

May 9, 2006

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

**Regular Meeting of
May 16, 2006**

SUBJECT: APPEAL OF DIRECTOR'S DECISION AND CONFIRM ALTERNATE CORNER POINT ELEVATIONS AND A HEIGHT MEASUREMENT BASED ON A CONVEX SLOPING LOT

LOCATION: 1147 7TH STREET

APPLICANT: GEORGE MARTINS

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. Use alternate points that best represent unaltered grade (i.e. determine the property to be a cut condition along the street, and a convex sloping lot) and base the height measurement from the following points:
 - The top of the retaining wall in the front yard at the *Southwest* property corner;
 - Half the difference between the corner point elevation and the adjacent retaining wall at the *Northwest* corner
 - The actual corner points and an intermediate point on the top of the slope along the *East* property line.

Background

The subject lot is located on the north side of 7th Street east of Prospect Avenue. The property is a 50-foot wide lot and is zoned R-1 with a height limit of 25-feet. The lot, like others along the north side of this block at the crest of the hill is on an east to west downward incline (sloping from side to side) and contains a retaining wall along the sidewalk while sloping gently from the street frontage for the front third of the and levels out towards the rear of the lot. The property also contains another retaining wall in the rear of the property so that the rear 7-feet of the lot is stepped up about 4 feet higher than the majority of the back yard.

Analysis

Pursuant to the definition of building height and grade, 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 where there is significant variation between adjacent grades at the corner points and allows for consideration of other points along the property line for lots with "convex" contours. In these situations, the corner point elevation can be an alternate point within three feet that best represents unaltered grade or in the absence of supporting evidence one-half the difference between adjacent grades. Also the grade of a lot may be based on alternate points along the property line in convex slope conditions. In cases where the datum for height measurement is disputed, the final determination of the grade is referred to the Planning Commission.

The applicant is requesting consideration of alternate points at the southwest property corner at the top of the retaining wall (which is only inches away from the property corner), at the northwest corner at the top of the retaining/planter wall, and an intermediate point at the top of the bank along the east property line where the property levels out. No other properties on this block have requested convex slope or alternative corner point determinations. The dwelling immediately to the west was constructed in 2000, and maximum building height was calculated with a standard straight-line interpolation method between the front and rear property corners.

The applicant's request appears to be reasonable with respect to the southwest corner point at the sidewalk, given the existing apparent cut condition of the lot along the street and surrounding terrain. The attached photos of the property and surroundings indicate that the retaining wall is common along this section of the block, representing a likely cut condition. At the northwest corner, however, it is not as apparent since the applicant desires to use the top of a retaining wall that protects a planter area. Given that grades vary between the corner point, the planter level and adjacent property to the north and west, there is no common reference point or supporting evidence to support which best represents unaltered grade. Therefore, pursuant to the Zoning Ordinance, staff recommends that at the northwest corner that one-half the difference between adjacent grades be used (one-half the difference between 109.89 and 113.05 equals 111.69)

Though staff believes a convex condition exists it is not very pronounced, and the topographic profile shows that it only clearly exists along the east property line. Therefore, staff recommends recognition of a convex condition only along the easterly property line. The property like others on this section of the block located near the crest of 7th Street slope up in the front third of the lot before leveling off in the rear portion of the lot. This condition appears to be a convex slope condition along the easterly property line (see survey and topographic profile).

In summary, staff believes that at the southwest corner the top of the retaining wall best represents unaltered grade and that at the northwest corner point the elevation should be based on one-half the difference between adjacent grades. The convex condition only applies along the east property line and the datum should be taken at the apex of the convex contour at elevation at 106.0.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Property survey with topographic profile
2. Photos
- 3.

1147 7th Street



Southwest Corner



Northwest Corner

