

Building Inspector Michael Ross.

Commissioner Godek reported meeting with the appellants at their property and speaking with staff and Chair Elder.

Chair Elder reported Commissioner Godek asked for directions as to whether she could reach out to the appellants.

Chair Elder reported meeting with the appellants at their property and speaking with adjacent neighbors, staff, and Commissioner Strutzenberg.

J. PUBLIC HEARINGS

J.1 Public Hearing for consideration of an appeal of the Administrative Design Review decision denying the request to construct an accessory structure attached to the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone.

APPLICANT: Matthew and Cory Sufnar
PROPERTY OWNER: Same as applicant
PROPERTY ADDRESS: 2015 Speyer Lane Unit B

RECOMMENDATION:

- 1) Open public hearing and administer oath;
- 2) Request Staff presentation;
- 3) Request appellant's presentation;
- 4) Take further testimony from staff, the appellant, and the public, and deliberate;
- 5) Close the public hearing;
- 6) Adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, denying an appeal and upholding the Administrative Design Review decision denying the request for an accessory structure attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B;
- OR
- 7) Adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B

CONTACT: LINA PORTOLESE, PLANNING ANALYST

Motion by Commissioner Toporow, seconded by Commissioner Strutzenberg, to open the Public

Hearing. Motion carried unanimously (7-0), by roll call vote.

The Chair administered the oath to those members of the public wishing to speak on this item.

Planning Analyst Lina Portolese presented details of the Administrative Report; summarized the subject site; addressed zoning, surrounding properties, setbacks, project background, first site plan approvals, second site plan approval, the last site approval, Administrative Design Review, Accessory Structures versus Architectural Features, and staff recommendation.

Discussion followed regarding photographs presented by the appellant of other structures meeting the same criteria and needing to research the individual properties to determine what was approved, code requirements for projections versus accessory structures, changes in the height of the fireplace, elements needing permits tied into the accessory structure and maintenance of trees on private property.

Cory Sufnar, Applicants, reported on the process and challenges related to the COVID-19 pandemic; referenced the City's General Plan; discussed Building Codes related to accessory structures in residential zones and felt they comply with Building Code 1-2.402. Ms. Sufnar addressed support from adjacent neighbors, precedent, key benefits to owners and residents and project background; showed a comparison of the previous and current structures; spoke about removal of trees; noted the five feet between buildings has no impact to neighbors and displayed photos of the current backyard.

Matthew Sufnar, Applicant, presented a matrix of Building Code 10.2.1500 compliance assessment; noted their accessory structure is fully compliant with the Code; stated an alternate structure code would be allowable; reported there are no impediments around the perimeter of the house; addressed an owner/neighbor benefits analysis of the accessory structure and discussed adjacent and block residential support for the project.

Ms. Sufnar continued with the presentation noting project rationale for the project and spoke about multiple complaints to the City, from the rear neighbor, and reported the neighbors have not contact them (Sufnars) directly to address concerns.

Mr. Sufnar provided examples of existing neighborhood precedent; discussed existing neighborhood maintenance and Code violations and suggested systemic abuse of City resources by the rear resident.

Ms. Sufnar presented an interpretation of Resolution 8913; provided a rebuttal of claims by the rear resident against the accessory structure and urged the Planning Commission to support the mission statement of the City and approve their project.

Chair Elder invited members of the public to address the Commission on this item.

Mike Goldstein spoke in support of the applicants and the project and reported they have been targeted and harassed by the rear neighbors.

Kerry Bosse expressed support for the applicants and their project.

William Errett expressed support for the applicants and their project.

Trey and Varina Moore expressed support for the applicants and their project.

Lynette Vandever referenced an eComment she submitted earlier and spoke in support of the applicants and their project.

Lisa Russell spoke in support of the applicants and their project.

Jens Wessel spoke in support of the applicants and their project.

Jean Leary expressed support of the applicants and their project.

Greg and Jennifer Danylyshyn spoke in support of the applicants and their project.

Christine and Jim Abramowski expressed support for the applicants and their project.

John and Shannon Semizian expressed support for the applicants and their project.

Lisa Agabian spoke in opposition to the project; alleged the applicants proceeded with the project without obtaining appropriate permits; stated the applicants defied City orders to stop work; listed negative impacts of the project; requested additional speaking time and referenced a presentation she submitted earlier, and which is included in the agenda packet.

Motion by Commissioner Hinsley, seconded by Commissioner Ung, to extend the speaker's time. Motion carried unanimously.

Ms. Agabian continued addressing negative impacts of the project; believed approval of the project will set precedent; referenced documents submitted under Blue Folder Items and requested the Commission deny the appeal.

Motion by Commissioner Hinsley, seconded by Commissioner Strutzenberg, to extend the speaker's time. Motion carried unanimously.

Ms. Agabian spoke in rebuttal to the applicants' project; alleged the appellants have broken the law and that the project encroaches on their property and lowers their property value; reported the applicants have used intimidation tactics and spread untruths about them and spoke about decreased privacy;

Motion by Commissioner Hinsley, seconded by Commissioner Berg, to extend the speaker's time by one additional minute. Motion carried unanimously.

Ms. Agabian reported they have endured personal attacks by the applicants.

Andrew Galves stated his only concern about the structure is whether it was built to safety codes; spoke in support of the applicants and the project and hoped a mutual solution can be reached.

Paige Howe expressed support for the applicants and their project and spoke about constant harassment by rear neighbors.

Bruce Bernard stated this is a Code Enforcement issue; reported stop work orders were not followed by the applicants; suggested the contractor should have explained the requirement for permits before starting construction; noted the outdoor living space requirement is 450 square feet, not 400 square feet; comment in drainage issues; discussed the roof and fireplace as two accessory structures; claimed the project reduces adjacent property values;

Motion by Commissioner Hinsley, seconded by Commissioner Berg, to extend the speaker's time by one additional minute. Motion carried unanimously.

Mr. Bernard urged the Commission to deny the appeal.

Planning Analyst Portolese read and the following eComments:

Susan Corey in support of the applicants and their project.
Lynette Vandever in support of the applicants and their project.
Kristina Cleland in support of the applicants and their project.
Laura Grabher in support of the applicants and their project.
Marshall and Diana Gelb in support of the applicants and their project.
William Stock in opposition to the applicants and their project.
Lori Boggio in support of the applicants and their project.
Jasmine Rassekh in support of the applicants and their project.
Dondi Kingsbury in support of the applicants and their project.
Stephanie Todd in support of the applicants and their project.

Planning Analyst Portolese announced there were no other public or eComments.

In reply to Commissioner Hinsley's question, Community Development Director Forbes reported the missing 5' setback would be between the main building and the accessory structure; clarified the setback requirements for the accessory structure versus a pergola and discussed consulting with the City Attorney's office regarding interpretation of Building Code 10-2.41G in terms of accessory structures. Regarding his question about whether an accessory structure reduces outdoor living space, Planning Manager Scully explained at least 50% must be open to the sky and it must have a minimum of 450 square feet.

In response to Commissioner Strutzenberg's question regarding the issue being considered, Community Development Director Forbes explained the applicants applied for approval of their accessory structure without a 5' setback, which is not permitted. Commissioner Strutzenberg claimed the attachment at the side of the house seems sturdy and felt the solution does not seem much different than what has been built. Planning Manager Scully confirmed the site meets outdoor living space requirements. Commissioner Strutzenberg noted the need to work

on the issue of accessory structures. Community Development Director Forbes pointed out the City Attorney's office acknowledged the section of the code, but also acknowledged the Community Development Director interprets the code.

Commissioner Hinsley referenced a Blue Folder Item regarding proposed modifications, submitted by Ms. Agabian; noted the suggested 6' minimum setback is not a requirement of the fireplace or the roof and asked about the opponents' biggest concern.

Mr. Agabian reported their biggest concerns are a negative impact to property values and noise; stated they planted several trees on the north side of their yard and explained they are waiting for resolution of this issue before they decide what to do with their yard.

Ms. Agabian added their concerns include decreased property values, noise, trees, privacy, and runoff.

Commissioner Hinsley asked whether the appellants would be open to accommodations and Ms. Sufnar stated they would be open to any reasonable solution.

Chair Elder asked about the property line in relation to the fence and noted there is an offset in the fences. Planning Analyst Portolese indicated the original property line is in the City's archives but may not include any modifications since initial construction.

Ms. Sufnar noted there is an engineering report on record and reported that concurrently, from the house to the fence there is 13.5'.

Chair Elder hoped to find a reasonable compromise and thanked everyone participating. In response to his question, Ms. Sufnar stated they would be open to adding rain gutters to address runoff.

Community Development Director Forbes added it would also have to drain unto their property and not the rear neighbors' property.

Mr. Agabian reported the fence is all on the Sufnar's property including the retaining wall and reported there is a 6-inch offset where the fence juts south onto their property. He stated the addition of rain gutters should help.

In reply to Commissioner Ung's question regarding possible alternatives for solutions, Community Development Director Forbes reported if the decision is upheld, the whole structure would not need to be removed, but modified; noted it is unknown whether they would meet variance criteria and stated her interpretation must be based on the existing code.

In response to Commissioner Hinsley's request, Community Development Director Forbes explained the two resolutions for the Commissioner to consider; noted the Commission would have to make specific findings and is able to add conditions of approval.

Motion by Commissioner Hinsley, seconded by Commissioner Godek, to allow Ms. Agarian 2

minutes to address the Commission. Motion carried unanimously.

In response to Ms. Agarian's question, Community Development Director Forbes clarified 50% of the required 450 square feet would need to be open to the sky.

In reply to Commissioner Berg's question, Planning Manager Scully reported that you cannot have more than 50% of the required open space, covered.

Discussion followed regarding the possibility of reducing the size of the roof, clarification of outdoor living space requirements relative to 50% of the "actual" area.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow, to close the Public Hearing. Motion carried unanimously (7-0), by roll call vote.

Commissioner Toporow thanked the appellants for their work and obtaining support from the community; noted that at one time, the properties in the neighborhood were single residences; discussed her interest in open space; reported the Commission is currently on defining open space; talked about reductions in open space as development in the neighborhood, occurred and claimed the structure would work if the roof on the house was buzzed cut, went 5' in and buzz cut it again. She spoke about noise and visibility; recommended installing trellises so they could be cut on both sides and gutters and believed the space is beautiful and the appellant has done a great job.

Chair Elder spoke about the possibility of updating the code.

Commissioner Berg stated it would be less attractive to stagger the roofs; agreed with the suggestion to add gutters and trellises and discussed the possibility of fines for not following proper procedures.

Chair Elder stated if the Commission agrees with the letter of the law than it should make findings that agree with the letter of the law.

Commissioner Toporow stated the root cause is that nature was broken in the 60's, there was no respect for the law of nature, and everything was overbuilt.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure's roof attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B, with a condition that rain gutters be added to the north lower edge of the roof that drains into the rear property and adding trellis structures or plantings, as approved by the Planning Division, to the height of the roof on both sides of the fireplace to buffer sound, mitigate privacy and add greenery and prohibiting attaching walls to the accessory structure.

Commissioner Hinsley felt adding trees on the rear neighbors' property would be a better solution than trellises; suggested adding a condition about the need for the City to review future structures and submit all required permits and reduce the time frame for compliance to 12 months.

Commissioner Strutzenberg spoke about challenges on imposing conditions to the neighbors' property.

In response to Commissioner Ung's inquiry regarding defining accessory structure roofs, Community Development Director Forbes reported if the interpretation allows the attachment of an accessory structure roof to the main structure it takes away making that section of the code, null and void. She added that consideration was given to the fireplace becoming a part of the structure (expanding the accessory structure).

Chair Elder requested adding a condition that no walls are to be adjacent to the primary structure.

Discussion followed regarding requiring the appellants to get all appropriate permits.

Community Development Director Forbes reviewed the added conditions:

- Rain gutters to be added to the north roof of the structure that drain onto 2015 Spire Lane, Unit B property, away from the property to the north
- Plantings, as approved by the Planning Division, shall be installed to the height of the roof of the structure and must be installed on either side of the fireplace portion of the structure to buffer sound and incorporate natural elements and shall be maintained by the owner
- If any additional accessory structure is to be considered in the rear yard, it must be meet the Redondo Beach Municipal Code and all required municipal permits must be obtained prior to any construction or the additional structure will be required to be removed
- No walls may be added to this accessory structure within 5' of the dwelling unit or any other accessory structure
- The property owner shall submit construction plans and all required approvals and municipal permits must be obtained from the City of Redondo Beach within 12 months

Discussion followed regarding Code Enforcement being on a complaint basis.

Motion by Commissioner Strutzenberg, seconded by Commissioner Toporow adopt by title only a Resolution of the Planning Commission of the City of Redondo Beach, California, upholding an appeal of the Administrative Design Review decision and granting the request for an accessory structure's roof attached to the rear elevation of the main home within the rear setback of the rear unit of an existing 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-2) zone at 2015 Speyer Lane Unit B, with the following added Conditions of Approval:

- Rain gutters to be added to the north roof of the structure that drain onto 2015 Speyer Lane, Unit B property, away from the property to the north
- Plantings, as approved by the Planning Division, shall be installed to the height of the roof of the structure and must be installed on either side of the fireplace portion of the structure to buffer sound and incorporate natural elements and shall be maintained by the owner
- If any additional accessory structure is to be considered in the rear yard, it must be meet

the Redondo Beach Municipal Code and all required municipal permits must be obtained prior to any construction or the additional structure will be required to be removed

- No walls may be added to this accessory structure within 5 feet of the dwelling unit or any other accessory structure
- The property owner shall submit construction plans and all required approvals and municipal permits must be obtained from the City of Redondo Beach within 6 months
- Section 2. the approval shall be null and void after 12 months

Motion carried unanimously (7-0), by roll call vote.

Chair Elder encouraged the public to start with the Planning Division when applying for any construction and to through the proper channels.

K. ITEMS CONTINUED FROM PREVIOUS AGENDAS - None

L. ITEMS FOR DISCUSSION PRIOR TO ACTION - None

M. ITEMS FROM STAFF

Commissioner Hinsley referenced the Galleria project and asked whether permits have been pulled. Community Development Director Forbes reported 36 months were for the Tentative Tract Map; stated they may need to adjust due to COVID-19, in terms of phasing, and noted no permits have been pulled.

In respond to Commissioner Hinsley's question, Community Development Director Forbes provided an update of the Logado project.

N. COMMISSION ITEMS AND REFERRALS TO STAFF

At Commissioner Strutzenberg's request, Community Development Director Forbes reported he will be sworn in on April 27, 2021 and until then, he is still a Planning Commissioner.

Community Development Director Forbes congratulated Chair Elder and Commissioner Strutzenberg for being elected to the Redondo Beach School District Board.

In response to Chair Elder's question, Community Development Director Forbes announced an upcoming community meeting on April 7, 2021 at 6:30 p.m. to discuss Land-use plan/map and how it incorporates into the Housing Element and asked Commissioners to watch the meeting before the next regular Commission meeting.

Chair Elder discussed a recent presentation from SBCCOG and encouraged the public to view the video of the meeting.