



Administrative Report

N.1., File # 22-3709

Meeting Date: 3/1/2022

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION ON THE PLANNING COMMISSION'S RECOMMENDATION 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 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR THE PROPOSED AMENDMENTS IN ACCORDANCE WITH SECTION 15308 OF THE CEQA GUIDELINES

EXECUTIVE SUMMARY

Certain actions have triggered a review of the setback and encroachment sections of the Redondo Beach Municipal Code (RBMC). Specifically, Sections 10-2.1500 and 10-5.1500 entitled "Accessory structures in residential zones" and Sections 10-2.1522 and 10-5.1522 entitled "Building and other projections in all zones" need to be revised to align with City rules and recent Council decisions.

Following a referral from the City Council, the Planning Commission, on January 20, 2022, reviewed possible revisions to the above sections of the Zoning Code and made recommendations to the City Council. This item allows the City Council to consider those recommendations and provide direction to staff on the content and scope of the proposed code revisions and the preparation of ordinances needed to formally amend the identified sections of the Code.

BACKGROUND

City Council actions have triggered the need to review setback and encroachment sections of the Redondo Beach Municipal Code (RBMC). Below is the background information on the two sections to be revised and the recommended revisions from the Planning Commission.

Revisions to "Accessory Structures in Residential Zones" Sections

In 2021 an Administrative Decision of the Community Development Director regarding setbacks between buildings and structures was appealed to the Planning Commission. The property owners of 2015 Speyer Lane Unit B submitted an Administrative Design Review application to allow an accessory structure that is attached to the rear elevation of the main home, which encroaches into the rear setback. The application was denied by the Community Development Director, citing the section of the Zoning Code which requires a minimum separation of 5-feet between a dwelling unit and an accessory structure.

The property owner appealed the denial of the Administrative Design Review to the Planning Commission. On March 18, 2021, the Planning Commission held a public hearing, and adopted Resolution No. 2021-03-PR-01 approving the accessory structure's roof to be attached to the rear elevation of the main home.

An appeal of the Planning Commission's decision to the City Council was filed on March 19, 2021 by the neighbor directly to the rear of the subject property. The appeal was made on the grounds that the Planning Commission's decision was attempting to conform with a structure that was already built, and the Planning Commission's approval does not comply with Redondo Beach Municipal Code (RBMC) Section 10-2.1500(a) Setback Between Buildings. The City Council considered and denied the appeal at a public hearing on June 1, 2021, thus upholding the Planning Commission decision. The Council did, however, make some distinctions that were not addressed as part of the Planning Commission's decision.

In their discussions at the June 1, 2021 public hearing, the City Council made distinctions between structures and buildings and determined that per Redondo Beach Municipal Code 10-2.1500 as it reads now, an accessory structure does not need a 5-foot setback from the dwelling unit. The specific discussion at the Council meeting was that Accessory Building is defined as a *detached building* which is subordinate to the main building or structure on the same lot, whereas the definition of Accessory Structure does not have a stipulation regarding being attached or detached. Thus, City Council found that the attached accessory structure complies with RBMC 10-2.1500.

To clarify further, an accessory building is a subset of accessory structures. The broader category of accessory structure does not specify or define the structure as detached. However, by definition what distinguishes the accessory building subset is 1) the fact that it is a building rather than a structure (a building is designed and or used for the shelter and enclosure of persons, animals, or property, where a structure does not have that purpose) and 2) that it must be detached.

The terms "structures" and "buildings" are used interchangeably in RBMC 10-2-1500, leading to ambiguity on whether the subsection is intended to apply only to buildings, or intended to include setbacks for accessory structures. Per the two distinct definitions where accessory building is the only one defined to be detached, City Council determined that the accessory structure's roof complies with the provisions set forth in RBMC 10-2.1500 Accessory structures in residential zones. With that determination, the language in Section 10-2.1500 needs to be revised to clarify the intent for future interpretation.

The Planning Commission considered multiple options on revising this section of code and determined that the following meets the intent of the City Council's interpretation and clarifies the intent of the section. Below are the recommended revisions from the Planning Commission for Sections 10-2 (inland) and 10-5 (coastal). Underlined words are proposed to be added to the Code. Words with a strike-through are proposed to be removed from the Code.

Proposed Revisions to Inland Ordinance:

10-2.1500 Accessory structures in residential zones.

- (a) **Setbacks between buildings and structures.** The minimum distance between a dwelling unit and an accessory building on the same site shall be five (5) feet. ~~structure, or~~ The minimum distance between two (2) accessory structures on the same site shall be five (5)

feet. Existing accessory structures may be modified or expanded. This subsection shall not be applicable to the R-MHP mobile home park zone.

Proposed Revisions to Coastal Ordinance:

10-5.1500 Accessory structures in residential zones.

(a) **Setbacks between buildings and structures.** The minimum distance between a dwelling unit and an accessory building on the same site shall be five (5) feet. structure, or The minimum distance between two (2) accessory structures on the same site shall be five (5) feet. Existing accessory structures may be modified or expanded.

Revisions to “Building and Other Projections in All Zones” Sections

Concurrent with the appeal hearing determination noted above, the City Council directed staff to revisit the projections into required setbacks under RBMC 10-2.1522 for inland and RBMC 10-5.1522 for coastal. Under this section, air conditioners and other mechanical and plumbing equipment aren't currently addressed.

Since March 2020, when the COVID-19 emergency orders went into place, the Planning Division has experienced a significant increase in requests for air conditioning permits. Unfortunately, to retrofit an already developed site for air conditioning, the only areas available are oftentimes inside required setbacks. Per the current regulations, air conditioners are not permitted in the required setbacks and setbacks between buildings. City Council requested that staff consider how this can be addressed in the zoning code.

As well, while revising this section of the code, there has been a need to define and clarify allowances for decks, porches, and patios in required setbacks. Also, during the discussions at the appeal hearings noted above, there was interest in increasing the approved height of architectural features (RBMC 10- 2.1522(f)(1)) from 9 feet to 10 feet, because entry doorways to dwelling units that may be in proximity to such architectural features or structures may not have clearance. These changes have been incorporated into the proposed revisions.

Ultimately, the Planning Commission decided to allow the following mechanical and plumbing projections in setbacks:

- Removed “water heaters” from architectural features and placed it in a new subsection regarding mechanical and plumbing equipment.
- Allow plumbing and mechanical equipment to project into a required rear setback or required setback between buildings, other than new construction.
- Allow plumbing equipment to project up to one half of the required rear yard setback, or thirty (30) inches, whichever is less.
- Allow “mini-split” air conditioners (wall units) to project up to one half of the required side yard setback, or thirty (30) inches, whichever is less, other than new construction. This does not allow other mechanical equipment to be located in the side setback.
- Requires all mechanical and plumbing equipment within the required setbacks to be screened from public view.
- Requires all mechanical equipment and plumbing equipment within the required setbacks to comply with and have manufacturer ratings to meet the RBMC 4-24 Noise Regulations.

Below is the Planning Commission's proposed revised language of RBMC 10-2.1522 and 10-5.1522, as well as additional definitions in RBMC 10-2.402 and 10-5.402 in underline (add) / strikethrough (remove) format to clarify these various points.

Proposed Revisions to Inland Ordinance:

The following definitions are proposed.

10-2.402 Definitions.

For the purposes of this chapter, certain words and terms used in this chapter are construed and defined as follows:

(a) **Definitions.**

(60) **"Deck"** shall mean a platform other than a balcony, either freestanding or attached to a building, without a roof, that is supported by pillars, posts, or walls.

a. "Deck, unenclosed" shall mean a deck open to the sky and not fully enclosed on more than two (2) sides.

(XX) "Patio" shall mean a flat outdoor space constructed at or near grade level, consisting of natural or man-made material, typically of stone or concrete, and not fully enclosed. Patios are open to the sky, however, a patio cover for shade protection may be permitted as an architectural feature as regulated in this Section.

(XX) "Porch" shall mean a deck with a roof, with screens for walls or otherwise open, and not fully enclosed on more than two (2) sides.

The following revisions to the building and other projections section are proposed.

10-2.1522 Building and other projections in all zones.

(a) **Projections into required setbacks.** The following projections may be permitted into required setbacks and setbacks between buildings:

(1) **All zones.**

a. **Architectural features.** Cornices, eaves, belt courses, sills, water heaters, cantilevered bay windows not containing any floor area, awnings affixed to the building facade, and fireplace chimneys, or any other similar architectural feature deemed as similar by the Community Development Director may project into a required side setback one-half the distance of the required side setback, or thirty (30) inches, whichever is less, and may project into a required front or rear setback, or into the required setback between buildings no more than thirty (30) inches.

b. **Windows.** Windows and other openings in buildings must maintain a thirty-six (36) inch to sixty (60) inch setback from the property line in accordance with Building Code.

c.a. **Basement light wells.** Basement light wells projecting into a required setback must maintain at least a thirty-six (36) inch setback from the property line.

(2) **All residential zones.**

a. **Unenclosed balconies.** Unenclosed balconies may project a five (5) foot maximum distance into any front, side, or rear setback or required space between buildings, provided they are removed a minimum horizontal distance of twelve (12) feet from the front property line, ten (10) feet from the rear property line, five (5) feet from the side property line, and ten (10) feet from any accessory building. Railings or walls of that portion of balconies which project into required setbacks or setbacks between buildings shall not extend more than forty-two (42) inches from the floor level of the balcony.

b. **Unenclosed stairways.** Unenclosed stairways and landing places shall be allowed to project into any required setback a maximum distance of six (6) feet but not closer than thirty (30) inches from any property line; provided, however, no unenclosed stairway or landing shall be allowed to encroach into any required setback area where such stairway provides access above the first story of any structure.

1. **R-1A zone.** Notwithstanding the above, in the R-1A zone, unenclosed stairways on twenty-five (25) foot wide lots may extend to the side property line provided the maximum height of the landing shall not exceed six (6) feet above the finished or existing grade of the lot, and provided stairways return to grade on the opposite side to permit pedestrian access to the rear portion of the lot.

c. **Decks Unenclosed decks, porches, and patios.**

1. **Side and rear setbacks.** No side or rear setback is required for uncovered decks and patios not more than thirty (30) inches in height above existing grade. Decks and patios

2. **Front setback.** Unenclosed decks, patios, and porches not more than thirty (30) inches in height above existing grade may project a maximum distance of six (6) feet into the required front setback. Notwithstanding anything in this title to the contrary, a safety railing shall be permitted as necessary to meet the minimum requirements under the Uniform Building Code.

d. **Flagpoles.** Flagpoles may encroach into any setback provided that the height of the zone in which it is located is not exceeded.

e. **Pools and spas.** Pools and spas, above and below ground, may encroach any distance into a required side setback, rear setback, and/or setback between buildings. Mechanical equipment for pools and spas may encroach any distance into a required rear setback or setback between buildings. No pool, spa, and/or associated mechanical equipment shall encroach into a required front setback.

f. **Other architectural features and structures.** Arbors, architectural archways, bowers, pergolas, patio covers, lampposts, and other architectural features or structures deemed as similar by the Community Development Director, may project into any required setback subject to Administrative Design Review (Section 10-2.2500), provided the following standards are not exceeded:

1. **Height.** No lamppost, arbor, architectural archway, bower, pergola, patio cover, or similar structure located within an otherwise required setback shall exceed a height of ~~nine (9)~~ ten (10) feet.

2. **Horizontal dimensions.** No arbor, architectural archway, bower, pergola, patio cover, or similar structure located within an otherwise required front setback shall exceed a length of six (6) feet parallel to any street frontage with a maximum total projected roof area of thirty (30) square feet.

g. **Mechanical and Plumbing Equipment.** For the purpose of this section, air conditioners and ventilation fans are considered mechanical equipment; whereas, water heaters, tankless water heaters, and water softeners are considered plumbing equipment. Mechanical equipment, plumbing equipment, and other equipment deemed as similar by the Community Development Director, may project into required setbacks subject to Administrative Design Review (Section 10-2.2500) as follows:

1. **Rear setback and setback between buildings.** Mechanical equipment and plumbing equipment may project into a required rear setback or required setback between buildings, other than new construction.

2. **Side Setback.** Plumbing equipment may project up to one half the

required side yard setbacks, or thirty (30) inches, whichever is less. Mini-split air conditioners may project up to one half the required side yard setbacks, or thirty (30) inches, whichever is less, other than new construction.

3. **Noise.** Mechanical equipment and plumbing equipment within the required setbacks shall comply with and have manufacturer ratings to meet the RBMC 4-24 Noise Regulations.

4. **Screening.** Mechanical and plumbing equipment within the required setbacks shall be screened from public view.

(3) **All commercial and mixed-use zones.**

a. **Canopies.** Canopies no more than twelve (12) feet in width and leading to a building entrance may project any distance into a required setback subject to Administrative Design Review (Section 10-2.2500), further provided that no portion of the canopy shall be less than eight (8) feet above finished grade. This section shall not be interpreted to prohibit encroachment over the public right-of-way where otherwise allowed.

b. **Awnings.** Notwithstanding subsection (1) of Section 10-2.1522(a), awnings may project any distance into a required setback subject to Administrative Design Review (Section 10-2.2500), further provided that no portion of the awning shall be less than eight (8) feet above finished grade. This shall not be interpreted to prohibit encroachment over the public right-of-way where otherwise allowed.

(b) **Projections above permitted height.** The following structures may be permitted to project above the permitted height limit of the zone in which it is located, provided the structure contains no habitable floor area and the limitations indicated for each are observed:

(1) Mechanical equipment and housing, including screening, exceeding the height limits of the zone in which the site is located by a maximum of four (4) feet;

(2) Chimneys, provided that the projection above the height limit of the zone is only to the extent necessary to comply with building and fire codes;

(3) Television and radio whip antennae exceeding the height limits of the zone in which the site is located by a maximum of ten (10) feet;

(4) Church steeples and bell towers exceeding the height limits of the zone in which the site is located by a maximum of fifteen (15) feet, subject to Planning Commission Design Review (pursuant to Section 10-2.2502);

(5) Flagpoles exceeding the height limits of the zone in which the site is located by a maximum of ten (10) feet, and further provided that in any nonresidential zone flagpoles exceeding the height limits of the zone shall be subject to Planning Commission Design Review (pursuant to Section 10-2.2502);

(6) Architectural design elements integral to the overall design character of a building and intended to distinguish its design (such as a finial, pinnacle, or weathervane), provided that the design element does not significantly increase the mass or bulk of the building, and subject to the following procedures:

a. In residential zones, Planning Commission Design Review (pursuant to Section 10-2.2502) is required for any proposed design element exceeding the height limit of the zone by more than six (6) feet or for any design element proposed in conjunction with a project otherwise subject to Planning Commission Design Review. Proposed design elements exceeding the height limit of the zone by no more than six (6) feet shall be subject to Administrative Design Review (pursuant to Section 10-2.2500) when not in conjunction with a project otherwise subject to Planning Commission Design Review;

b. In nonresidential zones, Planning Commission Design Review (pursuant

to Section 10-2.2502) is required for any proposed design element exceeding the height limit of the zone.

Proposed Revisions to Coastal Ordinance:

These proposed revisions are in line with the inland ordinance revisions, but there is some coastal-specific language in the underlying code that is not being revised. Below are the proposed revisions to the coastal regulations.

10-5.402 Definitions.

For the purposes of this chapter, certain words and terms used in this chapter are construed and defined as follows:

(a) Definitions.

(64) **“Deck”** shall mean a platform other than a balcony, either freestanding or attached to a building, without a roof, that is supported by pillars, posts, or walls.

a. “Deck, unenclosed” shall mean a deck open to the sky and not fully enclosed on more than two (2) sides.

(XX) **“Patio”** shall mean a flat outdoor space constructed at or near grade level, consisting of natural or man-made material, typically of stone or concrete, and not fully enclosed. Patios are open to the sky, however, a patio cover for shade protection may be permitted as an architectural feature as regulated in this Section.

(XX) **“Porch”** shall mean a deck with a roof, with screens for walls or otherwise open, and not fully enclosed on more than two (2) sides.

10-5.1522 Building and other projections in all zones.

(a) **Projections into required setbacks.** The following projections may be permitted into required setbacks and setbacks between buildings:

(1) All zones.

a. **Architectural features.** Cornices, eaves, belt courses, sills, water heaters, cantilevered bay windows not containing any floor area, awnings affixed to the building facade, and fireplace chimneys, or any other similar architectural feature deemed as similar by the Community Development Director may project into a required side setback one-half the distance of the required side setback, or thirty (30) inches, whichever is less, and may project into a required front or rear setback, or into the required setback between buildings no more than thirty (30) inches.

b. **Windows.** Windows and other openings in buildings must maintain a thirty-six (36) inch to sixty (60) inch setback from the property line in accordance with Building Code.

c.a. **Basement light wells.** Basement light wells projecting into a required setback must maintain at least a thirty-six (36) inch setback from the property line.

(2) All residential zones.

a. **Unenclosed balconies.** Except as provided below, unenclosed balconies may project a five (5) foot maximum distance into any front, side, or rear setback or required space between buildings, provided they are removed a minimum horizontal distance of twelve (12) feet from the front property line, ten (10) feet from the rear property line, five (5) feet from the side property line, and ten (10) feet from any accessory building. Railings or walls of that portion of balconies which project into required setbacks or setbacks between buildings shall not extend more than forty-two (42) inches from the floor level of the balcony.

For coastal bluff properties, no unenclosed balconies may project into any rear setback.

b. **Unenclosed stairways.** Except as provided below, unenclosed stairways and landing places shall be allowed to project into any required setback a maximum distance of six (6) feet but not closer than thirty (30) inches from any property line; provided, however, no unenclosed stairway or landing shall be allowed to encroach into any required setback area where such stairway provides access above the first story of any structure. For coastal bluff properties, no unenclosed stairways and landing places may project into any required rear setback.

c. **Decks Unenclosed decks, porches, and patios.** Except as provided below, no

1. **Side and rear setbacks.** No side or rear setback is required for uncovered decks and patios not more than thirty (30) inches in height above existing grade. Decks and patios

2. **Front setback.** Unenclosed decks, patios, and porches not more than thirty (30) inches in height above existing grade may project a maximum distance of six (6) feet into the required front setback. Notwithstanding anything in this title to the contrary, a safety railing shall be permitted as necessary to meet the minimum requirements under the Uniform Building Code.

3. **Stormwater Management and Discharge.** Decks and patios shall be consistent with Chapter 7, Title 5 of the Redondo Beach Municipal Code.

4. **Coastal Bluff Properties.** For coastal bluff properties, no deck or patio may project on to the bluff face.

d. **Flagpoles.** Flagpoles may encroach into any setback provided that the height of the zone in which it is located is not exceeded.

e. **Pools and spas.** Except as provided below, pools and spas, above and below ground, may encroach any distance into a required side setback, rear setback, and/or setback between buildings. Mechanical equipment for pools and spas may encroach any distance into a required rear setback or setback between buildings. No pool, spa, and/or associated mechanical equipment shall encroach into a required front setback. For coastal bluff properties, no pool or spa may project onto the bluff face.

f. **Other architectural features and structures.** Arbors, architectural archways, bowers, pergolas, patio covers, lampposts, and other architectural features or structures deemed as similar by the Community Development Director, may project into any required setback subject to Administrative Design Review (Section 10-5.2500), provided the following standards are not exceeded:

1. **Height.** No lamppost, arbor, architectural archway, bower, pergola, patio cover, or similar structure located within an otherwise required setback shall exceed a height of ~~nine (9) feet~~ ten (10) feet.

2. **Horizontal dimensions.** No arbor, architectural archway, bower, pergola, patio cover, or similar structure located within an otherwise required front setback shall exceed a length of six (6) feet parallel to any street frontage with a maximum total projected roof area of thirty (30) square feet.

g. **Mechanical and Plumbing Equipment.** For the purpose of this section, air conditioners and ventilation fans are considered mechanical equipment; whereas, water heaters, tankless water heaters, and water softeners are considered plumbing equipment. Mechanical equipment, plumbing equipment, and other equipment deemed as similar by the Community Development Director, may project into required setbacks subject to Administrative Design Review (Section 10-5.2500) as follows:

1. **Rear setback and setback between buildings.** Mechanical equipment and plumbing equipment may project into a required rear setback or required setback between buildings, other than new construction.

2. **Side Setback.** Plumbing equipment may project up to one half the required side yard setbacks, or thirty (30) inches, whichever is less. Mini-split air conditioners may project up to one half the required side yard setbacks, or thirty (30) inches, whichever is less, other than new construction.

3. **Noise.** Mechanical equipment and plumbing equipment within the required setbacks shall comply with and have manufacturer ratings to meet the RBMC 4-24 Noise Regulations.

4. **Screening.** Mechanical and plumbing equipment within the required setbacks shall be screened from public view.

(3) **All commercial and mixed-use zones.**

a. **Canopies.** Canopies no more than twelve (12) feet in width and leading to a building entrance may project any distance into a required setback subject to Administrative Design Review (Section 10-5.2500), further provided that no portion of the canopy shall be less than eight (8) feet above finished grade. This section shall not be interpreted to prohibit encroachment over the public right-of-way where otherwise allowed.

b. **Awnings.** Notwithstanding subsection (1) of Section 10-5.1522(a), awnings may project any distance into a required setback subject to Administrative Design Review (Section 10-5.2500), further provided that no portion of the awning shall be less than eight (8) feet above finished grade. This shall not be interpreted to prohibit encroachment over the public right-of-way where otherwise allowed.

(b) **Projections above permitted height.** The following structures may be permitted to project above the permitted height limit of the zone in which it is located, provided the structure contains no habitable floor area and the limitations indicated for each are observed:

(1) Mechanical equipment and housing, including screening, exceeding the height limits of the zone in which the site is located by a maximum of four (4) feet;

(2) Chimneys, provided that the projection above the height limit of the zone is only to the extent necessary to comply with building and fire codes;

(3) Television and radio whip antennae exceeding the height limits of the zone in which the site is located by a maximum of ten (10) feet;

(4) Church steeples and bell towers exceeding the height limits of the zone in which the site is located by a maximum of fifteen (15) feet, subject to Planning Commission Design Review (pursuant to Section 10-5.2502);

(5) Flagpoles exceeding the height limits of the zone in which the site is located by a maximum of ten (10) feet, and further provided that in any nonresidential zone flagpoles exceeding the height limits of the zone shall be subject to Planning Commission Design Review (pursuant to Section 10-5.2502);

(6) Architectural design elements integral to the overall design character of a building and intended to distinguish its design (such as a finial, pinnacle, or weathervane), provided that the design element does not significantly increase the mass or bulk of the building, and subject to the following procedures:

a. In residential zones, Planning Commission Design Review (pursuant to Section 10-5.2502) is required for any proposed design element exceeding the height limit of the zone by more than six (6) feet or for any design element proposed in conjunction with a

project otherwise subject to Planning Commission Design Review. Proposed design elements exceeding the height limit of the zone by no more than six (6) feet shall be subject to Administrative Design Review (pursuant to Section 10-5.2500) when not in conjunction with a project otherwise subject to Planning Commission Design Review;

b. In nonresidential zones, Planning Commission Design Review (pursuant to Section 10-5.2502) is required for any proposed design element exceeding the height limit of the zone.

The Planning Commission recommendations were made via resolution (attached). This item allows the City Council to consider those recommendations and provide direction to staff on finalizing the proposed revisions that would be brought back to Council at a later date as ordinances, that when introduced and adopted, would formally amend the identified sections of the Zoning Code.

COORDINATION

This item was prepared in coordination with the Planning Commission and the City Attorney's office.

FISCAL IMPACT

Preparation of this agenda item is included in the Community Development Department's annual budget.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

Planning Commission Resolution January 20, 2022 (unsigned)

Planning Commission Staff Report January 20, 2022

Planning Commission Minutes January 20, 2022 (unsigned)

Planning Commission Presentation January 20, 2022