



Administrative Report

L.2., File # 22-4250

Meeting Date: 6/14/2022

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

PUBLIC HEARING FOR INTRODUCTION AND FIRST READING OF ORDINANCES AMENDING 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, INCLUDING ACCESSORY BUILDINGS AND DWELLING UNITS, AND STANDARDS FOR BUILDING AND OTHER PROJECTIONS IN ALL ZONES AND CONSIDERATION OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR THE PROPOSED AMENDMENTS IN ACCORDANCE WITH SECTION 15308 OF THE CEQA GUIDELINES

PROCEDURES:

1. Open the public hearing and take testimony;
2. Close the public hearing and deliberate;
3. Introduce the following two ordinances: and
4. Adopt the resolution submitting ordinance to the Coastal Commission;

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3231-22 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, ZONING AND LAND USE PERTAINING TO SETBACKS OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONES AND OTHER PROJECTIONS IN ALL ZONES

INTRODUCE BY TITLE ONLY 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

ADOPT RESOLUTION NO. 2206-036 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION OF AMENDMENTS TO THE COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE (TITLE 10, CHAPTER 5 OF THE MUNICIPAL CODE) CONSISTENT WITH STATE LAW, WHICH IS INTENDED TO BE CARRIED OUT IN A MANNER FULLY IN CONFORMITY WITH THE COASTAL ACT; AND PROVIDING THAT THE AMENDMENTS TO THE CITY'S LOCAL COASTAL PROGRAM WILL TAKE EFFECT AUTOMATICALLY UPON COASTAL COMMISSION APPROVAL PURSUANT TO PUBLIC RESOURCES CODE SECTION 30514 AND

TITLE 14, SECTION 13551 OF THE CALIFORNIA CODE OF REGULATIONS

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, 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. On March 1, 2022, the City Council considered those recommendations and provided direction to staff on the content and scope of the proposed Municipal Code revisions and the preparation of ordinances needed to formally amend the identified sections of the Code.

The ordinances for consideration for public hearing and first reading incorporated the direction from the City Council provided at the March 1, 2022 meeting. Additionally, a resolution to submit the coastal ordinance to the California Coastal Commission for certification has been prepared and is recommended for approval.

BACKGROUND

Below is the background information on the two Municipal Code sections to be revised and the recommended revisions from the Planning Commission and City Council.

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) regarding the 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, the City Council determined that the accessory structure’s roof complies with the provisions set forth in RBMC 10-2.1500 regarding 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 made a recommendation to meet the intent of the City Council’s interpretation. At their March 1, 2022 meeting, the City Council reviewed the Planning Commission recommendations and determined there was still ambiguity to what was or wasn’t allowed to be attached. Council requested that staff clarify the language based on the City Council discussion. Those revisions are represented in the ordinances being considered at this public hearing and are provided in the revisions attachment for this agenda item that tracks the changes, showing additions highlighted as underlined and deletions are highlighted in ~~strikeout~~.

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 properties and RBMC 10-5.1522 for coastal properties. Under these sections, 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 constructible 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 is 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 recommended to allow the following mechanical and plumbing projections in setbacks:

- Remove “water heaters” from architectural features and place 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.
- Require all mechanical and plumbing equipment within the required setbacks to be screened from public view.
- Require 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.

At the March 1, 2022 meeting, the City Council agreed with the Planning Commission recommendations, but requested that the ordinances be finalized by specifying the decibel level permitted for mechanical and plumbing equipment, rather than referencing the noise ordinance. Those revisions are represented in the ordinances being considered at the public hearing and are provided in the revisions attachment for this agenda item that tracks the changes, showing additions highlighted as underlined and deletions are highlighted in ~~strikeout~~.

COORDINATION

The preparation of the ordinances was done in coordination with the City Attorney’s Office.

FISCAL IMPACT

Funding for the preparation of this report and the ordinances is available in the Departments’ annual operating budget.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Ordinance - Setbacks and Encroachments Inland 1st reading 061422
- Ordinance - Setbacks and Encroachments Coastal 1st reading 061422
- Resolution - Accessory Structure Coastal Resolution for Certification 061422
- Revisions in Tracked Changes for Ordinances Setbacks and Encroachments
- City Council Administrative Report Setbacks and Encroachments 2022-03-01
- City Council Presentation Setbacks and Encroachments 2022-03-01
- Planning Commission Resolution January 20, 2022
- Planning Commission Staff Report January 20, 2022

- Planning Commission Minutes January 20, 2022
- Planning Commission Presentation January 20, 2022
- Proof of Legal Ad Public Hearing Notice