

RESOLUTION B.A. 256

A RESOLUTION OF THE BOARD OF APPEALS OF THE CITY OF HERMOSA BEACH, FINDING THAT AN APPEAL PERTAINING TO A WOOD WALL APPROXIMATELY 24" – 27" IN HEIGHT, LOCATED BETWEEN 627 AND 633 2ND STREET, IS NOT WITHIN THE JURISDICTION OF THE BOARD

The Board of Appeals does hereby resolve and order as follows:

Section 1, An application was filed by Jack Janken, owner of real property located at 627 2nd Street pertaining to a wood wall approximately 24" – 27" in height located between 627 and 633 2nd Street.

Section 2, The Board of Appeals conducted a duly noticed public hearing on January 26, 2004 at which testimony and evidence, both oral and written was presented to and considered by the Board.

Section 3, Based on the evidence received at the public hearing, the Board of Appeals makes the following findings:

1. Ordinance No. 02-1225-U adopts the 2001 Edition of the California Building Code (CBC) incorporating the 1997 Edition of the Uniform Building Code (UBC) with certain amendments as the Building Code of the City of Hermosa Beach.
2. Chapter 1 of the 1997 Edition of the UBC and the 2001 Edition of the CBC contain the administrative provisions of the City's Building Code.
3. The administrative provisions found in Chapter 1 of the City's Building Code set out requirements for permits, plans, code enforcement, inspections and establishment of the Board of Appeals.
4. Chapter 1, Section 105.2 – Limitations of Authority -- in the City's Building Code provides that the Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Code nor shall the Board be empowered to waive the requirements of the Code.
5. Chapter 1, Section 106.2 – Work Exempt from Permit- in the City's Building Code provides that a building permit shall not be required for retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
6. The subject wood wall was constructed by Jeff Curdes, property owner of 633 2nd Street to check erosion and sloughing of soil from the property.
7. The wood wall varies in height from 24" – 27" as measured from the original property grade and is less than 48" in height measured from the bottom of the footing to the top of the wall.
8. The wood wall is not supporting a surcharge or impounding flammable liquids.
9. The wood wall does not require a grading permit since there was an insignificant amount of grading in the construction of the wall and no danger to public or private property resulting from the grading.

10. Since a grading permit is not required in the construction of the wood wall, a grading plan is not required.
11. The wood wall is less than 48" in height and exempt from the requirement for a building permit and does not require a grading permit or a grading plan.

Section 4. Based on the foregoing, the Board of Appeals hereby finds that the subject wood wall is not regulated by the City's Building Code and is not within the jurisdiction of the Board.

The forgoing resolution was adopted by the Board of Appeals of the City of Hermosa Beach at a regular meeting held on January 26, 2004 by the following vote.

AYES:	Board Members: Peha, Ludwig, Lininger, Murray and Chairman Garrett
NOES:	None
ABSTAIN:	None
ABSENT:	None

CERTIFICATION

I hereby certify that the foregoing Resolution, B.A. 256 was adopted by the Board of Appeals of the City of Hermosa Beach at a regular meeting held on the 26th day of January 2004.

David Garrett, Chairman

Sol Blumenfeld, Secretary

Date