

BLUE FOLDER ITEM

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CITY COUNCIL MEETING

June 1, 2021

L.1. A CONTINUED PUBLIC HEARING FOR CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION DECISION APPROVING 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.

CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

- Staff Presentation

ITEM L.1. PUBLIC HEARING

APPEAL OF PLANNING COMMISSION DECISION
for an attached accessory structure

2015 SPEYER LANE UNIT B

City Council

June 1, 2021

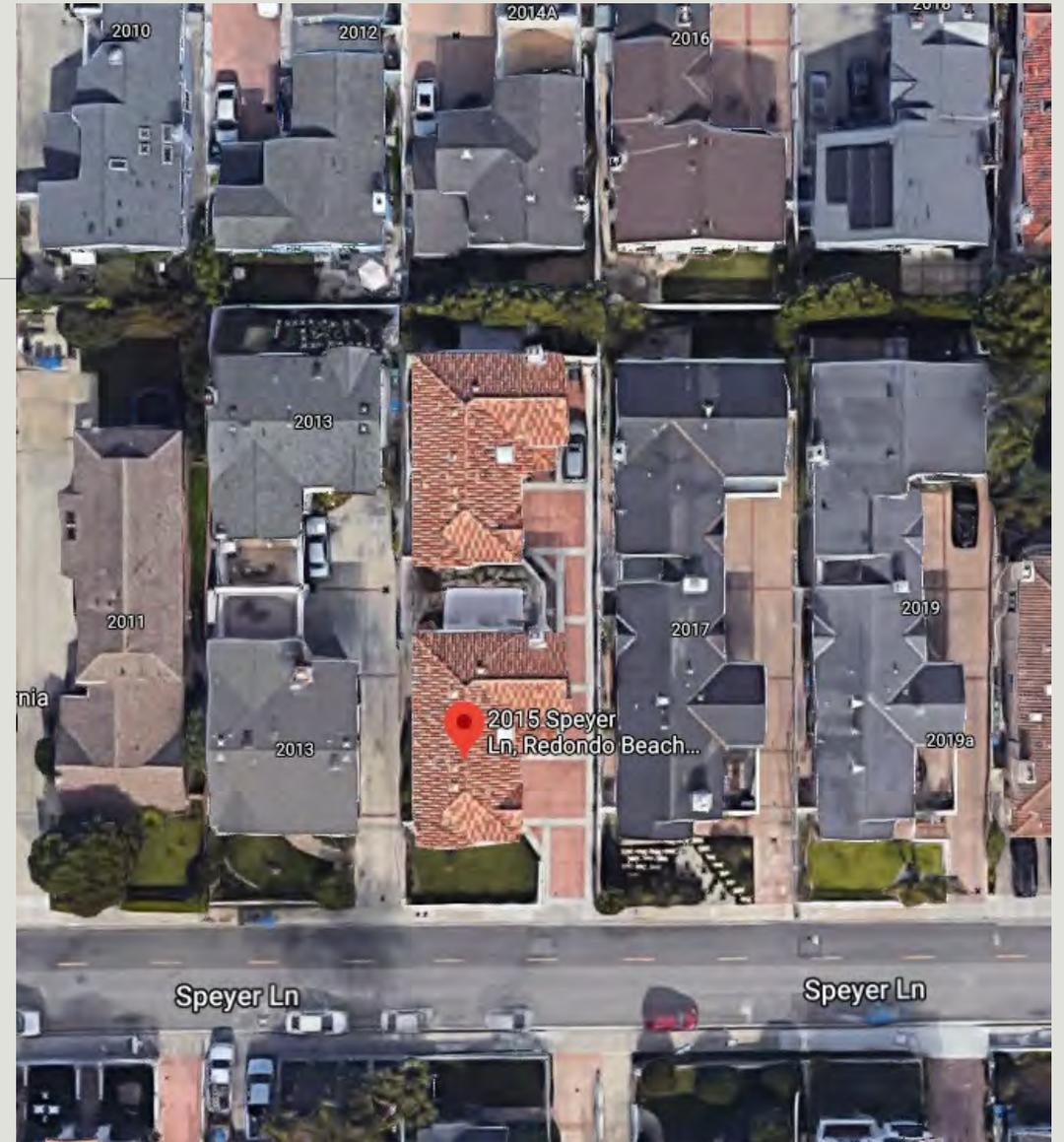
Overview of Staff's Presentation

- Project Background
 - Code Enforcement, the various site plan approvals, and permits issued
 - Planning Division review of the roof structure - Director's decisions
 - Planning Commission review of the roof structure - Appeal of the Director's decision
- Zoning Code overview
- Overall Summary
- City Council's role tonight

Project Background

Subject Site

- North side of Speyer Lane
- 2 unit condominium development
- Zoned R-2, Low-Density Multi-Family Residential
- Surrounding properties consist of other 2-unit condominium developments
- Required average rear setback is 15 feet

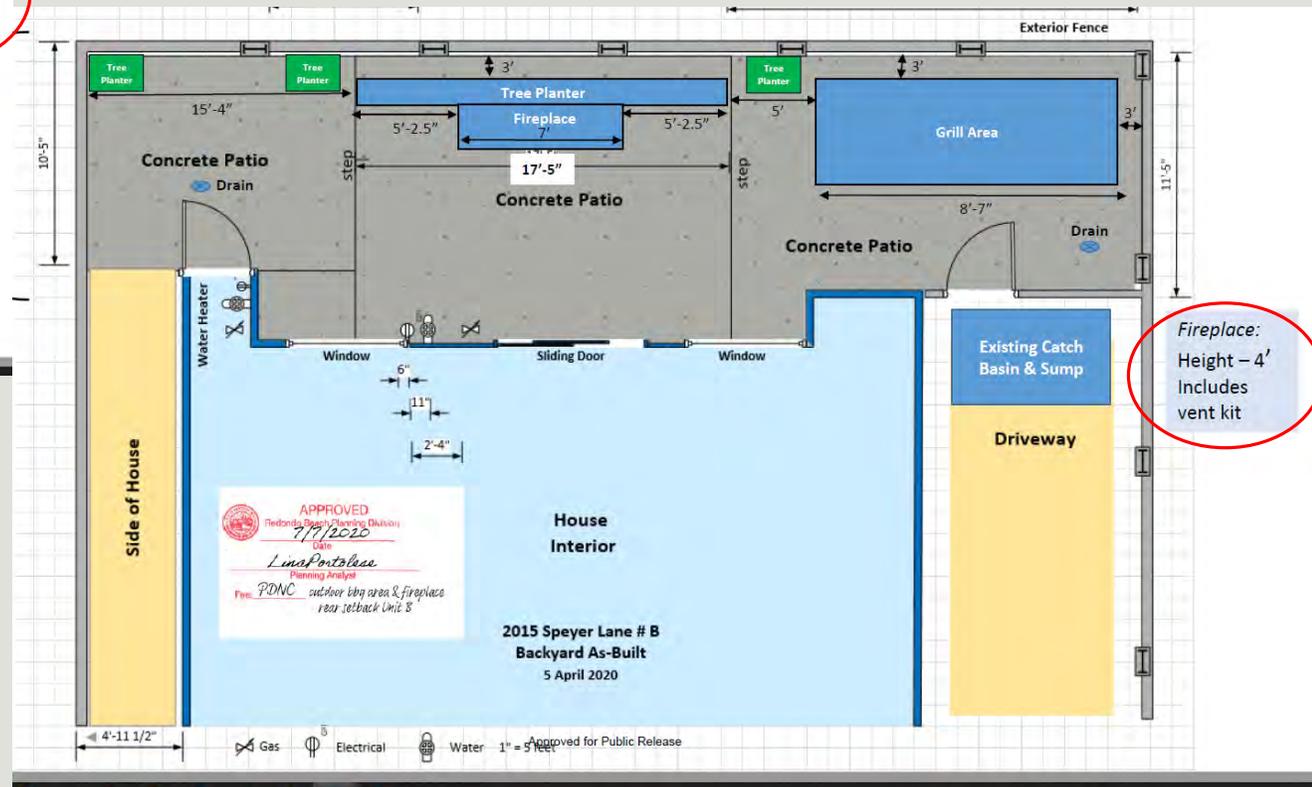
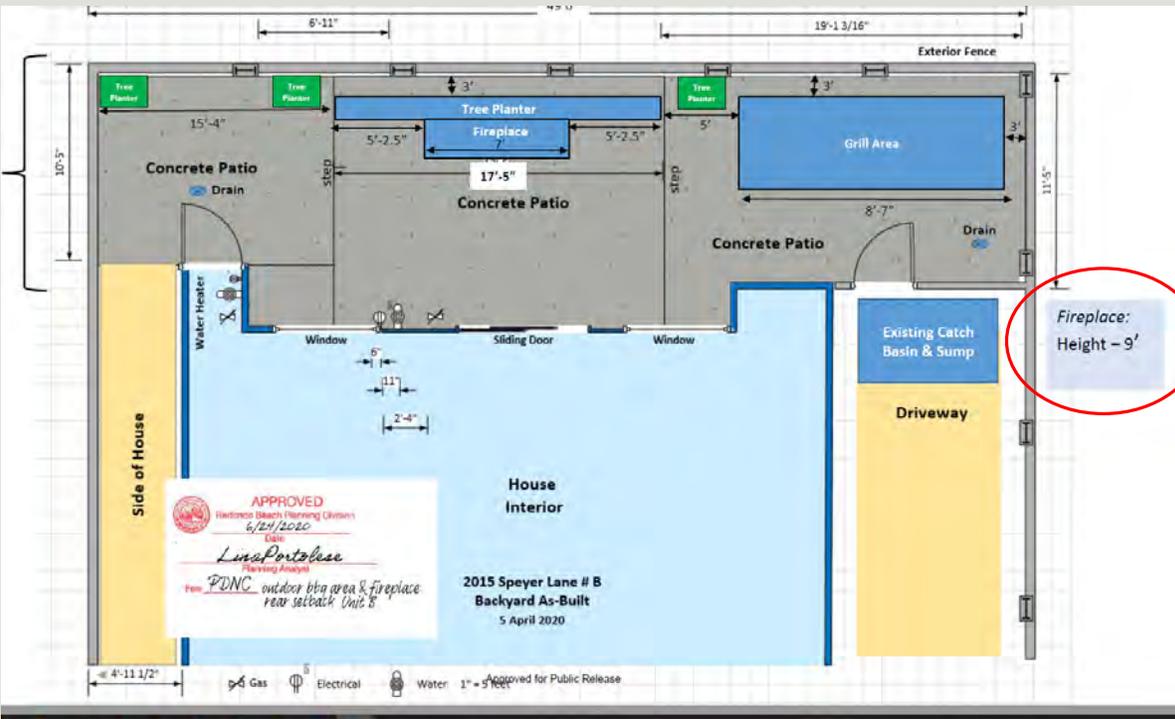


Background

- Owners of 2015 Speyer Ln B began backyard renovations in June 2020
- Code Enforcement received an inquiry regarding the work, if permits were obtained
- Code Enforcement staff followed-up with the property owners, who confirmed the following work was occurring:
 - Installation of a barbeque island area
 - Installation of a fireplace structure
 - Hardscape improvements
- A stop work order was issued and the owners were instructed to contact the Planning Division and provide a site plan

Background - Stop Work Order #1

1st round of site plan approvals



June 24, 2020 - Planning approved and owners instructed to proceed to the Building Division

July 7, 2020 - Owners submitted a revised site plan lowering the height of the fireplace to 4-feet after speaking with the Building Division

Background - Stop Work Order #1

- Permits were issued for gas lines running to the fireplace and the barbeque island on July 13, 2020—a penalty fee was charged for the project already in process at the time the permit application was submitted
- The 4-foot tall fireplace and barbeque island did not require building permits
- The permits were inspected and finalized by the City's building inspector
- Stop Work Order #1 was released once the permits were issued for this work

Background - Stop Work Orders #2 & #3

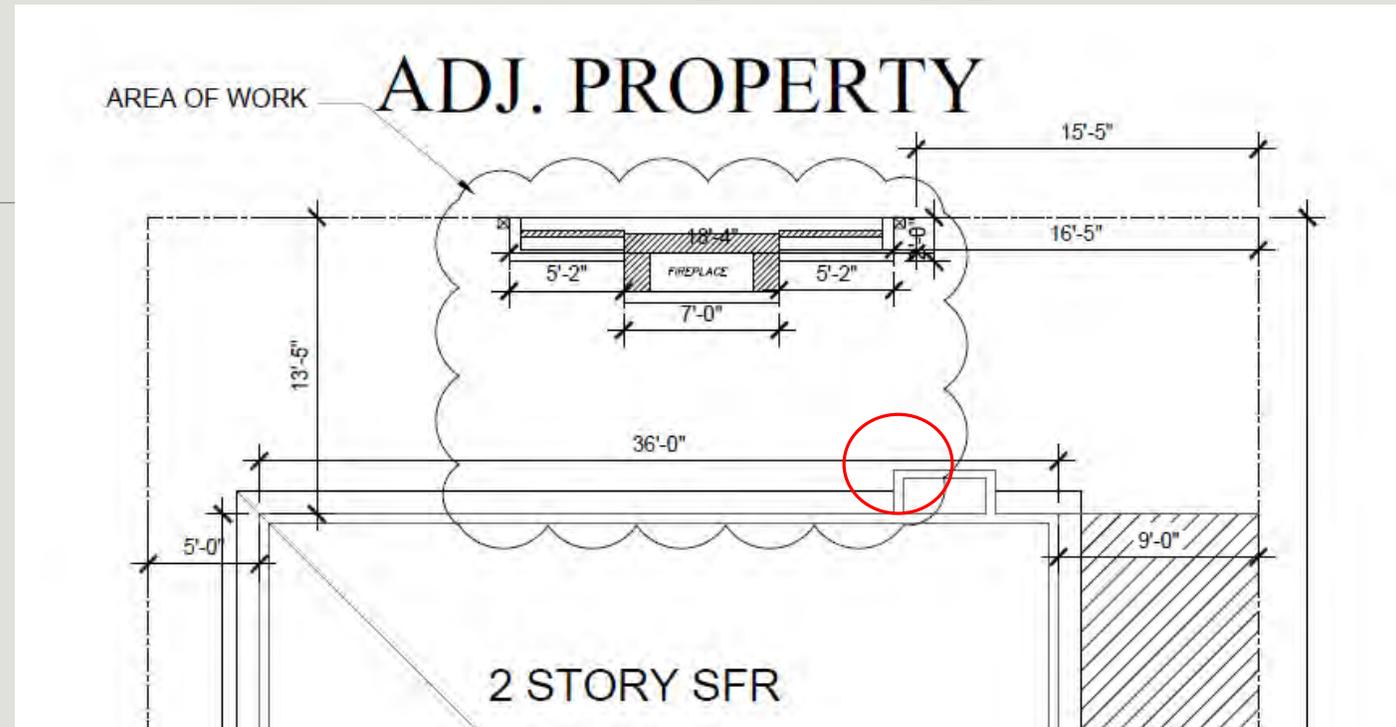
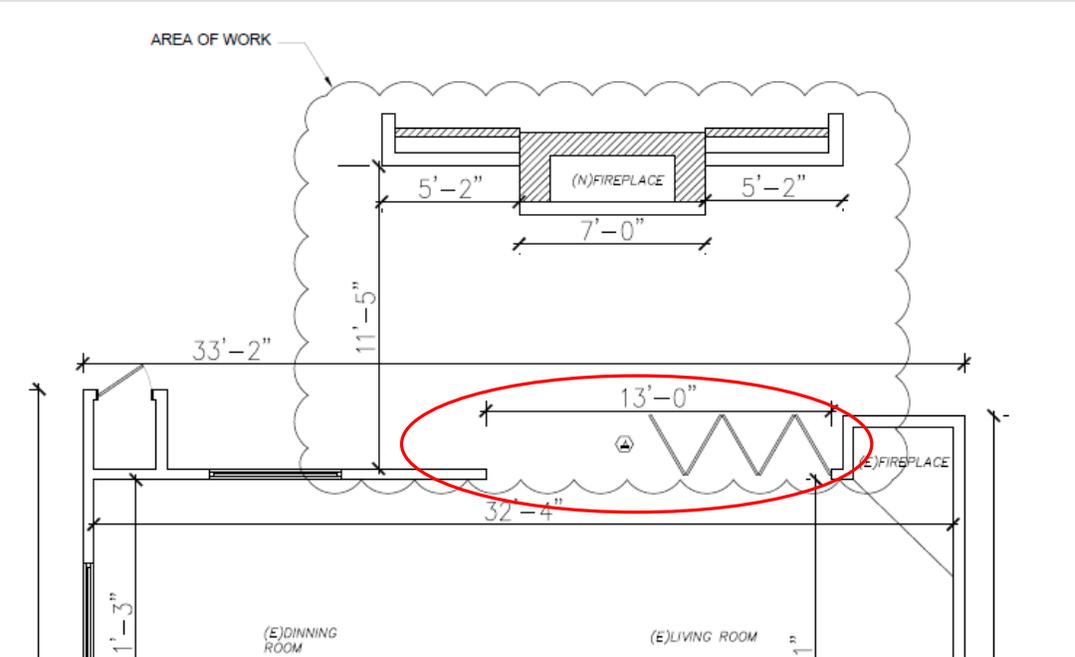
- Early August 2020, Code Enforcement received complaints regarding the following:
 - Removal of a sliding glass door on the rear elevation of the home at 2015 Speyer Ln B
 - Construction of a concrete structure taller than the property line fence near the back property line
- Senior Building Inspector conducted an inspection and confirmed the door replacement and the new structure needed a permit, issued a stop work order
- Property owners contacted the Planning Division requesting requirements
- Work continued without permits, and a third stop work order was issued

Background – Stop Work Order #4

- Building Division review required full architectural drawings
- Full architectural drawings would take a few more weeks for the owner to secure
- Code Enforcement received another complaint that work continued
- Chief Building Official contacted the owners directly by phone and issued a verbal stop work order
- Architectural drawings were submitted in mid-September and approved

Background

Last round of site plan approvals



- Permits issued for the bi-fold door and fireplace structure Sept 23, 2020—a penalty fee was charged for the project already in process at the time the permit application was submitted
- Inspections on both these permits passed in early October 2020
 - In process inspections can be done by either opening up construction (which can expose structure to weather intrusions) or obtaining a structural observation by engineer of record—the latter was available for these permits
- Stop Work Orders #2 & #3 & #4 were released once the permits were issued for this work

Background – Stop Work Order #5

- Late October 2020, Code Enforcement received a complaint regarding a roof structure being constructed from the back wall of the home out towards the fireplace structure
- The complaint included concerns regarding electrical for lights and heaters integrated in the roof structure
- Code Enforcement issued a fifth stop work order
- Complaints were received that work continued
- Property owner contacted Planning in early November 2020 to seek approval for the new structure, stating it was a replacement of a previous pergola which existed

Background - ADR application #1

- Pergolas are subject to an Administrative Design Review (ADR) application
- Property owner submitted an ADR application requesting an attached pergola in early December 2020
- The application included photos of a fully completed structure, indicating work continued under the fifth stop work order

Administrative Design Review Application



View – East to West



View – Main Area West to East

Background - ADR application #1

- Community Development Director denied the application, stating the structure did not meet the intent of a pergola and exceeded the height by which a pergola could be approved by the Director, code limits it to a 9-foot height limit
- Property owner appealed the denial, but ultimately withdrew that appeal

Background - ADR application #1

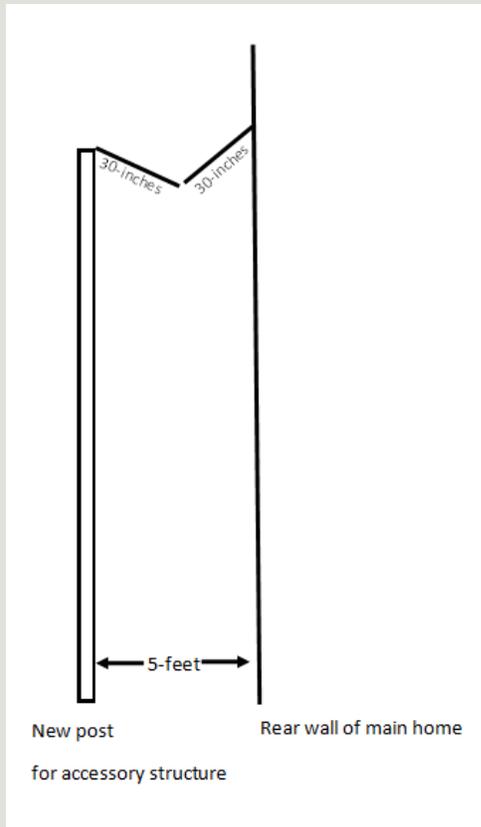
- Property owner continued to work with Planning staff
- Planning staff determined that since the roof and fireplace are attached to each other, they can be considered one accessory structure which in this case is attached to the main home
- RBMC 10-2.1500(a) requires a minimum 5-foot separation between an accessory structure and a dwelling unit
- Explored the possibility of applying for a Variance from the separation requirement
- Property owner asserted the provision does not apply to their structure and should not be subject to a Variance, asserted that structure fully complies

Background - ADR application #2

- Property owner submitted new ADR application for an attached accessory structure in January 2021
- Community Development Director denied the application stating the structure does not comply with RBMC 10-2.1500 (a) minimum 5-foot separation requirement
- Property owner appealed denial to Planning Commission

Background - Planning Commission Decision

- Planning Commission approved the structure on the following grounds:
 - The structure complies with rear setback, side setbacks, and height limit
 - Detaching the structure from the rear elevation would lead to a less desirable design



Two additional posts would have to be constructed to support the side of the structure closest to the main home, adding to the bulk of the structure.

The Zoning Code allows eaves to encroach 30-inches into required separations. In this scenario, the accessory structure's roof can have eaves extend towards the main home 30-inches, and the rear elevation of the main home can have eaves extend out 30-inches towards the accessory structure. This would potentially result in a design that appears to have a continuous roof, but not as aesthetically desirable as one solid roof element.

Background - Planning Commission Decision

- Planning Commission decision was appealed by neighbor to the rear on the following grounds:
 - The structure does not comply with RBMC 10-2.1500 Accessory structures in residential zones
 - The Planning Commission made its decision based on conforming with a structure already built
 - The City Council is now considering this appeal

Zoning Code Requirements

- What is allowed in a setback?
 - Architectural Features
 - Accessory Structures

Architectural Features projecting into setback

- RBMC Section 10-2.1522 states that architectural features are allowed to project from the home into required setbacks
- The allowed projections are subject to Administrative Design Review, with a decision made by the Community Development Director
- Architectural features do not have a specified separation from other structures
- The code section limits these features to 9-feet in height
- At the tallest point, the roof of the structure is 10-feet, 7-inches high, therefore it exceeds the height by which the Community Development Director could approve it as an architectural projection

Architectural Features projecting into setback

Redondo Beach Municipal Code

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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.** 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 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. 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.

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 and patios.** No side or rear setback is required for decks and patios not more than thirty (30) inches in height above existing grade. Decks and patios 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, 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, or similar structure located within an otherwise required setback shall exceed a height of nine (9) feet.

2. **Horizontal dimensions.** No arbor, architectural archway, bower, pergola, 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.

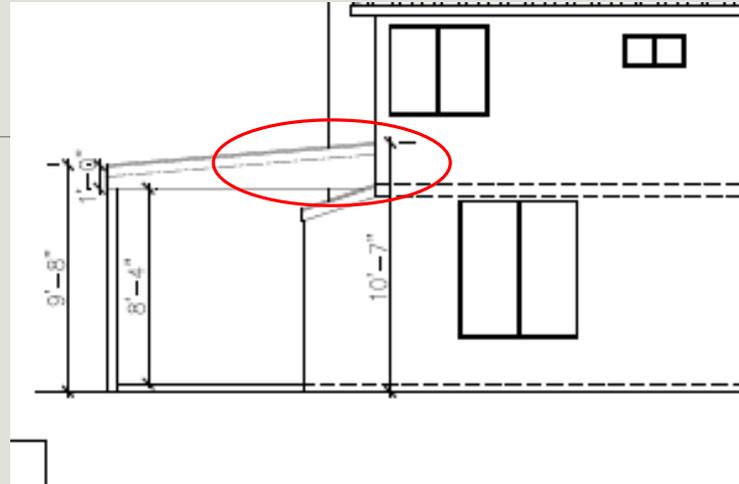
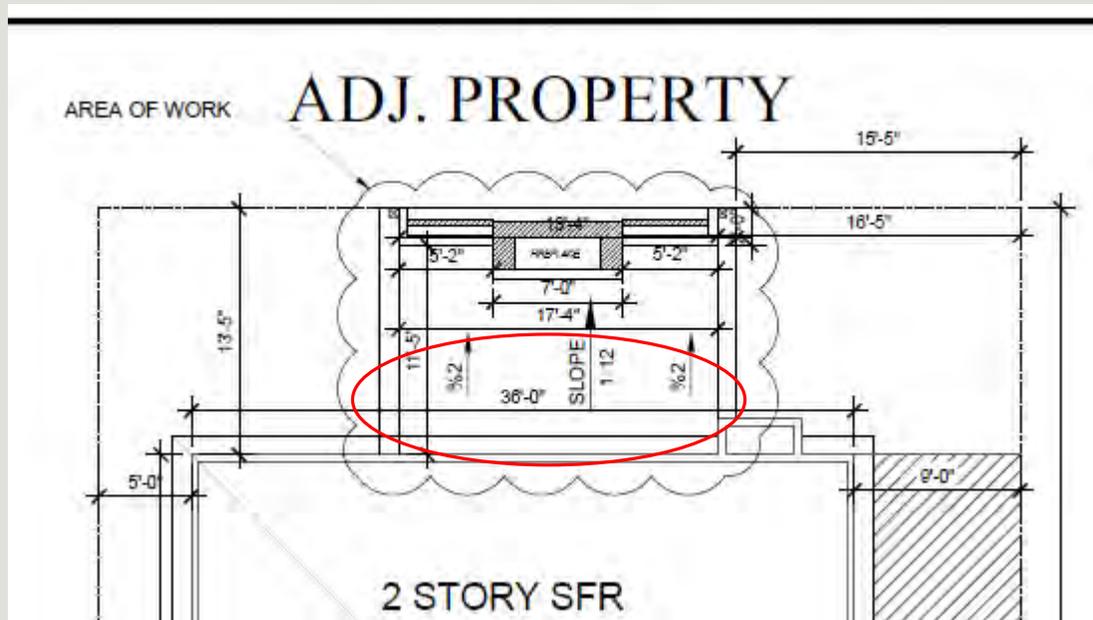
Accessory Structures

- Defined as subordinate to the main building or structure on the same lot (RBMC 10-2.402)
- Regulated per RBMC 10-2.1500 Accessory structures in residential zones
 - 5-foot separation between accessory structure and dwelling unit
 - Limited to 1-story
 - Overall height limit of 15-feet
 - No larger than 800-sf
 - Cumulative side setback of 10-feet, or required 5-foot side setbacks if forward of the rear 23 feet of the lot
 - No rear setback required if structure is not habitable

Analysis of Applicant's Structure

Development Standard	Requirement	Code Section	Applicant's Structure	Compliance
Rear setback	None if not habitable	RBMC 10-2.1500 (c)(4)	1' from rear property line	Yes
Side setbacks	Cumulative 10-feet	RBMC 10-2.1500(c)(3)	16.5' to each side property line	Yes
Height	Overall height of 15-feet	RBMC 10-2.1500(c)(1)	10'-7" at highest point	Yes
Stories	1-story	RBMC 10-2.1500(b)	1-story	Yes
Setbacks between buildings	Minimum 5-foot distance between the accessory structure and dwelling unit, and between other accessory structures	RBMC 10-2.1500(a)	Attached to rear wall of dwelling unit	No

Analysis of Applicant's Structure



The area in question is where the roof structure attaches to the rear elevation of the main home

Staff contends that per RBMC 10-2.1500(a), there must be a 5-foot separation

Property owners assert that the section title referencing setbacks between “buildings” means the section does not apply to their structure, which is not a building

Analysis of Applicant's Structure

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10-2.1500 Accessory structures in residential zones.

(a) **Setbacks between buildings.** The minimum distance between a dwelling unit and an accessory structure, or between two (2) accessory structures on the same site shall be five (5) feet. This subsection shall not be applicable to the R-MHP mobile home park zone.

(b) **Stories.** No accessory building shall exceed one story in height.

(c) **Accessory structures occupying a rear setback.** Accessory structures occupying any portion of a required rear setback in any residential zone shall be subject to the following standards:

(1) **Height.** No accessory structure shall exceed fifteen (15) feet in height. The perimeter walls shall not exceed ten (10) feet in height as measured from existing grade to the point of intersection with the top of the plate. A parapet may not extend more than three (3) feet above the top of plate.

(2) **Floor area.** No accessory structure or combination of accessory structures, any portion of which is located in the required rear setback, shall exceed 800 square feet in gross floor area.

(3) **Side setbacks.** The total side setback, measured from each side property line to the wall of the structure, shall equal not less than ten (10) feet. Further, if any portion of the accessory structure is located forward of the rear twenty-three (23) feet of the lot, or if the structure is habitable, a minimum side setback of five (5) feet shall be required on each side of the structure.

RBMC 10-2.402 Definitions: “Building” shall mean any structure with a roof supported by columns and/or walls securely affixed to the ground which building is designed and/or used for the shelter and enclosure of persons, animals, or property.

RBMC 10-2.401 Rules for construction of language: Article and section headings contained in this chapter shall not be deemed to govern, limit, modify or in any matter affect the scope, meaning or intent of any section hereof.

Analysis of Applicant's Structure

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It is staff's opinion that although the section title references buildings, the following sentence specifically states accessory structures, and therefore the 5-foot separation would be required.

Therefore, the structure does not comply with the Zoning Code

Overall Summary

- For each complaint that came in, Code Enforcement did reach out to the property owners each time requesting that they contact the Community Development Department for the required approvals and permits
- The property owners did work with Planning and Building:
 - ❑ Obtained a permit for gas lines running to the fireplace and barbeque island
 - ❑ Submitted drawings stamped by a structural engineer that demonstrated the bi-fold door and fireplace meet structural code standards
 - ❑ Obtained a permit for the new bi-fold door on the rear elevation
 - ❑ Obtained a permit for the 9-foot tall masonry structure consisting of the fireplace and base surround
- Penalty fees were added to the building permit fees
- Each permit issued has passed final inspection by the City's Building Division
- The only item which does not have permits is the roof structure with electrical

Overall Summary

Architectural Features RBMC 10-2.1522 (f)		Accessory Structures RBMC 10-2.1500	
Encroach into any required setback subject to ADR	✓	No rear setback	✓
Height limit 9-feet	✗	Cumulative 10-foot side setbacks	✓
		15-foot height limit	✓
		1-story limit	✓
		5-foot separation from other accessory structures	✓
		5-foot separation from dwelling unit	✗

Required permits that have been obtained	
New bi-fold door on rear elevation	✓
9-foot high fireplace structure	✓
Gas line to fireplace	✓
Gas line to barbeque island	✓
Roof structure	✗
Electrical for lights and heaters in the roof structure	✗

Conclusion

City Council is asked to consider evidence presented by all parties and either:

➤ Grant the appeal, overturning the Planning Commission approval, making findings that the structure does not comply with the Zoning Code

Or

➤ Deny the appeal and uphold the Planning Commission approval, making findings that the structure does comply with the Zoning Code, and adding conditions for approval