



# Administrative Report

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M.1., File # 22-3884

Meeting Date: 4/5/2022

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**To:** MAYOR AND CITY COUNCIL

**From:** BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

## **TITLE**

DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL AMENDMENTS TO ADMINISTRATIVE DESIGN REVIEW AND PLANNING COMMISSION DESIGN REVIEW PROCEDURES

## **EXECUTIVE SUMMARY**

Redondo Beach's current land use regulations have thresholds of what size of project triggers Planning Commission Design Review for multi-family residential units and for commercial / industrial / mixed use / public development. This type of review has public hearing requirements and specific criteria to be met for Planning Commission approval. If a project does not trigger Planning Commission Design Review and does not otherwise require a public hearing (such as Conditional Use Permit or Variance), it would follow the Administrative Design Review process and be reviewed and approved by the Community Development Director.

A recent project for a commercial office followed the Administrative Design Review process. The back of this particular site is adjacent to a residential zoning district and had access to the street to the rear. When the residential neighbors saw the demolition at the property and inquired about the project, they wanted to know why they had not been officially notified. It was discovered that there is not a requirement for notice of pending decision of non-residential development under the Administrative Design Review procedures. As well, the only projects that are eligible for appeal under Administrative Design Review are those subject to notice of pending appeal. Therefore, there is no appeal process for commercial / non-residential projects (except by the applicant).

As a referral to staff at the January 4, 2022 City Council meeting, and as part of the current Strategic Plan, this discussion item has been prepared to allow the City Council to consider draft language to amend the Administrative Design Review process to include notice of pending decisions and appeal requirements for qualifying non-residential projects, and to consider reducing the threshold for triggering Planning Commission Design Review. This item was initially on the agenda at the March 15, 2022 meeting and was continued to the April 5, 2022 meeting.

## **BACKGROUND**

The Redondo Beach Municipal Code (RBMC) Sections 10-2.2502 and 10-5.2502 establish the procedures for Planning Commission Design Review (PCDR) for multi-family residential (4 or more units or an addition of 1,000 square feet of gross floor area) and for commercial / industrial / mixed use / public development new construction and additions (10,000 square feet of land area). This is in

addition to those projects that may also require a Conditional Use Permit or Variance or otherwise is required to be considered by Planning Commission. Projects requiring PCDR have a public hearing before the Planning Commission and are appealable to the City Council.

If a project does not trigger Planning Commission Design Review and does not otherwise require a public hearing (such as Conditional Use Permit or Variance), it would be considered under Administrative Design Review procedures (either RBMC 10-2.2500 for inland or 10-5.2500 for coastal), and be reviewed and approved by the Community Development Director. For those projects under ADR, an appeal can only be filed by non-applicants/owners if it is a project subject to a “notice of pending decision.” Otherwise, there is no appeal process available to concerned members of the public. In the current Redondo Beach regulations, the only ADR applications where a notice of pending decision is issued is for new multiple-family developments. Therefore, non-residential projects that do not meet the threshold of Planning Commission Design Review, regardless of their proximity to residential zones or other criteria, are not required to provide notice to neighboring properties and are not appealable, except by the owner or applicant.

As a referral to staff at the January 4, 2022 City Council meeting, and subsequently as part of the current Strategic Plan, City Council requested this discussion item to consider draft language to amend the Administrative Design Review process to include notice of pending decision and appeal requirements for qualifying non-residential projects, and to consider reducing the threshold for triggering Planning Commission Design Review.

To help with the discussion, staff reviewed the ADR and PCDR procedures in neighboring jurisdictions.

### ***Hermosa Beach***

Hermosa Beach requires a “Precise Development Plan” review by the Planning Commission all for construction of buildings in any zone, with the exception of single-family residences and remodels or additions to buildings (of any use) of less than 1,500 square feet. Basically, any non-residential or multifamily residential (2 or more units) is required to be reviewed by Planning Commission.

Comparatively, Redondo Beach does review applications for 2 and 3 units on a lot through the ADR procedures, yet those are subject to notice of decision and appeal procedures. As for the non-residential comparison between Redondo Beach and Hermosa Beach, any remodel or addition of 1,500 sf or greater triggers Planning Commission review in Hermosa Beach, whereas the lot size (10,000 sf or greater) is the threshold measurement for going to Planning Commission in Redondo Beach.

### ***Torrance***

The City of Torrance has two specific areas where a Development Permit (administrative review) is allowed-any building in the Hawthorne Boulevard Specific Plan and buildings less than 4,000 sf in the Limited Professional District. Planning Commission Review is required for any building in the C-2, C-3, C-4, C-5, and CR Zones, and a CUP is required in the C-1 Zone.

One consideration of requiring all building in commercial zones to go before the Planning Commission is that there will be delays and added costs for smaller businesses or minor additions to commercial buildings.

**Manhattan Beach**

Administrative review is done through the Community Development Director for permitted single family and 5 or fewer units, minor exceptions (housing additions and accessory dwelling units), and non-discretionary housing (density bonus) larger than 5 units. For commercial, many uses are permitted and administratively approved, similar to Redondo Beach. Planning Commission review is required for any non-residential project with more than 5,000 sf in buildable floor area or on a lot greater than 10,000 sf in Manhattan Beach.

It seems that the various municipalities have regulations specific for their needs. Regarding commercial, the trigger for Planning Commission review in Redondo Beach (10,000 sf lot) is a higher threshold than in Torrance (all commercial). Hermosa Beach doesn't have a minimum lot size threshold that would send a project to Planning Commission, only a building square footage trigger; whereas Manhattan Beach has the same minimum lot size threshold as Redondo Beach (10,000 sf lot) that would require a project to be reviewed by the Planning Commission. As well, there is not a building square footage trigger in Redondo Beach for lots less than 10,000 sf, compared to Hermosa Beach (1,500 sf building) and Manhattan Beach (5,000 sf building).

Included in the agenda packet for this item are the current Redondo Beach regulations for Administrative Design Review and Planning Commission Design Review, for both inland and coastal zones. The inland and coastal zones are identical, except for any references to coastal development permit requirements in the Title 10 Chapter 5 (coastal) regulations that would not be applicable in Title 10 Chapter 2 (inland).

Potential revisions City Council may wish to consider that would address the notice and appeal procedures for commercial development, as well as reduce the potential threshold for what would require Planning Commission Design Review include the following:

- Amend Planning Commission Design Review procedures to include a lesser threshold, whether it is the amount of gross building square footage being added (new construction or addition) or the size of the lot. For consideration in the discussion of this option, the project that sparked this discussion (described in Executive Summary) was for gross square footage of building of 2,666 sf located on a site of 7,320 sf.
  - If the City were to reduce the site square footage that would trigger a project going to Planning Commission, this may end up requiring most projects on sites along the major commercial corridors (including Artesia Boulevard) to go through Planning Commission Design Review, adding time and cost to that review. For example, the smaller sites on Artesia Boulevard are approximately 6,500 sf or larger (most are significantly larger), and the site in the example above was 7,320 sf.
  - The City could implement a building gross floor area trigger not tied to the size of the lot. A requirement for projects with new construction, or an addition of more than 2,500 sf gross floor area, if in place at the time would have required the project illustrated above (2,666 sf building) to go to Planning Commission. However, this may have the same side effect as reducing the site square footage, requiring significantly more projects to go through Planning Commission Design Review, which adds time and cost to the process.
- Amend Administrative Design Review procedures to require Notice of Pending Decision for all non-residential projects that fall under ADR. This revision would make all non-residential projects subject to appeal. Appeals would then be heard by the Planning Commission. This

would only require Planning Commission review if the project is appealed. Only select projects with concerns with the individual circumstances would be appealed to the Planning Commission, rather than requiring most commercial projects to go through the PCDR process even when there are no concerns from the neighbors or public.

- o The proposed revisions to code to require Notice of Appeal are as follows (underline denotes additions and ~~strikethrough~~ denotes deletions):

**10-2.2500 Administrative Design Review.**

(e) **Notice of pending decision.** Notice of a pending decision by the Planning Director shall be given as follows for all non-residential development under Section 10-2.2500 (a)(9) and for new multiple-family developments. (For purposes of this section, new multiple-family developments shall mean development of two (2) or three (3) dwelling units on a vacant lot or in conjunction with demolition of fifty (50%) percent or more of the total floor area of existing development on the lot. New development shall not include a "second unit" as defined in Section 10-2.402.)

(1) By mailing a written notice thereof, not less than ten (10) working days prior to the date of pending approval to the applicant, to the owner of the subject property and to the owners of properties within 100 feet of the exterior boundary of the subject property or properties; such notices shall be sent by first class mail, with postage prepaid, using the addresses from the last adopted tax roll, if available; and

(2) By posting such notice in at least one prominent place on or about each parcel which is the subject of the proposed action, or upon utility poles or sticks along or about the street line of such parcel.

(3) The content of the notice of pending decision for an Administrative Design Review shall contain the following information:

a. The date of filing of the application and the name of the applicant;

b. The file number assigned to the application;

c. A description of the proposed development and its location;

d. The date at which the application is expected to be approved; and

e. A statement that revisions to the proposed project will be considered by the Planning Director upon the written request of any person provided that such written request is received by the Planning Director within ten (10) working days from the date of sending the notice.

With the proposed changes to the notice of pending decision section shown above, an

appeal would now be an option for these projects since non-residential projects would become subject to notice of pending decision. Below is the code that addresses what can be appealed under Administrative Design Review:

(g) **Appeal of decision.** The decision of the Community Development Director shall be final and conclusive unless, within ten (10) days after the date of such decision, a written appeal is filed with the Community Development Department requesting a public hearing before the Planning Commission. In the case of projects not subject to notice of pending decision pursuant to subsection (e) of this section, only the applicant and/or property owner may appeal the decision of the Community Development Director.

This item was initially on the agenda at the March 15, 2022 meeting and was continued to the April 5, 2022 meeting. This discussion item is for City Council to consider draft language to amend the Administrative Design Review process to include the notice of pending decision and appeal requirements for qualifying non-residential projects, and to consider reducing the threshold for triggering Planning Commission Design Review.

### **COORDINATION**

The Community Development Department Planning Division coordinated the preparation of this administrative report. Staff have also communicated with staff in Torrance, Hermosa Beach, and Manhattan Beach.

### **FISCAL IMPACT**

The costs for developing recommendations on potential revisions to the City's land use procedures are included in the Community Development Department's annual budget.

### **APPROVED BY:**

*Mike Witzansky, City Manager*

### **ATTACHMENTS**

- City of Redondo Beach Administrative Design Review Procedures - Inland
- City of Redondo Beach Administrative Design Review Procedures - Coastal
- City of Redondo Beach Planning Commission Design Review Procedures - Inland
- City of Redondo Beach Planning Commission Design Review Procedures - Coastal