June 7, 2002.
2. Deny the appeal, upholding the Zoning Administrator's denial of Variance 01VAR-00000-00007.

Alignment with Board Strategic Plan

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion

The Zoning Administrator denied a Variance request for an internally illuminated pole sign that is approximately 30 feet high (sign, base, and pole) in the community of Summerland. The owner, Nadim Maida, represented by Joshua Kaplan, appealed the denial of the Variance to the Board of Supervisors.

The Zoning Administrator Staff Report provides a full discussion of the Variance request and the basis for denial, including the sign's inconsistency with the Sign Ordinance (Article I), the Coastal Zoning Ordinance (Article II), the Comprehensive Plan and the Summerland Community Plan, and the inability to make the required findings (Attachment B). In particular, the project was found inconsistent with several policies of the Comprehensive Plan:

Land Use Element Policy 4: Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.

Summerland Community Plan Policy VIS-S-3: Public views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced. Where practical, private views shall also be protected.

Summerland Community Plan Policy VIS-S-6: The Evans Avenue/Lillie Avenue/Ortega Hill Road underpass and intersection shall be enhanced to create an inviting, aesthetic entrance to the Summerland Community and the beach area.

The project was also found to be inconsistent with Sec. 35-43.5 of the Sign Ordinance which prohibits internally illuminated signs, pole signs, and freestanding signs higher than five feet in the community of Summerland. In addition, the sign was also found to be inconsistent with the Purpose and Intent of the property's C-1 zoning designation. The C-1 zone district only allows uses that are compatible with neighboring residential land uses in order to protect residential land uses from negative impacts, such as the degradation of visual aesthetic values (Attachment B).

In order to approve a Variance from the Sign Ordinance, certain findings must be made. First, the property must have special circumstances such as size, shape, topography, location, or surroundings, and due to these special circumstances, strict application of the Sign Ordinance would deprive the property of privileges enjoyed by other property in the same vicinity and zone district. The Zoning Administrator has found that no special circumstances exist on the Sandpiper Liquors property that warrant the approval of a Variance. Second, granting a Variance cannot constitute a grant of special privileges that would be inconsistent with the limitations placed upon other properties in the same vicinity and zone district. The Zoning Administrator has found that granting a Variance to Sandpiper Liquors would constitute a grant of special privileges, which is prohibited (Attachment B).

Planning & Development has received several letters and phone calls in support of the denial of the Variance from Summerland residents and the Summerland Citizens Association. The following five new issues were raised in the owner's appeal to the Board of Supervisors.

APPELLANT ISSUES

- 1) The area in which it exists is limited commercial (C-1) and any residential area nearby is adequately buffered from the subject site.**

The Zoning Administrator Staff Report Section 6.3 provides a full discussion of the sign's inconsistency with the C-1 zone district, including its negative impact on the visual resources of the Summerland community (Attachment B).

2) The appearance of the sign does not detract from any scenic areas.

The entire Summerland Planning Area has been designated as an area of high scenic value. A full discussion of the sign's negative impacts upon the visual resources of Summerland, both public and private, can be found in Sections 6.2 and 6.3 of the Zoning Administrator Staff Report (Attachment B).

3) Exceptional conditions such as the size, shape and unusual topography of the site mandated the granting of the variance. For the site is located well below the grade of U.S. 101.

Planning & Development finds that no special circumstances exist on the property that warrant the approval of a Variance. The fact that Sandpiper Liquors is located below the grade of Highway 101 does not constitute a special circumstance. Other businesses in the vicinity of Sandpiper Liquors and under identical zoning classification (C-1) are also located below the grade of the freeway, and they remain viable without the use of pole signs to attract customers from Highway 101. Removal of the pole sign will not deprive Sandpiper Liquors of privileges enjoyed by other businesses the vicinity, since they are situated in the same topography as Sandpiper Liquors, and they do not enjoy the use of pole signs. A full discussion of the required Variance findings can be found in Attachment A of the Zoning Administrator Staff Report (Attachment B).

4) Applicant is being singled out for unconstitutional selective enforcement by way of this action for abatement and denial of variance.

Planning & Development has a re-active (complaint driven) Zoning Enforcement program. Pursuant to the May 3, 2001 letter from Kimberley McCarthy, Supervising Planner, a complaint was filed specifically regarding the Sandpiper Liquors pole sign. Consistent with departmental policy and practice, Zoning Enforcement responds to all zoning violation complaints and pursues abatement of all documented violations of the zoning ordinance. As a complaint has been filed against the Sandpiper Liquors pole sign, and the nine year amortization period has expired, it is appropriate for Planning & Development to require abatement of this sign. The Zoning Administrator denied the Variance to the Sign Ordinance due to the inability to make the required Variance findings, and the sign's inconsistency with the Sign Ordinance (Article I), Coastal Zoning Ordinance (Article II), Comprehensive Plan, and Summerland Community Plan.

5) This is also an extraordinary situation or condition in that the sign has been in existence for over 30 years. In fact, the County itself mandated the continued maintenance of this historical and valuable sign in approximately 1990.

The Sandpiper Liquors pole sign has not been designated as a historical landmark. When the Summerland Community Plan was adopted in 1992, the sign was designated as a non-conforming sign and was given a nine-year amortization period under Article I, Sec. 35-33. During the nine-year amortization period, the County required continued maintenance of the sign to prevent the sign from becoming run-down. This past maintenance does not serve as any type of endorsement of the sign past the nine-year amortization period, which ended in 2001. The sign is now considered illegal by the County of Santa Barbara. To correct this violation, the applicant was given the option of

removing the sign, or pursuing a Variance to validate the sign in a September 14, 2001 Notice of Violation from Zoning Enforcement (included in Attachment B).

Mandates and Service Levels

Pursuant to the Article II Zoning Ordinance, a decision of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The Zoning Ordinance also requires that the appellant state specifically in the appeal wherein the decision by the Zoning Administrator is not in accord with the provisions and purposes of the Article or wherein it is claimed that there was an error or an abuse of discretion by the Zoning Administrator. In this case, the appellant has appealed the decision of the Zoning Administrator to deny Case No. 01VAR-00000-00007 on the basis that the Zoning Administrator abused his discretion and the denial was not appropriate given that the project can be found consistent with the County Zoning Regulations and the Summerland Community Plan policies promoting the preservation of visual resources in Summerland, and that the findings for approval of a Variance can be made.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts

The appellant is responsible for appeal costs up to \$2,000.00. Additional costs beyond \$2,000.00 would be reduced from the Department's general fund budget.

Special Instructions

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels previously provided).

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, attn: Hearing Support.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence

None.

ATTACHMENTS: A) Zoning Administrator Action Letter dated June 7, 2002
 B) Zoning Administrator Staff Report dated May 24, 2002
 C) Appeal Request Dated June 12, 2002