

Dear hermosa beach building department, I'm reaching out to object to the project at 901 hermosa ave. That corner's got real history - an old service station from way back, Unique and full of charm exactly what hermosa takes pride on. Gutting it now ignores folks love for our towns vibe - especially with adding another vacant office building. There's likely a buried gas tank underneath, new weight could crack it straight into the water table. We should save it as a landmark, heck even move the hermosa beach museum down there. It's important that we keep things that have historical value. Keeping our low rise beach vibe. There is ongoing construction just next door to this property as well. Snarling up parking and turning our neighborhood into some commercial city work zone. Given the history of these "developers" I'm concerned with their track record, rushed builds in manhattan, cutting corners and disregarding resident input. In my opinion my overall feeling with this project is not what hermosa needs or wants. This will absolutely clash with hermosa's intrinsic value. Deny it.

~~I urge you check on the people that are behind this project. Maybe understand the true nature of the business they bring and which LLC do they have on the table~~

yours truly,  
concerned resident

please scrutinize the applicants' filings; transparency matters.

in addition the sign that was posted on  
the building in discussion does not  
accurately inform the public on where to send  
comments. I'm not going to say the code or point  
that this ignores however it is indicative of  
bad business and bad actors. Let's be honest  
with ourselves. Whatever they are selling its not  
worth Hermosa's Soul

yours truly

Hermosa beach planning,  
building departments &  
Faculty.

Without a vision the people perish.

Lets not get blinded with someone else's  
visions of Hermosa beach ———  
or be under the influence of lobbyists and liars

**NOTICE OF DISAGREEMENT AND LAWFUL OBJECTION**

TO PROPOSED PRECISE DEVELOPMENT PLAN (PDP 23-04) AND LOT LINE ADJUSTMENT (LLA 23-03) PERTAINING TO PROPERTY LOCATED AT 901 HERMOSA AVENUE, HERMOSA BEACH, CALIFORNIA 90254

**I. NOTICE TO PRINCIPAL IS NOTICE TO AGENT / NOTICE TO AGENT IS NOTICE TO PRINCIPAL**

All parties, including but not limited to the City of Hermosa Beach, its Planning Commission, Community Development Department, and any private or corporate applicants, are hereby placed on lawful notice of formal non-consent and disagreement with the referenced development proposal. This notice is tendered pursuant to UCC §1-308 (Reservation of Rights Without Prejudice) and UCC §1-103, which incorporates common law and equitable principles into all statutory applications and ensures that rights, remedies, and duties under the law of nations remain preserved.

**II. LEGAL BASIS OF OBJECTION****A. Domestic Statutory and Environmental Law**

1. 1. California Environmental Quality Act (CEQA) — The City's claim of "Class 1" and "Class 5" categorical exemptions under CEQA Guidelines §§15301 and 15305 is disputed as inconsistent with both the "unusual circumstances" exception (CEQA §15300.2(c)) and cumulative impact doctrine (see *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086 (2015)).
2. 2. California Constitution, Article X, §2 — Mandates the reasonable and beneficial use of resources, including air, light, and view corridors, which this development would adversely affect.
3. 3. California Civil Code §§3479–3480 — Defines a public nuisance as anything injurious to health or obstructing free use of property; excessive height, noise, or shading impacts qualify.
4. 4. California Government Code §65300 — Requires general plan consistency; modification of three parcels into one consolidated commercial lot may be inconsistent with Hermosa Beach's Local Coastal Program and zoning intent under the Coastal Act (Pub. Res. Code §30250).

**B. International and Human Rights Law**

5. 1. Universal Declaration of Human Rights (UDHR), Articles 17, 25, and 27 — Protects the right to property, environmental quality, and participation in cultural life, all threatened by unjustified redevelopment.
6. 2. International Covenant on Civil and Political Rights (ICCPR), Article 12(1) — Guarantees freedom of movement and habitation, which can be impaired by environmental degradation or commercial overdevelopment.
7. 3. Aarhus Convention (1998) — Affirms the public's right to access environmental information and participate in decision-making affecting local ecology and health, whether or not the United States is a formal signatory.

### **C. Uniform Commercial Code and Fiduciary Principles**

Under UCC §1-201(b)(27) and §1-308, all municipal officers act as “persons” and “agents” engaged in commercial transactions. The approval of PDP 23-04 and LLA 23-03 constitutes a fiduciary action implicating public trust assets. See *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892), affirming the public trust doctrine against alienation of community resources without public consent. Government agents acting in bad faith or exceeding authority are personally liable under UCC §3-305 and Restatement (Third) of Agency §§8.01–8.11.

### **III. NOTICE OF NON-CONSENT AND DEMAND FOR REVIEW**

By this lawful notice:

1. I disagree and object to the CEQA categorical exemptions asserted.
2. I demand a full Environmental Impact Report (EIR) pursuant to CEQA §§21080–21083.
3. I reserve all rights under UCC §1-308 to remain without prejudice, including rights to administrative appeal, judicial review under Cal. Code Civ. Proc. §1094.5, and equitable relief under 42 U.S.C. §1983.

### **IV. CASE LAW SUPPORTING OBJECTION**

- *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086 (2015) — Categorical exemptions under CEQA invalid where unusual circumstances exist.
- *Save Our Carmel River v. Monterey County Water Resources Agency*, 141 Cal.App.4th 677 (2006) — Agencies must not rely on exemptions where cumulative impacts are foreseeable.
- *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247 (1972) — CEQA applies to private projects requiring governmental approval.
- *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892) — The public trust doctrine prohibits disposal of community resources.
- *Sierra Club v. Morton*, 405 U.S. 727 (1972) — Public has standing to protect environmental interests.

### **V. NOTICE OF RESERVATION OF RIGHTS**

This lawful objection is made under UCC §1-308, California Constitution, and international law principles of jus cogens, equity, and public trust doctrine. No consent is granted to the subject project or any derivative contract, permit, or development action. All agents, applicants, and corporate entities are hereby instructed to cease and desist from any further advancement, authorization, or reliance upon defective CEQA exemptions until a full and transparent environmental and public impact assessment is conducted.

Respectfully Submitted, Hermosa Beach Occupant(s)

Dated: October 16, 2025. Without Prejudice UCC §1-308

LOS ANGELES CA 900  
16 OCT 2025 PM 12 L



1775 \*  
UNITED STATES  
POSTAL SERVICE  
FOREVER/USA

CITY OF HERMOSA BEACH  
CIVIC ~~CENTER~~ CENTER  
1315 VALLEY DRIVE  
HERMOSA BEACH  
CA 90254-3884

90254-3884 99





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CITY OF HERMOSA BEACH

CIVIC ~~BEACH~~ CENTER

1315 VALLEY DRIVE  
HERMOSA BEACH

CA 90254-3884



90254-3884



***SUPPLEMENTAL testimony to the Tuesday, 10-21-2025,  
6-PM Planning Commission Meeting's Public Hearing Item 7.a.***

**To:** Hermosa Beach Planning Commission  
**From:** Howard Lee, Hermosa Beach Resident

**Re: Public Hearing Item-7.a states: ADOPT A RESOLUTION TO APPROVE A PRECISE DEVELOPMENT PLAN AND LOT LINE ADJUSTMENT TO REMODEL AND ADD A THIRD STORY TO AN EXISTING BUILDING AT 901 HERMOSA AVE IN THE GENERAL COMMERCIAL ZONE - 25-CDD-140**

**Direct Link to the entire Tuesday, 10-21-2025 Planning Commission meeting's agenda. Click/Tap link and scroll to Item 7.a and click/tap same if needed for reference.**

**<https://pub-hermosabeach.escribemeetings.com/Meeting.aspx?Id=b1e27bd4-d0e3-481d-a11f-dd3af13d0c46&Agenda=Agenda&lang=English>**

## **Honorable Planning Commissioners, Staff, and others:**

Everything stated herein are my views, opinions, and insights given at no cost whatever for the benefit of all. Information provided herein is as also from the staff report and other sources available to all on the Internet. I have no connection whatever to the applicant(s), project, or immediate area residents and businesses. Hopefully they will contribute their comments.

**There are fundamental problems with the application.** The main one seems to be that sq-feet facts and figures seem to be skewed to benefit the applicant big time and avoid parking this project. It's my understanding that the square footages of the property have been provided to the city as presently existing basis the submitted application and its associated drawings, designers, engineers, etc. and that the city accepted same without verifying the history of the property or the existing square footages in any meaningful manner.

If this is true then right off the top, this application needs to go back to square one, as the entire focus of this application is evidently to be based on the fact that there is zero parking on the parcel presently, and that due to the stated footage of the improvements to be in the final design, that there is no additional parking required.

## **That is an incredibly ludicrous to say the least!**

According to the assessor's office the three lots making up the parcel had the first improvements constructed between 1922 and 1928, some 100 years ago. The property was constructed as an automobile dealership and such auxiliary uses. Multiple

***SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.***

individuals indicate a Buick Dealership existed there well into the 1950s. There was also a Dodge dealership on PCH near 5<sup>th</sup> street as well as other dealerships in town back in those days.

The property, very possibly dispensed gasoline as other locations in the downtown did at the time. An anonymous, hand-written submittal included with the agenda when posted, alluded to a possibility of gasoline storage tank(s) still buried on the property. That is for others to consider. The issue of this comment is 100% games that appear to be played vis-à-vis not parking this project; and not even offering to pay in-lieu parking fees for spaces required, which might be available at that location.

Nonetheless for the business there as being a dealership it no doubt was actually parked with respect to vehicles present for sale, service, and employees.

How it morphed to this day as being somewhat of a hodgepodge of non-parked-businesses seems accepted as undocumented by staff?

The property is obviously very dated, of no real significant historical nature, built to the property lines on the North and South sides whereat, if to today's code, would have a setback of 5 feet on 8<sup>th</sup> St and 5 feet on 10<sup>th</sup> Court.

The developer seems to desire to keep essentially the same building envelope at ground level and expand the volume of the building some 40 percent to just under the 30-foot height limit, notwithstanding all kinds of additional stuff is permitted above the 30-foot limit. Can you say H20 Hotel?

**When the 901 Hermosa Avenue property was sold to the present owner in year-2022 it supposedly had, per the assessor's office, some 7780 square feet of improvements. Granted such assessor's data is not always precise, however many assessments on one's taxes are based on such developed sq-footage and it should be reasonably accurate.**

Then also, the transaction agents having sold the property for \$5,000,000 back in September of 2022 indicate still-to-today that the rental space within same at the time of the sale - **encompassed an area of 8300 sq-ft for the property at 901 Hermosa Avenue, Hermosa Beach**; this then resulting in a sales price of approximately \$602 per sq-ft.

**Thus the assessor's office indicates the property has 7780 sq-ft of developed floor area, while the agents transacting the sale indicate the developed sq-ft as being some 8300 sq-ft. But incredibly the Staff Report is indicating the present permitted floor area today is 14,021 sq-ft, and notwithstanding all the smoke and mirrors of reducing the 2<sup>nd</sup> floor, adding a 3<sup>rd</sup> floor, and the applicant proposing to increase the building volume some 40%. These numbers are beyond whacky and simply fishy when considering the following.** There is no mention that I could see of

*SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.*

possibly non-permitted (non-documented) occupied floor area being used by the applicant's tenants. When viewing some of the 2<sup>nd</sup> floor present over the years, much of what's constructed within may well have been built ad hoc over the decades, i.e. without benefit of permit, and not to any particular code. There is at least one stairway to occupied floor area which would not have met code even in the 1930s. Much area with occupied areas above seems to have no fire-proofing of any sort between the first and 2<sup>nd</sup> floor. That's a potential disaster presently in the making in my view as a result of very-likely illegally constructed floor area that's now being utilized possibly to legitimize legal floor area replacement, never having met any parking standards in the first place.

**The staff report states on page 4 the following;**

The existing commercial building is 14,021 square feet. The project would include decommissioning approximately 1,340 square feet on the second floor and adding a 3,654 third story. The proposed project would decrease the square footage of the building by 194 square feet. Therefore, the proposed project would not increase the usable square footage and would not require additional parking.

**If that makes any sense, then the final square footage basis these numbers would be 14,021(existing) – 1,340 (decommissioned) + 3,654 (added footage) = for a total of 16,335 and an increase of 2314 sq-ft; not a decrease of 194 sq-ft.**

The real question is, why would the sales agents back in 2022 want to understate the retail footage by almost 41%. In fact, the stated sales amount of retail footage as being 8300 sq-ft is closer to the amount of 7780 sq-ft showing on the assessor's website.

**The fact appears to be that the applicant is attempting to build 16,335 as a “remodel” for what is perhaps only about 8100 sq-ft of legitimate developed footage on the books to avoid providing even one parking space.**

I.e. The applicant is taking a building with zero present onsite parking of 8100 sq-ft (legitimate developed floor area) and doubling its size while still adding zero parking.

**In my view this is little more than an absolute scam application and should be rejected out of hand. I find**

*SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.*

## **it hard that it even got through the planning department.**

The City Council just increased parking rates for the parking meters all the way up 75%, \$1.5 to \$3.5 per hour in the daytime in the downtown parking lots, and a full 50%, \$1 per hour to \$3 per hour in the daytime for the street meters. That doesn't mean the city now needs a massive blockhouse of office suites at the subject location along with some retail (?) having absolutely zero parking, and thus the property's tenant-employees and customers to pay the meters and receive parking tickets for the city to rake in money that way. That's sick.

Bottom-line, in well over four decades this is the most seemingly bald-face outrageous application I've yet to see the Planning Commission receive. How it got this far without the applicant being properly informed is beyond me.

Following are some images from Google Maps, the Assessor's Site, and more.

Thank you for your interest. The applicant, if he had the lot immediately to the west, which appears to be some kind of micro-hotel or short-term rental operation, could perhaps immediately duplicate the H2O Hotel project which is also on 4 similarly located lots.

Additionally this parcel might well fit being built with Condominiums given 3 separate lots exist presently?

Most Respectfully,  
Howard Lee

P.S. Btw, where is the L.A. County Fire Department in not demanding the 5-foot set back on the north side to restore some minimal space availability for safety vehicles on 10<sup>th</sup> Court. 10<sup>th</sup> Court is somewhat of a mess, significantly as a result of 901 Hermosa Avenue still being built to the lot line on 10<sup>th</sup> Court.

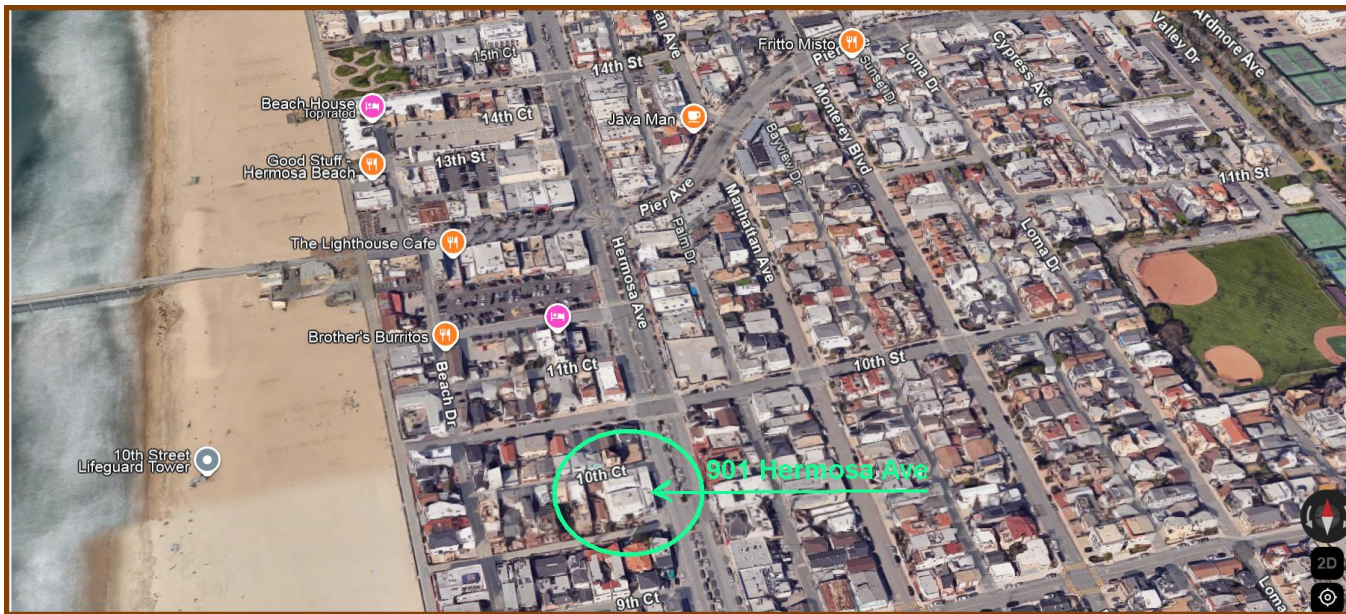
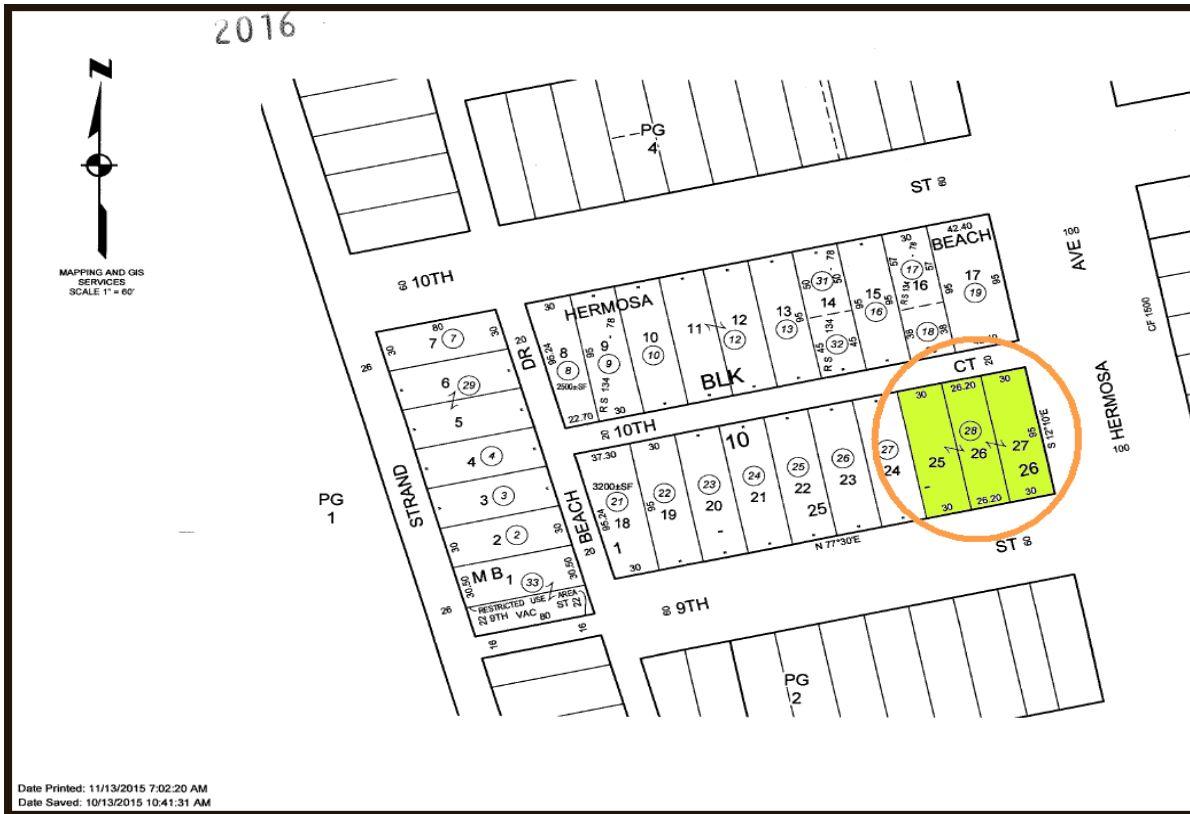
Images and misc. info follows.

Parcel 4187-003-028 made up of 3 lots.

<https://portal.assessor.lacounty.gov/parceldetail/4187003028>

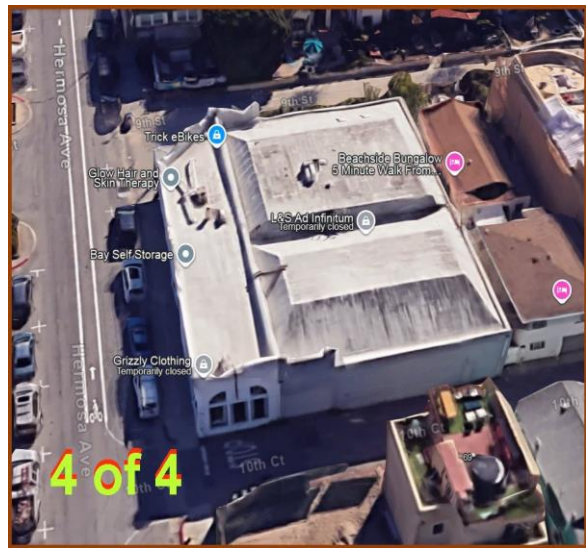
***SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.***





Looking West, North, East, and South

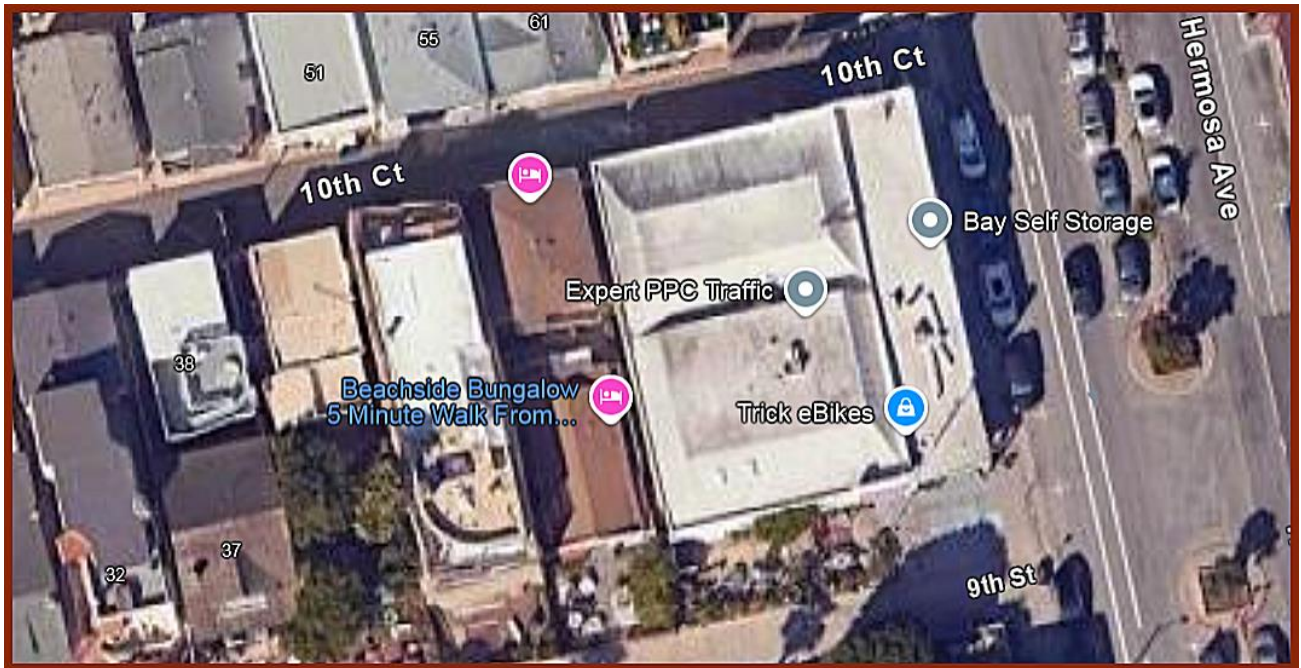
**SUPPLEMENTAL** testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.



---- Continued ----

**SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.**





Los Angeles County Assessor Portal 4187-003-028 Map Search Assessor Internet

Summary

**AIN: 4187-003-028** 9

<b>Situs Address:</b> 901 HERMOSA AVE HERMOSA BEACH CA 90254-4120	<b>Use Type:</b> Commercial <b>Parcel Type:</b> Regular Fee Parcel <b>Tax Rate Area:</b> 04340	<b>Parcel Status:</b> ACTIVE <b>Create Date:</b> <b>Delete Date:</b> <b>Tax Status:</b> CURRENT <b>Year Defaulted:</b> <b>Exemption:</b> None <b>Misfortune &amp; Calamity:</b> N/A <b>Status:</b>
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**Building 0101 & Land Overview**

<b>Use Code:</b> 1100	<b># of Units:</b> 0	<b>Year Built:</b> 1922
<b>Design:</b> 1101	<b>Beds/Baths:</b> 0/0	<b>Effective:</b> 1928
<b>Type:</b>	<b>Building:</b> 7,780	<b>Year:</b>
<b>Quality:</b> D5A	<b>SqFt:</b>	<b>Land SqFt:</b> 0
<b>Class:</b>		

[Parcel](#) / [Map](#) / [Index](#)

	2026 Roll Preparation	2025 Current Roll	RC	Year	2023 Base Value
<b>Land</b>	\$ 4,244,832	\$ 4,161,600	T	2023	\$ 4,000,000
<b>Improvements</b>	\$ 1,061,208	\$ 1,040,400	T	2023	\$ 1,000,000
<b>Total</b>	\$ 5,306,040	\$ 5,202,000			\$ 5,000,000

**SUPPLEMENTAL testimony from Howard Lee**  
**For the 10-21-2025, Planning Commission Meeting.**

Building and Land Characteristics

Land Information

**Use Code = 1100 (Commercial)**

<b>Total</b> : 0	<b>Sewers</b> : No	<b>Corner Lot</b> : No	<b>Zoning</b> : (Refer Issuing Agency)	<b>Use Code: 1100 (Commercial)</b> 1 = Commercial 1 = Store 0 = Unused or Unknown Code (No Meaning) 0 = One Story
<b>SqFt(PDB)</b> :	<b>Flight Path</b> : No	<b>Golf Front</b> : No	<b>Code Split</b> : No	
<b>Usable SqFt</b> : 8,185	<b>X-Traffic</b> : No	<b>Horse Lot</b> : No	<b>Impairment</b> : None	
<b>Acres</b> :	<b>Freeway</b> : No	<b>View</b> : None		
<b>Land W' x D'</b> : 0 x 0				

**Situs Address:**  
901 HERMOSA AVE HERMOSA BEACH CA 90254-4120

**Legal Description (for assessment purposes):**  
HERMOSA BEACH LOTS 25,26 AND LOT 27 BLK 10

Building Information

<b>SUBPART</b> : 0101	<b># of Units</b> : 0	<b>Year Built</b> : 1922	<b>RCN Other</b> : \$ 0
<b>Design Type</b> : 1101	<b>Beds/Baths</b> : 0/0	<b>Effective Year</b> : 1928	<b>RCN Other Trended</b> : \$ 0
<b>Quality Class</b> : D5A	<b>Building SqFt</b> : 7,780	<b>Depreciation</b> : UC // 45	<b>Year Change</b> : 1975

**Design Type: 1101**  
 1 = Commercial  
 1 = Store  
 0 = Unused or Unknown Code (No Meaning)  
 1 = Air Conditioned

**SUMMARY: Total**

<b># of Units</b> : 0
<b>Bed/Baths</b> : 0/0
<b>Building SqFt</b> : 7,780
<b>Avg SqFt/Unit</b> : 0

Quality Class: Defines the Construction Type, Quality Range, and Shape Class. For Example: D7.5C (Construction Type = 'D', Quality Range = '7.5', Shape Class='C')

Events History

OWNERSHIP

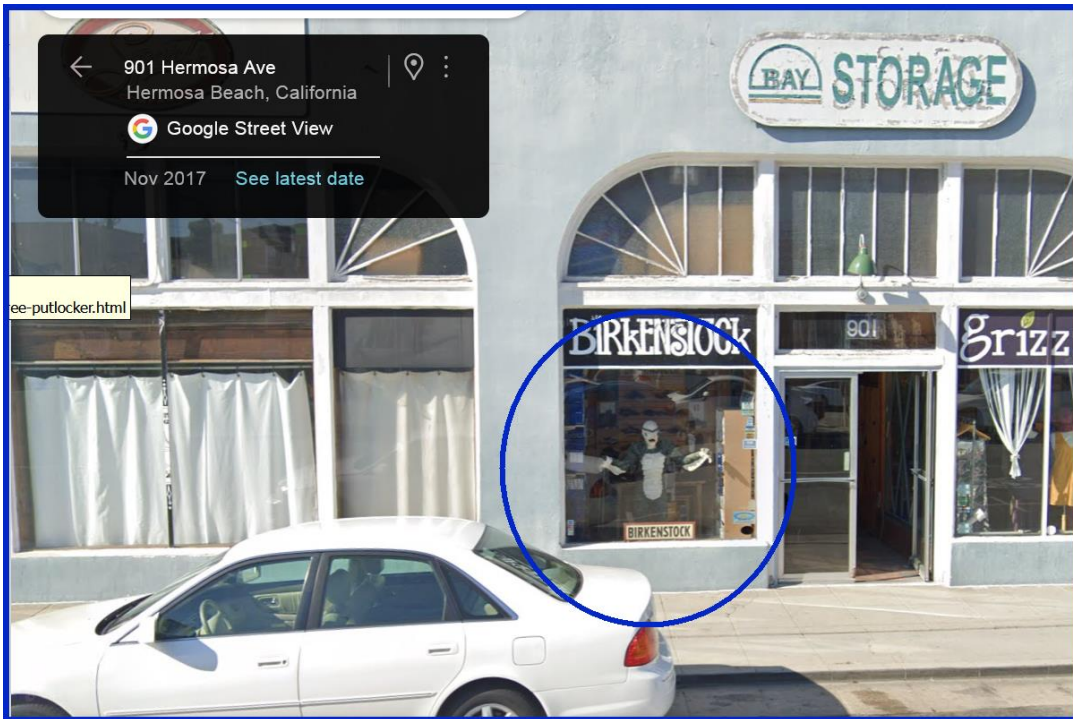
Show Re-Assessable Only

Recording	Seq #	Re-Asses...	Doc #	OC1	OC2	Doc Type	Doc Re...	# Parcels	%	Ver. Code	DTI Sale Price	Assessed V...
> 09/12/2022	50	Yes	0891750	3	5	Y	A	1	00%-0	K	\$ 5,000,050	\$ 5,000,000
> 02/22/2017	50	No	0212721	3	7	B	1		00%-0		0	\$ 440,055
> 03/11/2013	50	No	0361386	3	7	B	U		00%-0		0	\$ 408,456
> 03/14/1980	50	No	0409613	3	7	A	R		00%-0		0	\$ 277,611
> 03/13/1980	50	Yes	0255985	K	K	Y	A	1	00%-0	1	\$ 230,002	0

# Hermosa Beach Sea Monster Man of 901 Hermosa Avenue follows next page . . .

*SUPPLEMENTAL testimony from Howard Lee  
For the 10-21-2025, Planning Commission Meeting.*





End of Supplemental eComment.

***SUPPLEMENTAL testimony from Howard Lee  
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