



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** June 18, 2015  
**AGENDA DATE:** June 24, 2015  
**PROJECT ADDRESS:** 3940 State St. (MST2015-00137)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Joanna Kaufman, Planning Technician

### I. PROJECT DESCRIPTION

The 26,957 square-foot parcel is currently developed with a 2,838 square foot McDonald's fast-food restaurant. The proposed project involves the removal of an existing dolphin play sculpture and the installation of a new playground structure in the front patio. Also proposed is a new three-foot tall safety fence atop an existing one and a half foot tall brick wall.

The discretionary application required for this project is a front setback modification to allow the installation of the playground equipment to encroach into the required 10-foot front setback (SBMC §28.45.008 and SBMC §28.92.110).

Date Application Accepted: 5/12/15

Date Action Required: 6/24/15

### II. RECOMMENDATION

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

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Alex Pujo	Property Owner:	Franchise Realty Interstate Corporation
Parcel Number:	057-233-029	Lot Area:	26,957 SF
General Plan:	Commercial	Zoning:	C-2/SD-2
Existing Use:	Fast-food restaurant	Topography:	5%
Adjacent Land Uses:	Commercial		

### IV. DISCUSSION

This project was reviewed by the Architectural Board of Review (ABR) on April 13, 2014, and was continued indefinitely to the Staff Hearing Officer with comments including that the

proposed work is aesthetically appropriate and does not pose consistency issues with the Design Guidelines, although the design of the fence will need to be restudied.

The proposed project involves the removal of an existing dolphin play sculpture and the installation of a new playground structure in the front patio. Also proposed is a new three-foot tall safety fence atop an existing one and a half-foot tall brick wall. Playground equipment had been approved in a similar location in 1994, and was removed and replaced with the dolphin play sculpture in 2007. The proposed playground equipment location encroaches two feet into the 10-foot, SD-2 setback. Transportation staff has reviewed the proposal and has determined that the design of the fence and the playground structure does not impede visibility for entering and exiting the establishment. The applicant will obtain an encroachment permit for improvements and signage in the right-of-way as requested by Transportation Staff.

Staff is in support of the request for a front setback modification because the playground structure is an appropriate improvement to serve as a congregating space for patrons, and is consistent with the Urban Design Guidelines and the Upper State Street Guidelines.

#### V. 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 playground equipment is an appropriate improvement because it will not adversely impact adjacent neighbors or the visual openness of the streetscape.

Said approval is subject to a condition that an encroachment permit shall be secured for the existing improvements and signage in the right-of-way prior to the issuance of a building permit.

#### Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 20, 2015
- C. ABR Minutes

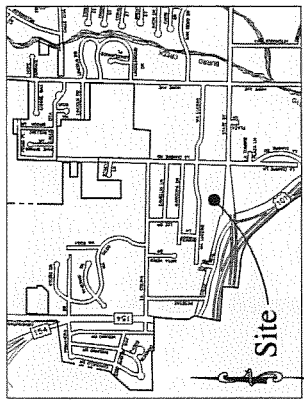
Contact/Case Planner: Joanna Kaufman, Planning Technician  
(jkaufman@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101

Phone: (805) 564-5470 x4472

McDonald's Playground  
3940 STATE STREET  
Santa Barbara, California 93105

A.P.N.  
057-233-021  
C-2/SD-2

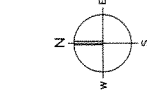
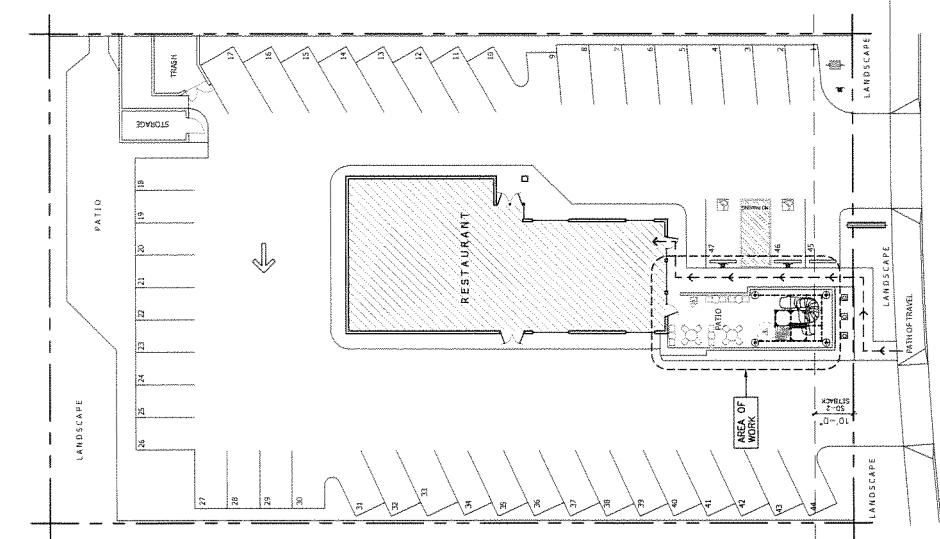
Pujo & Associates Inc  
ARCHITECTS & PLANNERS  
2425 CHAPMAN STREET  
SANTA BARBARA, CALIFORNIA 93105  
(805) 982-2579  
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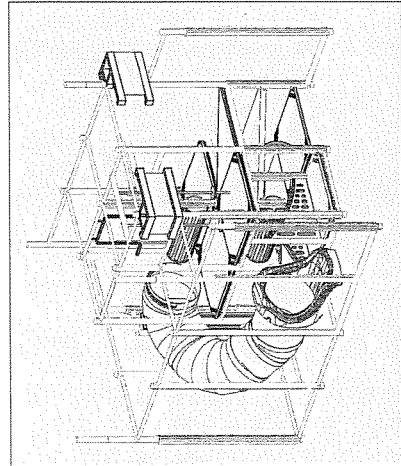
VICINITY MAP

<b>PROJECT DATA</b>	
Location:	3940 STATE STREET, SANTA BARBARA, CA 93105
APN:	057-233-021
ZONE:	C-2/SD-2
GENERAL PLAN:	UPPER STATE, NORTH STATE
LOT AREA:	28,957 SQ. FT.
SITE SLOPE:	5%
HIGH FIRE AREA:	NO
<b>Project Description:</b>	
ADDITION OF PLAYGROUND STRUCTURE IN AN OUTSIDE PATIO AREA OF EXISTING RESTAURANT.	
<b>Existing Conditions:</b>	
EXISTING RESTAURANT AND PARKING LOT.	
<b>Owner:</b>	
DAVID PETERSON - McDonald's Santa Barbara 146 S. FARMVIEW AVENUE, GOLETA, CA 93117	
<b>Governing Codes:</b>	
WORK SHALL COMPLY WITH: <ul style="list-style-type: none"> <li>• CITY OF SANTA BARBARA (MUNICIPAL CODE AND ORDINANCES)</li> <li>• CITY OF SANTA BARBARA MUNICIPAL CODE AND ADOPTING ORDINANCES</li> </ul>	

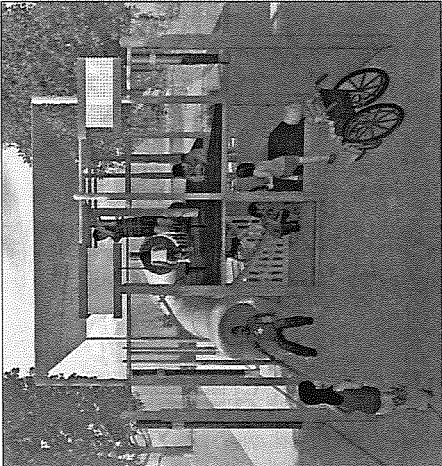
<b>BUILDING AREAS</b>	
(E) RESTAURANT:	GROSS: 3,003 SF NET: 2,830 SF
(E) PATIO:	391 SF
(E) SCULPTURE AREA/	317 SF
(N) PLAY STRUCTURE:	317 SF
(E) PARKING:	47 UNCOVERED SPACES



STATE STREET  
SITE PLAN  
SCALE: 1/16" = 1'-0"



PROPOSED PLAYGROUND STRUCTURE - AXONOMETRIC.



PROPOSED PLAYGROUND STRUCTURE - RENDERING.

EXHIBIT A

**Best Management Practices for Construction Activities:**

- Sediment or debris from construction activities must be protected from being carried off-site by the face of silt or water. This includes sand for stucco, drywall demolition debris, drywall "mist" packaging, etc.
- Fuel, oil, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills may not be washed into the drainage system.
- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the site.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions must be made to retain concrete wastes on site until they can be disposed of as a solid waste.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other material may not be traced from the site by vehicle traffic. The construction concrete runways must be stabilized so as to inhibit sediments from being deposited into the public way. Sediment deposits must be swept up immediately and they not be washed down by rain or other means.
- Other:



2425 CHAPALA STREET  
SANTA BARBARA, CALIFORNIA 93105  
(805) 962-5578  
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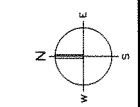
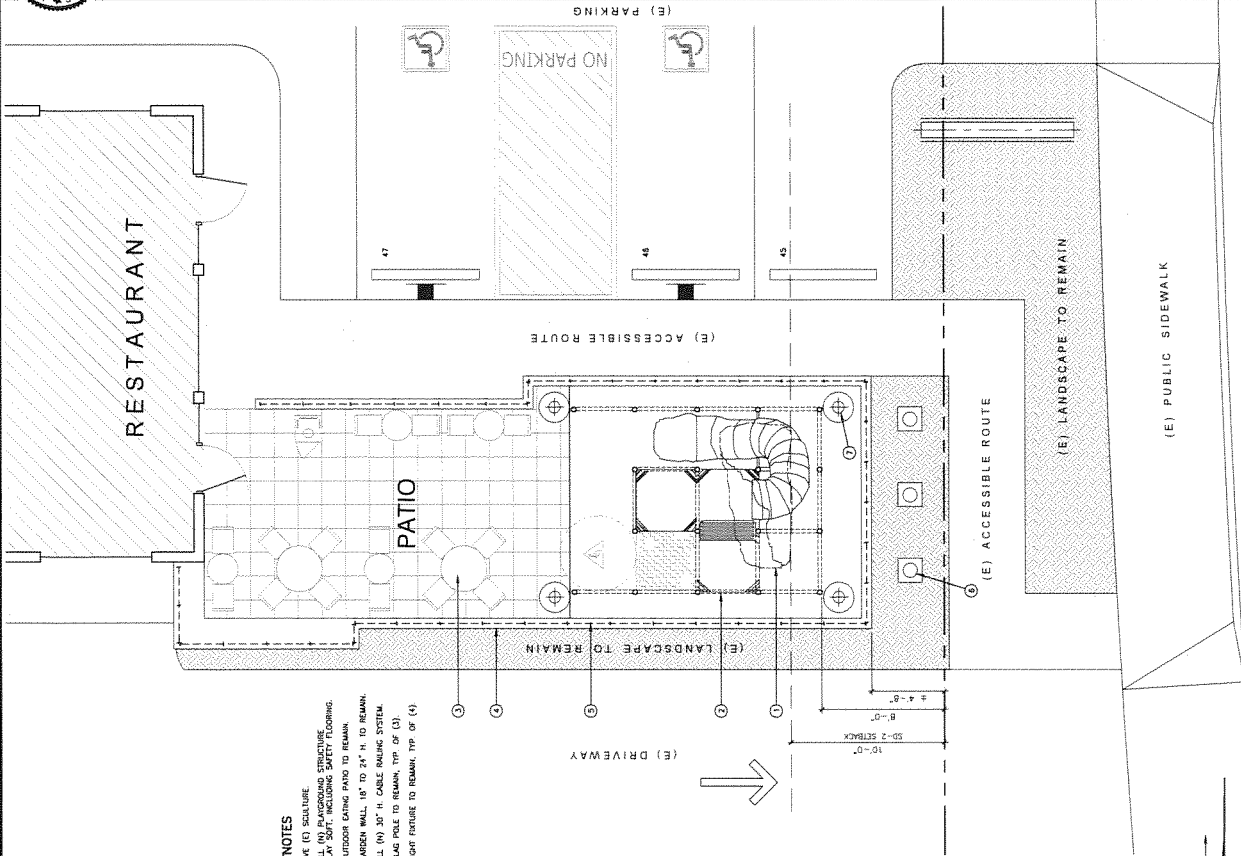


McDonald's PlayGround  
3940 STATE STREET  
Santa Barbara, California 93105

APN: 057-233-02  
C-2/SD-2

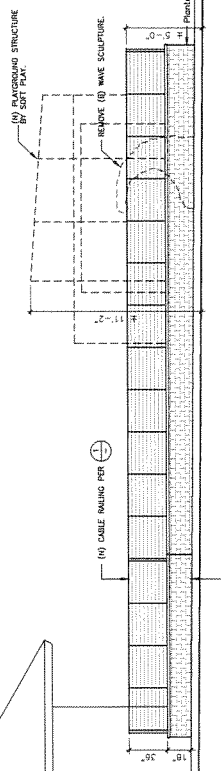
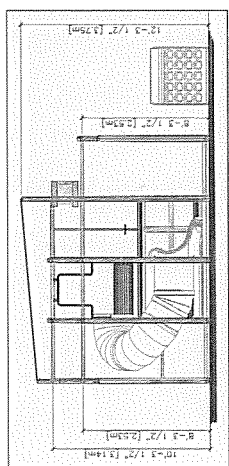
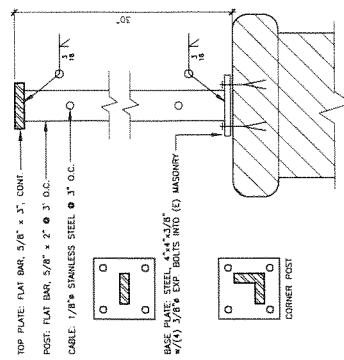
PLANS & ELEVATIONS

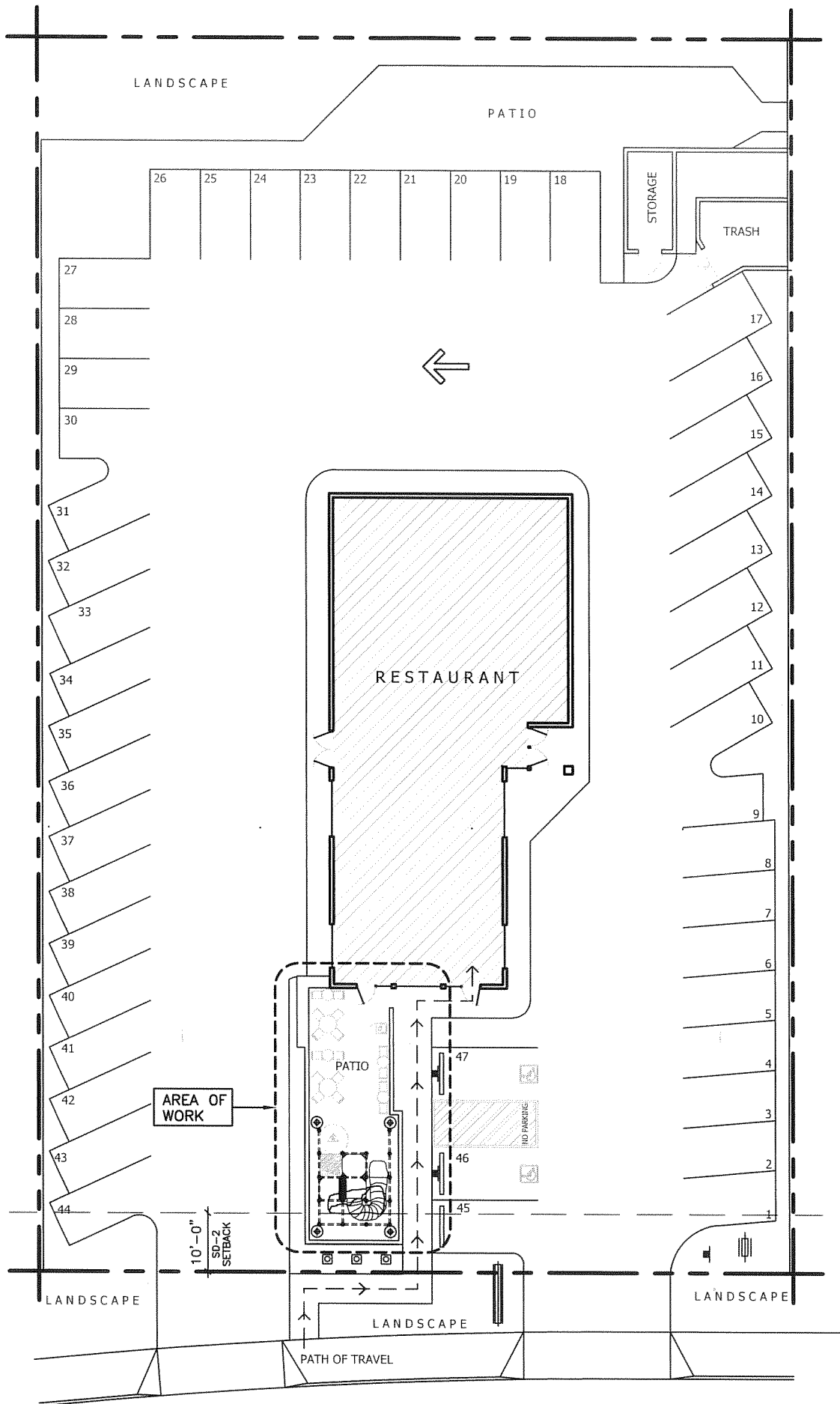
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A-2  
SHEET 2 OF 2



STATE STREET  
PARTIAL SITE PLAN  
SCALE: 1/4" = 1'-0"

- KEYNOTES**
- 1 REMOVE (E) SCULPTURE
  - 2 INSTALL (N) PLAYGROUND STRUCTURE BY PLAY SOFT, INCLUDING SAFETY FLOORING
  - 3 (E) OUTDOOR EATING PAVO TO REMAIN
  - 4 (E) GARDEN WALL, 18" TO 24" H. TO REMAIN
  - 5 INSTALL (N) 30" H. CABLE RAILING SYSTEM
  - 6 (E) FLAG POLE TO REMAIN, TYP. OF (3)
  - 7 (E) LIGHT FIXTURE TO REMAIN, TYP. OF (4)





STATE STREET



PUJO & ASSOCIATES, INC.  
ARCHITECTURE AND PLANNING

2425 Chapala Street • Santa Barbara, CA 93105 • (805) 962-3578 • www.pujo.net

April 20, 2015

Susan Reardon, Staff Hearing Officer  
Community Development Department  
630 Garden Street, Santa Barbara, California 93101

Re: 3940 State Street, APN 057-233-029, MST2015-00137  
Modification request for playground structure to encroach into SD-2 setback.

Dear Ms. Reardon,

We request a modification into the structural setback outlined in the SD-2 overlay for a play structure at the existing McDonald's restaurant on 3940 State Street. The parcel is 26,957 sq. ft. in size and zoned commercial (C-2). It is surrounded by similar-sized parcels with commercial uses. The property is located in an area of heavy traffic, across a 6-lane roadway from the Five Points Shopping Center.

The restaurant was constructed in 1970 with minor additions approved in 1975 and 1988. It has 47 uncovered parking spaces, two of them ADA accessible. In 1994 a playground structure was approved at exactly the same location proposed now. This play structure was removed in 2007 and a dolphin sculpture was install on its place. Since then, the existing SD-2 overlay for Upper State Street was modified to establish a front yard setback: 10' for structures less than 15' high, and 15' for taller structures.

McDonald's wants to replace the play equipment removed eight years ago. Existing conditions -the building is surrounded by parking on three sides- makes the former location of the playground the only realistic choice for it. However, a play structure at this location will encroach two feet into the new SD-2 setback. In addition, there is a need for a fence to keep children away from cars; the logical location for this fence is on top of the existing low garden wall that surrounds the area. This fence would encroach 5'-4" into the SD-2 setback.

Thus, due to the existing conditions described above, we request a modification for the new playground structure to encroach two feet and for the safety fencing to encroach 5'-4" into the SD-2 required frontage setback.

**EXHIBIT B**

This modification is needed to add a feature that is common and standard in this kind of food establishment. The transparency of the proposed structures (not a solid building) and the abundant landscape that surrounds the area will minimize the visual impact of the requested encroachment.

The Architectural Board of Review (ABR) reviewed this proposal on April 13; they expressed support for the play structure and the modification, but they requested a re-study of the fence design. We have not yet returned to ABR with a new fence; according to timing, we may do that after the SHO hearing.

Thank you for your assistance in processing this application. Please feel free to call me at 962-3578 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Alexander Pujo". The signature is stylized and cursive.

H. Alexander Pujo, Architect

c.: D. Peterson

Present: Brian Cearnal, Architect; Kenneth Marshall, Applicant; and Susan Van Atta, Landscape Architect.

Public comment opened at 3:55 p.m. As no one wished to speak, public comment was closed.

**Motion: Project Design Approval and continued indefinitely to In-Progress Review with strong positive comments:**

- 1) A majority of the Board found the project acceptable, and the permeable paving and one-way driveway as enhancements. One Board member was in favor of a wider two-way driveway.
- 2) A majority of the Board is in favor of white as the predominant color for the project.
- 3) The Board found that the proposed landscaping and taller transplanted palm trees would help mitigate the east elevation plate height issue and add some variety to the architectural design.

Action: Wittausch/Tripp, 4/0/0. Motion carried. (Gradin/Cung/Poole absent).

The ten-day appeal period was announced.

### CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

#### 3. 3940 STATE ST

C-2/SD-2 Zone

**(4:15)** Assessor's Parcel Number: 057-233-029  
 Application Number: MST2015-00137  
 Owner: Franchise Realty Interstate Corporation  
 Architect: Pujo & Associates, Inc.  
 Business Name: McDonald's

(Proposal to remove an existing playground structure and install a new playground structure in front of the existing McDonald's fast food restaurant. Also proposed is a 36" tall cable-railing to be installed on top of an existing 18" tall brick wall around the patio and play area. Staff Hearing Officer review of a zoning modification is requested for the structure to encroach into the required front setback.)

**(Comments only; requires Environmental Assessment and Staff Hearing Officer review.)**

Actual time: 4:11 p.m.

Present: Alex Pujo, Architect.

Public comment opened at 4:14 p.m. As no one wished to speak, public comment was closed.

**Motion: Continued indefinitely to the Staff Hearing Officer to return to Full Board with comments:**

- 1) Study replacing the black brick cap.
- 2) A majority of the Board thought the proposed railing design of the fence combined with the cable steel rail too eclectic compared with the rest of the materials on site. Restudy the proposed railing for an alternative design.
- 3) The Board found the requested zoning modification for the structure to encroach into the required front setback to be aesthetically appropriate, and found that the proposed modifications do not pose consistency issues with Architectural Board of Review Design Guidelines.

Action: Hopkins/Wittausch, 4/0/0. Motion carried. (Gradin/Cung/Poole absent).