

Minutes Regular Meeting  
Planning Commission  
March 17, 2022

**A. CALL TO ORDER**

A Virtual meeting of the Planning Commission was held pursuant to California Assembly Bill 361 and City Council action and was called to order by Chair Gaddis at 6:30 p.m.

**B. ROLL CALL**

Commissioners Present: Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis

Officials Present: Sean Scully, Planning Manager  
Antonio Gardea, Senior Planner  
Lina Portolese, Planning Analyst

**C. SALUTE TO THE FLAG**

Commissioner Godek led in the Salute to the Flag.

**D. APPROVE OF ORDER OF AGENDA**

Motion by Commissioner Hazeltine, seconded by Commissioner Lamb, to approve the order of the agenda, as presented. Motion carried 7-0, with the following roll call vote:

AYES: Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis  
NOES: None  
ABSTAIN: None  
ABSENT: None

**E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS**

**E.1. Receive and File Blue Folder Items – Placeholder for materials received after release of the agenda.**

Motion by Commissioner Hazeltine, seconded by Commissioner Hinsley, to receive and file Blue Folder Items. Motion carried 7-0, with the following roll call vote:

AYES: Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis  
NOES: None  
ABSTAIN: None  
ABSENT: None

**F. CONSENT CALENDAR**

There were no public comments or eComments on this item.

**F.1 Approve Affidavit of Posting for the Adjourned Regular Planning Commission Meeting of March 17, 2022**

**F.2 Receive and File Planning Commission Referrals to Staff Update of March 17, 2022**

There were no public comments on this item.

Commissioner Lamb pulled Item No. F.2 from the Consent Calendar, for separate discussion.

Motion by Commissioner Hinsley, seconded by Commissioner Behrendt, to approve Item No. F.1 of the Consent Calendar, as presented. Motion carried 7-0, with the following roll call vote:

AYES:	Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

**G. EXCLUDED CONSENT CALENDAR ITEMS - None**

**G.1 (F.2) Receive and File Planning Commission Referrals to Staff Update of March 17, 2022**

Commissioner Lamb asked about the status of the City Attorney's presentation regarding quasi-judicial and ex parte requirements and Members of the Commission expressed a desire to hear from the City Attorney regarding the subject.

Motion by Commissioner Hinsley, seconded by Commissioner Boswell, to approve Item No. G.1 (F.2 of the Consent Calendar), as presented. Motion carried 7-0, with the following roll call vote:

AYES:	Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

**H. PUBLIC PARTICIPATION NON-AGENDA ITEMS**

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

Planning Analyst Lina Portolese announced one eComment was received from Mark Nelson.

Motion by Chair Gaddis, seconded by Commissioner Hinsley, to receive and file written communications on non-agenda items. Motion carried unanimously, without opposition.

## **I. EX PARTE COMMUNICATIONS**

Commissioner Lamb reported speaking to Senior Planner Antonio Gardea and to members of the public regarding the public hearing.

Commissioner Behrendt reported speaking with Senior Planner Gardea, Chair Gaddis and a member of the public regarding the public hearing.

Commissioner Hinsley reported speaking with City staff and the applicant and noted visiting the site and the surrounding neighborhood.

Chair Gaddis reported speaking with Commissioner Behrendt, City staff and members of the public.

## **J. PUBLIC HEARINGS**

### **J.1. A PUBLIC HEARING FOR CONSIDERATION OF AN EXEMPTION DECLARATION AND A VARIANCE FOR A REDUCED FRONT YARD SETBACK, REAR YARD SETBACK, AND REDUCED OUTDOOR LIVING SPACE ON PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 818 SPENCER STREET (CASE NO. 2022-VAR-01)**

**APPLICANT: SIAVOSH AND LEXIE SHEYBANI  
ADDRESS: 818 SPENCER STREET  
APPLICATION NO. 2022-VAR-01**

#### **RECOMMEDATION:**

- 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 approving 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 VARIANCE FOR A REDUCED FRONT YARD SETBACK, SIDE YARD SETBACK, AND OUTDOOR LIVING SPACE TO ALLOW THE CONSTRUCTION OF ADDITIONS TO A SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN A LOW-DENSITY, MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 818 SPENCER STREET**

Motion by Commissioner Hazeltine, seconded by Commissioner Hinsley, to open the public hearing. Motion carried 7-0, with the following roll call vote:

AYES: Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis  
NOES: None  
ABSTAIN: None  
ABSENT: None

Chair Gaddis administered the audience oath to public speakers.

Planning Manager Antonio Gardea narrated a PowerPoint presentation with details of the proposed project.

In response to Chair Gaddis, Planning Manager Sean Scully noted the resolution runs with the design of the current project and with the property. If the property were to be demolished and redeveloped, new Variances would be needed.

In response to Commissioner Lamb regarding the notion of privilege and setting a new standard for future developments in the area, Senior Planner Gardea stated that the rights granted under a Variance would be specific to the subject property and does not change the development standards for surrounding properties. The Variance is an exception to the standards due to the building constraints created by the uniqueness of the property and being able to construct something that is comparable to the surrounding properties.

Commissioner Hinsley invited the applicant to address the Commission.

Robert Riblett, architect, noted the property owner needs additional space; commented on the open space issue and discussed unique circumstances of the property.

Lexie Sheybani, property owner, reported they do not use the backyard patio as it is not functional; spoke about loving the neighborhood and noted they just want to make their space, livable.

In response to Commissioner Behrendt regarding the neighbors' signatures and what is disclosed to them, Senior Planner Gardea stated that staff encourages the applicant to reach out to the neighbors, share the plans, and obtain signatures of support. He summarized the City's public noticing process, and confirmed that no neighbors reached out to the City in response to the public notice.

Ms. Sheybani stated she went around the neighborhood and collected signatures, spoke to the neighbors in person about the plans to expand up and out, the reduced setbacks and need for variances, did not show the drawings, provided a verbal explanation about the plans, and provide information on specific contact with certain addresses.

Commissioner Hinsley commented the other Variance approvals on the street spanned 1958 to 2005, and inquired if they included outdoor living space variances. Senior Planner Gardea stated that outdoor living space may not have been a standard until the 2005 project, and the 2005 project had a number of other ways they achieved the outdoor living space with decks

and ground floor open space.

Commissioner Hinsley commented on a previous approval of a Variance at 711 Carnelian Street in 2019 and noted that lot was only 2,000 square feet.

In response to Commissioner Hinsley regarding lot sizes, Senior Planner Gardea stated the subject lot is approximately 3,500 square feet in size, and that he did not recall the lot sizes of the other properties on the area granted variances, but that records were provided in the blue folder item.

In response to Commissioner Hinsley, Senior Planner Gardea stated the subject property currently meets the outdoor living space requirement, meets the rear setback requirement, and does not meet both side setback and front setback requirements.

In response to Commissioner Hinsley, Senior Planner Gardea stated the proposed project meets the rear setback requirement.

Senior Planner Gardea stated that the original entitlement from 1975 was for a rear setback variance, as the definition for front, side, and rear setbacks was different from the current definitions.

In response Commissioner Hinsley, Senior Planner Gardea clarified that the proposed 108-square foot patio off of the bedroom is penalized and credited at 50% of its size.

Senior Planner Gardea stated the code allows a reduction of outdoor living space down to 600-square feet be approved administratively.

Commissioner Hinsley clarified that the proposed outdoor living space of 462-square feet does not meet the 600-square feet.

Commissioner Hazeltine complimented the design, confirmed that the eucalyptus tree will stay, felt the floor area ratio is reasonable, and supports the Variance.

In response to Commissioner Behrendt regarding how many other properties on the street could be non-conforming, Senior Planner Gardea stated that a number of other lots on the street received variance approvals, in general it's not uncommon to come across properties that have existing non-conforming setbacks.

In response to Commissioner Lamb stating the property is 3,570-square feet, R-3 zone, and only one dwelling is allowed on the property, Senior Planner Gardea explained that there is a state mandate to allow accessory dwelling units (ADU).

Commissioner Lamb commented that the proposed project results in a loss of outdoor living space is 293 square feet, clarified the actual outdoor living space without bonuses, and stated that the outdoor living space requirement in the code is based on a 5,000-square foot lot and can be considered a proportion of 16%. The same proportion on the subject lot results in an OLS

of 570.2 square-feet. She inquired if a balcony could be incorporated to provide the additional 111-square feet, and waive the penalization for location off of a private space.

In response to Commissioner Hinsley, Mr. Riblett stated that reducing the kitchen by 75-square feet to gain additional outdoor living space in the backyard would cut the kitchen size in half.

In response to Commissioner Hinsley, Senior Planner Gardea stated that the outside area to the north of the kitchen is only 5 ½ feet and does not meet the minimum dimensions to count towards outdoor living space.

Commissioner Hinsley commented understanding of the setback variances due to the odd shape of the lot, but that the lot shape is not the constraint for outdoor living space since it currently meets the requirement and would like to find ways to recover the square-footage to at least the 600-square feet that could be approved administratively. He complimented the design, scale, and scope.

Senior Planner Antonio Gardea stated that the code does not allow staff to count the front yard area towards outdoor living space but that the Commission could make a finding acknowledging that in this instance the front yard is usable as outdoor living space if they were to approve the variance.

Commissioner Lamb commented that the current outdoor living space is 12% of the property and the reduction would be 9% of the property, and was interested in looking at qualifying the front yard area as outdoor living space and asked for clarification on the size of the front yard.

Senior Planner Gardea stated the front yard area is 169-square feet and explained that the front yard is not counted as outdoor living space as it is typically not private.

Planning Manager Scully added it is a unique circumstance that such a small lot has a large front yard area but that it cannot be counted because the zoning code does not allow it. The only area that would qualify by the code is the least used space on this property. The unique circumstance could act as a finding to support the variance.

Commissioner Lamb affirmed it should be acknowledged in the findings including the size of the area in order to preserve the front yard in the future.

Commissioner Hazeltine supported adding the front yard finding to prevent future building on the area.

Chair Gaddis expressed support for adding the finding on the front yard space.

Commissioner Hinsley asked Senior Planner Gardea for clarification on the total front yard area of the subject property and the typical front yard area on a standard lot.

Commissioner Hinsley commented that the intent of the code requirements is to have open areas in both the front and rear yards.

Planning Manager Scully clarified that most other constrained lots do not have large front yards, and it's an asset of this lot that it has a functional front yard rather than a back yard, which can help recoup some of the reduced outdoor living space.

Commissioner Hinsley commented that other constrained lots are generally smaller than the subject property.

Commissioner Hazeltine stated that the property cannot be compared to a standard rectangular lot, it's a smaller triangle shape and the design of the house will be different that what can be built on a standard lot.

In response to Commissioner Hazeltine, Mr. Riblett stated that the driveway is concrete and the plans do not call for it to be redone.

Commissioner Hazeltine commented permeable materials for the driveway would be ideal if it can ever be done. She supported the design and credit for the for the front yard.

Commissioner Boswell reaffirmed the small size of the lot, asked for clarification on the interior design and the outdoor patio area, and commented on the lack of privacy in the backyard due to the adjacent apartment buildings.

In response to Commissioner Boswell, Planning Manager Scully confirmed an ADU would be allowed per State regulations, such as a garage conversion or a portion of the home. He further clarified that all surrounding properties could add an ADU. Commissioner Boswell expressed concern with adding an ADU in the front yard.

Commissioner Boswell commented on the design of the house being usable for the family and fitting on the small lot and asked if the patio area could be of permeable material. Mr. Riblett confirmed that could be considered.

Chair Gaddis commented that the design is utilizing the space well and has outdoor yard space that the family uses.

Commissioner Lamb requested dimensions of the front yard even if its not technically counted which is unfortunate since its true open space that is used.

Senior Planner Antonio Gardea clarified that had this been a two-unit property in the R-3 zone on a 5,000-square foot lot, the outdoor living space requirement would have only been 350-square feet per unit, which is another consideration in proportionality.

Commissioner Lamb stated that would be 12% proportionally. Senior Planner Gardea confirmed the project meets the 12%, with bonuses. Commissioner Lamb commented that the bonuses do not reflect the actual square-footage.

Senior Planner Gardea stated that a condition could be included that a certain amount of square-footage in the front yard remain as permeable area which is gated or fenced.

Commissioner Hinsley stated that the 350-square feet is for multiple units, single-family requires 800-square feet, and that the unusable rear yard is an indictment of the City's outdoor living space requirements versus what families actually use.

In response to Commissioner Hinsley, Ms. Sheybani stated they have no plans of removing the existing eucalyptus tree but would like it trimmed more often by the City.

In response to Commissioner Hinsley, Senior Planner Gardea confirmed the eucalyptus tree is in the City public right-of-way.

Mr. Riblett stated the front yard area is approximately 400-square feet, not counting the triangular area that is less than 10-feet wide.

In response to Commissioner Lamb, Senior Planner Gardea confirmed that the trees which screen the house are located in the public right-of-way.

There were no other public comments on this item.

Motion by Commissioner Hinsley, seconded by Chair Gaddis, to receive and file staff's presentation. Motion carried 7-0, with the following roll call vote:

AYES:	Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

Planning Manager Scully added the following language to the first finding in the resolution as follows: "Furthermore, concerning the outdoor living space, an additional special circumstance in support of the reduced outdoor living space in the rear yard is the additional front yard area which shall be maintained as a landscaped, permeable, usable space". Additionally, he added Condition No. 16 that, "A minimum of 400 square feet of permeable open space shall be provided in the front setback".

Motion by Commissioner Hazeltine, seconded by Commissioner Godek, to close the public hearing. Motion carried 7-0, with the following roll call vote:

AYES:	Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

Discussion followed regarding the possibility of adding a condition requiring permeable ground cover if and when the driveway is replaced, in the future.

Senior Planner Gardea suggested the following Condition of Approval No. 17, "If and when the existing driveway is replaced, the replacement surface shall be of pervious material".



Motion by Commissioner Hazeltine, seconded by Commissioner Boswell, to adopt a resolution by title only approving the request subject to the findings and conditions contained therein and as amended:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, APPROVING AN EXEMPTION DECLARATION AND GRANTING THE REQUEST FOR A VARIANCE FOR A REDUCED FRONT YARD SETBACK, SIDE YARD SETBACK, AND OUTDOOR LIVING SPACE TO ALLOW THE CONSTRUCTION OF ADDITIONS TO A SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN A LOW-DENSITY, MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 818 SPENCER STREET.**

Motion carried 6-1, with the following roll call vote:

AYES: Hazeltine, Godek, Behrendt, Boswell, Lamb, Chair Gaddis  
NOES: Hinsley  
ABSTAIN: None  
ABSENT: None

Commissioner Hinsley stated he believed the granting of a variance for the outdoor living space on a 3,500-square foot lot in this case was a special privilege.

**K. ITEMS CONTINUED FROM PREVIOUS AGENDAS - None**

**L. ITEMS FOR DISCUSSION PRIOR TO ACTION - None**

**M. ITEMS FROM STAFF - None**

**N. COMMISSION ITEMS AND REFERRALS TO STAFF**

Commissioner Lamb requested a flowchart of the development process followed by the Planning Department.

Commissioner Hinsley requested information regarding returning to in-person meetings.

**O. ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Hinsley motioned, seconded by Commissioner Hazeltine, to adjourn at 8:45 p.m., to a Planning Commission meeting on April 21, 2022, at 6:30 p.m. Motion carried 7-0, with the following roll call vote:

AYES: Hazeltine, Hinsley, Godek, Behrendt, Boswell, Lamb, Chair Gaddis  
NOES: None  
ABSTAIN: None  
ABSENT: None

*All written comments submitted via eComment are included in the record and available for public review on the City website.*

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Brandy Forbes, AICP  
Community Development Director