



Legislation Text

File #: 25-0030, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Talyn Mirzakhanian, City Manager

FROM:

Ryan Heise, Acting Community Development Director

Adam Finestone AICP, Planning Manager

Jaehee Yoon AICP, Senior Planner

Maricela Guillean, Associate Planner

SUBJECT:

Discussion of Existing Rear Yard Setback Regulations for Accessory Structures in Single-Family Residential Zones (No Budget Impact) (Acting Community Development Director Heise).

(Estimated Time: 30 Mins.)

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction on existing rear yard setback regulations for accessory structures in single-family residential zones.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the June 18, 2024, City Council meeting, the City Council requested a future agenda item to discuss the City's existing rear yard setback requirements for accessory structures in single-family residential zones. Specifically, provisions allowing for accessory structures in rear yards with no side or rear setbacks was noted. This regulation is codified in Manhattan Beach Municipal Code (MBMC) Section 10.52.050(D) (Relation to Property Lines), as provided in part below:

An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s).

For the purpose of this report, rear yard setbacks for accessory structures in the rear yard of a property shall be assumed to mean both the rear and interior side yard.

Purpose of Setbacks

Setback regulations exist for the benefit of the public health, safety, and welfare. They create consistent and predictable development patterns, provide visual relief from building bulk and mass, allow space between buildings for light and air, and ensure adequate space for access. Additionally, setback requirements must be considered in relation to other development standards, including building separation and open space, to maximize use and functionality of a property. This is especially important in jurisdictions where most lots are constrained in size.

Ordinance History

Based on staff's research, provisions related accessory structure setbacks have been in place since at least 1958, when the City's first comprehensive zoning code with an official land use plan was adopted. At the time, Ordinance No. 825 included provisions under "Placement of Buildings and Structures" to allow non-dwelling accessory structures located on the rear third of the lot to have no rear yard setback with the exception of alley-accessed garages (which must be a minimum 15 feet from the alley center line).

In July 1976, Ordinance No. 1464 was adopted that added to the original code language by specifying that the accessory structure be single-story and detached a distance equivalent to the required side yard for one side of the structure. This ensured that rear-yard accessory structures did not span the entire width of a lot.

In December 1990, a new zoning code, known as the Zoning Ordinance Revision Program (ZORP), was adopted as Ordinance No. 1832. As part of the ZORP, provisions for an "Accessory Structure" became its own separate section in the MBMC.

In July 1991, Ordinance No. 1842 was adopted to clarify that the setback requirements will apply if any portion of the accessory structure is within a required rear yard. In addition, it referenced the parking code for information on setbacks for alley-accessed garages rather than including them in the Accessory Structures section.

In December 1993, Ordinance 1891 was adopted to add additional provisions to clarify the setback requirements when a fence, wall, or retaining wall are located on the interior side or rear property line. This amendment essentially clarified that accessory structures which were not on the property line had to be at least three feet from the property line in order to provide access around the structure.

DISCUSSION:

Existing Development Patterns

As the existing provisions have been in place for at least 67 years, accessory structures on side and/or interior rear property lines in rear yards are commonly found throughout the City. In addition, the 15-foot setback requirement from the alley centerline for alley-accessed detached garages has also been in place since 1958, effectively prohibiting a zero rear yard setback for such garages. Rather, rear alley-accessed detached garages are typically set back between five (5') and seven and a half feet (7 ½') from the rear property line, as most alleys in the City range from 15 to 20 feet in width.

From an Area District perspective, Area Districts 1 and 2 have the highest concentration of accessory structures with zero rear yard setbacks. This is primarily due to the larger lot sizes, which can accommodate both an accessory structure and primary residence while complying with the building

separation requirement, and the fact that they are predominantly zoned for single-family residential use. Because Area Districts 1 and 2 have very few alleys, most detached accessory structures, whether garages or otherwise, have been built with no rear yard setbacks. This has become less common as properties are redeveloped because new homes tend to occupy a much larger portion of the lot, minimizing the physical ability to place accessory structures on them.

While accessory structures in Area Districts 3 and 4 exhibit some of the same characteristics as those in Area Districts 1 and 2, it is more likely that they would include alley-accessed garages because of the presence of significantly more alleys in those districts. Additionally, because the zero setback requirement for accessory structures is limited to single-family zoned properties, the propensity for such structures is minimized because single-family zoned properties make up a minority of the properties in these districts.

In general, the City processes permits for several dozen accessory structures each year, in which roughly half of them are built with a zero foot rear yard setback. The most-commonly reviewed accessory structures with no rear yard setback are pool cabanas, guest houses, and enclosures for pool equipment.

Implications of Amending Setback Regulations

Accessory structures on a rear property line are quite common in single-family zones throughout the City and their existence is expanding. If the allowance for a zero foot rear yard setback for accessory structures is eliminated, it will impact a significant number of properties because they would become nonconforming structures. Per MBMB Section 10.04.030, a nonconforming structure is defined as “a structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.”

It is worth noting that when a structure becomes nonconforming, it impacts the ability for property owners to alter or expand their homes. MBMC Section 10.68.030 outlines the specific conditions under which a nonconforming structure can be altered or expanded, including with a Minor Exception (pursuant to MBMC Section 10.84.120), which may create limitations on the buildable floor area or require review of the project valuation. It will likely become a burden for many legal nonconforming accessory structures, which will often require some form of alteration or remodel with time. Furthermore, projects moving forward will have less flexibility to maximize the layout and use of rear yards for private open space.

CONCLUSION:

Continuing to allow detached accessory structures in single-family zones to be built with zero rear yard setbacks will prevent numerous accessory structures from becoming nonconforming, and will ensure opportunities for ample open space in rear yards is preserved. If the City Council would like to provide guidance on exploring any alternative setback options or processes, staff will conduct additional analyses and report back.

PUBLIC OUTREACH:

An interested party who reached out to the City regarding this issue has been notified of this meeting. Should staff undergo any work effort to update the provision, public notification in accordance with State and Municipal Code requirements will be conducted.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed discussion for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the discussion is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT/ATTACHMENTS:

1. Existing Ordinance (MBMC Section 10.52.050)
2. PowerPoint Presentation