

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.:	5-25-0729
Applicant:	Hermosa Beach Strand LLC
Agent:	Brandon Straus
Location:	52 8 th Street, Hermosa Beach (APN 4187-015-035)
Project Description:	Demolish a 15-ft. high, 1,468 sq. ft. single-family residence with attached two-car garage and construct a new approximately 30-ft. high, 4,482 sq. ft. single family residence and an attached two-car garage, and grading (112 cy of cut and 0 cy of fill). The project includes encroachments into the public right of way.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes the demolition of an existing single-family residence with two-car garage and construction of a new single-family residence with a two-car garage on a 2,837 sq. ft. developed lot adjacent to a public walk-street approximately 275 ft. inland of the beach. The existing single-family residence was built in 1941 and has an existing encroachment area in the public walk-street on 8th Street. The applicant proposes modifications in the encroachment area that conform with the encroachment program standards pursuant to a City-operated encroachment program. The project site is designated in the certified LUP as High Density Residential, which corresponds to the R-3 zone in the City's uncertified zoning code. The LUP establishes that the R-3 zone allows for the development of single-family dwelling units, multi-family dwelling units, and

apartment buildings, and the proposed project conforms to the permitted uses for the High Density Residential zone which allows single family residences.

The Commission certified the City of Hermosa Beach LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the standard of review is Chapter 3 of the Coastal Act, with the certified Hermosa Beach LUP used as guidance.

The primary Coastal Act issues raised by the subject development are the project's potential impact on public access that may be caused by the retained encroachment in the public right-of-way; and potential biological resource impacts from the proposed tree removal.

With regard to public access, the project site is located adjacent to the 8th Street walk-street, which serves as a pedestrian coastal access walkway between Hermosa Avenue and The Strand. The project proposes to maintain a private encroachment into the City's public right-of-way located directly in front of the project site and improve it by replacing the 42" high perimeter wall, gate, and patio, and remove a large mature tree. Because the project is adjacent to a public coastal accessway, imposing setbacks from the public accessway is important. To ensure that the development within the right-of-way is controlled by an encroachment permit with the City, which is revocable by the City of Hermosa Beach Public Works Department, staff recommends **Special Conditions 1 and 2**, which describe the applicants' obligations related to the encroachment and imposes a 5-year authorization on the development within the encroachment area. At the end of the 5-year term, an amendment to the subject CDP must be sought and approved in order to retain the encroachment. Since the large mature tree proposed to be removed may potentially provide nesting habitat for avian species, **Special Condition 3** requires a preconstruction nesting survey. During construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, staff recommends the Commission impose **Special Condition 4** which provides standards for the safe storage of construction materials and the safe disposal of construction debris. Finally, in order to ensure these conditions are enforced and future owners are made aware of the conditions, **Special Condition 5** requires a deed restriction.

Staff recommends the Commission find that the project, as proposed by the applicants and further conditioned by the Commission, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission APPROVE coastal development permit application 5-25-0729 with 4 special conditions. The motion and resolution can be found on Page 4.

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EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 - Proposed Plan](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. Encroachment and Public Access Impact Mitigation.

- A. The existing encroachment on the property extends into the public right-of-way for approximately 22 feet and is 30 feet wide along the property line, covering approximately 660 sq. ft., and includes the existing wall and landscaping. This encroachment and the proposed replacement wall and landscaping are the only development allowed by this Coastal Development Permit (5-25-0729) in the City of Hermosa Beach Walking-Street Encroachment Area at 52 8th Street. Any development in the public right-of-way, including additional improvements, repairs, and maintenance, cannot occur without an amendment to this coastal development

permit or a new coastal development permit from the Coastal Commission, unless the Executive Director determines through written confirmation that no amendment or new permit is legally required.

- B. Length of Authorization. The authorized development described in Special Condition 4A shall only be authorized for five (5) years. Upon expiration of this authorization period, the permittee shall either A) remove all development within the public right-of-way; or B) apply to the California Coastal Commission for a CDP Amendment to extend the authorization period for the development within the public right-of-way.
2. **City's Right to Revoke Encroachment Permit.** Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right-of-way.
3. **Nesting Bird Monitoring and Avoidance Plan.** If project activities must occur during bird nesting season (February 1 through August 31), a qualified biologist, with experience conducting bird surveys, shall survey for active nests within 72 hours prior to commencement of project activities to detect any nesting activity within 500 ft., as feasible, of the project area. If an active songbird nest(s) is located within 300 ft. of construction activities (500 ft. for raptors), the qualified biologist shall halt construction activities to enable the applicant to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. If vegetation removal occurs during the bird nesting season but after the commencement of project activities, a qualified biologist must survey the vegetation planned for removal no more than 72 hours prior to removal and either confirm a lack of nesting birds or protect the vegetation in place until the young birds have fledged and no active nests remain. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Coastal Commission Executive Director throughout the bird breeding season.
4. **Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris.** The permittee shall comply with the following construction related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;

- C. All debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters is prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
5. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development

it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The subject site is a 2,849 sq. ft. lot located within a developed urban residential area in Hermosa Beach ([Exhibit 1](#)). The project site is designated in the certified LUP as High Density Residential, which corresponds to the R-3 zone in the City's uncertified zoning code. The LUP establishes that the R-3 zone allows for the development of single-family dwelling units, multi-family dwelling units, and apartment buildings. The site is currently developed with a 1,468 sq. ft., 15.43 ft. tall, one-level single-family residence with an attached two-car garage, built in 1941. The applicant is proposing to demolish the existing single-family residence in its entirety and construct a new 4,482 sq. ft., 29.96 ft. tall, three-level single-family residence with an attached two-car garage and one guest space located on the driveway ([Exhibit 2](#)). The project requires approximately 112 cu. yds. of cut to be exported to a site outside of the coastal zone. The applicant proposes to monitor for Tribal Cultural, Archeological, and Paleontological resources during all grading activities to mitigate for any potential impacts to such resources.

Drought tolerant plants and permeable pavement is proposed for the project. The driveway and the side yards combined are proposed to use 608.66 sq. ft. of permeable pavers, and the site drainage incorporates stormwater collection and treatment system that filters run off before entering the city's storm drains. The project includes demolition and replacement of existing 42" high brick wall which is to remain in the right-of-way.

The proposed project site is located immediately adjacent to a walk-street, a wide public accessway in lieu of a street for vehicular traffic. This walk-street provides direct access from Hermosa Avenue to the beach. These walk-streets connect to The Strand, the public pedestrian path lateral to the beach. Fronting the walk-streets, a portion of the right-of-way has private encroachments that have been developed by adjacent homeowners pursuant to the City's encroachment permit program, which are typically comprised of small fences and walls that provide yard space for the adjacent residences. These walks-street encroachments extend approximately 20-ft. into the public right of way. The encroachment permit program is not included in the City's certified LUP. In order to participate in the encroachment permit program, the applicant is required to submit an application to the City and pay a one-time encroachment fee. As of 2025, the encroachment permit fee is \$1,536.00 plus an additional 7% processing fee (\$107.52) for a total of \$1,643.52.

In 2021, Staff received additional information on the use of the fees that are paid to the current encroachment program. According to the City, the fees are used for covering staff time for engineers to review, process, and approve the encroachment permit application (including plan check, plan check revisions, and an inspection of the encroachment area). The City has confirmed that no portion of the fee funds public access benefits to mitigate for the loss of public land. The Coastal Act's emphasis on public access strongly

discourages policies and programs that grant certain private individuals exclusive use of public lands, particularly when coastal beaches and beach adjacent recreation areas are expected to diminish considerably over time as a result of sea level rise. Individually and cumulatively, the private encroachments into the City's right-of-way have the potential to make it more difficult to relocate public accessways landward in the future, if it becomes necessary to do so due to sea level rise. Therefore, based on the information received from City about the program, staff determined that the fee is currently not proportionate to the value of exclusive private use of the public lands, and since the fee does not go towards any public benefit, the private use of the public land is not properly mitigated by the encroachment permit fee.

Notwithstanding the information above, it is apparent that a predominant line of development has been established over several decades which incorporates the use of the approximate 20-ft. encroachment into the public right-of-way on walk-streets. Staff has started to coordinate with the City on redeveloping its encroachment permit program to sufficiently address and mitigate public access impacts that have occurred through the utilization of these encroachment areas. While a redeveloped program could take several forms, one meaningful approach could include instituting a higher annual fee (as opposed to only a small one-time payment) which could go into a dedicated funding source to be used for public access improvements in the coastal zone. At this time, there is no finalized plan for a redeveloped encroachment permit program.

As mentioned above, the applicant proposes to maintain an approximately 660 sq. ft., private encroachment into the City's right-of-way located directly in front of the project site. The project includes demolition of the existing 42" high brick wall and gate and construction of new brick wall and metal gate of the same height, removal and replacement of the concrete patio, and removal of one existing mature tree. The encroachment area is subject to review, approval, and revocation by the City of Hermosa Beach Public Works Department. The applicant has an encroachment permit with the City. To ensure that the applicant maintains the encroachment permit with the City, staff recommends the Commission impose **Special Conditions 1 and 2**, laying out the applicant's rights and obligations related to the encroachment. Pursuant to **Special Condition 1**, the approval for these improvements in the right of way is limited to 5 years. Prior to expiration of this authorization period, the permittee shall either remove all development within the public right-of-way or apply to the California Coastal Commission for a CDP amendment to extend the authorization period for the development within the public right-of-way. The limited authorization period allows for continued discussions between the City and the Coastal Commission to address the City's encroachment program and the fees assessed for the use of public land.

Figure XV of the LUP indicates that lower 8th Street (walk-street) is a public view shed. Looking down 8th Street toward the shoreline, ocean views are visible. The proposed project will not impact any existing views of the ocean.

The applicant submitted a Nesting Bird Survey Report on January 15, 2026 that indicated there were no nesting birds or inactive nests on the site or in the nearby vicinity. Still, due to the proposed removal of a mature tree in the encroachment area, **Special Condition 3**

requires a preconstruction nesting survey to prevent harm to potential nesting species in the area should the work occur during nesting season. During construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, staff recommends the Commission impose **Special Condition 4** which provides standards for the safe storage of construction materials and the safe disposal of construction debris. In order to ensure these conditions are enforced and future owners are made aware of the conditions, **Special Condition 5** requires a deed restriction.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. The project provides adequate off-street parking. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214 of the Coastal Act.

D. MARINE RESOURCES/WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. LOCAL COASTAL PROGRAM (LCP)

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that

is in conformity with Chapter 3. The Land Use Plan (LUP) for Hermosa Beach was effectively certified on April 21, 1982; however, because Hermosa Beach does not have a certified LCP, the Coastal Act is the standard of review for this project.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Hermosa Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. On September 22, 2025, the City of Hermosa Beach determined that the proposed development is categorically exempt under Section 15303(a), which exempts new construction. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-25-0729 (52 8th Street)

Appendix A - Substantive File Documents

Coastal Development Permit Application No. 5-25-0729 and associated file documents.