



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

**LOCATION: 333 26TH STREET**

**ADOPT A RESOLUTION UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION DENYING A REQUEST FOR A CONVEX SLOPE DETERMINATION (CSD25-04) AT 333 26TH STREET**

**CEQA:** Determine this is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 21065  
(Assistant Planner DeDe Tran)

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**Recommended Action:**

Staff recommends Planning Commission:

1. Determine this is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 21065; and
2. Adopt a resolution upholding the Community Development Director's Determination denying a request for a Convex Lot Determination at 333 26th Street in the Two-Family Residential Zone (**Attachment 1**).

**Executive Summary:**

The Appellant, Brandon Straus, on behalf of the property owners, submitted an appeal of the Community Development Director's decision to deny a request for a convex slope determination (CSD25-04) at 333 26th Street.

As outlined in this report, the Community Development Director ("Director") determined that, based on the available evidence submitted for this property, it does not support a convex slope determination. Therefore, staff recommends that the Planning Commission deny the appeal and adopt a Resolution upholding the Director's Determination.

**Background:**

The subject site is located at 333 26th Street in the Two-Family Residential Zone and is developed with an existing single-family home constructed in 1925. The applicant intends to redevelop the site and filed an application for a Convex Slope Determination (CSD25-04) on December 2, 2025 (**Attachment 2**).

Hermosa Beach Municipal Code Section 17.04.040 "General Definitions – Grade" states that the grade is any point on a lot based on existing corner point elevations. Building height is measured at the highest point of the building from the corresponding point on

grade, which is interpolated from the corner points of the lot (as established by a topographical survey). The interpolated line is calculated by subtracting the high corner from the low corner along the length of the property and dividing that number by lot depth. This establishes the slope per foot. This process accommodates most of the lots in the City which are commonly flat or slope uniformly. However, for lots that are exceptional with significant convex contours, HBMC Section 17.04.040 provides that, "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."

HBMC Section 17.04.040 prescribes that the grade determination be made by the Director, based on all available evidence, with any disputes referred to the Planning Commission. An application for a Convex Slope Determination (CSD25-04) was submitted on December 2, 2025 (**Attachment 2**).

On December 29, 2025, staff completed their review of the application materials and in a letter (**Attachment 6**) to the applicant (**Attachment 6**) requested additional information: an interpolated line diagram on both sets of elevations and on the survey, distinguishing lines clearly with a legend. Additionally, staff requested that the applicant provide an additional diagram with the proposed building and critical points including:

- a. Natural Grade Line (excluding fill soils);
- b. Interpolated Line without convex slope determination using existing property corners established in the provided survey.
- c. The Proposed Interpolated line if granted convex slope determination as requested (CSD), making sure to exclude fill soils and indicate how much fill is being excluded at which points
  - i. The difference (measured in feet) between the minimum and maximum difference in the interpolated line without CSD and with CSD

On January 8, 2026, the Director and staff met with the applicant and reviewed the applicant's materials and received clarification on several items. The applicant elected not to provide the additional materials requested for the staff's evaluation convex slope determination.

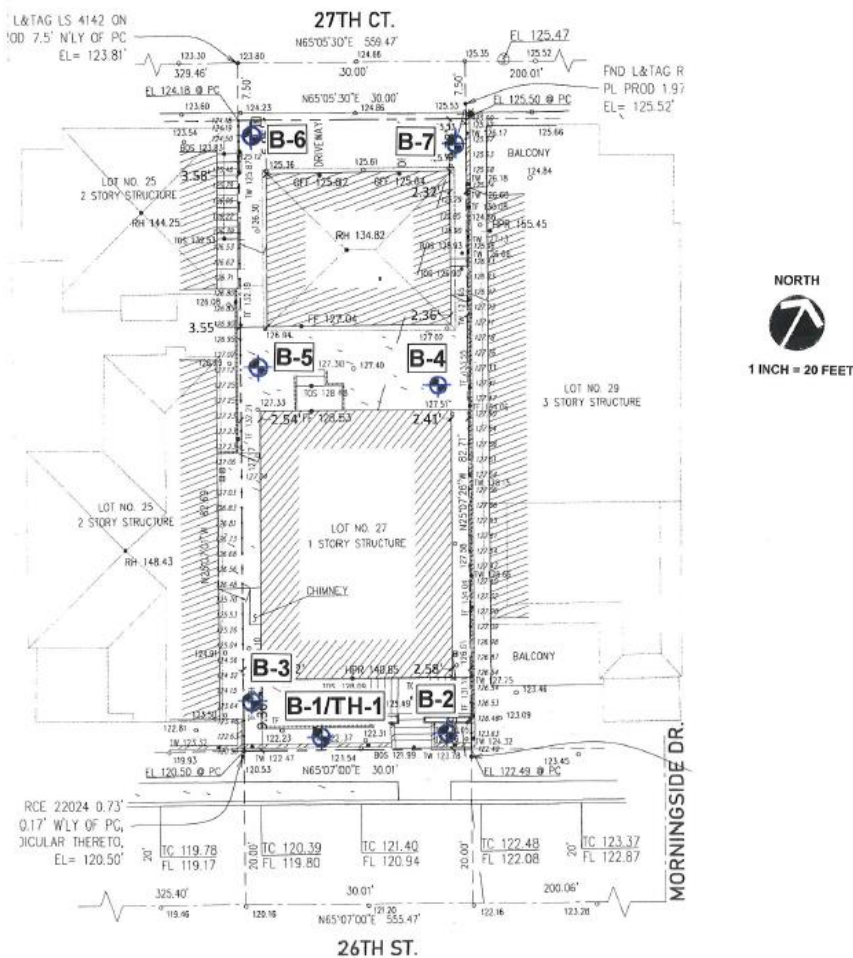
On January 28, 2026, the Director determined that the findings to support a convex slope were not met and issued a denial (**Attachment 7**).

On February 5, 2026, the applicant filed an appeal to the Director's Determination (**Attachment 8**). The Planning Commission's role is to review the evidence and determine if a convex slope determination should be issued.

### **Discussion:**

The application included a survey with two-foot intervals (Attachment 3), and a Soils Report (Attachment 4) with seven boring samples located across the property. The first three borings (B-1/TH-1, B-2, and B-3) are in the southern portion of the lot, along 26th Street at the property corners and about one-third of the way across the lot, closer to the northwest property corner. There are an additional two borings (B-4 and B-5) in approximately the middle of the lot along the property lines, with the final two borings (B-6 and B-7) located at the rear of the lot, close to the property corners, as shown in the submitted geotechnical site plan below, Boring Site Plan Figure 1 found on page 27 of Attachment 4.

Boring Site Plan Figure 1



The property corners have the following elevations per the applicants' submitted survey:

Southwest: 120.50'  
Southeast: 122.49'

Northwest: 124.18'  
Northeast: 125.50'

The Soils Report (**Attachment 4**) also provided the depth of fill soil based on the excavations at the correlating borings (B-1 to B-7) in Appendix A of that report, pages 27-33; with the fill ranging from 0.5 up to 2.5 feet. In the recent past, when convex slope determinations were made in the affirmative, the amount of fill soil was subtracted from the corresponding elevation. In this case the applicant requested a determination that, "the property is a convex sloping lot and that the elevations on the easterly and westerly property lines depicted on the topographical survey -- less 0.5' to account for fill -- be used for the purposes of calculating building height".

The survey below, Two-Foot Interval Survey West, Figure 2 and Two-Foot Interval Survey East Figure 3 (Attachment 3) reflects the spot elevations plotted two-foot intervals along the length of the property, which is 82.7 feet. The bottom line of the survey connects the property corners to each other, while the top curved line is the change in elevation, the total change in elevation is seven feet on the west side (Figure 2) and four feet on the east side (Figure 3).

Figure 2: Two-Foot Interval Survey West

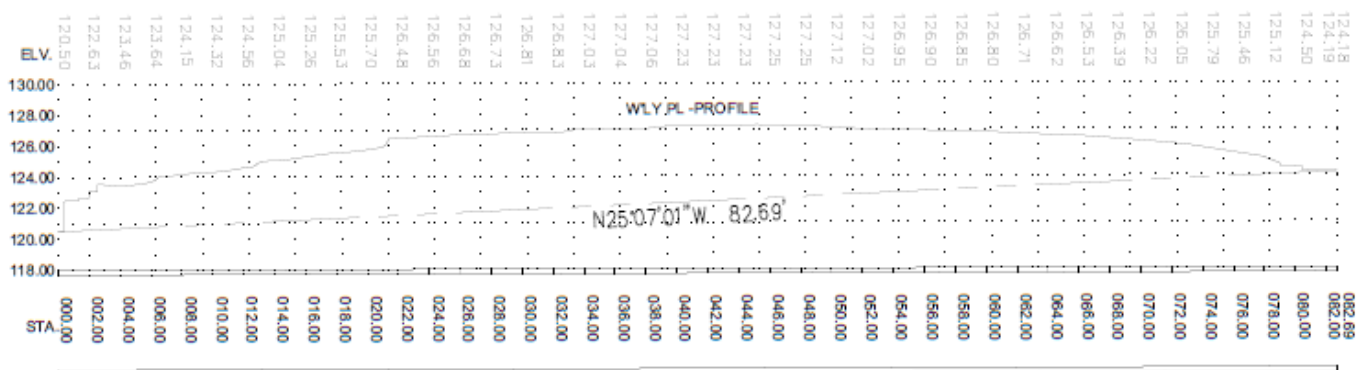
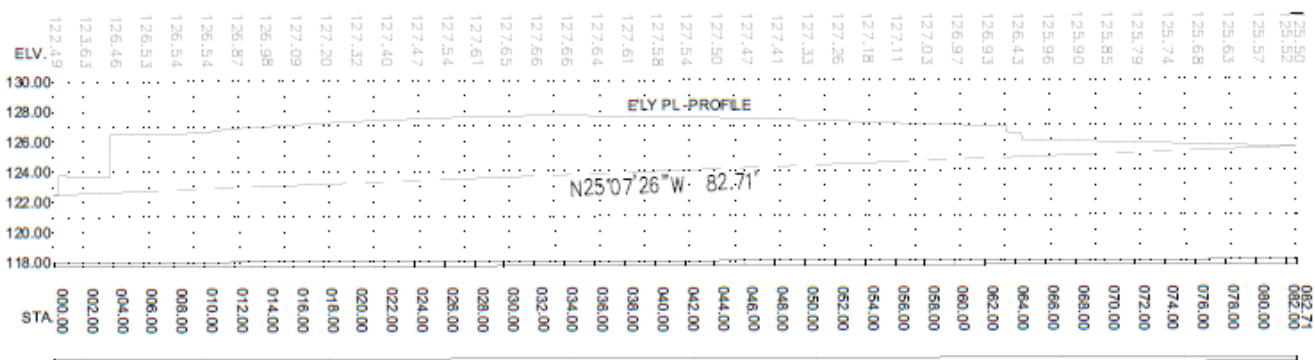


Figure 3: Two-Foot Interval Survey East



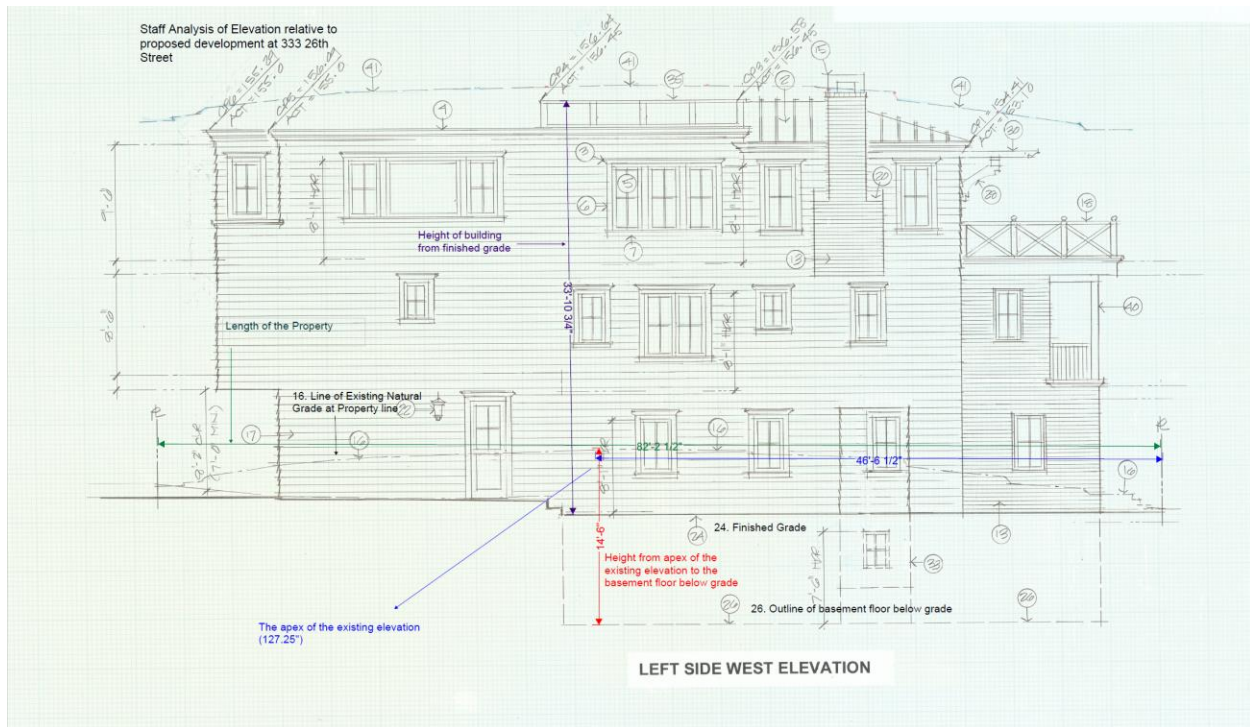
The application also included elevations which depicted a proposed three-story home with a basement and roof deck (**Attachment 5**). In their cover letter (**Attachment 2**, page 3) the applicant requested, “In light of the NorCal Report indicating a 0.5’ fill layer across most of the lot, we request that the elevations on the easterly and westerly property lines depicted on the topographical survey -- less 0.5’ to account for fill -- be used to determine the height limit for the subject lot.” Staff understands the applicant’s request to be corner point elevations raised to 126.66 at the east property corner and 126.25 at the west property corner. This request does not utilize the “multiple-point method” in which grade is determined by additional points along the property line.

The applicant’s survey documents the property corners and shows a grade difference of 3.68 feet (120.5’-124.18’) and on the east side the difference is 3.01 feet (122.49-125.5’). Therefore, the slope ranges from 3.6 to 4.4 percent across the entire length of the lot which is 82.7 linear feet. Generally, staff consider a lot with a slope of about 10 percent or greater to be potentially convex. This 10 percent may be measured on a portion of the lot, each case being reviewed and analyzed on a case-by-case basis and taking into context the proposed development. In the case of the subject site, 333 26<sup>th</sup> Street, there is an increase in elevation with the apex in approximately the middle of the lot, the total rise in elevation from the lowest property point (Southwest: 120.50’) to the top of that ridge is 7.25 feet (127.25) at the 46<sup>th</sup> foot of the property. In this segment of the lot there is a 16 percent slope.

If the applicant was proposing to develop the new home on the existing grade without any significant alteration to the grade, an affirmative convex slope may be warranted. However, as shown on the applicant’s elevation and roof plan (**Attachment 5**), a basement is proposed. Because constructing the basement would require excavation of the lot, the natural grade would be altered by as much as 12’-6”. Figure 4 below, also included as **Attachment 9**, illustrates that the development of this site would alter the existing grade, eliminating the convexity; the finished grade would be 14’-16” In this case the applicant

requested a determination that, “the property is a convex sloping lot and that the elevations on the easterly and westerly property lines depicted on the topographical survey -- less 0.5’ to account for fill – be used for the purposes of calculating building height”. lower than the existing grade at this point.

Figure 4: Staff’s Analysis of Elevation Relative to Proposed Development



It is the staff’s assessment that the evidence submitted for this property does not support a convex slope determination when the scope of the proposed development is considered. The purpose of the convex lot determination was not to provide additional height to lots that have convexity but then eliminate that convexity with development. Instead, the convex slope determination is intended to accommodate lots that are developed with the convexity and cannot otherwise significantly change the grade to accommodate proposed development.

The prior two convex lot determinations reviewed and approved by the Planning Commission, 325 Hopkins Avenue (CSD24-01) and 3232 Hermosa Avenue (CSD25-01) are examples of lots with ten percent slope and that were proposed to be developed without significantly excavating or grading the lot. In the cases of an affirmative convex slope determination, staff may employ the “multiple-point method” in which grade is determined by additional points along the property line.

Since the lot after grading and excavation will more closely resemble a uniformly sloping lot with a maximum slope of 4.4 percent, the City’s process of using the interpolated

property corners would adequately accommodate the variation in elevation and a convex lot determination is not supported.

**Environmental Analysis:**

The denial of a convex slope determination is not a project under the California Environmental Quality Act as a “project” is defined in Public Resources Code § 21065 as having the potential to either cause direct physical change in the environment or foreseeable indirect physical change in the environment. The denial of the convex slope at the subject property will not result in either a direct or indirect physical change.

**Public Notification:**

For the March 17, 2025, Planning Commission hearing the applicant received a notice poster to post on-site and provided proof of posting a minimum of ten days in advance of the public hearing, in accordance with HBMC Section 17.68.050. Public notification materials are included as **Attachment 10**. As of the writing of the report, staff has received no public comments.

**Attachments:**

1. Draft Resolution 26-XX
2. Cover Letter
3. Survey
4. Soils Report
5. Elevations and Roof Plan
6. Planning Comment Letter dated 12-29-25
7. CSD Director’s Determination dated 1-28-26
8. Appeal of Director’s Determination 2-5-26
9. Staff Analysis of Elevation Relative to Proposed Development
10. Public Notification Package

**Respectfully Submitted by:** DeDe Tran, Assistant Planner

**Concur:** Alexis Oropeza, Planning Manager

**Legal Review:** Sarah Locklin, Interim Assistant City Attorney

**Approved:** Alison Becker, AICP, Community Development Director