



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: September 1, 2016
AGENDA DATE: September 8, 2016
PROJECT ADDRESS: 2912 De La Vina Street. (MST2016-00150)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4559
 Danny Kato, Senior Planner *DK*
 Andrew Perez, Planning Technician II *AP*

I. PURPOSE OF HEARING

The applicant is appealing the decision of the Staff Hearing Officer for a requested modification. Please refer to the appellant's letter dated July 28, 2016 (Exhibit A).

II. BACKGROUND

On July 20, 2016, the Staff Hearing Officer (SHO) considered a proposal to allow a trellis in the front setback of an existing fast food restaurant located at 2912 De La Vina Street. Please refer to the SHO Staff Report dated July 14, 2016 (Exhibit B).

The SHO denied the requested Modification as proposed to allow the trellis to encroach into the front setback with the rafter tails extending to the front property line, making the finding that the proposal is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the trellis would adversely impact the openness of the street frontage (See Exhibit C: SHO Resolution 042-16). The SHO approved an alternate design that would allow the posts to be set back five feet from the front setback, with the eaves allowed to encroach another two and one-half feet into the setback.

On July 28, 2016, the property owner appealed the SHO's decision. The appeal letter states that the uncovered patio that already exists in the front setback is partially enclosed on three sides by an existing, low slumpstone wall, and the trellis posts are proposed to be supported by the wall. The appellant feels that a modified design to locate the posts of the trellis in the seating area of the patio would disrupt the flow of the patio and seating design defeating the purpose of the project.

III. PROJECT DESCRIPTION

The 17,857 square-foot site is currently developed with a 1,200 square-foot commercial building and a 452 square-foot front patio. The proposed project involves a 270 square-foot expansion of the front patio and a new trellis to provide shade for the patio seating. The project also includes three new awnings on the north, south, and east elevations, a relocated ADA path of travel, altered driveway envelope and removal of an existing palm tree located in the front setback.

IV. REQUIRED APPLICATIONS

The discretionary application required for this project is a Front Setback Modification to allow the proposed trellis to encroach into the required 10-foot front setback (SBMC §28.45.008 and SBMC §28.92.110).

V. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the SHO’s decision to deny the subject application, making the finding in Section VIII of this report.

VI. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Sherry & Associates		
Property Owner:	SBCG Properties, LLC		
Site Information			
Parcel Number:	051-180-029	Lot Area:	17,857 sq. ft.
General Plan:	Commercial/Medium High Residential (15-27 du/acre)	Zoning:	C-2/SD-2
Local Coastal Plan: N/A			
Existing Use:	Fast-food Restaurant	Topography:	4%
Adjacent Land Uses			
North - Offices		East - Alley	
South - Commercial		West – Street (De La Vina St.)	

VII. DISCUSSION

The project is currently developed with an uncovered patio that is partially located in the front setback bounded on three sides by a 26” tall, slumpstone wall. This wall is proposed to be expanded laterally at the same height and style as currently exists to accommodate the patio expansion. The stone wall is located 2’8” from the front property line and an approximately 3 foot tall hedge occupies the space between the wall and the front property line. The posts of the trellis are proposed to be incorporated into the existing pilasters of the stone wall with the cross members extending to the front property line.

The applicant has requested the trellis in the front setback to provide shade and a sense of security for the patio, as well as providing aesthetic value to the streetscape. The applicant has stated that their goal is to enhance the exterior dining experience, and requiring the posts of the trellis to be located in a position other than incorporated into the existing pilasters will detract from that goal, and will result in an irresponsible design. The applicant has also stated that requiring the posts to be located in the seating area would restrict ADA access and the flexibility of the outdoor seating arrangement.

The SHO understood the desire to provide shade and security for the front patio, but believed that the design with the eave extensions reaching all the way to the front property line would be too imposing on the streetscape. The SHO found the proposal was not consistent with the purpose nor the intent of the Zoning Ordinance. However, the SHO did express support for a redesign where the posts of the trellis could encroach 5 feet into the front setback.

Alternate design

Staff believes that there may be options that would meet the applicant's desire to use the existing pilasters, and the SHO's requirement that the edge of the trellis be 2'6" from the front property line. One such option would be to turn the orientation of the trellis 90 degrees. Currently, the main supports for the trellis are parallel to the front lot line, and the cross pieces are perpendicular to the main supports. Since the main supports are 2'8" from the property line, this only allows for a 2" rafter tail, which would be aesthetically awkward. If the main supports were perpendicular to the street, and the cross pieces were parallel to the street, the rafter tails could extend beyond the main supports. Another option would be to maintain the main supports parallel to the front lot line, but to have a different type of cover, such as a solid patio cover or a fabric cover that would not require an overhang from the main supports.

VIII. RECOMMENDATION AND FINDINGS

Staff recommends that the Planning Commission deny the appeal and uphold the SHO's decision to deny the subject application, making the following finding:

The Planning Commission finds that the Modification to allow the trellis to encroach into the Front Setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the trellis will adversely impact the openness of the streetscape.

Exhibits:

- A. Applicant's letter, dated July 28, 2016
- B. SHO Staff Report, dated July 14, 2016
- C. SHO Resolution, dated July 20, 2016
- D. SHO Minutes, dated July 20, 2016
- E. Site Plan

SHERRY AND ASSOCIATES, ARCHITECTS
535 SANTA BARBARA STREET
SANTA BARBARA, CA 93101
(805) 963-0986

DATE: July 28, 2016

TO: **Planning Commission**
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

FROM: **Dawn Sherry**
Sherry and Associates, Architects
535 Santa Barbara St.,
Santa Barbara, CA 93101
(805) 963-0986
dawn@dawnsherry.com / lauren@dawnsherry.com

RE: **Request for Appeal of SHO Hearing for 2912 De La Vina;**
APN 051-180-029; C-2/ SD-2

RECEIVED
JUL 28 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Planning Commission,

In the SHO Hearing of July 20, 2016, our request for a Modification to the front setback was denied by the Staff Hearing Officer.

The current development on this parcel is an existing restaurant, The Daily Grind of 1495 SF Gross and 1200 SF Net. The structure is surrounded on three sides by a 25 space parking lot and on one side (facing De La Vina Street) with an uncovered patio of 452 SF. Our proposal consists of an addition of 722 SF to the existing patio and a proposed trellis over a portion of the patio itself.

The existing patio is enclosed on three sides by an existing low slump stone wall. This wall defines the patio itself. It is our intent to utilize this existing low wall as a boundary for our proposed trellis and to incorporate our trellis posts directly onto the existing enlarged bases of the low wall which are located 24" from the back of the existing sidewalk. If centered on these bases, the trellis posts would be located 2'-8" (to

outside face of post) from the back of the existing sidewalk. This will require a relief from the 10'-0" setback of 7'-4".

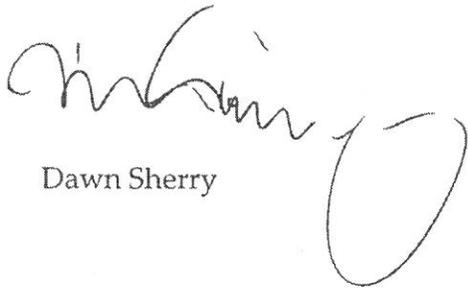
The Modification that was denied was the following:

1. A modification to the 10'-0" SD-2 overlay front setback. The proposed setback will be 2'-8" instead of the required 10'-0".

We feel this encroachment secures an appropriate improvement to the existing development. It is the natural location for the posts of the proposed trellis. The trellis itself provides a sense of security for the patio and the patio provides the street with more vibrancy and life. To locate the posts within the patio itself is a disruption to the flow of the patio and to the seating area. Our initial goal was and continues to be an enhanced exterior dining / street experience. To have to locate the posts within the patio is completely contrary to that goal, along with being simply irresponsible design.

We look forward to your review of this proposal. Please do not hesitate to call us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Sherry", with a large, stylized flourish at the end.

Dawn Sherry



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 14, 2016
AGENDA DATE: July 20, 2016
PROJECT ADDRESS: 2912 De La Vina Street (MST2016-00150)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Andrew Perez, Planning Technician II

I. PROJECT DESCRIPTION

The 17,857 square-foot site is currently developed with a 1,200 square-foot commercial building and a 452 square-foot front patio. The proposed project involves a 270 square-foot expansion of the front patio and a new trellis to provide shade for the patio seating. The project also includes three new awnings on the north, south, and east elevations, a relocated ADA path of travel, altered driveway envelope and removal of an existing palm tree located in the front setback.

The discretionary application required for this project is a Front Setback Modification to allow the proposed trellis to encroach into the 10-foot front setback required by the Special District 2 (SD-2) Zone (SBMC §28.45.008 and SBMC §28.92.110)

Date Application Accepted: June 22, 2016

Date Action Required: October 22, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny requested the Front Setback Modification, and approve an alternate plan with the trellis being located a minimum of five feet to the front property line

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Sherry & Associates	Property Owner:	SBCG Properties, LLC
Parcel Number:	051-180-029	Lot Area:	17, 857 square feet
General Plan:	Commercial/Medium High Residential (15-27 du/acre)	Zoning:	C-2/SD-2
Existing Use:	Fast-food restaurant	Topography:	4%

Adjacent Land Uses:

North – Offices
South – Commercial

East – Alley
West – Street (De La Vina St.)

B. PROPOSED LOT AREA COVERAGE

Building: 1,495 sf 8% Hardscape: 15,358 sf 86% Landscape: 1,004 sf 6%

IV. DISCUSSION

This project was reviewed by the Architectural Board of Review (ABR) on May 2, 2016 and was continued indefinitely to the Staff Hearing Officer with expressed support of the requested zoning modification.

The proposed project is located in the C-2 and SD-2 zones. The C-2 zone does not require a front setback for non-residential buildings, whereas the SD-2 zone requires a 10-foot front setback for buildings and structures that are 15' or less in height. The SD-2 zone was established to impose certain traffic related restrictions greater than many of the base zones in the Upper State Street Area. It should also be noted that this property has satisfied the 10 foot street Hollister Street setback.

A portion of the existing 452 square foot outdoor seating area is located in the front setback. The proposed project involves a lateral expansion of the front patio, and construction of a detached trellis that will encroach into the front setback. The trellis is proposed to be approximately 10' in height, therefore it is subject to the 10 foot front setback. The posts for the trellis will be located 2'8" from the front property line, whereas the cross members of the trellis will be all the way up to the property line. The trellis posts will be incorporated into an existing 26" tall, slump stone wall. The existing wall is proposed to be extended by approximately nine feet (9') on each side of the existing wall, at the same height, to accommodate the proposed expansion of the patio. The wall will continue to be utilized as the front boundary of the patio as well as support for the trellis.

Staff is not supportive of the request of the Front Setback Modification as proposed because the trellis will have an adverse effect on the visual openness of the streetscape if the eaves of the trellis extend to the property line. Although the proposal is consistent with the intent of the SD-2 zone, as the project does not increase existing square footage of the building, a more conforming options exists by moving the trellis away from the street, and attaching the trellis to the building. Staff would be supportive of a redesign that proposes the eaves of the trellis to be located 5 feet from the front property line, and has included approval findings for this change

Transportation Review

The alterations to the driveway envelope has been reviewed by the Transportation Supervisor and found the proposed project acceptable.

V. FINDINGS

DENIAL FINDINGS

The Staff Hearing Officer finds that the Modification is not consistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot, as the proposal will adversely affect the visual openness of the streetscape.

APPROVAL FINDINGS

The Staff Hearing Officer finds the Modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. A trellis that encroaches 5 feet into the front setback is appropriate because it is consistent with the intent of the SD-2 zone and will not adversely impact visual openness of the streetscape.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 31, 2016
- C. SFDB/ABR/HLC Minutes

Contact/Case Planner: Andrew Perez, Planning Technician II
(Acperez@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4559

SHERRY AND ASSOCIATES, ARCHITECTS
535 SANTA BARBARA STREET
SANTA BARBARA, CA 93101
(805) 963-0986

DATE: May 31, 2016

TO: Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

FROM: Dawn Sherry and Lauren Deason
Sherry and Associates, Architects
535 Santa Barbara St.,
Santa Barbara, CA 93101
(805) 963-0986
dawn@dawnsherry.com / lauren@dawnsherry.com

RE: Modification Request for 2912 De La Vina;
APN 051-180-029; C-2/ SD-2

RECEIVED

JUN 02 2016

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Staff Hearing Officer,

The current development on this parcel is an existing restaurant, The Daily Grind of 1495 SF Gross and 1200 SF Net. The structure is surrounded on three sides by a 25 space parking lot and on one side (facing De La Vina Street) with an uncovered patio of 452 SF. Our proposal consists of an addition of 722 SF to the existing patio and a proposed trellis over a portion of the patio itself.

The existing patio is enclosed on three sides by an existing low slump stone wall. This wall defines the patio itself. It is our intent to utilize this existing low wall as a boundary for our proposed trellis and to incorporate our trellis posts directly onto the existing enlarged bases of the low wall which are located 24" from the back of the existing sidewalk. If centered on these bases, the trellis posts would be located 2'-8" (to outside face of post) from the back of the existing sidewalk. This will require a relief from the 10'-0" setback of 7'-4".

The modifications requested are as follows:

1. A modification to the 10'-0" SD-2 overlay front setback. The proposed setback will be 2'-8" instead of the required 10'-0".

We feel this encroachment secures an appropriate improvement to the existing development. It is a natural location for the posts of the proposed trellis. The trellis itself provides a sense of security for the existing (and enlarged) patio and the patio provides the street with more vibrancy and life.

We look forward to your review of this proposal. Please do not hesitate to call us if you have any questions.

Sincerely,

Dawn Sherry

ABR - CONTINUED ITEM**C. 2912 DE LA VINA ST****C-2/SD-2 Zone**

Assessor's Parcel Number: 051-180-029
Application Number: MST2016-00150
Owner: SBCG Properties, LLC
Applicant: Sherry & Associates
Business Name: The Daily Grind 2

(Proposal for exterior alterations to an existing 1,200 square foot commercial building. The project will consist of enlarging an existing 259 square foot outdoor dining patio to 495 square feet, a new wood trellis to be constructed over the patio; new landscape planters; new awnings on the north, south and east elevations; a relocated ADA path of travel; and an altered driveway envelope. There will be no change to the number of parking spaces. The removal of a palm tree within the front setback requires approval by the Parks and Recreation Department. This project requires Staff Hearing Officer review of a Zoning Modification for the trellis to encroach into the required front yard setback.)

(Second review. Project was last reviewed on April 25, 2016.)

Present: Dawn Sherry and Lauren Deason, Sherry & Associates.

Motion: Continued indefinitely to the Staff Hearing Officer with expressed support of the requested zoning modification.

Action: Miller/Wittausch, 2/0/0. Motion carried.



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

JULY 20, 2016

CALL TO ORDER:

Bea Gularte, Acting Staff Hearing Officer/Senior Planner I, called the meeting to order at 9:00 a.m.

STAFF PRESENT:

Bea Gularte, Senior Planner I
Danny Kato, Senior Planner II
Andrew Perez, Planning Technician II
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

There were no requests.

- B. Announcements and Appeals.

Ms. Gularte announced that an appeal to City Council has been filed regarding the previously reviewed 1417 San Miguel project that received a denial from both the Staff Hearing Officer and the Planning Commission on appeal. The City Council appeal date for this project is Tuesday, July 26, 2016.

- C. Comments from members of the public pertaining to items not on this agenda.

There were no comments.

II. PROJECTS:

ACTUAL TIME: 9:01 A.M.

A. APPLICATION OF DAWN SHERRY FOR SBCH PROPERTIES, LLC, 2912 DE LA VINA STREET, APN: 051-180-029, C-2 (COMMERCIAL) / SD-2 ZONE (SPECIAL DESIGN DISTRICT), GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2016-00150)

The 17,857 square-foot site is currently developed with a 1,200 square-foot commercial building and a 452 square-foot front patio. The proposed project involves a 270 square-foot expansion of the front patio and a new trellis to provide shade for the patio seating. The project also includes three new awnings on the North, South, and East elevations, a relocated ADA path of travel, altered driveway envelope and removal of an existing palm tree located in the front setback.

The discretionary application required for this project is a Front Setback Modification to allow the proposed trellis to encroach into the 10-foot front setback required by the Special District 2 (SD-2) Zone (SBMC §28.45.008 and SBMC §28.92.110)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Present: Lauren Deason, Applicant.

Having read the Staff Report for the proposed project, Ms. Gularte announced that she also visited the site and surrounding neighborhood.

Andrew Perez, Planning Technician II, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:11 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

A letter in support from Carolle Van Sande was acknowledged.

ACTION: **Assigned Resolution No. 042-16**
Approved the Front Setback Modification with revised findings at the hearing from those proposed in the Staff Report dated July 14, 2016, for a trellis with posts that are set back five feet from the front lot line with eaves that are allowed to encroach 2½ feet further into the front setback.

Said approval is subject to the condition added at the hearing that the screen planting along the front masonry wall shall remain to provide a buffer between the sidewalk and the seating area.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

III. ADJOURNMENT

Ms. Gularte adjourned the meeting at 9:17 a.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 042-16
2912 DE LA VINA STREET
MODIFICATION
JULY 20, 2016

APPLICATION OF DAWN SHERRY FOR SBCH PROPERTIES, LLC, 2912 DE LA VINA STREET, APN: 051-180-029, C-2 (COMMERCIAL) /SD-2 ZONE (SPECIAL DESIGN DISTRICT), GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (15-27 DU/ACRE) (MST2016-00150)

The 17,857 square-foot site is currently developed with a 1,200 square-foot commercial building and a 452 square-foot front patio. The proposed project involves a 270 square-foot expansion of the front patio and a new trellis to provide shade for the patio seating. The project also includes three new awnings on the North, South, and East elevations, a relocated ADA path of travel, altered driveway envelope and removal of an existing palm tree located in the front setback.

The discretionary application required for this project is a Front Setback Modification to allow the proposed trellis to encroach into the 10-foot front setback required by the Special District 2 (SD-2) Zone (SBMC §28.45.008 and SBMC §28.92.110)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 14, 2016.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Carolle Van Sande, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the Front Setback Modification with revised findings at the hearing from those proposed in the Staff Report dated July 14, 2016, for a trellis with posts that are set back five feet from the front lot line with eaves that are allowed to encroach 2½ feet further into the front setback, making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to secure an appropriate improvement on the lot. The approved trellis is appropriate because it is consistent with the intent of the SD-2 zone and will not adversely impact visual openness of the streetscape.
- II. Said approval is subject to the following condition added at the hearing that the screen planting along the front masonry wall shall remain to provide a buffer between the sidewalk and the seating area.

EXHIBIT D

This motion was passed and adopted on the 20th day of July, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Gob, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

