

## **ORDINANCE NO. 3232-22**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, COASTAL LAND USE IMPLEMENTING ORDINANCE PERTAINING TO SETBACKS OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONES AND OTHER PROJECTIONS IN ALL ZONES**

WHEREAS, the City Council has been made aware of ambiguities in the Redondo Beach Municipal Code Sections 10-2.1500 and 10-5.1500 and Sections 10-2.1522 and 10-5.1522 as a result of project appeals and comments from the community; and

WHEREAS, an application to the Planning Division for Administrative Design Review to allow an accessory structure that is attached to the rear elevation of the main home, which encroaches into the rear setback was denied by the Community Development Director on February 16, 2021, citing the section of the Zoning Code which requires a minimum separation of 5-feet between a dwelling unit and an accessory structure; and

WHEREAS, on February 16, 2021 the property owner appealed the denial of the Administrative Design Review to the Planning Commission; and

WHEREAS, 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; and

WHEREAS, an appeal of the Planning Commission's decision was filed by the neighbor directly to the rear of the subject of property on March 19, 2021 on the grounds that the Planning Commission's decision was attempting to conform with a structure that was already built, and the approval of the Planning Commission does not comply with Redondo Beach Municipal Code (RBMC) Section 10-2.1500(a) Setback Between Buildings; and

WHEREAS, the appeal was considered by the City Council at a public hearing on June 1, 2021, and the appeal to City Council was denied, thus upholding the Planning Commission decision; and

WHEREAS, in their discussions at the June 1, 2021 public hearing, the City Council determined that per Redondo Beach Municipal Code 10-2.1500, the accessory structure did not need a 5-foot setback from the dwelling unit, noting 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, and thus the attached accessory structure complies with RBMC 10-2.1500; and

WHEREAS, RBMC 10-2.1522 was included in the discussions regarding the appeal hearing, where City Council determined that the accessory structure in that case was compliant with RBMC 10-2.1522; and

WHEREAS, the City Council's decision on the appeal and interpretation of RBMC 10-2.1500 instigated the need to clarify the regulations of this code section; and

WHEREAS, concurrent to the appeal hearing process, City Council received concerns from the public regarding zoning limitations on installing air conditioner units in the required setbacks as noted in RBMC 10-2.1522 and 10-5.1522 and directed staff to consider how the zoning code could be amended to provide some relief to allow air conditioner units during increased heat events and pandemic conditions requiring residents to be in their homes; and

WHEREAS, draft revisions to the Redondo Beach Municipal Code were prepared to represent the City Council interpretation during the appeal process and to provide relief to allow air conditioners in designated required setback areas; and

WHEREAS, the Planning Commission held a duly noticed public hearing, took public testimony, and considered the ordinance amendments on October 21, 2021 and continued the public hearing to December 16<sup>th</sup>, 2021 and again continued the public hearing to January 20, 2022 and made certain recommendations to the City Council for consideration; and

WHEREAS, on March 1, 2022, the City Council considered the Planning Commission recommendations, heard public testimony, discussed the proposed amendments and ultimately provided direction to staff regarding the amendments; and

WHEREAS, on June 14, 2022, the City Council held a duly noticed public hearing, took public testimony and considered the ordinance amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct, and the recitals are incorporated herein by reference as if set forth in full.

SECTION 2. AMENDMENT OF CODE. Title 10, Chapter 5 Section 10-5.1500 "Accessory Structures in Residential Zones." to be amended as follows:

"10-5.1500 Accessory structures in residential zones.

(a) Setbacks between accessory buildings and dwelling unit(s) on a site. Accessory buildings shall be detached from dwelling unit(s) and other accessory buildings on site with a minimum separation of five (5) feet between the columns and/or

walls supporting the buildings. An accessory structure that is not enclosed does not require the five (5) foot separation.”

**SECTION 3. AMENDMENT OF CODE.** Title 10, Chapter 5 Section 10-5.402 “Definitions.” to be amended as follows:

“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.”

**SECTION 4. AMENDMENT OF CODE.** Title 10, Chapter 5 Section 10-5.1522 “Building and other projections in all zones.” to be amended as follows:

“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, cantilevered bay windows not containing any floor area, awnings affixed to the building facade, fireplace chimneys, or any other 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. 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. 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.

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 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 not to exceed 55 decibels. The decibel level is measured immediately adjacent to the location of the equipment placement, not at a distance from the equipment.

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.”

**SECTION 5.** CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

**SECTION 6.** INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

**SECTION 7.** SEVERANCE. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 8. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall be published by one insertion in the official newspaper of said City, and same shall go into effect and be in full force and operation on the date that is thirty (30) days after its final passage and adoption and the date on which the California Coastal Commission certifies the Ordinance, whichever is later.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of June, 2022.

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William C. Brand, Mayor

APPROVED AS TO FORM:

ATTEST:

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Michael W. Webb, City Attorney

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Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss  
CITY OF REDONDO BEACH        )

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. 3232-22 was introduced at a regular meeting of the City Council held on the 14<sup>th</sup> day of June, 2022, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 2<sup>nd</sup> day of August, 2022, and there after signed and approved by the Mayor and attested by the City Clerk, and that said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Eleanor Manzano, CMC  
City Clerk