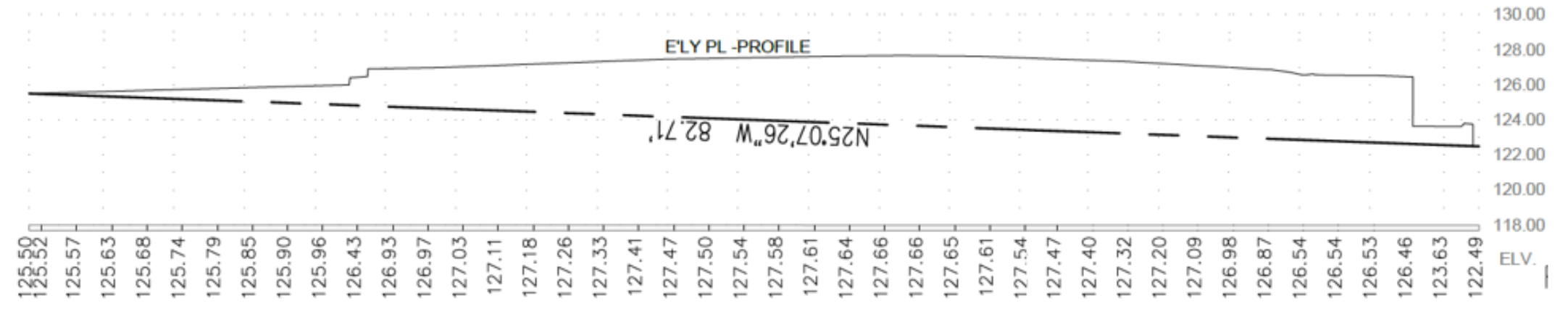
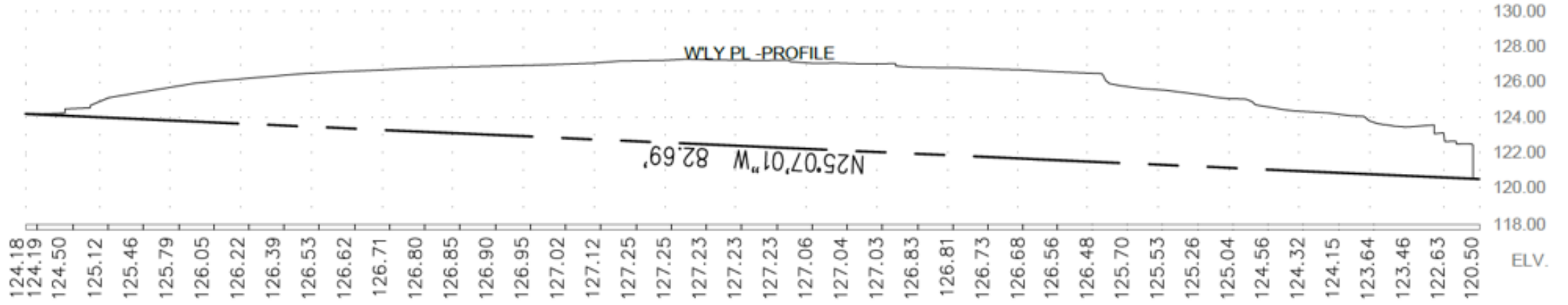


HBMC Section 17.04.040

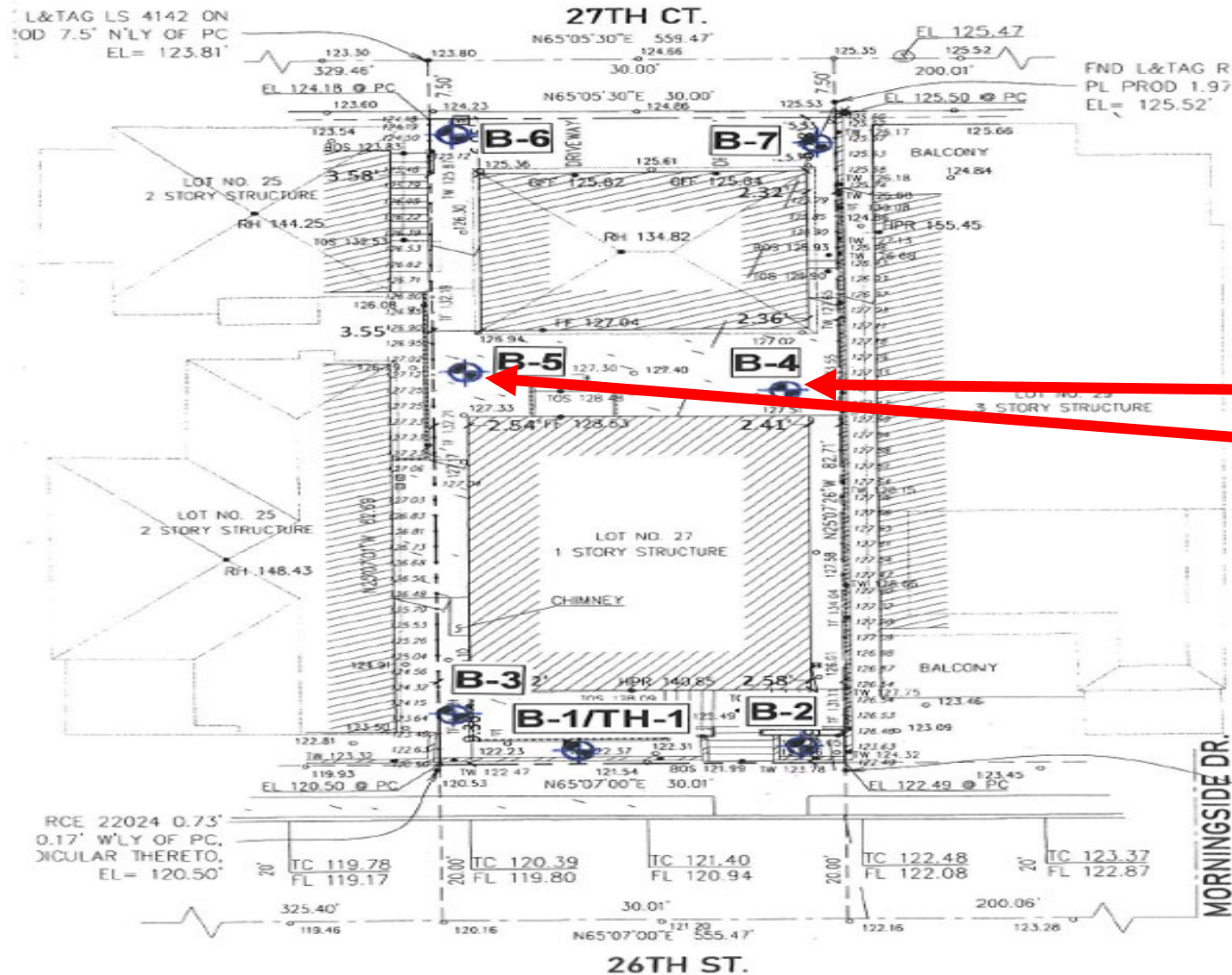
For lots with convex contours (where the ground level arches upward along a property line), the "grade" of a lot may be based on a detailed topographical survey along the property line with spot elevations called out at a minimum of two (2) foot intervals.

333 26th St. Topographical Survey

A Classic Convex Arch Slope Along Property Line



333 26th St. Soils Report



Depth of Fill Soil

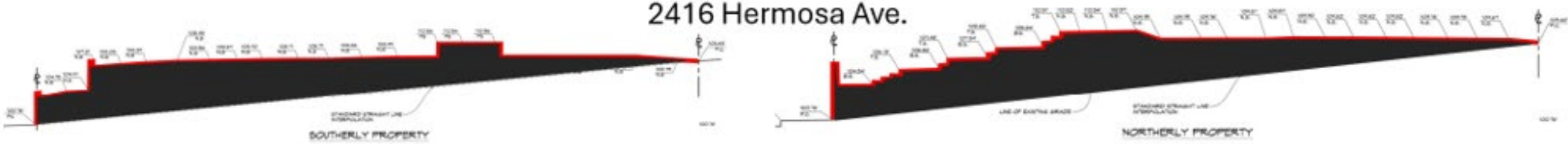
B-1	1.5'
B-2	2.0'
B-3	2.5'
B-4	0.5'
B-5	0.5'
B-6	1.5'
B-7	1.0'

The City's Precedent for Convex Slope Determination (CSD) Analysis

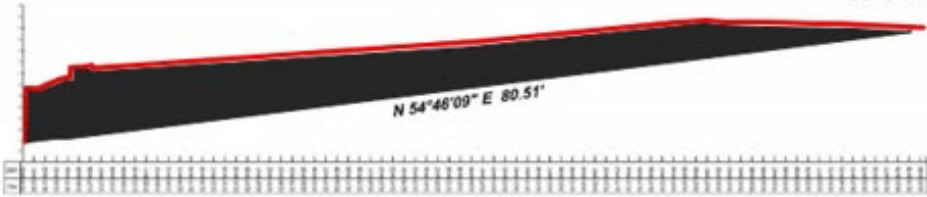
- Based on these 2 documents, the Appellant requested:
 - the City find that convex slope did exist on this lot, and
 - elevations on the property lines be used as the grade of the lot, less .5' to account for the fill soil
- This two-step analysis has been the basis for convex lot determinations for **at least 15 years**

Additional CSD Lot Examples

2416 Hermosa Ave.



NLY PL - PROFILE



2464 Hermosa Ave.

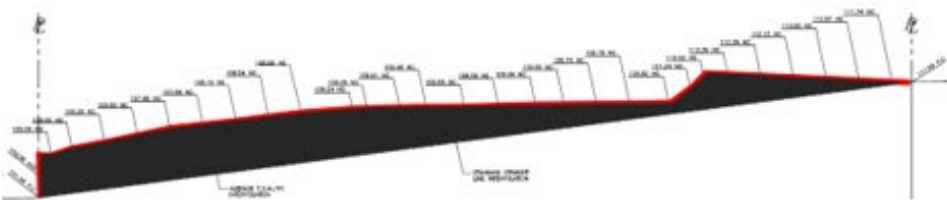
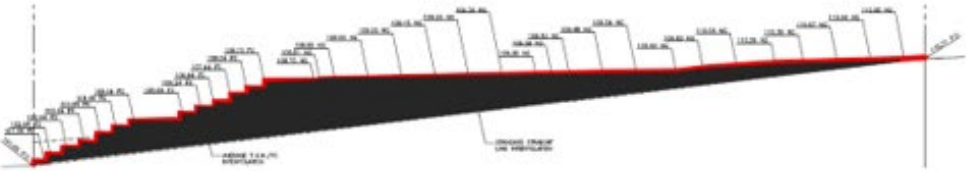
S'LY PL - PROFILE



3232 Hermosa Ave.

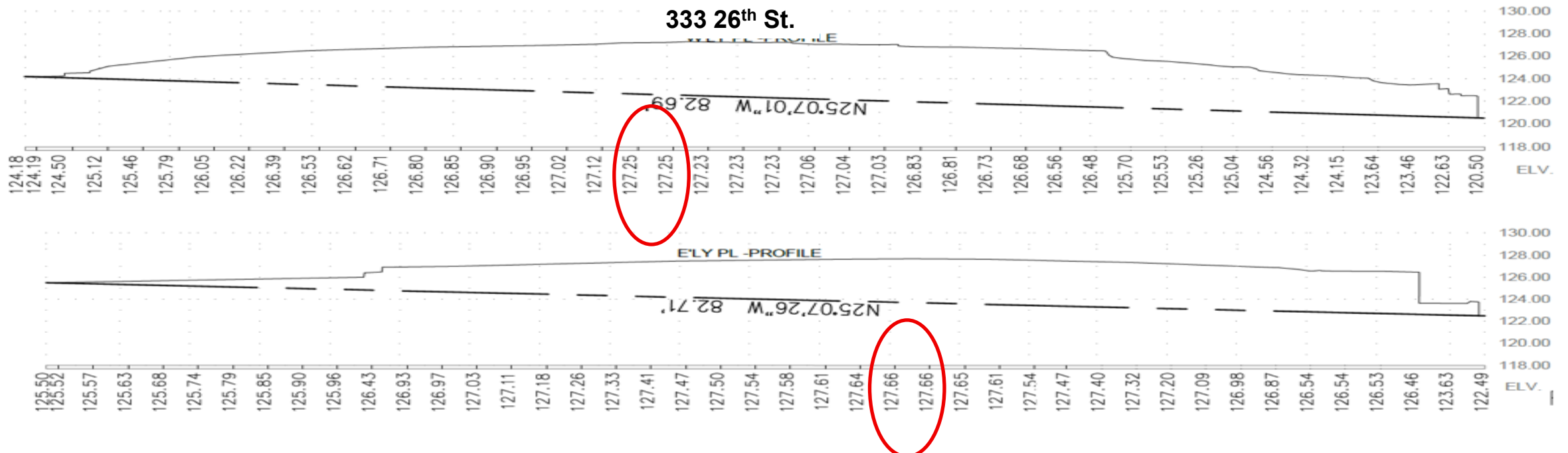


2434 Hermosa Ave.



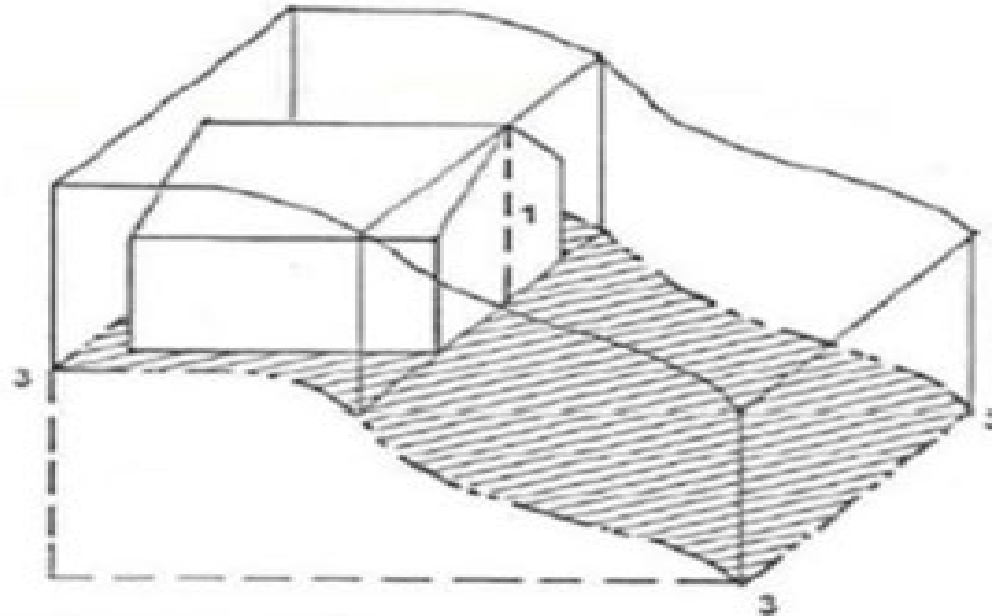
The City Director's Denial of Convex Slope

- Director's denial based on 2 grounds:
 - Lack of "an arch or rise along a property line"
 - Slope would be graded away during construction
- No consideration of the Appellant's soils report

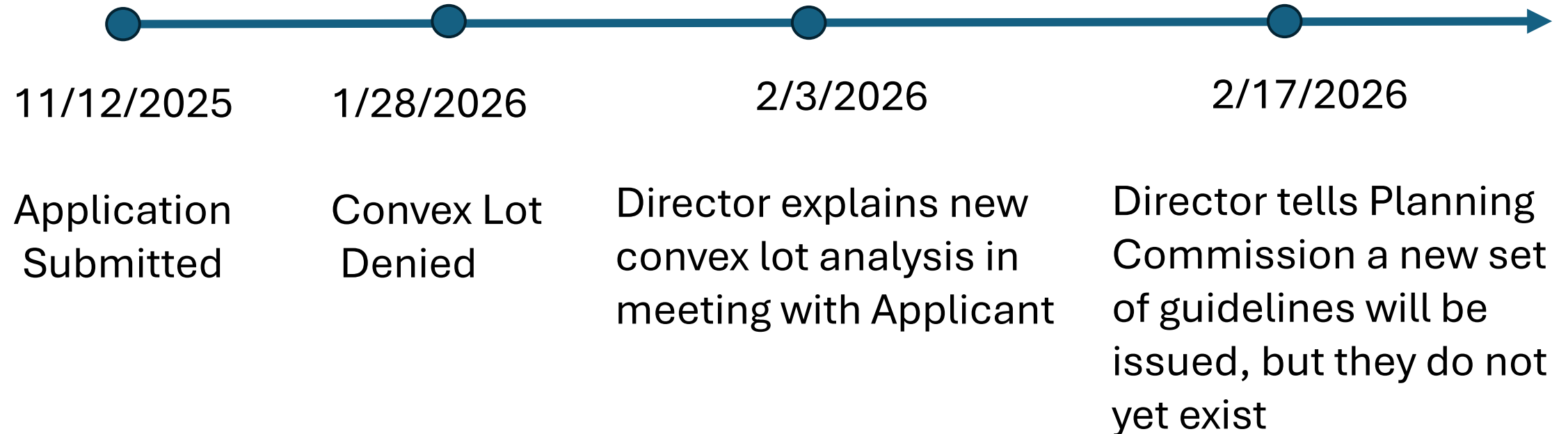


The City Director's Denial of Convex Slope (cont.)

- Director denied because lot does not resemble the below diagram
- The Director/Staff presented *proposed* interpretation in the February Planning Commission meeting used on Appellant's denial, which is intended for *future applicants*



Timeline from Application Submittal



Appeal Summary

- Our position: until the City provides new written standards on convex slope determinations, the convexity analysis used in past cases applies
 - by the slope along a property line, not solely at the rear of the lot, and
 - not only when it matches the diagram relied upon by the Director, which is not part of the Code
- Director's denial on the ground that a lot can be graded flat or concave is not consistent with the language or intent of the Code
 - If the lot *post-grading* were a factor in a convex determination, no lot would be convex since any lot can be graded flat
 - Under the Director's approach, the required the topographical survey and soils report would not be needed
- To accept the Director's reasoning is to read the convex slope provision out of the code
- The subject lot clearly meets the convex lot standard under municipal code