



City of Huntington Beach

File #: 22-248

MEETING DATE: 4/12/2022

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Director of Community Development
BY: Tess Nguyen, Associate Planner

SUBJECT:
ZONING TEXT AMENDMENT NO. 22-001 (MINOR ACCESSORY STRUCTURES)

REQUEST:
To amend Chapter 203 and Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to minor accessory structures.

LOCATION:
Citywide

APPLICANT:
City of Huntington Beach

PROPERTY OWNER:
Various

BUSINESS OWNER:
Not applicable

STATEMENT OF ISSUE:

1. Does the project satisfy all the findings required for approval of a Zoning Text Amendment?
2. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find that Zoning Text Amendment (ZTA) No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines because there is no potential for the amendment to the Huntington Beach Zoning and Subdivision Ordinance to have a significant effect on the environment.

- B) Recommend approval of Zoning Text Amendment No. 22-001 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4252 and forward to the City Council for consideration.

ALTERNATIVE ACTION(S):

- A) Do not recommend approval of Zoning Text Amendment No. 22-001 to the City Council.
- B) Continue Zoning Text Amendment No. 22-001 and direct staff according.

PROJECT PROPOSAL:

Currently, there are 31 active code enforcement cases involving storage sheds in residential backyards that are located next to property lines in required setback areas. These storage sheds range in height from 7 ft. to 15 ft. The current Zoning Code only allows minor accessory structures, such as storage sheds, up to 64 sq. ft. in floor area, 80 sq. ft. in roof area, and a height of 6 ft. to be in the required side and rear yard setback. For a typical 6,000 sq. ft. single-family residential lot in the Residential Low Density Zone, accessory structures that exceed these limits are not allowed in a required 15 ft. front, 5 ft. side, 10 ft. street side, and 5 ft. rear setbacks.

Because of the number of code enforcement cases and requests by property owners, staff is re-examining the requirements for accessory structures. Pursuant to the Huntington Beach Municipal Code (HBMC), detached accessory structures, such as storage sheds, playhouses, pagodas and similar uses that do not exceed 120 sq. ft. in floor area do not require a building permit but they need to comply with height and setback requirements in the Zoning Code. Through research of the types of storage sheds that are available for sale at home improvement retailers, some of the best-selling storage sheds are 120 sq. ft. or less in area and 8 ft. in height. Based on this information, the Planning Commission is being asked to review if minor accessory structures like storage sheds up to 120 sq. ft. in area, up to 8 ft. in height, should be allowed next to side and rear property lines without required setbacks.

Zoning Text Amendment No. 22-001 is a City-initiated request to amend Section 203.06 (Definitions) and Section 230.08 (Accessory Structures) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow minor accessory structures that do not exceed 120 sq. ft. in floor area and 8 ft. in height to be located in required side and rear yard setbacks in the rear two-thirds of the lot and maintain a 5 ft. clearance between the structure and the house if located in a required side yard.

The proposed Zoning Text Amendment is intended to exempt the most commonly purchased storage sheds that do not require a building permit from having to comply with setback requirements by specifying the size, height, and location of allowable minor accessory structures.

ISSUES AND ANALYSIS:**General Plan Conformance:**

The Zoning Text Amendment is consistent with the Land use Element policy of the General Plan as follows:

Policy LU-4C - Encourage and provide incentives for residential property owner to maintain their homes and buildings.

The Zoning Text Amendment will provide homeowners more flexibility to have minor accessory structures in their backyard to enhance the enjoyment of their property and meet their storage needs.

Zoning Compliance:

Zoning Text Amendment

Zoning Text Amendment No. 22-001 includes the following amendments to the HBZSO (Attachment Nos. 2 and 3)

1. HBZSO Section 203.06 Definitions

Structure, Minor Accessory. *An accessory structure that does not exceed 64 **120** square feet in floor area, 80 square feet in roof area and a height of six **eight** feet, including **but not limited** to storage sheds, pet shelters, playhouses, **pagodas, gazebos**, and decorative elements.*

Minor accessory structures are currently defined in the HBZSO as a structure that does not exceed 64 sq. ft. in floor area, 80 sq. ft. in roof area and a height of 6 ft., including storage sheds, pet shelters, playhouses, and decorative elements. Proposed changes to the definitions above are intended to change the size and height of minor accessory structures and include language that is consistent with the building permit exemption language in the HBMC.

2. HBZSO Section 230.08

For purposes of applying these provisions, accessory structures are inclusive of minor accessory structures, except where separate provisions are provided in this section.

- A. **Timing.** Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.*
- B. **Location.** Except as provided in this section, accessory structures shall not occupy a required front, side or street side yard or court. An accessory structure shall be set back five feet from the rear property line except no setback is required for accessory structures, excluding garages and carports, which abut an alley.*

Minor accessory structures may be located in required side and rear yard setbacks provided that the structure is located in the rear two-thirds of the lot and a minimum five-foot clearance is maintained between said structure and dwelling if it is located in the required side yard. Minor accessory structures that are decorative such as landscape garden walls, fire pits, freestanding barbecues/fireplaces, sculptures, and fountains may be located anywhere on the property provided:

- 1. They do not exceed six feet in height or exceed 42 inches in height when located within the front yard setback; and*
- 2. A minimum five-foot clearance is maintained between said structure and the dwelling if*

it is located in a required side yard; and

3. *Rock formations shall be set back one foot from the side and/or rear property lines for each foot of rock formation height, maximum five-foot setback required.*

Minor accessory structures may be located within the front yard setback provided they do not exceed 42 inches in height. Minor accessory structures may be located in required side and rear yard setbacks provided:

1. **The structure is located in the rear two-thirds of the lot;**
2. **A minimum five-foot clearance is maintained between said structure and the dwelling if it is located in a required side yard; and**
3. **Rock formations shall be set back one foot from the side and/or rear property lines for each foot of rock formation height, maximum five-foot setback required.**

C. **Maximum Height.** Fifteen feet, except a detached garage for a single-family or multifamily dwelling may exceed the maximum height when it is designed to be architecturally compatible with the main dwelling and does not include habitable floor area.

D. **Maximum Size in RL District.** In an RL District, the total gross floor area of accessory structures, including garages, more than four feet in height that are not attached to a dwelling shall not exceed 600 square feet or 10% of lot area, whichever is more.

E. **Patio Covers.** A patio cover open on at least two sides and complying with all other provisions of this subsection may be attached to a principal structure provided a five-foot clearance to all property lines is maintained.

F. **Decks.** A deck 30 inches or less in height may be located in a required yard.

G. **Separation.** The distance between buildings on the same lot shall not be less than 10 feet. (3710-6/05, 4040-12/14)

Currently, minor accessory structures are allowed to be up 64 sq. ft. in floor area, up to 6 ft. in height, and may be located anywhere on the property except in the front setback if over 42 inches tall. With the proposed changes, minor accessory structures up to 120 sq. ft. in floor area and up to 8 ft. in height are now recommended to be allowed in required side and rear yard setbacks.

Allowing a maximum of 120 sq. ft. for these structures aligns with the Municipal Code exemption for building permits. Limiting the height of these structures to 8 ft. high is based on the best-selling storage sheds. These recommended limits allow something bigger than the current minor accessory structures standards while maintaining compatibility because these structures are only 2 ft. taller than the typical 6 ft. high property line wall or fence.

The amendments provide property owners with more flexibility to have minor accessory structures in their backyard by not being subject to side and rear setbacks. This will allow property owners more enjoyment of their property while still maintaining compatibility with nearby properties. It should be noted that these amendments will only potentially resolve the zoning violations on 7 of the 31 active code enforcement cases noted.

Urban Design Guidelines Conformance:

Not applicable.

Environmental Status:

ZTA No. 22-001 will not have any significant effect on the environment and is categorically exempt from CEQA pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because there is no potential for the amendment to the HBMC and HBZSO to have a significant effect on the environment.

Coastal Status:

Not applicable.

Design Review Board:

Not applicable.

Other Departments Concerns and Requirements:

Not applicable.

Public Notification:

Legal notice was published in the Huntington Beach Wave on March 31, 2022 and notices were sent to individuals and organizations requesting notification (Planning Division's Notification Matrix). As of April 5, 2021, no communications regarding the request have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
Not applicable	Legislative Action - Not applicable

SUMMARY:

Staff is recommending approval of ZTA No. 22-001 based on the following reasons:

1. It is consistent with the general land uses and policy of the General Plan.
2. It provides property owners with more flexibility to have minor accessory structures in their backyard to enhance the enjoyment of their property while still maintaining compatibility with nearby properties.

ATTACHMENTS:

1. Suggested Findings of Approval - ZTA No. 22-001
2. Draft City Council Ordinance No. 4252
3. ZTA No. 22-001 Legislative Draft