

February 10, 2004

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
February 17, 2004**

**SUBJECT: APPEAL OF DIRECTOR'S DECISION – STAIRWAY ENCROACHMENT FOR  
PROPOSED ROOFTOP DECK AT 516 BAYVIEW DRIVE**

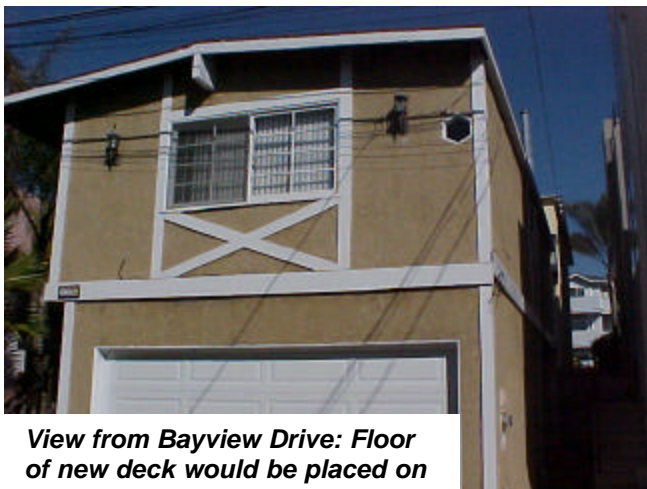
**Recommendation:**

That the Planning Commission direct staff by minute order as deemed appropriate.

**Background:**

The property owner is proposing to add a rooftop deck to a single family dwelling located in the R-3 zone. The new roof deck would be accessed by a steel spiral stairway from the second story deck. The new stairway would encroach into the required five-foot rear yard by one foot. The applicant's appeal letter is attached.

The following photos of the existing building were taken on February 9:



*View from Bayview Drive: Floor of new deck would be placed on top of the existing roof ridge and approximately 12 feet back from the front eaves.*



*Side view from Bayview Drive: The existing second floor deck is visible through the railing.*



*Side view from Monterey Boulevard: The existing second floor deck can be seen behind wall of house in front.*

**Analysis:**

Section 17.46.070 regulates architectural encroachments into required yards. The section states:

“Required yard areas shall be unobstructed from ground to sky except specifically allowed as follows:

“A. Cornices, eaves, belt courses, sills and buttresses may encroach into any required yard area not more than thirty (30) inches, provided that in no case may such encroachments be closer than thirty (30) inches to any lot line.

“B. Bay windows, greenhouse windows and similar windows which are no wider than eight feet, spaced a minimum of ten feet apart, and which do not create additional floor area may encroach to within three feet of the side or rear lot line, and thirty (30) inches from the front lot line, but in no case shall the depth of such windows be more than thirty (30) inches.

“C. Pilasters, columns and chases for mechanical equipment which have a depth of six inches or less, a width of one foot or less, may encroach, but in no case shall such encroachment be closer than thirty (30) inches to the lot line.

“D. Encroachments into required yards not listed above which are determined to be architectural projections by the Planning Commission shall be a minimum of ten feet apart.”

None of the above architectural projections include stairways. However, the Planning Commission is empowered by Paragraph D to add architectural projections to the list where it deems justified. As the applicant states in his letter, “architectural projection” is not defined in the Zoning Code. Therefore, it is a matter of Commission judgment as to whether a stairway qualifies as such.

Section 17.46.110 specifically addresses the issue of stairway encroachment into yard areas:

“A. Side Yards: Uncovered, solid concrete stair landing and stairs on grade which are not over four feet to the highest point from the natural, existing or finished grade, whichever is the lesser height, and do not extend above the level of the first floor of the building may extend or project into any required side yard. In order that such structure shall not obstruct any pedestrian way on the ground level, the stairs shall extend from the stair landings in both directions.

“B. Front Yards: An unenclosed stairway or uncovered steps leading from grade to the first floor level may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three feet to the front property line.”

Encroachments into rear yards are not included in the above-allowed encroachments.

Section 17.46.090 allows the encroachment of fire escapes into yard areas:

“Fire escapes may encroach into yards thirty (30) inches provided that in no case such encroachment is closer than thirty (30) inches to the lot line.”

The applicant makes the case that the new stairway should qualify as a fire escape. However, this is arguable because the stairway would be the required egress from the roof deck and would extend only to the second floor and not to the ground.

Staff believes that the proposed stairway does not qualify for any of the allowed encroachments referred to above. Moreover, it should be possible to comply with the Code’s setback requirements by, for example, making a small inset into the existing wall of the family room.

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Sol Blumenfeld, Director  
Community Development Department

Attachments:

1. Correspondance
2. Plans

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