

BLUE FOLDER ITEM

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

PLANNING COMMISSION MEETING May 20, 2021

F.2. APPROVE MINUTES OF THE PLANNING COMMISSION REGULAR MEETINGS OF MARCH 18, 2021 AND APRIL 15, 2021

- Revised draft minutes of March 18, 2021

A. CALL MEETING TO ORDER

A Virtual Meeting of the City of Redondo Beach Planning Commission was called to order by Chair Elder at 7:00 p.m.

B. ROLL CALL

Commissioners Present: Hinsley, Toporow, Strutzenberg, Ung, Godek, Berg, Chair Elder

Officials Present: Brandy Forbes, Community Development Director
Sean Scully, Planning Manager
Lina Portolese, Planning Analyst

C. SALUTE TO THE FLAG

Commissioner Strutzenberg led in the Salute to the Flag.

D. APPROVAL OF ORDER OF AGENDA

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to approve the Order of Agenda, as presented. Motion carried unanimously (7-0), by roll call vote.

E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

E.1 Receive and File Blue Folder Items

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to receive and file Blue Folder Items. Motion carried unanimously (7-0), by roll call vote.

Commissioner Strutzenberg referenced the Appellant's Clarification to the Administrative Report and wanted to make sure Members of the Commission were able to read them.

F. CONSENT CALENDAR

F.1 Approve Affidavit of Posting of Planning Commission Regular Meeting of March 18, 2021

F.2 Approve Minutes of the Regular Planning Commission meeting of January 21, 2021

F.3 Receive and File Planning Commission Referrals to Staff Update

Commissioner Hinsley pulled Item No. F.3. from the Consent Calendar for separate

consideration.

Planning Analyst Lina Portolese announced there were no e-Comments or written communications received regarding the Consent Calendar.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to approve Items No. F.1. and F.2. of Consent Calendar. Motion carried unanimously (7-0), by roll call vote.

G. EXCLUDED CONSENT CALENDAR ITEMS - None

G.1. (F.3.) Receive and File Planning Commission Referrals to Staff Update

Commissioner Hinsley referenced the Brown Act Review and noted the item has been completed.

Community Development Director Brandy Forbes added that the Commission decided to remove those items from the list, that have been completed.

Motion by Commissioner Hinsley, seconded by Commissioner Strutzenberg, to approve Item G.1. Motion carried unanimously (7-0), by roll call vote.

H. PUBLIC PARTICIPATION NON-AGENDA ITEMS

H.1 Receive and File Written Communications for the Planning Commission on Non-Agenda Items

Holly Osborne, Resident, referenced review of ADU regulations in 2019, changes in ADU setbacks and noted Legislative Bill SB 765 will allow a return to previous setbacks (5' in Redondo Beach).

Planning Analyst Lina Portolese announced there were no e-Comments and no other members of the public wishing to speak.

I. EX PARTE COMMUNICATIONS - None

Commissioner Berg reported speaking to the appellants and visiting their property.

Commissioner Ung reported speaking with Commissioner Hinsley regarding the materials that were presented.

Commissioner Hinsley reported speaking with Commissioner Ung, the applicant, adjacent neighbors to the rear, and staff, and reported visiting the subject property.

Commissioner Strutzenberg reported meeting with the appellants at their property, with the complainants at their property, and noted speaking with Chair Elder, Director Forbes, and Chief Building Inspector Michael Ross.

Commissioner Godek reported meeting with the appellants at their property, and speaking with staff and Chair Elder.

Chair Elder reported Commissioner Godek asked for direction as to whether she could reach out to the appellants. Commissioner Godek clarified that was the reason for reaching out to both Chair Elder and to staff.

Chair Elder reported meeting with the appellants at their property, speaking with the adjacent neighbors behind, other neighbors that signed-off, staff, and Commissioner Strutzenberg.

J. PUBLIC HEARINGS

J.1 Public Hearing for consideration of an appeal of the Administrative Design Review decision denying the request to construct an accessory structure attached to the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone.

APPLICANT: Matthew and Cory Sufnar
PROPERTY OWNER: Same as applicant
PROPERTY ADDRESS: 2015 Speyer Lane Unit B

RECOMMENDATION:

- 1) Open public hearing and administer oath;
- 2) Request Staff presentation;
- 3) Request appellant's presentation;
- 4) Take further testimony from staff, the appellant, and the public, and deliberate;
- 5) Close the public hearing;
- 6) Adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, denying an appeal and upholding the Administrative Design Review decision denying the request for an accessory structure attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B;

OR

- 7) Adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B

CONTACT: LINA PORTOLESE, PLANNING ANALYST

Motion by Commissioner Toporow, seconded by Commissioner Strutzenberg, to open the Public Hearing. Motion carried unanimously (7-0), by roll call vote.

The Chair administered the oath to those members of the public wishing to speak on this item.

Planning Analyst Lina Portolese presented details of the Administrative Report; summarized the subject site; addressed zoning, surrounding properties, setbacks, project background, code enforcement issues, first site plan approvals, second site plan approval, the last site approval, Administrative Design Review applications submitted for a decision by the Community Development Director which were both denied and the grounds for denial, Accessory Structures versus Architectural Features, and staff recommendation.

Commissioner Ung noted a typo in staff's PowerPoint presentation on the next to last slide, which was intended to say does "not" comply.

In response to Commissioner Strutzenberg, Planning Analyst Portolese confirmed that the bullet points listed in the Accessory Structures slide are policies, but not the actual the code.

In response to Commissioner Berg regarding other structures noted in the applicant's materials, Planning Analyst Portolese stated that staff would need to research the permit history on each individual property to determine if the structure in question was non-permitted or was approved at a different time under a different code and might be legal non-conforming.

Commissioner Hinsley commented on the current accessory structure code and is not pleased with what it allows.

In response to Commissioner Hinsley regarding the 9-foot limit for pergolas versus the taller height limit for accessory structures, Planning Analyst Portolese explained that the 9-foot limit applies to architectural projections, which are allowed to be attached to the home. If the structure exceeds 9-feet, then it falls in the category of an accessory structure, which has a different set of standards, but must be separated at least 5-feet from the home. A pergola over 9-feet in height would be classified an accessory structure rather than an architectural projection, since architectural projections are limited to 9-feet in height.

In response to Commissioner Godek, Planning Analyst Portolese stated she was uncertain of why the fireplace structure was first proposed at 9-feet and then reduced down to 4-feet on the second proposal. Planning Analyst Portolese stated that after Planning approval occurs, property owners are directed to obtain Building Division approval, and it was after the Building Division reviewed the 9-foot proposal that the property owners returned to Planning with a revised site plan with the fireplace at only 4-feet. Planning Analyst Portolese stated she was not privy to what occurred during the Building phase of the review.

Community Development Director Forbes stated that when a masonry structure exceeds a certain height limit, structural engineered drawings are required. In addition, the change out of the sliding glass door also required structural drawings.

In response to Commissioner Berg whether the only item not permitted is the roof structure, Planning Analyst Portolese clarified that permits have been issued for the sliding glass door, the fireplace structure, and gas lines only. She further clarified that the 6-inch concrete slab does not require a permit.

In response to Commissioner Berg, Planning Analyst Portolese stated that the City does not have a tree preservation ordinance, therefore the property owners are not required to keep trees that were planted by the developer as a requirement at the time of construction.

Community Development Director Forbes added to the reply of Commissioner Berg's previous question, that the roof element also has electrical that has not been permitted and that the structure is over the certain height that may trigger structural review.

Cory Sufnar, Applicants, reported on the process and challenges related to the COVID-19 pandemic; referenced the City's General Plan; discussed Building Codes related to accessory structures in residential zones and felt they comply with Building Code 1-2.402. Ms. Sufnar addressed support from adjacent neighbors, precedent, key benefits to owners and residents and project background; showed a comparison of the previous and current structures; spoke about removal of trees; noted the five feet between buildings has no impact to neighbors and displayed photos of the current backyard.

Matthew Sufnar, Applicant, presented a matrix of Building Code 10.2.1500 compliance assessment; noted their accessory structure is fully compliant with the Code; stated an alternate structure code would be allowable; reported there are no impediments around the perimeter of the house; addressed an owner/neighbor benefits analysis of the accessory structure and discussed adjacent and block residential support for the project.

Ms. Sufnar continued with the presentation noting project rationale for the project and spoke about multiple complaints to the City, from the rear neighbor, and reported the neighbors have not contact them (Sufnars) directly to address concerns.

Mr. Sufnar provided examples of existing neighborhood precedent; discussed existing neighborhood maintenance and Code violations and suggested systemic abuse of City resources by the rear resident.

Ms. Sufnar presented an interpretation of Resolution 8913; provided a rebuttal of claims by the rear resident against the accessory structure and urged the Planning Commission to support the mission statement of the City and approve their project.

Chair Elder invited members of the public to address the Commission on this item.

Mike Goldstein spoke in support of the applicants and the project and reported they have been targeted and harassed by the rear neighbors.

Kerry Bosse expressed support for the applicants and their project.

William Errett expressed support for the applicants and their project.

Trey and Varina Moore expressed support for the applicants and their project.

Lynette Vandever referenced an eComment she submitted earlier and spoke in support of the

applicants and their project.

Lisa Russell spoke in support of the applicants and their project.

Jens Wessel spoke in support of the applicants and their project.

Jean Leary expressed support of the applicants and their project.

Greg and Jennifer Danylyshyn spoke in support of the applicants and their project.

Christine and Jim Abramowski expressed support for the applicants and their project.

John and Shannon Semizian expressed support for the applicants and their project.

Lisa Agabian spoke in opposition to the project; stated the applicants proceeded with the project without obtaining appropriate permits; stated the applicants defied City orders to stop work; listed negative impacts of the project; requested additional speaking time and referenced a presentation she submitted earlier, and which is included in the agenda packet.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to extend the speaker's time by 3 minutes. Motion carried unanimously.

Ms. Agabian continued addressing negative impacts of the project; believed approval of the project will set precedent; referenced documents submitted under Blue Folder Items and requested the Commission deny the appeal.

Motion by Commissioner Hinsley, seconded by Commissioner Strutzenberg, to extend the speaker's time by 3 minutes. Motion carried unanimously.

Ms. Agabian spoke in rebuttal to the applicants' project; alleged the appellants have broken the law and that the project encroaches on their property and lowers their property value; reported the applicants have used intimidation tactics and spread untruths about them and spoke about decreased privacy;

Motion by Commissioner Hinsley, seconded by Commissioner Berg, to extend the speaker's time by one additional minute. Motion carried unanimously.

Ms. Agabian reported they have endured personal attacks by the applicants.

Andrew Galves stated his only concern about the structure is whether it was built to safety codes; spoke in support of the applicants and the project and hoped a mutual solution can be reached.

Paige Howe expressed support for the applicants and their project and spoke about constant harassment by rear neighbors.

Bruce Bernard stated this is a Code Enforcement issue; reported stop work orders were not followed by the applicants; suggested the contractor should have explained the requirement for

permits before starting construction; noted the outdoor living space requirement is 450 square feet, not 400 square feet; comment in drainage issues; discussed the roof and fireplace as two accessory structures; claimed the project reduces adjacent property values;

Motion by Commissioner Hinsley, seconded by Commissioner Berg, to extend the speaker's time by one additional minute. Motion carried unanimously.

Mr. Bernard urged the Commission to deny the appeal.

Planning Analyst Portolese read and the following eComments:

Susan Corey in support of the applicants and their project.
Lynette Vandever in support of the applicants and their project.
Kristina Cleland in support of the applicants and their project.
Laura Grabher in support of the applicants and their project.
Marshall and Diana Gelb in support of the applicants and their project.
William Stock in opposition to the applicants and their project.
Lori Boggio in support of the applicants and their project.
Jasmine Rassekh in support of the applicants and their project.
Dondi Kingsbury in support of the applicants and their project.
Stephanie Todd in support of the applicants and their project.

Planning Analyst Portolese announced there were no other public or eComments.

In reply to Commissioner Hinsley's question, Community Development Director Forbes stated that the missing 5' setback would be between the main dwelling unit and the accessory structure's support. She further clarified that the roof is allowed to have an eave projection of 30-inches into the 5-foot separation, the separation is taken from the support structure of the roof. She further clarified to Commissioner Hinsley's question regarding posts, that the 5-foot separation would be from the posts to the dwelling unit, and the roof could have an overhang into that separation.

Commissioner Hinsley asked for clarification as to why the first application for an Administrative Design Review was denied in December due to the structure being taller than 9-feet if the structure's height still complies with the accessory structure height limit. Director Forbes clarified that the first denial was on the request for an architectural projection, not an accessory structure. The code limits architectural projections to only 9-feet.

Director Forbes further clarified that being over 9-feet, it can be considered an accessory structure but that then there is the separation requirement.

Director Forbes made note of the blue folder item and stated that staff consulted with the City Attorney's office regarding interpretation of code section 10-2.401(g) that states article and section headings are not deemed to limit or modify the scope or intent of a section, and that even though the accessory structure section heading states buildings, the following sentence does include accessory structures. City Attorney's office confirmed the intent would be for the separation requirement to also apply to accessory structures.

Commissioner Hinsley stated he agreed with staff's interpretation of the of the section.

In response to Commissioner Hinsley, Director Forbes confirmed that the back (north) side of the structure complies with code, the issue is the distance between the structure and main dwelling unit.

Commissioner Hinsley reference Bruce Bernard's public comment and asked whether an accessory structure reduces outdoor living space. Planning Manager Scully explained at least 50% must be open to the sky to count as outdoor living space. He stated the minimum required outdoor living space in this zone is 450 square feet, and at least half must be open to the sky.

In response to Commissioner Hinsley's question as to whether an accessory structure can take up outdoor living space, Planning Manager Scully stated the outdoor living space provision must still be met. Commissioner Hinsley noted he did not see outdoor living space noted in the denial.

Commissioner Strutzenberg asked to clarify if the issue being considered is that only the roof, which is part of the accessory structure does not comply with the 5-foot setback.

Director Forbes stated that the application was for an accessory structure that does not have the 5-foot separation, which Planning staff could not permit.

In response to Commissioner Strutzenberg's question regarding if there are any other issues that still need approval such as electrical, Director Forbes stated that once the Planning process is complete, the property owners would have to go through an after-the-fact process to bring the structure into conformance with Building Codes and securing the appropriate permits, which would include electrical for the heaters and lights and structural component permits.

Commissioner Strutzenberg clarified that the issue currently at hand is for the 5-foot setback. Director Forbes confirmed that was correct.

Commissioner Strutzenberg diagramed his understanding of what would be allowed, showing two new posts on the either side to the ground 5-feet away from the house and the roof detached from the house with a 30-inch eave overhang, and another 30-inch eave overhang protruding from the rear wall of the main house, so that the overhangs are almost touching. Director Forbes confirmed that design would be acceptable per the code.

Commissioner Strutzenberg stated that the way the structure is currently built fully attached to the studs or joists of the house seems more sturdy than what would be allowed by code on two posts. He commented that the solution which meets the letter of the code is not much different than what is built.

In response to Commissioner Strutzenberg, Planning Manager Scully confirmed the property still meets the outdoor living space requirement.

Commissioner Strutzenberg noted the need to work on the language in the accessory structures code.

Community Development Director Forbes pointed out the City Attorney's office acknowledged the section of the code, but also acknowledged the section of the code that gives the ability to the Community Development Director to interpret the code.

Commissioner Toporow reaffirmed Commissioner Strutzenberg's point of the ability of the eaves to be so close, and that it's semantics and interpretation.

Commissioner Hinsley referenced a Blue Folder Item regarding proposed modifications, submitted by Ms. Agabian for more privacy; noted the suggested 6' separation is not a requirement of the fireplace or the roof and asked about the opponents' biggest concern.

Ms. Agabian reported their biggest concerns are a negative impact to property values and noise; stated they planted several trees on the north side of their yard and explained they are waiting for resolution of this issue before they decide what to do with their yard.

Ms. Agabian added their concerns include decreased property values, noise, trees, privacy, and runoff.

Commissioner Hinsley asked whether the appellants would be open to accommodations and Ms. Sufnar stated they would be open to any reasonable solution.

Chair Elder asked about the property line in relation to the fence and noted there is an offset in the fences. Planning Analyst Portolese indicated the original property line is in the City's archives but may not include any modifications since initial construction.

Ms. Sufnar noted there is a Denn Engineering report on record from when the property was developed, but the current measurement seems shy of the required setback by 1 ½ feet, as from the house to the fence is 13.5-feet.

Chair Elder hoped to find a reasonable compromise and thanked everyone participating. In response to his question,

Commissioner Strutzenberg noted from his visit to the site the offset in the backyard fences and opined there may have been a concession as it appears the retaining wall and fence are fully on the applicants' property, therefore the structure is not right at a zero lot line, which they could have done.

In response to Chair Elder, Ms. Sufnar stated they would be open to adding rain gutters to address runoff.

Community Development Director Forbes added the gutters would have to drain unto their property and not the rear neighbors' property.

Mr. Agabian reported the fence is all on the Sufnar's property including the retaining wall and reported there is a 6-inch offset where the fence juts south onto their property. He stated the addition of rain gutters should help.

Commissioner Ung inquired whether if the Community Development Director's Decision is upheld by the Planning Commission, what other alternatives are available such as a Variance, short of removing or modifying the structure. Director Forbes stated if the decision is upheld, there are very strict criteria for Variances, so the structure would likely need to be modified, but not fully torn down.

Commissioner Ung agreed with Commissioner's Strutzenberg's example that it may meet the intent of the code but result in a worse design. He asked if there would be a way to still uphold the Director's decision but maintain the better design of the structure.

Director Forbes stated her decision must be based on what the code says, and whether a Variance is the correct mechanism for the owners' to move forward with the current design, she's uncertain the strict findings could be made to support a variance.

Planning Manager Scully stated the findings would not be tenable, specifically that there is nothing unique about the property which is a criteria, this property is in line with all adjacent properties, in which case it would be granting a special privilege which is not allowed.

Chair Elder agreed that the design that would be allowed by code would be almost the same to what is built. He warned against the hazard of continuing building something when there's been stop work orders issued and that may not comply with code, and that regardless of the outcome, this project would still have to pass inspection, which is challenging after something's been built rather than during construction when studs and electrical are exposed. Inspection of a completed project will often involve having to tear out portions of the structure to see the components, and involve costly repairs.

In response to Commissioner Hinsley's question regarding the blanks in the draft resolutions, Director Forbes explained staff provided the Commission two resolutions to consider. The first upholds the decision with staff's recommended findings. The alternative resolution would need the Commission's own findings to support the project. She noted the Commission would have to make specific findings and is able to add conditions of approval.

Motion by Commissioner Hinsley, seconded by Commissioner Godek, to allow Ms. Agabian another 2 minutes to address the Commission. Motion carried unanimously.

In response to Ms. Agabian's question regarding outdoor living space having to be open to the sky, Director Forbes clarified 50% of the total required 450 square feet would need to be open to the sky. Planning Manager Scully the property may be 35-feet short of the requirement, and if the structure is reduced by 2 ½ then the requirement can still be met.

In reply to Commissioner Berg's question, Planning Manager Scully reported that you cannot have more than 50% of the required open space, covered.

In response to Commissioner Hinsley, Planning Manager Scully stated the area under the roof is included in the 450-square foot total calculation, and that 50% of that 450-square foot total needs to be open to the sky.

Ms. Sufnar stated the structure only covers 38% of the outdoor living space and is well below

the threshold.

Commissioner Strutzenberg referred to the outdoor living space code 10-2.1510, paragraph (c)(1)(a) stating open to the sky for 50% of their “actual” area. He opined that in this case the property does comply.

Planning Manager Scully reviewed the language, and then confirmed that the actual area of the backyard is roughly 675-square feet, so the property complies in terms of outdoor living space.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to close the Public Hearing. Motion carried unanimously (7-0), by roll call vote.

Commissioner Toporow thanked the appellants for their work and obtaining support from the community; noted that at one time, the properties in the neighborhood were single residences; discussed her interest in open space; reported the Commission is currently working on defining open space; talked about reductions in open space as development in the neighborhood, occurred and claimed the structure would work if the roof on the house was buzzed cut, went 5’ in and buzz cut it again. She spoke about noise and visibility; recommended installing trellises so they could be cut on both sides and gutters and believed the space is beautiful and the appellant has done a great job.

Chair Elder felt there seemed to be consensus that if the structure were to be built in the way the code is interpreted it would essentially result in the same project but a less functional design. He opined that maybe the code needs to be updated to allow for such structures as this, the code interpretation has no meaningful change, and allows for overlapping overhangs rather than attached, and attached would be more sturdy and reliable.

Commissioner Berg stated it would be less attractive to stagger the roofs; agreed with the suggestion to add gutters and trellises and discussed the possibility of fines for not following proper procedures.

Chair Elder stated if the Commission agrees with the letter of the law than it should not make findings against following the letter of the law.

Commissioner Toporow stated the root cause is that the law of nature was broken in the 60’s, there was no respect for the land, and everything was overbuilt. The Commission is looking at open space and revamping the code because it does not work anymore and needs to be updated, and the Commission is working very hard to look at disparities, semantics, and interpretations to make it clearer, with more respect towards nature.

Motion by Commissioner Strutzenberg to adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure’s roof attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B.

In his motion, Commissioner Strutzenberg stated that the remainder of the resolution should reference the accessory structure's roof rather than just accessory structure. It will address this unique situation, and not set a precedent for accessory structures with walls encroaching into the 5-foot separation, which he feels the Commission does not want to do.

Commissioner Strutzenberg added to the motion a condition that rain gutters be added to the north lower edge of the roof that drains onto the subject property. He stated he was open to any friendly amendments.

Commissioner Toporow seconded the motion with a friendly amendment of adding trellis structures to both sides of the fireplace.

Commissioner Strutzenberg stated he was open to the amendment if Planning staff concurs it can be done within height limitations.

Chair Elder suggested leaving it flexible for staff to decide if trellises or trees would be appropriate.

Commissioner Toporow expressed concern with trees being very invasive, and recommended any trees be in containers to contain the size and encourage healthy roots.

Commissioner Strutzenberg asked for clarification from staff if trellises could be approved.

Commissioner Toporow clarified it would be a trellis up to the height of the roof line, if permitted, with plantings to mitigate sound and add privacy.

Director Forbes restated the amendment as plantings as approved by the Planning Division to the height of the roof must be installed at the fireplace portion of the structure.

Commissioner Hinsley felt that trellises would not help with noise, and that adding trees on the rear neighbors' property would be a better solution for sound and privacy if the neighbors are open to it, and have the applicants provide them.

Commissioner Hinsley expressed concern with the current structure and barbeque island area and any potential future accessory structures being built. He suggested adding a condition about the need for the City to review future structures, another to obtain all required permits, and reduce the time frame for compliance down from 36 months to 12 months. He supported the water mitigation/rain gutters.

Commissioner Strutzenberg spoke about challenges on imposing conditions to the neighbors' property.

Director Forbes concurred with the concern.

In response to Commissioner Strutzenberg, Director Forbes stated the 36-month timeline can be reduced.

In response to Commissioner Ung's inquiry regarding defining accessory structure roofs, Director Forbes responded that the Planning Commission would be choosing to interpret and if it allows the attachment of an accessory structure roof to the main structure it takes away making that section of the code null and void for accessory structures setbacks from each other.

In response to Commissioner Ung's question regarding whether this is considered a single accessory structure which includes a roof and fireplace, or two separate structures, Director Forbes stated that because the fireplace structure then became a portion of and supporting the roof, the fireplace and the roof are considered one accessory structure. She further clarified that the Commission's approval would be for the accessory structure's roof to be attached to the house, the roof belongs to the accessory structure of the fireplace.

Chair Elder requested adding a condition that no walls are to be adjacent to the primary structure.

Discussion followed regarding requiring the appellants to get all appropriate permits.

Community Development Director Forbes reviewed the following:

- Making reference to the accessory structure's roof throughout the resolution
- Rain gutters to be added to the north roof of the structure that drain onto 2015 Speyer Lane, Unit B property, away from the property to the north
- Plantings, as approved by the Planning Division, shall be installed to the height of the roof of the structure and must be installed on either side of the fireplace portion of the structure to buffer sound and incorporate natural elements and shall be maintained by the owner (*Commissioner Strutzenberg asked for clarification on the location of the plantings, as there didn't seem to be enough room.*)

Commissioner Hinsley felt there isn't enough room to install plantings that would alleviate the neighbors' concerns sufficiently.

Commissioner Strutzenberg noted the entire area is hardscaped, so plantings would have to be potted.

Commissioner Hinsley asked Commissioner Toporow to clarify if she meant a lattice in the openings. Commissioner Toporow confirmed yes, a lattice with thick vines which will reduce noise and provide privacy.

Commissioner Berg stated there won't be enough growth from plantings in pots provide privacy or noise reduction. Commissioner Strutzenberg agreed.

Commissioner Toporow stated that with good soil and the right plantings, it would give good coverage in that area.

In response to Commissioner Strutzenberg regarding whether a trellis could extend to the roofline.

Planning Manager Scully stated landscaping is not considered a structure so staff could consider a living plant material screen from the roofline down on either side of the fireplace.

Commissioner Berg inquired whether there could be language added that required any new owners to keep the landscape.

Planning Manager Scully stated this would be a condition of approval that runs with land. Commissioner Hinsley stated then any new owners would have to comply.

Director Forbes added "shall be maintained by the owners" to the condition.)

- If any additional accessory structure is to be considered in this rear yard, it must be meet the Redondo Beach Municipal Code and all required municipal permits must be obtained prior to any construction or the additional structure will be required to be removed
- No walls may be added to this accessory structure within 5-feet of the dwelling unit or any other accessory structure
- The property owner shall submit construction plans and all required approvals and municipal permits must be obtained from the City of Redondo Beach within 12 months

Commissioner Ung asked what the consequence would be if the owners do not comply.

Director Forbes replied that the matter would come back before the Commission as the owners would not be meeting the conditions of the Commission's approval of their appeal.

Discussion followed regarding Code Enforcement being on a complaint basis.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure's roof attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B, with the following added Conditions of Approval:

- Rain gutters to be added to the north roof of the structure that drain onto 2015 Speyer Lane, Unit B property, away from the property to the north
- Plantings, as approved by the Planning Division, shall be installed to the height of the roof of the structure and must be installed on either side of the fireplace portion of the structure to buffer sound and incorporate natural elements and shall be maintained by the owner
- If any additional accessory structure is to be considered in the rear yard, it must be meet the Redondo Beach Municipal Code and all required municipal permits must be obtained prior to any construction or the additional structure will be required to be removed
- No walls may be added to this accessory structure within 5 feet of the dwelling unit or any other accessory structure
- The property owner shall submit construction plans and all required approvals and municipal permits must be obtained from the City of Redondo Beach within 6 months
- Section 2. the approval shall be null and void after 12 months

Motion carried unanimously (7-0), by roll call vote.

Chair Elder encouraged the public to start with the Planning Division when applying for any construction and to through the proper channels.

K. ITEMS CONTINUED FROM PREVIOUS AGENDAS - None

L. ITEMS FOR DISCUSSION PRIOR TO ACTION - None

M. ITEMS FROM STAFF

Commissioner Hinsley referenced the Galleria project and asked whether permits have been pulled. Community Development Director Forbes reported 36 months were for the Tentative Tract Map; stated they may need to adjust due to COVID-19, in terms of phasing, and noted no permits have been pulled.

In response to Commissioner Hinsley's question, Community Development Director Forbes provided an update of the Legado project, that the hotel was close to finishing plan check.

N. COMMISSION ITEMS AND REFERRALS TO STAFF

At Commissioner Strutzenberg's request, Community Development Director Forbes reported he will be sworn in on April 27, 2021 and until then, he is still a Planning Commissioner.

Community Development Director Forbes congratulated Chair Elder and Commissioner Strutzenberg for being elected to the Redondo Beach School District Board.

In response to Chair Elder's question, Community Development Director Forbes announced an upcoming community meeting on April 7, 2021 at 6:30 p.m. to discuss Land-use plan/map and how it incorporates into the Housing Element and asked Commissioners to watch the meeting before the next regular Commission meeting.

Chair Elder discussed a recent presentation from SBCCOG and encouraged the public to view the video of the meeting.

O. ADJOURNMENT

There being no further business to come before the Commission, Commissioner Godek motioned, seconded by Commissioner Hinsley, to adjourn at 11:23 p.m. to the next Planning Commission meeting on Thursday, April 15, 2021, at 7:00 p.m. Motion carried unanimously (7-0), by roll call vote.

Respectfully submitted,

Brandy Forbes, AICP
Community Development Director