



Administrative Report

J.1., File # PC21-2995

Meeting Date: 9/16/2021

To: PLANNING COMMISSION
From: ANTONIO GARDEA, SENIOR PLANNER

TITLE

PUBLIC HEARING FOR CONSIDERATION OF AN EXEMPTION DECLARATION AND PLANNING COMMISSION DESIGN REVIEW TO ALLOW A STRUCTURAL ALTERATION AND ADDITION TO AN EXISTING LEGAL NON-CONFORMING PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE

APPLICANT: GABRIEL FLORES
PROPERTY OWNER: JON OLSON
PROPERTY ADDRESS: **2303 ROCKEFELLER LANE UNIT A**
APPLICATION NO.: PCDR-2021-04

RECOMMENDATION:

1. Open public hearing and administer oath;
2. Take testimony from staff, applicant, and interested parties;
3. Close public hearing and deliberate; and
4. Adopt a resolution by title only either approve or deny the request subject to the findings and conditions contained therein:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, APPROVING AN EXEMPTION DECLARATION AND GRANTING THE REQUEST FOR A PLANNING COMMISSION DESIGN REVIEW TO ALLOW A STRUCTURAL ALTERATION AND ADDITION TO AN EXISTING, LEGAL NON-CONFORMING PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 2303 ROCKEFELLER LANE UNIT A

OR

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, DENYING A REQUEST FOR PLANNING COMMISSION DESIGN REVIEW FOR A STRUCTURAL ALTERATION AND ADDITION TO AN EXISTING, LEGAL NON-CONFORMING PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 2303 ROCKEFELLER LANE UNIT A

BACKGROUND

The property at 2303 Rockefeller Lane is standard, rectangular-shaped, 7,500 square-foot lot. The subject site and the neighboring property were developed with a two-story, multiple-family residential building, originally constructed in 1975. The site is located on the north side of Rockefeller Lane

across the street from Perry Park, near Slauson Lane. The subject site and surrounding properties are zoned Low Density, Multi-Family Residential (R-3). Perry Park is zoned as Public and Institutional Zone, Parks, Recreation and Open Space (P-PRO).

The property is a legal, nonconforming condominium complex. According to Building Division records, the four-unit residential building consists of approximately 5,400 square feet of residential floor area with an attached, two-car garage and detached five-car garage. The condominium complex is a legal, nonconforming use (density) and structure. According to current Zoning Code regulations, the maximum density allowed on a site of this size is three units. The complex is constructed differently than the plans submitted for review and specifically may not meet the current standard for outdoor living space.

CURRENT REQUEST:

The applicant is requesting Planning Commission Design Review to allow conversion of an 80 square-foot patio to a study. The proposed project is located within a portion of a condominium unit that is part of an existing, legal non-conforming property. The plans indicate that the addition would be constructed along the east side of the building in place of an existing patio. Planning Commission Design Review is required for structural alterations and minor additions to a nonconforming use (RBMC 10-5.2002).

DEPARTMENT'S ANALYSIS OF REQUEST:

The Zoning Code requires a minimum of 350 square feet of outdoor living space per residential condominium. According to the plans on record, a ground floor patio is provided to the front unit. The other units have second floor decks that serve as the outdoor living areas.

Nonconforming Use/Nonconforming Structure

The Planning Commission criteria for non-conforming structures require that any floor area additions meet the full requirements for the zone in which it is located. However, the condominium complex is both a nonconforming structure and a nonconforming use. In this instance, the nonconforming use provisions prevail. This nonconforming use section of the code provides the applicant an avenue to apply for an exception to the development standards so long as certain criteria are met.

Addition to a Nonconforming Use

The Zoning Code requires Planning Commission Design Review for any structural alterations and minor additions to an existing, legal nonconforming use. The proposed addition will be a study area. Alterations and additions to legal non-conforming uses are permitted so long as they do not increase the degree of nonconformity with respect to the standards of property development for the zone in which the property is located, including, but not limited to, density, building height, floor area ratio, and setback requirements. The proposed addition does not exacerbate the degree of non-conformity in any of the specific areas called out, the proposed addition would eliminate the only private outdoor living area for the unit.

Outdoor Living Space

The addition would remove the only private outdoor living area provided for this condominium unit. As is, the size of the patio does not meet the current standards for outdoor open space. As indicated in the applicant's plans, the patio is only 80 square feet in size. The minimum size required under the current standards is 100 square feet, with a minimum dimension of 10 feet on one side. Thus, the patio is substandard as outdoor living area.

Planning Commission Design Review Criteria for Nonconforming Uses

The minor addition meets the criteria set forth in the nonconforming use provisions (RBMC 10-5.2002 (b)) as follows:

- (1) *The alteration or addition shall not adversely impact surrounding property.* The proposed addition is within the allowable building envelope and would not adversely affect neighboring properties.
- (2) *The alteration or addition shall not increase the degree of nonconformity with respect to the standards of property development for the zone in which the property is located, including, but not limited to, density, building height, floor area ratio, and setback requirements.* The addition does not increase the number of units on the property, nor does it increase the building height, nor remove any existing parking spaces. The existing nonconformity, in terms of density is not exacerbated. The condominium complex is built with four units and will remain as a four unit condominium complex.
- (3) *The alteration or addition shall not decrease the future capability of the structure to provide off-street parking at a ratio that could reasonably allow replacement by a conforming use.* The proposed addition would not decrease the capability to provide off-street parking, since the addition is located in an area within the building envelope where more parking spaces cannot be accommodated. Recently adopted state legislation does not allow the net loss of housing units. Thus, since the current number of units exceeds what is allowed in the zone, a development that conforms to the maximum density allowed in the zone would constitute a net loss in housing and would not be permitted as a result of that state mandate.
- (4) *The alteration or addition shall not cause or increase a deficiency in the number of parking spaces required for the existing use.* The minor addition does not cause a deficiency in parking spaces for the existing residential uses. A total of eight parking spaces (seven garage and one surface parking space) are provided for the existing uses per the development standards that were in place at the time of construction.
- (5) *That if the structure containing the nonconforming use is nonconforming with respect to the standards of property development for the zone in which the property is located, including, but not limited to, density, building height, floor area ratio, or provision of off-street parking, the alteration or addition shall not substantially increase the useful life of the nonconforming structure.* The nonconforming building is nonconforming with respect to density and provision of off-street parking. The proposed addition does not affect the useful life of the non-conforming structure, as it is a minor addition to the residential unit.
- (6) *The alteration or addition is not inconsistent with the General Plan.* The proposed minor addition to the existing condominium complex conforms with the City's General Plan in that the improvement maintains and enhances the existing viable housing stock within Redondo Beach

(Housing Element Goal 1.0).

ENVIRONMENTAL STATUS:

Pursuant to the California Environmental Quality Act (CEQA), Sections 15301 of the Guidelines, the proposed project is categorically exempt from the preparation of environmental analyses.

ATTACHMENTS

Exemption Declaration

Draft Resolution Approving Planning Commission Design Review

Draft Resolution Denying Planning Commission Design Review

Application

Architectural Drawings