



## ZONING ADMINISTRATOR Staff Report

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**DATE:** November 2, 2020

**TO:** Peter T. Imhof, Director of Planning and Environmental Review

**FROM:** Darryl Mimick, Associate Planner

**SUBJECT:** 261 Iris Avenue (APN 077-254-008)  
Rear Yard Addition and approximate 3.5-foot Rear Yard Setback Modification  
Case No. 20-0001-DRB-MOD-LUP

### RECOMMENDATION

If the Zoning Administrator concurs with the staff recommendation, then the following actions are recommended:

1. Adopt Modification (MOD) Findings, Land Use Permit (LUP) Findings, the Design Review Board (DRB) Findings, and CEQA Findings provided in Attachment A.
2. Approve MOD (Case No. 20-0001-MOD), LUP (Case No. 20-0001-LUP), and DRB (Case No. 20-0001-DRB) subject to the conditions included in Attachment B.
3. Accept the CEQA Notice of Exemption in Attachment C.

If the Zoning Administrator takes other than the recommended action, refer the matter back to staff for the preparation of appropriate findings and conditions.

### APPLICANT

Shari Powell  
Property Owner  
56 Bristol Place  
Goleta, CA 93117

### AGENT

Ekaterina Svensson  
KSD LLC  
961 Miramonte Drive  
Santa Barbara, CA 93109

### JURISDICTION

The Zoning Administrator is authorized to hear this request pursuant to Goleta Municipal Code, Title 17 (Zoning Ordinance), Chapter 17.62.030.

## **REQUEST SUMMARY**

The project proposes the following:

1. Approval of a LUP to construct a 242-square foot rear yard addition along the southwestern portion of the residence; and
2. Approval of MOD to allow 17 square feet of the proposed rear yard addition to encroach into the rear yard setback.
3. Approval of final design review of the addition, as recommended for approval by the DRB.

## **BACKGROUND**

The subject single-family dwelling was issued occupancy in December 1960 and includes a 1,276-square foot residence and an attached 434-square foot, 2-car garage on a 10,018-square foot lot in the RS zone district and SFR land use designation. Additionally, the County of Santa Barbara issued a Land Use Permit for a patio cover in July 1977.

On August 25, 2020, the Design Review Board (DRB) reviewed the proposed addition and associated MOD and found the project compatible with the surrounding neighborhood, and its size, bulk, and scale appropriate to the site. Additionally, the DRB found the addition and encroachment of 17 square feet into the rear yard setback would result in minimal, if any, changes to the appearance of the existing residence from the public-right-of-way, as well as provide a harmonious continuity with existing residences within the vicinity. The DRB also found that the proposed location of the rear addition and proposed Modification would not affect privacy of neighbors and private views, as the location of the addition is the same distance from the southern property line as the existing structure. The DRB unanimously granted conceptual/preliminary review of the project and provided a recommendation of approval to the Zoning Administrator.

The proposed project received public comment at the DRB Hearing in support of the project. The public comment is located in Attachment F.

## **PROJECT DESCRIPTION**

### Land Use Permit

Per Section 17.55.20 of Title 17, the Goleta Zoning Ordinance, the applicant is requesting approval of a LUP to construct a 242-square foot rear yard addition along the southwestern portion of the residence. The addition will consist of a den/office and a portion of a primary bedroom. Per Section 17.62.030(C) of Title 17, stand-alone LUP's do not warrant review and approval by the Zoning Administrator, unless the project is proposing an associated MOD. In this case, a request for a MOD and its accompanying permit/entitlement must be reviewed, heard, and acted upon in the same time frame and by the same Review Authority.

## Modification

Associated with the LUP application, and per Section 17.62.020(A)(1) of the Goleta Zoning Ordinance, the applicant is requesting a MOD to allow 17 square feet of the addition to encroach into the rear yard setback along the southwestern portion of the site. The addition would encroach 3 feet and 2 ½ inches into the rear yard setback and be located 21 feet and 11 ½ inches from the rear property line. The majority of the addition will observe the required 25' rear setback. Consistent with Section 17-.62.020(A)(1)(b) (iii), no setback reduction for structures shall result in a rear yard setback depth from the rear property line of less than 15 feet.

Per Section 17.62.030(C), all requests for MODs must be reviewed by the Design Review Board, who is to provide a recommendation to the Zoning Administrator.

The LUP/MOD Project Plans can be viewed in Attachment E.

## **ANALYSIS**

### ***General Plan Consistency***

The Land Use Element in the General Plan/Coastal Land Use Plan (GP/CLUP) designates the property as Single Family Residential (SFR). The SFR designation identifies and protect land areas for family living in low-density residential environments. Consistent with policy LU 2.1, Table 2-1, single family homes and associated additions are allowed uses within the SFR designation.

The design of the proposed addition and associated MOD is also consistent with the Visual and Historic Resources Element Policy VH 4.3, (Single-Family Residential Areas). VH 4.3 consists of design related policies that encourages neighborhood compatibility relative to size, bulk and scale, as well as privacy of residents. Given the relative minor nature of the proposed addition and associated MOD, the addition would be consistent with the neighborhood compatibility, as the addition is the same architectural style of adjacent residences, not visible from the street, and would remain the same building height as the existing residence. Additionally, visibility from the adjacent neighbors from the west is limited due to extensive landscaping, and the visibility of adjacent neighbors to the south are limited due to the placement of an accessory structure directly to the south of the property.

The proposed LUP and MOD will be consistent will all applicable GP/CLUP policies, including allowable uses, and design related policies.

### ***Zoning Regulations Consistency***

The project site is designated as Single Family Residential (RS). Single family homes and associated additions are the primary use allowed within the zone district. Consistent with

the permit procedures of the Title 17, all additions over 150 square feet need approval of a LUP, and all associated MODs need approve by the Zoning Administrator.

The following table analyzes consistency with applicable Development Regulations within the RS zone district and within General Modification standards, as identified below, pursuant to Zoning Ordinance Sections 17.07.030, and 17.62.020(A)(1)(a)(b):

**Table 1**  
**Consistency with Applicable Development Regulations**

<b><i>Development Regulations within RS Zone District (Section 17.07.030)</i></b>	<b><i>Powell Rear Yard Addition and Modification</i></b>	<b><i>Consistent?</i></b>
<i>Parking</i>  Required: 2 covered on-site parking spaces	Existing/Proposed: 2 covered on-site parking spaces	Yes
<i>Setbacks</i>  Required: Front- 20 ft. Interior Side- 8 ft. (10% of lot width) Rear- 25 ft.	Existing/Proposed: Front- 20 ft. Interior Side- 8 ft. (10% of lot width) <b>Rear- 21 ft (approximately 17 square foot of the addition would encroachment into the rear yard setback.</b>	Yes Yes <b>Yes (w/ ZA approval of Modification).</b>
<i>Building Height</i>  Maximum: 25 ft.	Existing/Proposed: 11 feet and 6 inches.	Yes
<i>Floor Area Requirement</i>  Maximum: 2,833 square feet	Proposed: 1,952 square feet	Yes
<b><i>General Modification Regulations – Setbacks (Section 17.62.020(A)(1)(a)(b))</i></b>	<b><i>Powell Rear Yard Addition and Modification</i></b>	<b><i>Consistent?</i></b>
<i>Setback Area Reduction</i>  Maximum: 20 percent	Proposed: 0.7 percent	Yes

<p><i>Rear Setback Depth Reduction</i></p> <p><i>Maximum: Not less than 15 feet from Rear Property Line</i></p>	<p><i>Proposed: 21 feet from rear property line</i></p>	<p>Yes</p>
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Based on the merits listed above, staff recommends the Zoning Administrator make the required findings for the proposed LUP and proposed MOD to the rear yard setback standard. The required finding for LUPs and MODs are included in Attachment A.

**FINDINGS**

***Land Use Permit***

The proposed 242 square foot addition conforms to all applicable regulations of the Goleta Zoning Ordinance, specifically the maximum building height, floor area requirements, front yard setback, side yard setbacks, and rear yard setback (with the approval of the proposed MOD). The property does contain one zoning violation, identified as an unpermitted accessory structure located at the northwest corner of the lot. As part of the proposed addition, the applicant has agreed to remove the unpermitted accessory, which is a Condition of Approval in the Land Use Permit.

Additionally, the project will continue to be served by the Goleta Water District, Goleta Sanitary District, and the Santa Barbara County Fire Department, and County Sheriff's Department. These agencies and districts have adequate infrastructure, personnel and capacity to serve the project as confirmed by these agencies.

Lastly, the subject property is a legally created lot and is identified as Lot 70 of Tract No. 10,116 within the County of Santa Barbara Records Office.

***Modification***

Requests for MODs are allowed per Section 17.62.020, of the Goleta Zoning Ordinance, if the MOD is necessary due to the physical characteristics of the property, the proposed use or structure, or other circumstances.

The applicant is requesting a MOD to allow 17 square feet of the addition to encroach into the rear yard setback along the southwestern portion of the site. The addition would encroach 3 feet and 2 ½ inches into the rear yard setback and be located 21 feet and 11 ½ inches from the rear property line. Consistent with Section 17.62.020(A)(1)(b) (iii), no setback reduction for structures shall result in a rear yard setback depth from the rear property line of less than 15 feet. The proposed MOD to encroach into the rear yard setback is justified in order to construct an aesthetically pleasing addition, specifically at the southwest corner to allow for the walls to be at 90-degree angles and to fulfill the needs of the use of the addition. Without encroaching into the rear setback, the addition would be asymmetrical and incompatible with the surrounding architectural elements of

the existing residence and neighborhood. Additionally, due to the minimal amount of square footage encroaching into the rear yard setback, the addition would not impede views or impact privacy of surrounding neighbors.

The proposed MOD and the addition are consistent with the required findings pursuant to Zoning Ordinance Chapter 17.62.040 as the project will continue to be consistent with the Goleta General Plan and Goleta Zoning Ordinance.

Attachment A provides project consistency findings required for approval for a MOD and a LUP.

### ***Design Review***

On August 25, 2020, the DRB reviewed the proposed addition and MOD and unanimously granted conceptual/preliminary and made a recommendation of approval to the Zoning Administrator. The DRB found the encroachment of 17 square feet of the 242 square foot addition in the rear yard setback would result in minimal, if any, changes to the appearance of the existing structure from the public right-of-way, as well as provide a harmonious continuity with development within the vicinity. The rear addition would not change the site's layout or orientation. Further, the location of the addition would not affect privacy of neighbors as it is the same distance from the southern property line as the existing structure. The placement of the addition would be consistent with the building height of the existing residence, as well as adjacent residences in the neighborhood, and would not affect private views or solar access. Additionally, the addition and the resulting floor plan is likely very similar to other additions that have occurred within the vicinity of the property.

The proposed design of the addition and associated MOD are consistent with the required design review findings pursuant to Zoning Ordinance Chapter 17.58.080 as the project will continue to be consistent with all applicable design related findings.

Attachment B provides project consistency findings required for approval for Final Design Review approval.

### **ENVIRONMENTAL REVIEW**

Pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq.), and the City's Environmental Review Guidelines, the project has been found to be exempt from CEQA and a Notice of Exemption is proposed (Attachment C). The City of Goleta is acting as the Lead Agency for this project.

The existing development is located within an urbanized area within residential land use and zoning designations (described in Project Location). The LUP and MOD proposes a rear yard addition with an encroachment into the rear yard setback. Consistent with CEQA Guidelines § 15301(e) (Additions to Existing Structures) the project will not result in an increase of more than 50 percent of the floor area of the structures before the addition,

or 2,500 square feet, whichever is less. The property will continue to be served by existing streets and driveways and will not change the demand on the existing services. Further, the project is not located in an environmental sensitive habitat area. Therefore, given the minor nature of the improvements, the project will not have a significant effect on the environment.

## **APPEALS PROCEDURE**

The action of the Zoning Administrator may be appealed to the City Council within 10 calendar days following final action.

## **ATTACHMENTS**

- A. Findings (LUP and MOD)
- B. Findings (Design Review)
- C. Conditions of Approval
- D. CEQA Notice of Exemption
- E. Land Use Permit/ Modification/Design Review Project Plans
- F. Applicant's Request for Modification (17 square foot area into 3.5 feet of the rear yard setback)
- G. Public Comment