

**Minutes Regular Meeting  
Planning Commission  
January 20, 2022**

**THIS VIRTUAL MEETING IS HELD PURSUANT TO CALIFORNIA ASSEMBLY  
BILL 361 AND CITY COUNCIL ACTION**

**A. CALL TO ORDER**

A Virtual Meeting of the City of Redondo Beach Planning Commission was called to order by Chair Gaddis at 6:30 p.m.

**B. ROLL CALL**

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

Officials Present: Brandy Forbes, Community Development Director  
Michael Webb, City Attorney  
Sean Scully, Planning Manager  
Ted Samaan, Public Works Director  
Rob Osborne, Public Works Sr. Management Analyst  
Maria Herrera, Planning Technician

**C. SALUTE TO THE FLAG**

Commissioner Boswell led in the Salute to the Flag.

**D. APPROVE OF ORDER OF AGENDA**

Chair Gaddis announced Items No. M1 and L1 will be advanced on the agenda to immediately follow Item No. H1.

Motion by Commissioner Lamb, seconded by Commissioner Hazeltine, to approve the order of the agenda, as amended, with Items No. M1 and L1 advanced to immediately follow Item No. H1. Motion carried unanimously, by roll call vote.

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

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to receive and file Blue Folder Items. Motion carried, unanimously, by roll call vote.

**F. CONSENT CALENDAR**

There were no public comments or eComments on this item.

In response to Commissioner Hinsley's question, Community Development Director Forbes reported the minutes from the Planning Commission meeting of December 16, 2021, will be presented for approval at the next Planning Commission meeting due to the holiday, staffing shortages and corrections that need to be made.

Commissioner Hinsley referenced Item No. F.2 and requested distribution of the applicable matrix with the agenda packet, in the future.

**F.1 Approve Affidavit of Posting for the Adjourned Regular Planning Commission Meeting of January 20, 2022**

**F.2 Receive and File Planning Commission Referrals to Staff Update of January 20, 2022 – no current update**

Motion by Commissioner Hinsley, seconded by Commissioner Hazeltine, to approve the Consent Calendar, as presented. Motion carried unanimously, by roll call vote.

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

**H. PUBLIC PARTICIPATION NON-AGENDA ITEMS - None**

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

Planning Technician Herrera read eComments received for non-agenda items from:

Warren Chun with design suggestions for the Friendship Foundation Beach Cities Child Development Center.

Mark Nelson in support of Mr. Chun's comments and listing concerns regarding BCHD.

Manuel George a letter provided to the Planning Commission under Blue Folder Items.

Holly Osborne (via Zoom) urged the Planning Commission to sign a petition in opposition to SB 9.

Motion by Commissioner Hinsley, seconded by Commissioner Hazeltine, to receive and file written communications on non-agenda items. Motion carried unanimously, by roll call vote.

Items No. M1 and L1 were advanced to this point in the agenda.

**I. EX PARTE COMMUNICATIONS – None**

**J. PUBLIC HEARINGS**

**J.1 A PUBLIC HEARING FOR CONSIDERATION OF AMENDMENTS TO THE REDONDO BEACH MUNICIPAL CODE (RBMC) TITLE 10, CHAPTER 2 ZONING AND LAND USE AND TITLE 10, CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO SETBACKS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONES (RBMC 10-2.1500 AND RBMC 10-5.1500) AND STANDARDS FOR BUILDING AND OTHER PROJECTIONS IN ALL ZONES (RBMC 10-2.1522 AND RBMC 10-5.1522) AND CONSIDERATION OF A CALIFORNINA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR THE PROPOSED AMENDMENTS IN ACCORDANCE WITH SECTION 15308 OF THE CEQA GUIDELINES**

**RECOMMENDATION:**

1. Open public hearing;
2. Take testimony from staff and interested parties;
3. Close public hearing and deliberate; and
4. Adopt a resolution by title only subject to the findings contained therein:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 10, CHAPTER 2, ZONING AND LAND USE AND TITLE 10, CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO SETBACKS OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONES AND BUILDING AND OTHER PROJECTIONS IN ALL ZONES

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

Community Development Director Forbes narrated a PowerPoint presentation of the proposed amendments.

Motion by Commissioner Hinsley, seconded by Chair Gaddis, to receive and file staff's presentation. Motion carried unanimously, by roll call vote.

Discussion followed regarding windows, maintaining a minimum setback for Fire Department access, mechanical equipment screening, option preferences, keeping patios at 6 feet within the required setbacks, prohibiting air condition units in side setbacks, allowing mini splits in side setbacks, differences between the proposed options, distinctions between buildings and accessory structures, adding language requiring that a certain percentage of the existing back yard remain permeable, setting size limits based on FARs, expanding horizontal dimensions to include rear setbacks and the need to get direction regarding the proposed options, mechanical and plumbing.

Continued discussion pertained to the Commission's charge on this issue, the Commission's ability to discuss other applicable issues in the future, making allowances for existing homes to place mechanical equipment on side setbacks, requiring inclusion of mechanical equipment in new developments and remodels and allowing only mini splits in

side yard setbacks.

Community Development Director Forbes confirmed residents could apply for variances and spoke about residents having a path forward and knowing what is expected of them.

Discussion followed regarding the definitions of buildings and structures, including patios as structures, complaints about air conditioning units and prohibiting noisy, vibrating mechanical equipment on side setbacks.

Motion by Commissioner Hinsley, seconded by Chair Gaddis, to open the Public Hearing. Motion carried unanimously, by roll call vote.

There were no public comments on this item.

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to close the Public Hearing. Motion carried unanimously, by roll call vote.

Discussion followed regarding allowing plumbing equipment and mini splits on side or rear setbacks for retrofits, but not for new construction, patios, option preferences, proposed edits to the resolution and selection of Option 1.

Community Development Director Forbes reviewed changes to the resolution and noted the Commission's preference for Option 1.

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to adopt a resolution by title only subject to the findings contained therein and as amended: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 10, CHAPTER 2, ZONING AND LAND USE AND TITLE 10, CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO SETBACKS OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONES AND BUILDING AND OTHER PROJECTIONS IN ALL ZONES. The motion carried by roll call vote, with Commissioner Behrendt, opposed.

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

**L. ITEMS FOR DISCUSSION PRIOR TO ACTION**

**L.1. DISCUSSION OF ELEMENTS TO BE INCLUDED IN A TREE ORDINANCE**

**CONTACT:** ROB OSBORNE, SENIOR MANAGEMENT ANALYST, PUBLIC WORKS

Chair Gaddis introduced Mara Lang and Laura MacMoran.

Public Works Director Ted Samaan introduced the item and deferred to staff for a

presentation.

Public Works Sr. Management Analyst Rob Osborne narrated a PowerPoint presentation of elements to be included in a Tree Ordinance.

Ms. Lang and Ms. MacMoran narrated a PowerPoint presentation of a Tree Ordinance proposal.

Discussion followed regarding the importance, value of and benefits of trees in fighting climate change, replacing instead of removing trees, the possibility of forming a forest or environmental commission/committee, heritage tree designations in private property setbacks, protecting trees during construction, requiring each homeowner to plant a tree in their parkway upon sale of the home, the need to educate the public, City Council's request to staff to develop an ordinance for consideration, the importance of protecting trees, concerns regarding regulating trees on private property, defining heritage trees, prohibiting the removal of parkway trees for driveway access, the list of approved City trees, staff recommendations, the State's landscaping ordinance, existing City policies relative to trees, the complaint-based system for Code Enforcement specific to private properties, maintenance requirements and costs for the various species and the importance of having diversity in the types of trees.

Discussion continued regarding fees and penalties, considering trees as the City's assets, requiring planting trees in new developments, whether the Coastal Commission has jurisdiction over trees in the Coastal Zone, the need to consider drought-tolerant trees/landscaping, the need for a tree canopy and shade, adding pollinators and native trees to the list of approved trees, not having more than a given percentage of any one species, avoiding invasive species such as palm trees and date palms, the City's due process in handling nuisance trees, including consideration of trees on private properties in the ordinance, keeping trees from being removed, unnecessarily, the possibility of implementing a permit process for removing trees and the possibility of lowering the threshold for triggering a requirement for improvements in the public right-of-way.

Chair Gaddis invited public comments.

Amir Dori thanked the Planning Commission for its consideration and spoke about existing guidelines for tree removals, specific requirements and inspections.

Julie Tran, on behalf of the South Bay Association of Realtors, expressed concerns about the proposed ordinance, noting it violates private property rights; believed the Commission and City Council should avoid any restrictions upon point of sale in any property sale; suggested implementing an incentive program to encourage property owners to plant trees; pointed out that Torrance and Lomita are current Tree Cities, USA and do not have restrictions placed upon private property owners; listed criteria for becoming a Tree City, USA and urged the Planning Commission to uphold staff's recommendations and maintain the current practice and not implement restrictions regarding the management of trees on private property.

Mark Lomeli, representing the Apartment Association of Greater Los Angeles, urged the Planning Commission to reject all provisions in the proposed ordinance related to private property and referenced a letter submitted by the association.

Ali Madani spoke about the existing process for removing/planting trees and noted there are restrictions already in place.

Planning Technician Herrera read and eComments received for this item from:

Mark Nelson opposed regulation of trees on private property unless they are at the time of initial development.

Chair Gaddis thanked Ms. Lang and Ms. MacMoran for their work in bringing this item, forward.

Motion by Commissioner Lamb, seconded by Chair Gaddis, to recommend that City Council pursue a Tree Ordinance including the Elements 1, 2 and 4 as listed in the Administrative Report and with additional discussion of Element 3.

Substitute Motion by Commissioner Behrendt, to accept staff recommendations relative to Elements 1-4 as listed in the Administrative Report. The substitute motion died for lack of a second.

The original motion carried, by roll call vote, with Commissioner Behrendt, opposed.

Discussion followed regarding legal issues relative to private property rights.

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to recommend that City Council pursue a Tree Ordinance including prohibiting removal of existing heritage trees in front yard setbacks of private property and that further discussion is needed relative to Element 3 in the Administrative Report.

Commissioner Boswell offered an amendment to prohibit removal of existing heritage trees on private property.

Commissioner Hinsley did not accept the amendment noting he would limit the prohibition only to the front setback.

Commissioner Godek spoke about maintaining a high bar for heritage trees, regardless of where the tree is located on the property.

Substitute Motion by Commissioner Boswell, seconded by Commissioner Hazeltine, to recommend that City Council pursue a Tree Ordinance including prohibiting removal of existing heritage trees on private property (Element 3, as presented). The Substitute Motion carried, by roll call vote, with Commissioners Behrendt, Hinsley and Lamb, opposed.

### Recess/Reconvene

Motion by Commissioner Hinsley, seconded by Chair Gaddis, to recess the meeting at 10:30 p.m. The motion carried, unanimously.

The meeting reconvened at 10:40 p.m., with all Commissioners, present.

The Commission returned to Item No. I on the agenda.

### **L.2. DISCUSSION AND POSSIBLE ACTION REGARDING A LETTER FROM THE PLANNING COMMISSION TO THE CITY COUNCIL RECOMMENDING OUTDOOR LIVING SPACE CODE AMENDMENTS IN RESIDENTIAL ZONES**

Chair Gaddis invited public comments.

Manuel George spoke in favor of continuing the item to the next Commission meeting.

Planning Technician Herrera read an eComment from Mark Nelson asking the Planning Commission to keep existing requirements, in place.

There were no other public comments.

Motion by Commissioner Lamb, seconded by Commissioner Hazeltine, to continue this item to the next regularly scheduled Planning Commission meeting. The motion carried, unanimously, by roll call vote.

### **M. ITEMS FROM STAFF**

Community Development Director Forbes reported there may be a special meeting scheduled for the Planning Commission to discuss the Cannabis Ordinance and other projects.

#### **M.1. PRESENTATION ON THE BROWN ACT BY CITY ATTORNEY**

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

City Attorney Michael Webb narrated a PowerPoint presentation regarding the Ralph M. Brown Act.

In reply to Community Development Director Forbes's question, City Attorney Webb offered to have one-on-one conversations with Members of the Commission regarding speaking with applicants or City Council Members prior to public hearings and giving a presentation on quasi-judicial roles to the Commission, in the future.

In response to Commissioner Lamb's question, City Attorney Webb discussed application

of the Brown Act to any item on an agenda; addressed types of violations of the Brown Act and talked about Ex Parte Communications.

In answer to Chair Gaddis's question, City Attorney Webb noted the Brown Act applies to everything and Ex Parte applies only to quasi-judicial hearings.

Discussion followed regarding non-agenda items.

There were no public comments on this item.

The Commission considered Item No. L1 at this time.

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

Commissioner Lamb requested a list of upcoming items to be reviewed by the Planning Commission, if possible.

Commissioner Hinsley asked about the Friendship Foundation matter and referenced the City Attorney's presentation on the Brown Act.

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to agendaize a presentation on quasi-judicial Ex Parte requirements by the April Planning Commission meeting. The motion carried, unanimously, without opposition.

#### **O. ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Hinsley motioned, seconded by Commissioner Godek, to adjourn at 1:19 a.m. on January 21, 2022, to a Planning Commission meeting on Thursday, February 17, 2022, at 6:30 p.m. Motion carried unanimously, without opposition.

Respectfully submitted,

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Brandy Forbes  
Community Development Director