



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 25, 2012  
**AGENDA DATE:** May 2, 2012  
**PROJECT ADDRESS:** 101 E. Cabrillo Blvd. (MST2010-00135)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Daniel Gullett, Associate Planner *DG*

### I. PROJECT DESCRIPTION

The proposed project includes a new 345 square foot patio along Anacapa Street to provide additional outdoor seating area for an existing restaurant (The FisHouse). The project also includes removal of an existing planter along Anacapa Street, reconfiguration of the parking lot, added bicycle parking, a new trash enclosure, four new windows, and a new entry door.

The discretionary application required for this project is a Modification to allow four new windows and a door in the existing wall of the building located within the 20-foot front building setback on Anacapa Street (SBMC §28.22.060 and 28.92.110).

Date Application Accepted: March 29, 2012      Date Action Required: June 27, 2012

### II. RECOMMENDATION

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

### III. SITE INFORMATION

Applicant:	Skye McGinnes	Property Owner:	Anthony Schrillo
Parcel Number:	033-113-004	Lot Area:	30,572 sq. ft.
General Plan:	Ocean-Related Comm./Med. High Density Res.	Zoning:	HRC-2/SD-3
Existing Use:	Restaurant	Topography:	Flat

#### Adjacent Land Uses:

North – Mixed-use building (office/residential)	East - Garden Street Parking Lot
South – Skater's Point	West – Restaurant (El Torito)

#### IV. DISCUSSION

The Hotel & Related Commerce-2 Zone (HRC-2) requires a 20 foot front setback for buildings exceeding 15 feet in height. The required building setback does not apply to the proposed patio. The existing building is located approximately eight feet from the front lot line on Anacapa Street. A Modification is required to add the proposed new door and four new windows within the non-conforming wall of the building in the front setback on Anacapa Street. Staff believes the new openings in the existing building wall are relatively minor in nature and 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 new door is to provide access to the proposed patio. Staff supports the concept of a new patio along the Anacapa Street frontage, however, the patio, as proposed, would not be an appropriate improvement due to inconsistency of the patio's design with the City's Pedestrian Master Plan.

For a 60-foot right of way with the sidewalk and parkway widths provided along the subject property's Anacapa Street frontage, the Pedestrian Master Plan recommends a 1.5 foot Frontage Zone (the area between the sidewalk intended for pedestrian travel and vertical obstructions on the property). The subject proposal includes a four foot, nine inch tall angled wall to enclose the patio at the back of the sidewalk, with no Frontage Zone. Staff believes that the patio, if revised to provide a 1.5 foot frontage zone, would be an appropriate improvement of the property and staff would also support the Modification for the proposed windows and door to be located within the front setback.

This project, with similarly-sized windows, door and patio, was reviewed by the Historic Landmarks Commission (HLC) June 9, 2010. At that hearing HLC continued the project for the land use decision (thought to be a Coastal Development Permit and Modifications at the Planning Commission at the time). The majority of HLC members clearly supported a Modification for new windows and a door in the building. However, the HLC indicated that it would support a new patio one-half the size of that proposed and would require additional landscaping. If the Modification is granted, the project would return to HLC for Project Design Approval.

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

#### V. FINDINGS AND CONDITIONS

As conditioned, 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 patio, windows, and door area are appropriate because they provide added visitor-serving amenities for the restaurant without detracting from waterfront area's desirability as a place to visit.

Said approval is subject to the following conditions:

1. **Frontage Zone.** The patio shall be redesigned to provide a minimum 1.5 foot landscaped buffer from the back of sidewalk to provide a frontage zone

consistent with the recommended minimum requirements in the City's Pedestrian Master Plan.

2. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 29, 2012
- C. HLC Minutes of June 9, 2010

Contact/Case Planner: Daniel Gullett, Associate Planner  
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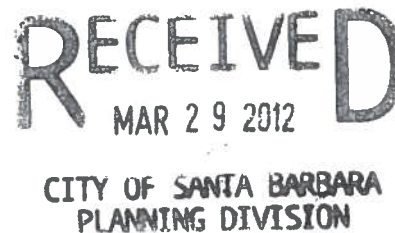


CA Contractors License 879888

16 West Mission Street, Suite B, Santa Barbara, CA 93101 Phone: 805-966-1919 Fax: 805-966-1911 [www.skyelineinc.com](http://www.skyelineinc.com)

March 29, 2012

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



Re: Modification Request for: 101 E Cabrillo Blvd., Santa Barbara CA, 93101  
APN: 033-113-004  
Land Use Zone: HRC-2/SD3

Dear Staff Hearing Officer:

There is an existing restaurant (The FisHouse, habitable space: 5,340 sq.ft.) located on the corner of Anacapa and Cabrillo Blvd. There is an existing patio (390 sq.ft.) on the Cabrillo Blvd side of the building. The proposal is to build a new patio (345 sq.ft) on the Anacapa side of the building and to create 5 new penetrations (4 windows & 1 door) that would open onto the new patio.

The modification being requested is to allow the new patio and the addition of 4 new windows and a door to encroach into the 20' setback. The encroachment will allow the restaurant to serve more customers, there by generating more tax revenue for the City of Santa Barbara.

In addition to the financial benefits of the project, there are a number of other reasons we feel this is a great improvement to the area:

1. From inside the restaurant it will allow more light to come in, and open up a beautiful view of the Harbor to the West where the sun sets.
2. Lower Anacapa has become a hot-bed of new business and wine tasting locations, this project will improve the gateway to these businesses from the beach and make it more inviting for visitors to walk up Anacapa and explore what is there.
3. There is currently a rat infested, broken down, smelly, trash enclosure that is in the setback. This project will move the trash enclosure to a better location, and provide a large area for bicycle parking.

Thank you so much for taking the time to consider our request!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Skye McGinnes', written over a blue horizontal line.

Skye McGinnes  
President

**EXHIBIT B**

## Historic Landmarks Commission Minutes

**June 9, 2010**

### **101 E CABRILLO BLVD**

Assessor's Parcel Number: 033-113-004  
Application Number: MST2010-00135  
Owner: Anthony T. Schirillo  
Architect: Jerome White  
Business Name: Santa Barbara FisHouse

(Proposal for new outdoor seating at an existing restaurant. The project will include the removal of 416 square feet of an existing planter on the Anacapa Street (west) elevation, reconfiguration of parking lot to increase parking by three spaces, five new tables, 20 new chairs, a new entry door, four new windows, and a new trash enclosure. A zoning modification is requested to allow the seating area, door, windows, and parking space in the front yard setback. This project will require a Coastal Development Permit.)

**(Project requires Environmental Assessment and Planning Commission approval of zoning modifications and a Coastal Development Permit.)**

Present: Jerome White, Architect  
Tom White and Adam White, Business Owners

Kellam de Forest, local resident, commented about retaining the existing mature trees.

**Motion: Continued indefinitely to the Planning Commission with the following comments:**

1. The applicant's diligence in maintaining the property and making it a community benefit is appreciated.
2. The majority could support reducing the scope of the proposed seating area on Anacapa Street by half if more landscaping were integrated with seating in an aesthetic way.
3. The modifications for a new entry door and windows and the front yard setback are supportable. It was suggested that the door be recessed and not stand proud of the battered wall.
4. The removal of the trash enclosure from the front yard setback and relocation to the northeast corner of the interior lot and the removal of the landscaping there is supportable, but mitigating landscaping in that area will be required.
5. More landscaping in general should be provided than what is being proposed.

Action: Sharpe/Drury, 6/1/0. (Suding opposed based on the fact that the project needs a modification of the front yard setback. Murray/Pujo absent.) Motion carried.