



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 21, 2015
AGENDA DATE: May 27, 2015
PROJECT ADDRESS: 101 E. Cabrillo Boulevard (MST2014-00081)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 0.71 acre site is currently developed with a restaurant (The FisHouse) located at the corner of Anacapa Street and Cabrillo Boulevard. The proposed project is to construct a new 345 square foot trellis over an existing wall enclosure for the outdoor patio seating area along Anacapa Street in the Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Modification to allow a new trellis to be located within the required 10-foot front building setback on Anacapa Street (SMBC §28.22.060 and 28.92.110).

Date Application Accepted: April 22, 2015 Date Action Required: July 21, 2015

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Craig Burdick	Property Owner:	Anthony T. Schrillo Revocable Trust
Parcel Number:	033-113-004	Lot Area:	.71 acres.
General Plan:	Ocean Related Commerce/Medium High Density Residential	Zoning:	HRC-2/SD-3
Existing Use:	Restaurant	Topography:	1% slope

Adjacent Land Uses:

North –Mixed-Use Project
South - Ocean/Cabrillo Blvd.

East - Garden Street Parking Lot
West – Restaurant, El Torito

IV. BACKGROUND:

The existing 345 square foot patio with outdoor seating for the restaurant along the Anacapa Street frontage was approved in 2012. That project also included Staff Hearing Officer approval of a modification to allow alterations to the building within the required 20-foot front setback along Anacapa Street, subject to conditions.

V. DISCUSSION

The project was reviewed by the Historic Landmarks Commission (HLC), and was forwarded to the Staff Hearing Officer (SHO) with generally positive comments on April 9, 2014. There are some design issues that will need to be resolved prior to HLC approval of the project.

The Hotel & Related Commerce-2 Zone (HRC-2) requires a 10 foot front setback for buildings that do not exceed 15 feet in height. The existing building is located approximately eight feet from the front lot line on Anacapa Street. A Modification is required to construct the proposed trellis over an existing wall enclosure for the outdoor patio seating area within the non-conforming front setback on Anacapa Street. Staff believes the proposed trellis structure is relatively minor in nature and is consistent with the purposes and intent of the HRC-2 Zone to facilitate visitor-serving uses and provide a desirable environment for visitors. The purpose of the trellis is to provide shade and an aesthetically defined space for the outdoor patio seating area. Staff supports the request for the proposed trellis because the combined height of the wall and trellis structure will not exceed 15 feet and because the structure will provide shade for the approved outdoor patio seating area while providing a desirable environment for visitors.

The project qualifies for an exemption from Coastal Development Permit requirements.

Additional Information

The Fish House Restaurant (owner) and The Art Center, LLC (Licensee) entered into a License Agreement dated September 11, 2010 to provide off-street parking at 101 E. Cabrillo Boulevard for the Licensee, without approval by the City (see attached Exhibit C). A letter received on April 16, 2015, from Adam White, CEO of the Santa Barbara Shellfish Co. Inc. (see attached Exhibit C) states that the letter officially terminates the License agreement.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds 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 proposed trellis is appropriate because it will provide shade for the existing outdoor dining area and because it is consistent with the visitor-serving amenities for the restaurant without detracting from then waterfront area's desirability as a place to visit.

Said approval is subject to the following conditions:

1. The unpermitted shipping containers in the landscaped area of the parking lot shall be removed from the property or permits shall be obtained for the shipping containers.
2. The approved outdoor seating plan shall be provided at building permit submittal.
3. The unpermitted umbrellas for the outdoor seating area along Anacapa Street are subject to review and approval by the Historic Landmarks Commission.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 6, 2014
- C. Letter received on April 15, 2015 from Adam White with copy of License Agreement
- D. HLC Minutes dated April 9, 2014

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(JLaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x**3320**

STUDIO 1030

ARCHITECTS

1030 De La Vina St.
Santa Barbara
California 93101
tel. 805 965 7873
email: studio1030@aol.com
Studio1030.com

RECEIVED

APR 16 2015

CITY OF SANTA BARBARA
PLANNING DIVISION

May 6, 2014

Suzanne Riegler
Community Development Department
630 Garden Street
Santa Barbara, CA
93101

Re: Modification Request for Fishouse, 101 East Cabrillo Blvd.

Dear Ms. Riegler,

The project is for the Fishouse Restaurant, a 5,350 sq.ft. dining/ kitchen building with 129 interior seats and 735 sq.ft. of exterior patio with 30 exterior seats. There are 48 parking spaces and 43 spaces are required for the amount of seating. The proposed project is for an exterior trellis over an existing 345 sq.ft. patio area that is in the setback along Anacapa St..The Trellis structure sits on an existing concrete board form wall enclosure. The Trellis will aesthetically help define the space, provide some shade, construction connections are concealed and detailed with dado joints, and with minimal added height to the existing patio enclosure.

We are requesting your concurrence that the Trellis proposed is a minimal/minor structure, that is not dense and is less than 6'-6" ft. above the existing patio enclosure and will enhance the exterior patio area.

Sincerely,

Craig Burdick

Studio 1030 Architects
1030 De La Vina St.
Santa Barbara, CA
93101

EXHIBIT B



RECEIVED

APR 16 2015

**CITY OF SANTA BARBARA
PLANNING DIVISION**

To Whom it may concern;

This letter officially terminates the parking lot license agreement between the Santa Barbara FisHouse Restaurant at 101 East Cabrillo Boulevard, Santa Barbara CA. and The Art Center LLC, dated September 2010 in accordance with paragraph VI of the contract.

Should there be any questions please direct me, Adam White, CEO of the Santa Barbara Shellfish Co Inc.

A handwritten signature in black ink, appearing to read "Adam White". The signature is stylized and cursive, with a large loop at the top.

EXHIBIT C

LICENSE AGREEMENT

THIS AGREEMENT, made and entered in this 11th day of September, 2010, by and between Fish House Restaurant herein after called "OWNER", and The Art Center, LLC, hereinafter called "LICENSEE";

WITNESSETH:

WHEREAS, Owner is the owner of the Fish House Restaurant located at 101 East Cabrillo Boulevard, Santa Barbara, California and whereas Licensee here and above named is located at 22 Anacapa Street, Santa Barbara, California, and whereas the Planning Department of said City of Santa Barbara has determined that the Licensee's commercial establishment requires additional parking spaces than are presently adjacent to the commercial establishment, and whereas, said Owner is willing by these presents to grant the privilege of parking to Licensee, his customers, employees, and guests of a minimum of 14 parking spaces in a portion of said parking lot of Owner to be herein after agreed upon by the parties hereto;

NOW, THEREFORE, IN CONSIDERATION of one Dollar (\$1.00) and other good and valuable consideration, receipt whereof is hereby acknowledged by Owner, it is hereby mutually agreed as follows:

- I. Owner hereby licenses and grants to Licensee the privilege of using a minimum of 14 parking spaces on their leased premises at 101 East Cabrillo Boulevard in the City of Santa Barbara, for the purpose of providing off-street automobile parking spaces for Licensee, their employees, customers, and guests.
- II. This license shall be for a term commencing on the date of execution hereof, and ending September 11th 2039.
- III. Licensee may by appropriate signs or markings,

subject to approval of Owner, designate said parking spaces as for the use of Customers or guests.

IV.

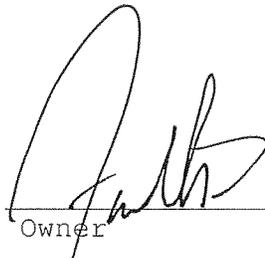
V. Owner warrants and represents that the lease of 14 parking spaces to Licensee still allows for the remainder of 38 parking spaces and Owner is thus in conformance with the Santa Barbara City Ordinance.

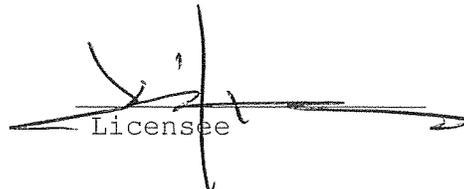
VI. This agreement is subject to cancellation by either party provided that thirty (30) days written notice of the cancellation is given to the party and to the Planning Department of the City of Santa Barbara.

VII. After expiration or cancellation of this agreement, the Licensee must provide other suitable parking facilities or the Licensee's building reverts back to its original status as a warehouse.

VIII. Note that the Building Permit will refer to this license and will operate subject to the term of this license.

Agreed this 11th day of September 2010


Owner


Licensee

NEW ITEM: PUBLIC HEARING**C. 101 E CABRILLO BLVD**

HRC-2/SD-3 Zone

Assessor's Parcel Number: 033-113-004
Application Number: MST2014-00081
Owner: Anthony Schirillo
Architect: Studio 1030 Architects
Business: FisHouse

(Proposal to construct a new 345 square foot trellis for an existing restaurant. The trellis will be located on the western side of the building at an existing outdoor patio area. The project includes Staff Hearing Officer review for requested zoning modifications.)

(Comments only; project requires environmental assessment and Staff Hearing Officer review for requested zoning modifications.)

Continued indefinitely to the Staff Hearing Officer and to return to Consent with comments:

1. The proposed modification is aesthetically appropriate. The proposed modification does not pose consistency issues with el Pueblo Viejo Guidelines or the Neighborhood Preservation Ordinance.
2. Provide an increase in the width of the beam and other trellis materials.
3. The continued use of umbrellas is appreciated.

EXHIBIT D