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P.C. RESOLUTION 05-8

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR AN R-1 PLANNING DEVELOPMENT TO MODIFY THE RETAINING WALL AND LANDSCAPING AREAS AT THE REAR OF THE RESIDENCES AT 1911, 1921, 1931, AND 1941 POWER STREET

Section 1. An application was jointly filed by the property owners, Tom and Lory Polich, Bryn Stroyke, David Hill, and Ron Goodlin seeking an amendment to allow modifications to the retaining wall and landscaping areas located to rear of and to the west of the existing residences originally constructed in accordance with a Conditional Use Permit for and R-1 Planned Development granted in 1997.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application to amend the Conditional Use Permit on February 15, 2005, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. In May 1997 the City Council concurred with the Planning Commission and approved the subdivision and C.U.P. for an R-1 Planned Development consisting of four single-family lots, and a private street. The project was specific regarding the low profile retaining and landscaping improvements to stabilize the slope.

2. The project approval was also very specific regarding drainage improvements since the project replaced a largely undeveloped 1.3 acre site located at one of the lowest points in the Valley Park area.

3. In 1998, the Planning Commission approved an amendment (P.C. Resolution 98-11) to the drainage plan allowing the developer to connect the detained storm water flows directly into the existing L.A. County storm drain under Valley Park Avenue, through an underground pipe. This was a preferable as it allows the storm water to gravity flow directly into the storm drain, and bypass the public streets, and eliminated the need for pumping. This amendment did not eliminate the need for the on-site detention pipes incorporated into the project, which were designed to keep discharge rates into the County storm drain below pre-development levels. There have been no reported problems relating to drainage since the project was constructed.

4. All the lots have developed with single family homes pursuant to the approved plans, and are owned by four separate property owners who are party to the proposed amendment in an effort to increase the amount of flat and usable rear yard areas.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application to amend the Conditional Use Permit:

1. The proposed modifications will be consistent with the original R-1 Planned Development, and will not substantially alter the project.

2. The project is very low density, and with the changes will continue to be compatible with surrounding residential areas that are zoned R-1.

1 3. The imposition of conditions as required by this resolution will ensure that the
2 construction of the retaining wall will be in accordance with the Uniform Building Code, and
3 will occur with a full evaluation of slope and soil conditions, and will be designed by an
4 engineer who will verify that the construction will not effect properties up the slope.

5 4. The proposed construction and addition of impervious surface areas have been
6 evaluated for the potential impact on the existing drainage and storm water detention system,
7 and based on the plans submitted, and the findings of the applicant's hydrology study, will not
8 impact these facilities.

9 5. This project is Categorically Exempt pursuant to 15301, Class 1 of the California
10 Environmental Quality Act Guidelines, minor alterations to existing private structures.

11 Section 5. Based on the foregoing, the Planning Commission hereby approves the
12 requested amendments to the Conditional Use Permit, subject to the following **Conditions of**
13 **Approval**, which supplement the conditions contained in the original approval for the project as
14 contained in P.C. Resolution 98-11.

- 15 **1. The proposed amendment to the retaining wall, and the subsequent**
16 **development of landscaping and rear yard improvements shall be consistent**
17 **with submitted plans, received and reviewed by the Commission at their**
18 **meeting of February 15, 2005.**
- 19 **2. Final construction plans, including site plans, grading plans, and**
20 **landscaping plans, which are consistent with the conditions of approval of**
21 **this conditional use permit, shall be reviewed and approved by the Planning**
22 **Division prior to issuance of building permits.**
- 23 **3. A final grading plan shall be provided prior to the issuance of permits for the**
24 **retaining wall with detailed calculation for soil and debris removal, and a plan**
25 **for hauling the soil and debris out of the neighborhood with minimum impact on**
26 **the neighborhood.**
- 27 **4. A sediment and erosion control plan including best management practices to**
28 **protect water quality shall be provided prior to the issuance of building permits.**
- 29 **5. Final plans shall include detailed geotechnical studies, detailed engineering and**
shoring plans, including calculations to verify the stability of the slope during
and after construction, and detailing the method for shoring at each lot relative
to existing built conditions.
- 6. The design and future use and maintenance of the project drainage devices and**
detention facility shall comply with the requirements of the Public Works
Department, and shall specifically incorporate the recommendations contained
in the attached memorandum, incorporated herein by reference, dated February
15, 2005, from Rick Morgan P.E. Director of Public Works, regarding a de-
silting chamber, cleaning and maintenance of the detention facility and de-silting
chamber.
- 7. Overall site plan shall include details (i.e.direction of drainage flows, catchment**
areas, drainage pipes) to show coordinated drainage among four lots and

1 drainage to the detention system, and including drainage behind retaining (i.e. v-
2 ditch, swale, etc.).

3 **8. Overall plan shall clearly indicate wall heights and finished grades to verify that**
4 **the height of the wall will be adjusted to follow the natural contours of the**
5 **hillside.**

6 **9. Retaining wall plan shall show the footing size and design and provide an**
7 **accurate depiction of retaining wall height and footing conditions with**
8 **proposed hardscape and landscape in each lot.**

9 **10. Final approval of project plans is subject to independent review of the plan by**
10 **a geotechnical engineer.**

11 **11. The homeowners association shall maintain a separate agreement with the**
12 **City, subject to approval of the City Attorney, to indemnify and hold harmless**
13 **the City from any liability associated with the design and construction, use, of**
14 **the retaining wall and drainage devices on the property.**

15 Section 6. This grant shall not be effective for any purposes until the permittee and the
16 owners of the property involved have filed a the office of the Planning Division of the Community
17 Development Department their affidavits stating that they are aware of, and agree to accept, all of
18 the conditions of this grant.

19 The Conditional Use Permit Amendment shall be recorded, and proof of recordation shall
20 be submitted to the Community Development Department prior to the issuance of a building
21 permit.

22 Each of the above conditions is separately enforced, and if one of the conditions of
23 approval is found to be invalid by a court of law, all the other conditions shall remain valid and
24 enforceable.

25 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
26 employees from any claim, action, or proceeding against the City or its agents, officers, or
27 employee to attack, set aside, void or annul this permit approval, which action is brought within
28 the applicable time period of Government Code Section 65907. The City shall promptly notify
29 the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense.
If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City
fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,
indemnify, or hold harmless the City.

The permittee shall reimburse the City for any court and attorney's fees which the City
may be required to pay as a result of any claim or action brought against the City because of this
grant. Although the permittee is the real party in interest in an action, the City may, at its sole
discretion, participate at its own expense in the defense of the action, but such participation shall
not relieve the permittee of any obligation under this condition.

The subject property shall be developed, maintained and operated in full compliance with
the conditions of this grant and any law, statute, ordinance or other regulation applicable to any

1 development or activity on the subject property. Failure of the permittee to cease any
2 development or activity not in full compliance shall be a violation of these conditions.

3 The Planning Commission may review this Conditional Use Permit and may amend the
4 subject conditions or impose any new conditions if deemed necessary to mitigate detrimental
5 effects on the neighborhood resulting from the subject use.

6 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to
7 the decision of the Planning Commission, after a formal appeal to the City Council, must be made
8 within 90 days after the final decision by the City Council.

9 VOTE: AYES: Allen, Hoffman, Koenig, Perrotti, ,
10 NOES: Pizer
11 ABSENT: None
12 ABSTAIN: None

13 CERTIFICATION

14 I hereby certify the foregoing Resolution P.C. 05-8 is a true and complete record of the action
15 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular
16 meeting of March 15, 2005.

17 _____
18 Sam Perrotti, Chairman

19 _____
20 Sol Blumenfeld, Secretary

21 Date _____

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