

**City of Hermosa Beach**  
**P.C. Resolution 23-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DETERMINING THE PROPERTY IS A CONVEX SLOPING LOT AND MAY USE ALTERNATE SPOT ELEVATIONS FOR THE PROPOSES OF CALCULATING BUILDING HEIGHT ALONG THE EAST AND WEST PROPERTY LINES AT 712 MARLITA PLACE, AND FIND THAT THE DETERMINATION IS NOT A PROJECT AND IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

**WHEREAS**, an application was filed on September 20, 2023 by the property owner, seeking determination that the property is a convex sloping lot and may use alternate spot elevations along the east and west property lines for the purposes of calculating building height.

**WHEREAS**, Hermosa Beach Municipal Code (HBMC) Sections 17.04.040 and 17.46.015 provide the definitions of 'building height' and 'grade' and establish the "by-right/straight line interpolation" method for calculating building height. The grade used for height measurements is based on surveyed elevation points at the property corners.

**WHEREAS**, City Code allows the consideration of alternate spot elevation points along the property lines for lots with "convex" contours (where the grade level arches upward along the property line). In these situations, the grade of a lot may be based on a detailed topographical survey along the property lines with spot elevations called out at a minimum of two-foot intervals in addition to property corner points. A determination that a convex slope exists allows use of alternate spot elevation points for calculating building height, if the evidence supports that grades at the top of the convex slope represent natural or unaltered grades, as determined by the Planning Commission.

**WHEREAS**, the Planning Commission conducted a public meeting to consider the subject application on October 17, 2023, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

**WHEREAS**, the determination is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a), because the convex sloping lot determination will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The Planning Commission determines that the topographic survey and soils report provide evidence that the rolling hill slope is a natural occurrence, and a convex condition exists on the subject property. Due to the points of convexity on the subject lot being near man-made structures such as the building foundation, the natural grades along the east and west property lines are best represented by the surveyed alternate points excluding fill soils. Therefore, the Planning Commission approves use of the alternate points along the east and west property lines, excluding fill soil, to be used for purposes of measuring building height.

**Section 2.** Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after exhaustion of any available administrative remedies, must be made within 90 days after the final decision by the City. The Hermosa Beach City Council may on its own initiative review all actions of the Planning Commission. If the City Council does not initiate review of this decision as set forth in Hermosa Beach Municipal Code Section 2.52.040, this decision will become final.

VOTE:           AYES:  
                      NOES:  
                      ABSTAIN:  
                      ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 23-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of October 17, 2023.

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Peter Hoffman, Chair

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Carrie Tai, Secretary

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October 17, 2023

Date