April 12, 2005

Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of April 19, 2005

SUBJECT: APPEAL OF DIRECTOR'S DECISION REGARDING THE DRIVEWAY SLOPE ON A TWO-UNIT CONDOMINIUM PROJECT AT 1042 7TH STREET

APPLICANT: BEN AGARWAL

Recommendation

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

1. Approve the alternative driveway design as submitted by the applicant's engineer with sections steeper than allowed by the Zoning Ordinance (Code), but with more frequent transitions (grade breaks) to provide an equivalency to the Code to prevent a car from scraping the surface (subject to recording of a hold harmless agreement with the City); or,
2. Deny the alternative design, thus requiring modification of the first floor overhang, and reconstruction of the driveway.

Background

Section 17.44.120(D) of the Code establishes the maximum slope requirements for driveways. The maximum slope is 20%, provided that any ramp slope in excess of the 12.5% includes transitions on each side with a minimum length of 8-feet, with a slope of one-half the maximum slope. For example, this would mean that a 20% slope would require a transition of 10% for a length of 8-feet on each side. The attached diagram is included in the Code. The required minimum clearance for an entranceway to a garage is 6'8".

The subject project is a two-unit condominium project with a sloped driveway along the west side to access the subterranean garages below the grade level of the street. The sloped driveway is located under part of the first floor that overhangs the driveway. The plan was approved with a 9% driveway slope, and since that was less than the maximum allowed slope of 12.5 %, no transitions were required or specified on the plan. Building permits for the two buildings were issued in August, 2003.

In the middle of 2004, after the framing was completed and the driveway was first poured, the building inspector for the project notified the contractor that a correction was needed to the upper-middle portion of the driveway as it was too steep and clearly exceeded the percentage as indicated on the plans. The steeper slope from the top, however, was necessary for the driveway to be 6'8" clear from the first floor where it overhangs into the driveway. This overhang occurs 17'7" back from the top of the driveway at the front property line. This overhang, therefore, precluded, the possibility of an easy solution of using a more uniform grade as shown on the approved plans, unless part of the first floor overhanging structure was removed or reconstructed to provide greater clearance.

Staff has since worked with the applicant to find a reasonable solution to this problem, and provided the following options:

- Provide an alternative slope design from a civil engineer that provides equivalency with the City's slope requirement, and file an appeal to the Planning Commission
- Utilize a historical easement (dated 1960) with the adjacent property, subject to City Attorney approval to use part of the adjoining property to access the garage (thus avoiding the first floor overhang).
- Reconstruct a portion of the first floor to raise the floor level that overhangs the driveway, and reconstruct the driveway slope in a manner to meet the slope and clearance requirements.

Analysis

The applicant is requesting consideration of the first option, an alternative driveway design that provides more frequent transitions than allowed by the Code, but is equivalent to the requirements of the Code. An alternative driveway profile was submitted by the project engineer, and reviewed by a third party consulting engineer. The proposed alternative shows transitions (or grade breaks) of a maximum 10.5% at 4-foot intervals. The 4-foot slope segments increase in steepness, reaching the steepest slope segment of nearly 30%, then decreases back to level. According to the consulting engineer, the alternative design works to prevent vehicles from scraping the surface, and is consistent with the City of Redondo Beach's ground clearance standard for a "ramp breakover angle" which is 6 degrees or 10.5%. The City's Public Works Director has also reviewed this alternative design, and agrees that it will be drivable for most vehicles, but notes that certain lower clearance vehicles (like sports cars) or very long vehicles may experience difficulty with this driveway.

The steeper slope at the upper half of the driveway is necessary because of the first floor overhang. If the driveway slope were constructed in accordance with the maximum 20% with an 8-foot transition at 10%, the clearance to the first floor overhang would be about 1-foot lower than the minimum. The problem is a result of a faulty design in the original plans, and an unapproved field correction when the driveway was poured in order to meet the clearance requirement.

When the developer pursued the option of using the easement and notified the adjacent property owner of his intent, the City received a complaint from the adjoining property owner that this easement had been terminated. The adjoining property owner has provided evidence that the easement was terminated in 1990. The City Attorney found that there was not enough evidence submitted by the developer to demonstrate conclusively that the 1960 easement was still in effect, and he suggested that the developer either come to an agreement with the neighbor or settle the matter of the easement in court. Given that there is a dispute over the validity of this easement, the City does not consider this to be a viable option.

Staff recommends that if the Commission approves this alternative design, that a hold harmless agreement be recorded with the property, to hold the City harmless from any claims of damage that may result from this alternative driveway design, and that the developer notifies any buyers of their responsibilities under this agreement.

Ken Robertson
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Alternative Driveway Profiles and Engineers analysis