



Administrative Report

J.4., File # PC21-3003

Meeting Date: 10/21/2021

To: PLANNING COMMISSION

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

A PUBLIC HEARING FOR CONSIDERATION 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

RECOMMENDATION:

1. Open public hearing;
2. Take testimony from staff and interested parties;
3. Close public hearing and deliberate; and
4. Adopt a resolution by title only subject to the findings contained therein:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 10, CHAPTER 2, ZONING AND LAND USE AND TITLE 10, CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO SETBACKS OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONES AND BUILDING AND OTHER PROJECTIONS IN ALL ZONES

EXECUTIVE SUMMARY

Certain City Council actions have triggered a review of the setback and encroachment sections of the Redondo Beach Municipal Code (RBMC). 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 the City's rules with recent decisions. The Planning Commission's role is to review the proposed revisions to the Zoning Code and make recommendations to the City Council.

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 options for the Planning Commission to consider in their recommendation on these

revisions.

Revisions to “Accessory Structures in Residential Zones” Sections

Recently, 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 of 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 is 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.

Three options for revising this portion of the RBMC are included in the attached resolution for the Planning Commission's consideration. In deliberating these options to clarify the intent of the code, the Planning Commission may determine that there are additional possibilities to consider for recommendation. The three code revision options are included within the resolution for the Planning Commission to select from, and are presented (in underline and strikethrough format) and described below. What is decided would need to be included for both Title 10 Chapter 2 Zoning and Land Use (inland zoning) and Title 10 Chapter 5 Coastal Land Use Plan Implementing Ordinance (coastal zoning), so those are both addressed in the resolution.

Setbacks Option 1

The first proposed revision is as follows:

10-2 [and 5 for coastal].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. This subsection shall not be applicable to the R-MHP mobile home park zone.

[The sentence on the R-MHP zone applicability is not in 10-5 since there are no mobile home park zones in the coastal zone]

In this option, the subheading adds structures, so it is clear that those are intended to be included and regulated. This alternative would require a five foot setback between the dwelling unit and an accessory building. As well, a five foot setback would be required between accessory structures. In this scenario, an accessory structure that does not qualify as an accessory building (similar to what the Planning Commission considered in the appeal mentioned earlier) could be attached to the main dwelling unit, but an accessory building could not. There is also a requirement of five feet between accessory structures in this option to limit a string of attached accessory structures covering most of the rear of the site.

Setbacks Option 2

The second possible revision to consider is as follows:

10-2 [and 5 for coastal].1500 Accessory structures in residential zones.

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

[The sentence on the R-MHP zone applicability is not in 10-5 since there are no mobile home park zones in the coastal zone]

This option limits setbacks between accessory buildings only. Under this scenario, there would not be any setback requirement for accessory structures generally, only for the subset of accessory

buildings, keeping in line with the definitions. So accessory structures could be attached to the main dwelling unit and could be attached to each other. As well, an accessory structure could be attached to an accessory building. Under this option, it is possible that the entirety of the rear of the property could be covered in accessory structures attached to each other, with the exception of any required uncovered outdoor living space.

Setbacks Option 3

The third option to consider is as follows:

10-2 [and 5 for coastal].1500 Accessory structures in residential zones.

(a) **Setbacks between buildings structures.** 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.

[The sentence on the R-MHP zone applicability is not in 10-5 since there are no mobile home park zones in the coastal zone]

This option would clarify that all accessory structures would need to be setback from both the dwelling unit and from each other by five feet. This was the administrative interpretation that was appealed to the Planning Commission. At the Planning Commission hearing, the appellant argued that the subheading only mentioned setbacks between buildings and therefore should not be applied to the broader accessory structure category. This would clean up that uncertainty. Do note that during the Planning Commission's deliberations at the appeal public hearing, the point was made by commissioners that attaching the roof met the same goal as the allowed eaves encroachment under RBMC 10-2.1522. The Planning Commission found that by attaching the accessory structure, rather than detaching it where the overhanging rooves of the of the dwelling unit and the accessory structure could touch, allowed for a better design. Although this option is presented as a possible revision, the Planning Commission has previously noted that this is not a preferred interpretation and overturned the interpretation.

Decision to Be Made on Setbacks

Planning Commission can recommend one of these options to Council to clarify the language and intent of the subsection. Alternatively, through discussion on this item, the Planning Commission could prepare a different modification to this code section for recommendation to City Council. What is decided would need to be included for both Title 10 Chapter 2 Zoning and Land Use (inland zoning) and Title 10 Chapter 5 Coastal Land Use Plan Implementing Ordinance (coastal zoning), so those are both addressed in the resolution.

Revisions to "Building and Other Projections in All Zones" Sections

Concurrent with the appeal hearing determination noted above, the City Council had 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 seen a significant increase in requests for air conditioning permits.

Unfortunately, to retrofit an already developed site for air conditioning, oftentimes the only areas available are in the 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 clarify allowances for decks, porches, and patios in required setbacks. And 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, since entry doorways to dwelling units that may be in proximity to such architectural feature or structure may not have clearance. These changes have been incorporated into the proposed revisions.

Below is the 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 to clarify these various points:

Additional Definitions

10-2 [and 5 for coastal].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.

Amended Regulations

10-2 [and 5 for coastal].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.

[In 10-5, there is a restriction for coastal bluff properties that no unenclosed balconies may project into any rear setback. That restriction would remain, see resolution.]

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.

[In 10-5, there is a restriction for coastal bluff properties that no unenclosed stairways may project into any rear setback. That restriction would remain, see resolution.]

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.

[The subsection on the R-1A zone applicability is not in 10-5 since there are no R-1A zones in the coastal zone. This is reflected in the resolution.]

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 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. Patios on finished grade may project into the required front setback up to half the required average setback, provided the remainder of the setback is landscaped with live plant material in compliance with the landscape regulations, RBMC 10-2 [or 5 for coastal].1900. 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.

[In 10-5, there is a requirement to meet stormwater management and discharge and a restriction for coastal bluff properties that no deck or patio may project on to the bluff face. Those restrictions would remain, see resolution.]

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.

[In 10-5, there is a restriction for coastal bluff properties that no pool or spa may project onto the bluff face. That restriction would remain, see resolution.]

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.

2. **Side Setback.** Plumbing equipment may project up to one half the required distance into a required side yard setback.

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.

Under these proposed revisions, water heaters are removed from architectural features category and included under the new “mechanical and plumbing equipment” subheading. What is proposed is to

allow the quieter functioning plumbing equipment into the side and rear yard setbacks, as well as in the setbacks between buildings. Due to the closer proximity with the side setbacks, air conditioner and similar noise-producing mechanicals were limited to rear yard setbacks and setbacks between dwelling units only. However, there may be an interest to carve out “mini-splits” for the units for individual rooms.

One additional consideration for discussion is regarding balconies in required setbacks. An appeal hearing was considered at the July 2021 Planning Commission meeting regarding 1) tandem parking, and 2) side yard setbacks of a balcony in the required rear yard. Section 10-5.1522(a)(2)a. addresses unenclosed balconies. They may project into a front, side, or rear setback or required space between building, but then have distances from other property lines that must be maintained. In the particular appeal, the applicant’s proposed balcony projected into the rear setback, but was then not a minimum horizontal distance of five (5) feet from the side property line. Although the Planning Commission approved the tandem parking, they denied the relief for the balcony, confirming that it did not comply with the regulations. If the Planning Commission would like the City Council to amend these requirements, any recommended revision could be added to the resolution.

Conclusion

All recommended revisions need to be included for both Title 10 Chapter 2 Zoning and Land Use (inland zoning) and Title 10 Chapter 5 Coastal Land Use Plan Implementing Ordinance (coastal zoning), so those are both addressed in the resolution.

The Planning Commission may select from these various options or otherwise make recommendations on these code sections for City Council to consider.

ENVIRONMENTAL STATUS:

The code amendments are exempt from environmental review pursuant to Section 15308 of Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

ATTACHMENTS

Draft Resolution