

November 8, 2004

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

**Regular Meeting of  
November 16, 2004**

SUBJECT: APPEAL OF DIRECTOR'S DECISION REGARDING THE GRADE USED FOR  
HEIGHT MEASUREMENT.

LOCATION: 226 34<sup>TH</sup> STREET

APPLICANT: MIKE CLELAND

**Recommendation**

To direct staff as deemed appropriate by minute order, from the following alternatives:

1. Determine the property to be a regularly sloping lot and interpolate the grade from the corner points only; or
2. Determine the property to be a convex sloping lot along the western side property line and interpolate from intermediate points on the top of the slope, and that the retaining wall along the southerly property line represents unaltered grade and interpolate from the top of wall elevations.

**Background**

The subject lot is located on the south side of 34<sup>th</sup> Street between Manhattan Avenue and Highland Drive. The lot is zoned R-2 with a height limit of 30-feet, and can be developed with one dwelling unit. The lot has a small retaining wall along the front property line. The lot, along the eastern property line, is relatively flat for the majority of the lot from where it fronts on the street, and then drops down from the top of the retaining wall (3.41 feet at the southwest property corner to 1.92 feet at the southeast corner of the retaining wall) along the south property line to the alley pavement below. Along the western property line, like the properties to the west of the subject property, the lot has a steep initial slope from the front of the lot then, levels out until it drops down from the top of the retaining wall to the alley pavement below. The street profile map for 34<sup>th</sup> Street and 34<sup>th</sup> Place (Profile Map #2406) shows that the grades along the south side of 34<sup>th</sup> Street (for 180 feet from Manhattan Avenue towards Highland Avenue) and the north side of 34<sup>th</sup> Place (along the entire alley from Manhattan Avenue to Highland Avenue) were both cut, though more significantly along the alley, when the thoroughfares were originally paved. Thus, the grade at the rear of the lot appears to have been cut significantly when the alley was originally paved, and the grade at the top of the retaining wall along the south property line appears to represent unaltered grade. Also, because the lot is currently undeveloped, the natural grade conditions are clearly visible.

**Analysis**

Pursuant to the definition of building height, as set forth in Section 17.04.040 of the Zoning Ordinance, and the method of determining building height, as set forth in Section 17.46.015, the grade used for the height measurements is based on the surveyed elevations points at the property corners. The method for determining building height, however, also allows

consideration of other points for lots where there is significant variation in elevations between adjacent grades at corner points, the point of measurement shall be established based on the elevation at the nearest public improvement or an alternative point within 3 horizontal feet which, based on supporting evidence, represents existing unaltered grade. In cases where the datum for height measurement is disputed, the final determination of the grade may be referred to the Planning Commission.

The applicant is requesting consideration of a cut slope situation, and is proposing alternative points at the top of the retaining wall along the south property line as the basis for measuring height rather than the southerly corner points. Also, the applicant is proposing the use of an alternative point at the top of the slope on the western side of the lot instead of using the northwestern corner point. Though no plans are currently proposed, using the alternative height points will allow the construction of a single-family dwelling on the flat portion of the lot. If a standard straight-line interpolation from the corner points were used, the construction of the dwelling would not be possible unless the building is lowered into the grade. Also, if a standard straight-line interpolation is used instead of the alternative point at the top of the convex slope condition along the western property line, then any proposed dwelling would also need to be built at a grade that is lower than the comparable grade of the westerly adjacent property.

The applicant's request appears to be reasonable given the existing condition of the lot and surrounding terrain. The attached photos of the property and surroundings indicate that the grade of the lot is relatively flat along the eastern property line, and has a steep initial slope from the front and then levels out along the western property line, before it drops down at the rear portion of the lot. This condition appears to be a cut grade condition with the top of wall elevations of the existing retaining wall at the rear of the lot appearing to be the natural grade.

CONCUR:

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Scott Lunceford  
Associate Planner

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Property Survey and Slope Elevations
2. Photos

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