

CITY OF HERMOSA BEACH
RESOLUTION NO. 26-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION DENYING A REQUEST FOR A CONVEX SLOPE DETERMINATION (CSD25-04) AT 333 26TH STREET LOCATED IN THE TWO-FAMILY RESIDENTIAL (R-2) ZONE, AND DETERMINE THAT THIS IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission of the City of Hermosa Beach does hereby resolve, and order as follows:

WHEREAS, on December 2, 2025, an application was filed by Brandon Straus on behalf of the owners of real property at 333 26th Street (the "applicant"), seeking 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; and

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; and

WHEREAS, HBMC Section 17.04.040 prescribes that the grade determination be made by the Community Development Director, based on all available evidence, with any disputes referred to the Planning Commission; and

WHEREAS, the HBMC allows for a convex slope determination on 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; and

WHEREAS, the application and supporting submitted evidence demonstrates that the convex contours of the lot will be eliminated with the proposed development, including the excavation for a basement; and

WHEREAS, on January 28, 2026, the Community Development Director

determined that the findings to support a convex slope were not met and issued a denial; and

WHEREAS, on February 5, 2026, the applicant filed an appeal to the Community Development Director’s determination; and

WHEREAS, the Planning Commission, at its public meeting of March 17, 2026, heard the appeal and considered all testimony and evidence, both oral and written, presented; and

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

SECTION 1. Based on the testimony and evidence received at its March 17, 2026 Planning Commission meeting, the Planning Commission hereby determines that all available evidence does not support a convex condition on the subject property, pursuant to HBMC Section 17.04.040, after the proposed excavation and grading of the site.

SECTION 2. 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.

SECTION 3. Based on the foregoing, the Planning Commission hereby upholds the Community Development Director’s decision to deny a convex slope determination and denies the requested appeal.

SECTION 4. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

- VOTE:**
- AYES:
 - NOES:
 - ABSTAIN:
 - ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution PC 26-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 March 17, 2026.

Stephen Izant, Chairperson

Alison Becker, Secretary

Date