



# City of Huntington Beach

File #: 22-361

MEETING DATE: 5/17/2022

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Sean Joyce, Interim City Manager

**VIA:** Ursula Luna-Reynosa, Director of Community Development

**PREPARED BY:** Tess Nguyen, Associate Planner

**Subject:**

**Approve for introduction Ordinance No. 4252 approving Zoning Text Amendment No. 22-001 amending development standards for minor accessory structures**

**Statement of Issue:**

The proposed Zoning Text Amendment (ZTA) would amend Chapter 203 (Definitions) and Chapter 230 (Site Standards) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to minor accessory structures. On April 12, 2022, the Planning Commission held a public hearing to consider the proposed ZTA. The Planning Commission and staff recommend approval of the ZTA with some minor differences as detailed in the Analysis section of this report.

**Financial Impact:**

Not applicable.

**City Council Recommended Action:**

A) Find that Zoning Text Amendment No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15601(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; and,

B) Approve Zoning Text Amendment No. 22-001 with findings (Attachment No. 1) by approving introduction of City Council Ordinance No. 4252, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 and Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Minor Accessory Structures (Zoning Text Amendment No. 22-001)" (Attachment No. 2).

**Alternative Action(s):**

The City Council may make the following alternative motions:

A) Approve the Planning Commission's recommended action with staff's suggested modifications.

B) Do not approve Zoning Text Amendment No. 22-001.

C) Continue Zoning Text Amendment No. 22-001 and direct staff accordingly.

**Analysis:**

**A. PROJECT PROPOSAL:**

ZTA No. 22-001 is a City-initiated request to amend Section 203.06 (Definitions) and Section 230.08 (Accessory Structures) of the HBZSO to allow minor accessory structures that do not exceed 120 sq. ft. in floor area and 10 ft. in height to be located in the required side and rear yard setbacks in the rear two-thirds of the lot. The ZTA also requires a 5 ft. clearance between the structure and the house if located in a required side yard with proper screening.

**B. BACKGROUND:**

Code Enforcement has 31 active 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 Zoning Code only allows minor accessory structures up to 64 sq. ft. in floor area, 80 sq. ft. in roof area, and 6 ft. in height in the side and rear yard setback. In a typical 6,000 sq. ft. single-family lot in the Residential Low Density Zone, accessory structures that exceed these limits are not allowed in the required 15 ft. front, 5 ft. side, 10 ft. street side, and 5 ft. rear setbacks.

The volume of code enforcement cases related to this issue and requests by property owners has caused staff to re-examine the requirements for accessory structures. Per the California Building Code (CBC), detached accessory structures, such as storage sheds, playhouses, pagodas, etc. that do not exceed 120 sq. ft. in floor area do not require a building permit; however, 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.

The proposed ZTA 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.

**C. PLANNING COMMISSION MEETING AND RECOMMENDATION:**

On April 12, 2022, the Planning Commission held a public hearing on ZTA No. 22-001. There were three written public comments and three public speakers at the meeting. The Planning Commission had a general discussion about the following:

- grandfathering of existing non-conforming accessory structures
- rationale for recommending a maximum height of 8 feet
- heights and sizes for structures available for sale at home improvement retailers
- how code enforcement complaints are received

- screening of accessory structures if they exceed the height of adjacent walls/fences
- separation requirement of accessory structures from the house
- compatibility of accessory structures with adjacent properties
- informing residents regarding height and setback requirements for accessory structures

The Planning Commission recommended approval of the request to the City Council with changes to staff's recommendation.

Planning Commission Action on April 12, 2022:

A motion made by Rodriguez and seconded by Ray to recommend to the City Council approval of ZTA No. 22-001 with modifications carried by the following vote:

AYES: Adam, Rodriguez, Acosta-Galvan, Scandura, Ray  
NOES: Mandic  
ABSTAIN: None  
ABSENT: Perkins

**MOTION PASSED**

D. STAFF ANALYSIS:

The April 12, 2022, Planning Commission staff report provides a more detailed description and analysis of the proposed ZTA (Attachment No. 4).

The Planning Commission modified the amendments to the HBZSO proposed by staff during the meeting.

Below is the Planning Commission's recommendation:

***Structure, Minor Accessory.*** *An accessory structure that does not exceed 120 square feet in floor area and a height of ten feet, including storage sheds, pet shelters, playhouses, pagodas, gazeboes, and decorative elements.*

*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;*
- 3. Minor accessory structures over 8 ft. high shall be screened by a 2 ft.-high lattice fence/wall extension above the 6 ft.-high fence/wall to protect views from an adjacent property. The screening shall be provided by the property owner installing the minor accessory structure; and*
- 4. 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.*

Staff agrees with the majority of the Planning Commission's recommendations, except for the maximum height of a minor accessory structure. Although the Planning Commission approved minor accessory structures to include taller buildings up to 10 feet, staff maintains a recommendation of eight feet maximum, which is consistent with the maximum height of the required screening wall. Additionally, property owners would still have the ability to construct accessory structures at a height of up to 15 feet provided they comply with setback requirements. As such, staff is recommending approval of the Planning Commission's recommendation with suggested modifications.

Below is staff's recommendation:

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

*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;*
- 3. Minor accessory structures over 6 ft. high shall be screened to the top of the structure by a 2 ft.-high lattice fence/wall extension to protect views from an adjacent property. The screening shall be provided by the property owner installing the minor accessory structure; and*
- 4. 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.*

The following table identifies the differences in the Planning Commission and staff recommendations as well as related relevant standards.

Standard	Planning Commission recommendation	Staff recommendation
Minor accessory structure maximum height	10 feet	8 feet
Minor accessory structure maximum size	120 square feet	120 square feet
Maximum residential wall height*	8 feet overall (6 foot wall plus an allowable 2 foot lattice extension)	8 feet overall (6 foot wall plus an allowable 2 foot lattice extension)
Height of minor accessory structure triggering two-foot lattice extension requirement	Over 8 feet	Over 6 feet
*No change to existing standard proposed as part of ZTA No. 22-001		

**E. SUMMARY:**

In summary, staff and the Planning Commission recommend approval of the ZTA based on the following reasons, which would apply if the City Council approves the Planning Commission's recommendation or staff's recommended modifications:

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.

**Environmental Status:**

ZTA No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15601(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.

**Strategic Plan Goal:**

Non Applicable - Administrative Item

**Attachment(s):**

1. Suggested Findings of Approval of ZTA No. 22-001
2. Ordinance No. 4252
3. ZTA No. 22-001 Legislative Draft
4. April 12, 2022 Planning Commission Staff Report
5. PowerPoint Presentation