

Martha Alvarez

From: Sylvie Gabriele <sylvie@loveandsaltla.com>
Sent: Monday, August 3, 2020 4:36 PM
To: List - City Council
Subject: [EXTERNAL] Letter re: Outdoor Dining Curfew
Attachments: Love & Salt re10pm Curfew.pdf

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Dear Honorable Mayor and City Council,

I apologize if you have you received a duplicate email. I just found this email address that could be addressed to all.

I hope you are all well and finding time to for yourselves during these crazy times. I know you are inundated with issues and I hate to add to it. But, I wouldn't be emailing if it wasn't a critical issue for us.

As you know Downtown MB restaurants are upside down with the outdoor dining curfew. We really need help with an immediate change. I have attached a letter that I have sent to Kelly Stroman and Jill Lamkin so that it could be on our radar. I didn't want you to hear about it and not have it on hand. It outlines and details the big picture and the direct impact the curfew has on us. Please do read it.

I will see you in the council meeting tomorrow night.

Thank you again for you how hard you work to keep MB safe and healthy.

Sylvie

Sylvie Gabriele, M.B.A.
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August 2, 2020

To Whom It May Concern:

I am writing to plea for an extension to the outdoor dining curfew that puts our restaurant, and other MB restaurants, in an impossible operating environment both financially and emotionally. Here, I will provide an explanation with detailed and necessary context.

As you read this plea, keep in mind that my father and I have operated restaurants in Downtown MB for over 43 years. So we are not newcomers. In May, we accepted the \$30,000 outdoor investment for 3 months, and agreed to operating hours of 7am-10pm. We did this under the industry-wide standard that a 10pm closing time means a 10pm last seating time. Additionally, we did this under the assumption that outdoor dining would give us an overall capacity of 70-75% when coupled with limited indoor dining.

Let's fast forward to July 1, 2020. We're still trying to catch our breath from a stay-at-home order, closing, a take-out only opening, safely reopening indoor dining, then building permitted outdoor dining and meeting city code. And now our indoor dining is closed down again. Suddenly our \$30k outdoor deck gives us only 30% of our overall capacity.

As the owner, I am battling unbearable and nearly impossible business conditions.

- 1) We face a forecasted \$2million+ loss in revenues and don't know when that will end.
- 2) We have huge expenses such as lease and debt obligations at pre-COVID market rates with forbearance and deferral costs mounting, \$30,000 for outdoor dining, tens of thousands to redesign our interior for COVID, thousands in expensive labor associated with the fluctuations in business volume, high fixed and non-controllable operating expenses, and PPE and sanitation costs.
- 3) We are a completely new outdoor operation, and many guests are not sensitive to the challenges we face.

As I work hard to shore up for the fall and beyond, my heroic management team (who has rode the pandemic rollercoaster with me) must labor under these stressful new conditions that are beyond what is already a demanding job:

- 1) Enforcing extensive health and sanitation operating protocols with hypervigilance and extreme discipline to keep our staff, guests, community, family and selves safe.
- 2) Adapting to huge changes at a moment's notice.
- 3) Acting as "volunteer" enforcement officers and cross guards as people walk, and ride bikes and skateboards without masks right through our outdoor dining.
- 4) Urgently working to keep the restaurant alive while enforcing the health order that requires us to ask guests to leave by their stated out time to avoid wait times, which they consistently defy.
- 5) Setting up and breaking down our outdoor dining room every day.

6) As true heroes, wearing masks, face shields and a smile in their eyes as they work under these harsh conditions for 10-12 hours per day.

Imagine the shock when, on July 23rd, a MB Code Enforcement Officer warned us that we must clear the outdoor dining deck by 10pm or receive a citation for \$1000 and risk the shutdown of our outdoor dining.

The next day, my management team frantically calls **every** reservation to notify guests of the city's 10pm requirement and cancels reservations that would not be out by 10pm. We have reservations booked out for weeks. We hadn't even been given a couple of days to adjust to the new time. Imagine how traumatized and defeated the team felt when the same code enforcement officer arrived at 10pm to issue us the citation as our deck was not 100% cleared, and un-empathetically threatened that recurring violations would result in the loss of our outdoor dining.

That code enforcement officer didn't understand that remaining guests did not believe the curfew and stayed until they saw her. Apologetically, all the guests left by 10:13pm. I guess the option was to call the police or ask the code enforcement officer to make guests leave for us? Is that the message we really want to be sending to our community?

Finally and most importantly, let me explain how the 10pm shutdown affects us financially. Please see below descriptions of Love & Salt's Pre-COVID and Post-COVID numbers for Saturday, August 3, 2019 and Saturday, August 1, 2020.

Saturday August 3, 2019

Total customers after 8pm: **64 customers**
Last seating: 9:30pm

Pre-COVID Summer Hours:

Last seating: 10pm/weekdays; 11pm/weekends.
Last guest: out by 11:30pm to 12:30am.
Average number of turns: 3 turns
Average turn time: 2 hours

Saturday, August 1, 2020

Total Customers after 8pm: **0 customers**
Last seating: 7:30pm

Post-COVID Summer Hours:

Last seating: 7:30-8pm every night
Last guest: out by 10pm
Average number of turns: 1 1/2 turns
Average turn time: 2 hours- 2½ hours
(staying longer for views)

With this newly imposed curfew (which switched at a moment's notice from 10pm last seating to all guests out by 10pm), Love & Salt serves 50% less customers (64 of those after 8pm) than last year, as our last seating has to be at 7:30pm as compared to 9:30pm. This curfew also puts restaurants without private patios who must end their operations early at a major competitive disadvantage.

The curfew alone costs us, on average, **\$40,000-\$60,000 a month** on top of our existing COVID losses. We are losing about 20-40 guests per night (adjusted for reduced capacity) at \$65 per customer. For comparison, our sister restaurant Gabi James in Riviera Village, which has **no curfew and the same seating capacity**, on Saturday August 1st, did 45 customers more than Love & Salt from 8pm to close, which confirms these late COVID trends.

Our **overall projected COVID Dining Room losses are \$1,497,600** for this year (64 customers x \$65 = \$4160 x 30 = \$124,800 per month x 12 = \$1,497,600.) These numbers do not include our Private Dining Room or Catering losses. **Projected total COVID loss this year could be over \$2million.**

Our management team also has more stress to turn customers more quickly, and fear being shut down when guests are not off by 10pm. This stress is above and beyond the new normal COVID stress and their everyday job. And, yes, we feel the stress and urgency every day.

We are grateful to be locals in Manhattan Beach and feel the support of our residents. We will never take that for granted. Yet at the same time, while we struggle to stay alive, we feel punished. MB restaurants keep the unemployment rate down, ensure people are safely fed, give residents and visitors a semblance of normalcy, and are a reprieve that provides a safe place to go during a pandemic. If we don't protect our restaurants, our restaurants will close, and MB will become the ghost town that it was during the safe-at-home order. Manhattan Beach restaurants have been great sports in all of this. I worry about what type of losses the Simms and Zislis Groups are suffering. We need help and we need it now.

We desperately need the order to be changed. Either we set the last seating at the 10pm closing hour in alignment with our industry standards, or the extension needs to be 11pm, Sun-Thu, and 12am Friday and Saturday. Summer is usually a great season for us, and we're bracing for an even more brutal fall. **Without this change, the future of MB restaurants is in jeopardy.**

Thank you in advance for your help and understanding,
Sylvie

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Martha Alvarez

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Sent: Thursday, July 23, 2020 6:17 PM
To: Michael Webb; Eleanor Manzano; cityclerk@redondo.org
Cc: Brandy Forbes; CityClerk@torranceca.gov; List - City Council; citycouncil@hermosabeach.gov; Al.Muratsuchi@asm.ca.gov; Kevin Cody; drosenfeld@scng.com; Lisa Jacobs - Beach Reporter
Subject: [EXTERNAL] Dispute on the Facts of BCHD Claim that the HLC fits in the P-CF Zoning and Complies with Measure DD
Attachments: Letter from BCHD Counsel to City of Redondo Beach.pdf

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Redondo Beach Mayor, Council, and City Attorney:

BCHD misrepresents the facts in the letter from its counsel (attached). BCHDs HLC project does not serve the residents of Redondo Beach as required in the zoning in order to "pretend" that its facility is not merely a commercial rental.

Based on BCHDs own marketing studies, only 5% of tenant prospects are from Redondo Beach, only 20% are from all three "beach cities" combined, and 80% are from outside the "beach cities". As such, BCHD plays fast and loose with the zoning ordinances as it enters the commercial development business.

If BCHD constructs a facility that is larger than 100 tenants, it is clearly doing that to serve cities outside of both Redondo Beach and the "beach cities".

For over 60 years, the neighborhoods surrounding South Bay Hospital (SBH) and now BCHD have been subjected to both economic and environmental injustice as they have suffered from housing price declines, as well as, environmental impacts such as increased PMx, chronic stress (Bluezones.com "silent killer"), air and runoff water pollution, vector and vermin infestations, homeless encampments, noise, outdoor non-directional lighting, etc. For the past 60 years, on balance, both SBH and BCHD have been a net negative impact to surrounding neighborhoods in order to benefit others in the "beach cities". BCHDs proposed action does not meet the letter or intent of P-CF or Measure DD and will result in wholly disproportionate damages to the surrounding neighborhoods as BCHD creates a commercial rental facility that will be 80% or more inhabited by those outside the "beach cities".

At \$150,000 per year rent for the premium, luxury, ocean-view, 6-story units that will tower above Redondo Beach neighborhoods, BCHD will either need a very affluent clientele or BCHD will need to loot the hard earned equity in the homes of local residents who clearly cannot afford \$12,500 per month for rent alone. Cain Brothers, BCHDs hired investment bankers, have openly suggested transferring home equity to BCHD, perhaps as a "buy in" in advance. This wildly unaffordable units are being built for outsiders, as BCHDs three marketing studies clearly show.

The surrounding neighborhoods do not want to continue as the economic and environmental justice "landfill" for BCHD. BCHD plans to sell our economic and environmental rights to renters, renters from outside the district, effectively turning our neighborhoods into urban landfills for environmental damages.

As such, this is a formal opposition to allowing BCHD to use our public land, purchased and owned by the taxpayer-residents of the "beach cities" for use in developing an emergency hospital that was also sized for the use of "beach cities" under existing zoning, not 5 times larger than "beach cities" use as BCHD plans for its commercial development.

Mark Nelson
Redondo Beach Property Owner
3 Year Volunteer - BCHD HLC Community Working Group

cc: Redondo Beach Planning Commission
Hermosa Beach Mayor and City Council
Manhattan Beach Mayor and City Council
Torrance Mayor and City Council
Assemblyperson Muratsuchi

HOOPER, LUNDY & BOOKMAN, P.C.

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February 15, 2019

VIA EMAIL AND U.S. MAIL

michael.webb@redondo.org and Cheryl.Park@redondo.org

Michael Webb, Esq., City Attorney
Cheryl Park, Esq., Assistant City Attorney
Redondo Beach City Attorney's Office
415 Diamond Street
Redondo Beach, California 90277

Re: Inapplicability of Article XXVII of Redondo Beach Municipal Code (the "City Charter") to Beach Cities Health District Healthy Living Campus Project

Dear Mr. Webb and Ms. Park:

We are writing this letter on behalf of our client, Beach Cities Health District ("BCHD"), to confirm your agreement with our conclusion that voter approval is not required in order to proceed with BCHD's Healthy Living Campus Project (as described more fully below).

Statement of Facts

BCHD desires to redevelop its health campus with a continued focus on enhancing residents' health through prevention, treatment and education, but with improved and updated services and providing for a broad continuum of care with an intergenerational care component.

Specifically, on its main campus (the "Main Campus"), BCHD desires to: (1) replace the existing assisted living facility with a new facility containing approximately 360 assisted living units and 60 memory care units for older adults, which BCHD intends to license as a residential care facility for the elderly (the "RCFE"), (2) redevelop its fitness center, and (3) construct a Community Wellness Pavilion that will provide a variety of additional community health center programs and services, including:

- (i) a community presentation hall (estimated 150 person capacity) for community conferences, workshops, lectures, board meetings, trainings, summits and other meetings ;
- (ii) a demonstration kitchen (estimated 20-40 person capacity) for food literacy workshops, nutritional cooking demonstrations and similar uses;

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- (iii) flexible community meeting spaces (estimated capacity 30-75 people) for trainings, presentations, events, workshops, support groups and other meetings ;
- (iv) rooftop gathering spaces for exercise classes, gardening and other small outdoor events;
- (v) a learning/visitor center expected to feature the BCHD story, resources, health literacy, interactive education, awards and information about BCHD's partners;
- (vi) a Blue Zones café to provide a healthy educational eating experience for BCHD personnel, residents of the RCFE and their families, persons using the fitness center and other Health Living Campus visitors; and
- (vii) administrative offices for BCHD personnel.

The Main Campus community health center will also include active green spaces that will be available for community events, farmers markets, fitness programs, walking and other gathering spaces that promote health and well-being.

In addition to the Main Campus improvements, BCHD also desires to construct a child day care center on the lot adjacent to the Main Campus and located at the corner of Flagler Lane and Beryl Street (the "Flagler Parcel"). The proposed uses on the Main Campus and the Flagler Parcel are collectively referred to herein as the "Healthy Living Campus Project."

The Main Campus is designated P (Public and Institutional) in the General Plan and zoned P-CF (Public – Community Facility), and the Flagler Parcel is designated C-2 Commercial in the General Plan and similarly zoned C-2 (Commercial).

1. Measure DD - Ballot Requirement

In November 2008, the residents of the City of Redondo Beach (the "City") approved Measure DD, to amend the Official Charter – Redondo Beach Municipal Code (the "City Charter") by adding Article XXVII to require voter approval of specified changes in allowable land use. The express purpose of Article XXVII (Major Changes in Allowable Land Use), as provided in Section 27.1 of the City Charter, is as follows (emph. added):

- “(a) Give the voters of Redondo Beach the power to determine whether the City should allow *major changes in allowable land use*, as defined below, by requiring voter approval of any such proposed change, and, thereby ensure maximum public participation in major land use and zoning changes proposed in the City;

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(b) Ensure that the voters of Redondo Beach receive all necessary and accurate environmental information on proposals for *major changes in allowable land use*, so that they may intelligently vote on any such proposal;

(c) Ensure that City officials provide timely, accurate and unbiased environmental review of all proposals for *major changes in allowable land use*, so that they may minimize their adverse traffic and land use impacts and maximize neighborhood compatibility before the voters decide on any such change;

(d) Ensure that all elements of the *land use change* approved by the voters are implemented; and

(e) Protect the public health, safety and welfare, and the quality of life, for all citizens living or working in the City, and for all visitors to the City.”

To effectuate this purpose, Section 27.4(a) of the City Charter requires each “major change in allowable land use” to be “put to a vote of the People.” The key question, then, is whether the Healthy Living Campus Project would result in a “Major Change in Allowable Land Use” as defined by the City Charter.

2. Major Change in Allowable Land Use

Section 27.2(f) of the City Charter defines “Major Change in Allowable Land Use” as “any proposed amendment proposed amendment [sic], change, or replacement of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code)” which meets one or more specified conditions.¹ Therefore, to determine whether the Healthy Living Campus Project uses

¹ There are no conditions actually listed under Section 27.2(f), but paragraphs (1), (2) and (3) following Section 27.2(g) each refers to a “proposed change in allowable land use” whereas subdivision (g) defines “Peak Hour Trips” and has no references to any paragraphs. In *Building a Better Redondo, Inc. v. City of Redondo Beach* (2012) 203 Cal. App. 4th 852, the court concluded that, from the context of the City Charter provisions and giving meaning to each provision, paragraphs (1), (2) and (3) appearing under subdivision (g) should be construed as properly a part of subdivision (f). Those conditions are: (1) the proposed change in allowable land use would significantly increase traffic, density or intensity of use above the as built condition in the neighborhood where the major change is proposed; (2) the proposed change in allowable land use would change a public use to a private use. [“A major change in allowable land use in this category shall include a change of use on ... (v) land allocated to the Beach Cities Health District... ”], and (3) the proposed change in allowable land use would change a nonresidential use to residential or a mixed use resulting in a density of a greater than 8.8 dwelling units per acre whether or not any such unit is used exclusively for residential purposes.

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would constitute a Major Change in Allowable Land Use the threshold question is whether any of the contemplated uses would necessitate an amendment, change or replacement of the General Plan and/or the applicable zoning ordinances (referred to herein collectively as the “Zoning Ordinance”). If the answer is no (as is the case with respect to the Healthy Living Campus Project), then, regardless of whether the additional conditions are otherwise triggered, there will be no Major Change in Allowance Land Use.

- a. Redondo Beach General Plan (the “General Plan”), Including its Local Coastal Element, as Defined in Public Resources Code Section 30108.55²

The Healthy Living Campus Project would not require a change to the current General Plan, but rather falls within the stated objectives and policies of the General Plan.

Objective 1.3 of the Land Use Element of the General Plan is to “[p]rovide for the continuation of existing and new development or recycling of commercial uses to meet the needs of the City's residents.” In furtherance of that objective, Policy 1.3.1 is to [a]llow for the development of community-oriented ... services... and other commercial uses which provide for the needs of existing and future residents as appropriate in areas classified as Commercial [C-2] on the Land Use Plan map.” Objective 1.5 of the Land Use Element of the General Plan is to “[p]rovide for the continuation of existing and development of new public service uses and facilities which meet the needs of the City's residents.” In furtherance of that objective, Policy 1.5.1 is to “[a]llow for the continuation of existing public recreational, cultural (libraries, museums, etc.), educational ... and health uses at their present location [areas classified as Public (“P”) on the Land Use Plan Map] and development of new uses where they complement and are compatible with adjacent land uses,” and Policy 1.5.2 is to allow for the development of private educational uses in areas classified as C-2, provided they are compatible with adjacent uses.”

Additionally, the section on “Public and Institutional Uses” within the Land Use Element of the General Plan notes that the Public and Institutional (“P”) designation includes a variety of uses with a variety of characteristics that “do not fit well under the typical standards for residential, commercial, or industrial uses” and therefore “no attempt has been made to establish specific development standards within the General Plan.” Instead, the General Plan states that the

² California Public Resources Code Section 30108.55 defines “Local coastal element” as “that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or any additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.” Based on our review of the City of Redondo Beach Coastal Land Use Plan Map for the Local Coastal Program (i.e. the City of Redondo Beach's Coastal Element), the subject property is not located in the coastal zone.

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City's Zoning Ordinance will "implement the Public/Institutional designation through multiple zoning districts more focused on the different classes of public/quasi-public uses" and that these particular zones, through the City's Zoning Ordinance, will contain more specific development standards." Objective 1.46 of the Land Use Element of the General Plan for "P" zoned lands (such as the Main Campus) is to "[p]rovide for the ... expansion of ... recreation... human service, cultural and educational... and other public land uses and facilities to support the existing and future population and development of the City." That objective is furthered by Policy 1.46.1 to accommodate permitted uses such as "parks and recreation," "public open space," "educational," "cultural" (e.g. libraries, museums), "human health," "human services," "public and private secondary uses" and "other public uses" within the "P" zone areas.

The redeveloped community health center with RCFE on the Main Campus, and the proposed child day care center on the Flagler Parcel (i.e. within a C-2 zone), further those stated objectives and comport with the stated policies.

More specifically as to the issue of senior housing, the Housing Element of the General Plan reflects the intent for senior housing "to be within walking distance of a wide range of commercial retail, professional, social and community services" (see pages 58-59) and requires that the City "identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of types of housing for all income levels" (see page 50). The corresponding Table H-37 on page 51 of the Housing Element, which identifies the City's zoning provision for various types of housing, specifically references Residential Care Facilities (with a conditional use permit) for P-CF zoned areas.

We understand that there are currently limited options for the approximately 15,000 older adults in Beach Cities (94% of whom want to stay in the Beach Cities community), and the assisted (and independent) housing for older adults in Beach Cities is at or near capacity, with wait lists for assisted-living facilities up to 3 years. There is also a lack of housing that provides the continuum of care contemplated by the Healthy Living Campus Project. These facts clearly point to the need for additional senior housing within the area, such that the Healthy Living Campus Project aligns with the General Plan objectives and policies describe above.

With respect to the child day care center, we note that Goal 4A of Section 2.3 of the General Plan (i.e. the Senior Citizen Services/Child Care Services element) is for the City of Redondo Beach to "[c]ontribute ...to the future development... of successful child care programs within the community," and Policy 4.1.6, in furtherance of that goal, is to "[e]ncourage local public and private firms and businesses to examine the potential for establishing employer-sponsored or work-place located child day care services, and other employer-sponsored programs designed to ease family versus work demands." The child day care center on the Flagler Parcel supports this goal and related policy, by providing conveniently located child care for the many employees of BCHD (and the surrounding community). Locating the child day

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care center next door to the RCFE delivers the added benefit of strengthening intergenerational connections through joint activities between residents of the RCFE and children of the child day care center.

Each of the provisions of the General Plan described above support the development of Healthy Living Campus Project without any amendment to the General Plan necessary (we found no provisions within the General Plan that would prohibit that project). As such, it is necessary to look to the City's Zoning Ordinance next.

b. City's Zoning Ordinance³

The Healthy Living Campus Project will not require a change to the City's Zoning Ordinance. As noted above, the Main Campus is zoned P-CF and the Flagler Parcel is zoned C-2.

Pursuant to Section 10-2.1100 of Title 10, Chapter 2 of the Zoning Ordinance, among the specific purposes of the P Public and Institutional zones (which includes the P-CF zone) are to: “(a) Provide lands for park, recreation and open space areas, schools, civic center uses, cultural facilities, public safety facilities, and other public uses which are beneficial to the community.”

The P-CF specific permitted uses under Section 10-21110 of Title 10, Chapter 2 of the Zoning Ordinance expressly include community centers and ancillary uses/structures (subject to obtaining a conditional use permit). As defined in Section 10-2.402(a) of Title 10, Chapter 2 of the Zoning Ordinance:

(51) “**Community center**” means a building, buildings, or portions thereof used for recreational, social, educational, and cultural activities which buildings are owned and/or operated by a public, nonprofit, or public serving group or agency.”

(5) “**Accessory use**” shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the zone.

³ The “Major Change in Allowable Land Use” definition references both the City's zoning ordinance as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code, and the zoning ordinance for the coastal zone as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code. The subject property does not fall within the Redondo Beach Coastal Land Use Plan Map area, so this analysis looks only to the general zoning ordinance under Title 10, Chapter 2. In contrast, the Kensington RCFE project was located in the Coastal Land Use Plan Map area and subject to the separate coastal zone ordinance which, at the time of the Measure K vote in 2016, did not allow for RCFEs in the applicable zone and therefore required voter approval.

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The various components of the overall community health center, including the fitness center, presentational hall, demonstration kitchen, flexible community meeting spaces, rooftop gathering spaces, learning/visitor center, Blue Zones café, administrative offices, and active green space, constitute community center recreational, social, educational and cultural activities, and related accessory uses.

State licensed residential care facilities such as the RCFE are similarly expressly permitted under Section 10-21110 of Title 10, Chapter 2 of the Zoning Ordinance (with a conditional use permit). Residential care facilities, as defined in Section 10-2.402(a)(145) of Title 10, Chapter 2 of the Zoning Ordinance, are residential facilities “providing twenty-four (24) hour nonmedical care for persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living” and include the sub-category of “residential care facilities for the elderly” (defined in subsection (c) as “a state-licensed housing arrangement chosen voluntarily by residents over sixty (60) years of age where varying levels and intensities of care and supervision, protective supervision, personal care or health-related services are provided, based upon residents' varying needs, as determined in order to be admitted and remain in the facility, as defined in Chapter 3.2 of the California Health and Safety Code, Section 1569 et seq.

We note also that P-CF permitted uses under Section 10-21110 of Title 10, Chapter 2 of the Zoning Ordinance include comparable qualifying uses, such as open space, recreational facilities, public gymnasiums, athletic clubs, and cultural institutions, further evidencing that the Healthy Living Campus Project uses on the Main Campus align directly with approved P-CF uses.

Pursuant to Section 10-2.620 of the Zoning Ordinance, C-2 permitted uses include “child day care centers” – as contemplated for the Flagler Parcel – with a conditional use permit.

Despite the conditional use permit requirement, a conditional use permit is separate and distinct from a general plan or zoning amendment, and therefore does not constitute a Major Change in Allowable Land Use. In fact, Article 12 (Procedures) of Chapter 2 of the Zoning Ordinance specifically differentiates between zoning amendments, general plan and specific plan amendments, conditional use permits and variances through separate and distinct sections of Title 10, Chapter 2 of the Zoning Ordinance (Sections 10-2.2504, 10-2.2505, 10-2.2506 and 10-2.2510, respectively).

Accordingly, the provisions of the Zoning Ordinance cited above support the development of the Healthy Living Campus Project without any amendment to the Zoning Ordinance necessary.

Conclusion

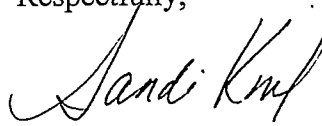
As noted above, both the provisions of the General Plan and the Zoning Ordinance support the Healthy Living Campus Project uses without any amendments necessary to either.

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As such, the Healthy Living Campus Project does not constitute a Major Change in Allowable Land Use and therefore does not require a public vote (notwithstanding the requirements to obtain a conditional use permits, as applicable). Preliminary trip generation reports obtained by BCHD reflect that the Healthy Living Campus Project is expected to reduce daily, morning, and evening peak hour trips compared with the existing site, thereby reducing traffic at this location – further supporting the goals of the City’s General Plan.

Clearly, the Healthy Living Campus Project will be of significant benefit to the residents of the City of Redondo Beach, allowing for BCHD to improve its community health center programs and services, create an intergenerational hub of well-being and grow a continuum of programs, services and facilities to help older adults age in their community. BCHD is eager to move forward with the project as soon as possible. Therefore, BCHD would like to meet with you to discuss next steps related to the Healthy Living Campus Project. BCHD’s primary contact for purposes of continued discussion on this matter is Mr. Tom Bakaly, and he may be reached by email at Tom.Bakaly@bchd.org, or by phone at (310) 374-3426.

Respectfully,



Sandi Krul

SK

cc: Mr. Tom Bakaly, CEO (via email)
Robert W. Lundy, Esq. (via email)

Martha Alvarez

From: Estefany Castaneda <estefanyacc192@gmail.com>
Sent: Tuesday, August 4, 2020 5:30 PM
To: City Clerk
Subject: [EXTERNAL] Public Comment 8

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whom it concerns,

Enclosed there are multiple public comment submissions for Item E Public Comments for tonight's city council meeting(8/4/20) from several young students in the Pueblo Del Rio's Freedom School Program and staff members.

Thank you for your service!

Best,

Estefany Castaneda

 Cherish

 Marina

 PDR Freedom School's Scholars and Staff to City...

 Chase Davis

 Tiara

 Michel'le Gibson

 Alexis

My name is Cherish and I'm 14 years old and I recently learned at Freedom School about Bruce's Beach and it was black owned until the KKK intimidated them and the city took away the land. When my class went to learn there was a white woman on the strand that got mad at my brother for having our dog near her. She was disrespectful and asked if we were from there because we didn't know the proper "strand etiquette" those comments made me mad because her comments were over getting close to her with our dog. The land used to be ours, it used to be black owned and the woman got close to US. The city should give back the land because it was brutally taken away.

My name is Marina and I'm 13 years old. I recently learned at Freedom School about Bruce's beach and I don't approve of past and current actions. What white people did was wrong for taking the homes of black people away only because of how ignorant and racist they were. Even today in Manhattan Beach and across the world people are being racist. It saddens and angers me to know that out of that whole community and city only 1% are black people. We should be able to walk down a city that was once ours and not have hate and racism towards us. White people kicked us out of our land and sent people back to Mexico when MB was discovered. And y'all had the audacity to kick blacks out of the land and homes that were theirs. That's discrimination towards humanity. We should be treated with the same treatment whites are given. We shouldn't have to live in fear only because of our skin color. And y'all shouldn't give more privilege to white folks. You should give Bruce's Beach back to the living relatives.

Hello council members and mayor, my name is Estefany Castaneda, local elected board member for the neighboring Centinela Valley Union high school district but I'm here as a community member in the South Bay and previous Mira Costa High Alumni. In my current roles, as both an elected and freedom school servant leader, I'm working on bringing anti-racist learning to students in communities of color. In doing so, I wouldn't be doing them justice if I don't come to discuss a previously black and indigenous owned space to ask you all to teach the RIGHT anti-racist history. And make right by the people of the South Bay who come to these areas to enjoy land previously held for them and are targets of discrimination from both residents and police. During my high school experience I didn't learn about the history of Bruce's Beach, we should be teaching it. We should have a special committee discussing how to remedy this injustice and have the right people at the table, from relatives of previous deed owners in the surrounding land and local historians like Alison Rose Jefferson. How the city council moves forward with this issue sets a precedent for generations to come on the history of not only this beach city but beach cities up and down California and how they choose to address injustice.

Hello my name is Dajour. In the times where you have people all over the world fighting for justice of the killings of black people, it is important that we bring light to other issues the black community is fighting. The Bruce's family is now fighting for their rights. Bruce's Beach was formerly owned by black people, but was forcefully taken away by the City of Manhattan after being terrorized by the KKK and white neighbors. The two block neighborhood that was lawfully given to minorities was taken away for a project that wasn't built until after almost 30 years. It is presently known that generational wealth is how so many people obtain their possessions. How is it that after almost a century, the Bruce's family has not been rewarded with reparations and public acknowledgement about what

has actually happened. The Bruce's family deserves to get back their land with reparations and their should be laws implemented to prevent this from happening again. Black people should not be fighting for something that is given to others for free.

My name is Alfredo Gama. I am of indigenous Mexican ancestry and am making a public comment to affirm the humanity of my African brothers and sisters. I grew up in the south central Los Angeles and the South Bay were I visit the beaches frequently. My connection to this land goes back millennia.

I am hereby requesting Bruce beach be put on the agenda for action on reparations to Black people displaced by the history of racism in Manhattan Beach. History is moving forward and the winds of change are blowing.

Please do the right thing or be swept away by the wind.

Black lives matter. Free the land.

Hi my name is Chase Davis. I'm an 18 year old from Los Angeles, who is in a Freedom School at the Pueblo Del Rio's projects. I had recently discovered that Blacks, or the Bruce Family in particular, basically got their land taken away from them unlawfully. They were forced into giving their property away and it just doesn't sit well with me. It just makes me think "how many other times did this happen?" or " what would that beach that was taken away from them look like today" It's truly a statement of how corrupt America is and how things really need to change. The generational wealth the beach created is taken away from the Bruce family. They basically got no money back and now the properties around are worth millions. I just want change, is that too much to ask?

My name is Tiara and I'm 15 years old. I recently learned at Freedom School about Bruce's Beach. Bruce's beach was a famous beach that was owned by African Americans. Bruce's family owned this beach for many years until the Ku Klux Klan intimidated them and the city forcefully took away the land that many black Americans also had around. These hardworking people built this land to live and have a better life away from all the negativity in the world. What really bothers me is the fact that white people really came to someone else's land and told them forcefully to leave because they wanted to take over. No matter what the rules were back then they had no right to take the only thing that the Bruce family had away from them. If you pay attention to all the evidence and facts in this story you can see that the KKK and white people stole the land from its true owners and I don't think that's fair because imagine if it was the other way around the white people wouldn't take away the land. I just hope you hear what I had to say today and not just sweep it under the rug like everyone else. I just think that the Bruce family and black people should be able to get their land back All it takes is for you to open your hearts and see the truth!

Hi my name is Michel'le Gibson, I am 18 years old. I learned about Bruce's Beach through Freedom School. I was surprised because as a young African American I always knew African Americans were slaves but I never knew here in Los Angeles African Americans were big property owners and white people kicked them out of their ownership. I don't understand why color was such a big deal back then and back then, the Bruce family owned a successful Resort with out needing to be a celebrity or NBA star and it was taken away by whites. If they werent African American, would the city taken away their land? Then city should give the Bruce Family their land back.

My name is Alexis, I am 17 years old. I believe Bruce's Beach needs to be given back to its rightful owners. Its not right to oppress African Americans, African Americans paid for their land fair and all in all it's not fair for our land to be taken away without a valid reason. I believe taking the beach falls in the category of a hate crime, us African Americans didn't ask to be born of color, we didn't ask to have gorgeous melanin skin, we were blessed with it. It's not fair that we have to be punished for being us. Give our property back!

Martha Alvarez

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Sent: Wednesday, July 22, 2020 11:25 AM
To: noel.chun@bchd.org; vish.chatterji@bchd.org; vanessa.poster@bchd.org;
jane.diehl@bchd.org; michelle.bholat@bchd.org
Cc: communications@bchd.org; Eleanor Manzano; CityClerk@torranceca.gov;
citycouncil@hermosabeach.gov; cityclerk@hermosabeach.gov; List - City Council; City
Clerk
Subject: [EXTERNAL] Fwd: Public Comment - BCHD CEO and Board Malfeasance

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

PUBLIC RECORD INPUT TO BCHD BOARD, REDONDO BEACH MAYOR AND COUNCIL, TORRANCE MAYOR AND COUNCIL, HERMOSA BEACH MAYOR AND COUNCIL, MANHATTAN BEACH MAYOR AND COUNCIL

BCHD is systemically denying public input.

BCHD elected to dump it's HLC plan out at 605PM on Friday June 12th, and then approve it at the Board meeting 3 business days later, without any meaningful opportunity for public review and input, such as the public meeting that was scheduled for March 2020 at Crowne Plaza. Instead, BCHD willfully withheld the plan from public view under cover of Covid and summarily approved it on June 17th, 2020 approximately 90 days after it could have made the plan public. The plan was a revision of a 2009 plan that was released 3,981 days prior to June 12th.

In a prior meeting, BCHD passed rules to allow the Board President to effectively suppress public comments by tallying them and reporting the number of comments during meetings as opposed to reading them into the record.

Now, BCHD places limits on individual comments of 3,992 characters in an online form. That is approximately 1 page. BCHD seems unable to understand that the surrounding public has been subjected to chronic stress (Bluezones "silent killer"), economic injustice, and environmental injustice for 60 years and has no appetite to be the oppressed by BCHD for another century as BCHD pursues its lust for commercial real estate development.

The following comment does not fit inside BCHDs form and is provided as a public comment to the Board by direct email to assure it's in the public record, as are ALL EMAILS under the California Public Records Act.

It is provided to the surrounding City Councils and Mayors by copy.

----- Forwarded message -----

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Date: Mon, Jul 20, 2020 at 3:32 PM
Subject: Public Comment - BCHD CEO and Board Malfeasance
To: <communications@bchd.org>
Cc: <CityClerk@torranceca.gov>, <cityclerk@redondo.org>, Eleanor Manzano
<eleanor.manzano@redondo.org>, <drosenfeld@seng.com>, Mark Nelson (Gmail) <menelson@gmail.com>

Below are written public comments to the BCHD Board with copies to the Redondo Beach and Torrance Mayors and Councils for inclusion in their next available meeting public comments.

Mark Nelson
BCHD Healthy Living Campus Community Working Group 3-year Volunteer
Redondo Beach Property Owner
menelson@gmail.com

July 20, 2020

BCHD Board
by email

mal·fea·sance / ,mal' fēzəns/ noun wrongdoing, especially by a public official.

The BCHD Board and CEO committed “malfeasance in office” with their “abuse of power and process” actions regarding the proposed Healthy Living Campus.

The first publicly available campus redevelopment plan was released on July 13, 2009 when Chun and Poster were already Board members.

The 3rd plan revision was made available in a Friday document dump after business hours, 3,981 days later, on Friday June 12, 2020 at 6:05PM.

In contrast to the 3,981 days that BCHD allocated itself for the campus redesign process, the CEO and Board consciously and with deliberate forethought of planning allowed precisely 3 business days, June 15th through 17th, 2020 for public comment prior to summary approval in order to stifle the public.

The public comment was overwhelmingly NEGATIVE and in opposition to the never-before-seen design that provided: 1) a 75-foot tall, luxury, 6-story apartment complex renting for \$150,000 annually on the north perimeter of the campus towering over 100-feet above the surrounding neighborhoods, 2) an 8-story 24/7/365 parking structure on southwest perimeter of campus towering over 100-feet above the surrounding neighborhoods, and 3) a public aquatic center that was in neither prior plans since 2017.

BCHD CEO and Board abused their power and process to affirmatively deny the public and BCHDs taxpayer-owners rights in its scheme of a 3 day comment period and pre-arranged approval.

CEO Malfeasance

Specifically, the CEO has misrepresented the purpose of CEQA to the Board, the public, and the BCHD taxpayer-owners as a process to determine the scope of the project when in fact CEQA is an environmental evaluation. The process of public input into the base case is the obligation of the proponent prior to the DEIR, and the CEO willfully concealed the 3rd revision from the public in order to reduce public input to 3 days prior to a predetermined approval vote by the Board. This is willful misconduct to the level of malfeasance.

Board President Bholat Malfeasance

As the presiding member, President Bholat’s primary responsibility was to assure the public process was transparent, open, and that decisions were based on a transparent fact base. When allowing for a vote on the 3rd revised plan where BCHD allowed itself 3,981 days and limited public input to 3 business days, President

Bholat denied the taxpayer-owners due process and input and failed to provide leadership and guidance to the Board. This constitutes abuse of power and malfeasance in office.

Board Member Poster Malfeasance

Board member Poster had significant questions about the plan, recognizing her lack of information and understanding; however, in her malfeasance voted affirmatively to approve the plan absent the CEOs response to her questions. It was either malfeasance for voting without full information, or malfeasance for make a "show request" that was meaningless in the face of the predetermined outcome.

Board Member Chun Malfeasance

On the video record, Board member Chun acknowledged the predetermined outcome of the Board meeting and vote. He expressed disdain for public comments and having to attend Board meetings that last until midnight, and he signaled the arranged in advance outcome of the upcoming vote. Chun stated at 5hr39m20s in the Board video "I think we should proceed because if we don't, you're gonna have another 100 [sic comments], you're going to have another meeting that ends at 12 with the exact same result."

Board member Chun's comments reflect BCHDs continued systemic denial of both the public's and the taxpayer-owner's rights and reveals abuse of power and potential Brown Act violations disclosing that the Board had discussed the outcome of the vote in advance. Had Chun not had prior knowledge of the Board outcome, he could not have made the statement as a BCHD fiduciary and Board member noting that any amount of future comments would result "with the exact same result."

Board member Chun's direct denial of public input in the face of overwhelming opposition represents malfeasance, especially with regard to the rights of the taxpayer-owners of BCHD. Willful Brown Act violations also constitute malfeasance.

Additional Board Members Malfeasance

While both voted in the affirmative to deny the public and BCHDs taxpayer-owners the right to adequate input in the process, and while both voted in the affirmative to misuse the CEQA process, neither made substantive comments throughout the meeting. Their misuse of CEQA to further the Board's objectives against those of the public and taxpayer-owners constitutes malfeasance.

The full case for CEO Malfeasance

If, in fact, the 3rd plan revision would have been available for discussion at the March 2020 proposed Crowne Plaza public meeting, then the CEOs malfeasance begins with failing to provide the 3rd design to the public in a timely fashion. Overall, BCHD allocated itself 1,327 days for every 1 day that it allowed for public input prior to the proforma approval of the 3rd revised plan on June 17, 2020.

If the 3rd plan revision was developed during the COVID-19 pandemic between March and June 2020, then the CEOs malfeasance includes both dereliction of duty for failing to provide the full resources and focus of a California health district on the life and safety of its taxpayer-owners during the pandemic; and the deliberate use of the COVID-19 pandemic to reduce public input to the design and comment on the 3rd revised plan to only 3 business days after a 3,981 day process.

How many fewer people would have died in the Beach Cities had BCHD focused exclusively on COVID instead of its lust for real estate development?

The CEO is also guilty of malfeasance for misleading the Board with respect to the purpose of CEQA. Nowhere in CEQA or its legislative intent is there the contemplation that CEQA is a tool to explore alternatives to the proposed project in the place of public process evaluation of the proposed project. This is especially true when the proponent is a self-certifying agency with the ability to override public input and significant impacts. The

CEO has counseled the Board to misuse CEQA, to mislead the public on the purpose of CEQA, and to abuse its power by allowing the public only 3 days of comment on the 3rd revised plan after 3,981 days of process – by directly stating that CEQA is the appropriate process. It is not.

I challenge the CEO to provide documentation of ANY California CEQA lead agency-project proponent that has EVER provided only 3 days of public input prior to approval of its significantly revised plan that included never-before-seen elements and stated that the appropriate venue for analysis and selection of an alternative is the CEQA process. That action is a willful misrepresentation of CEQA. This is the result of an inept agency without leadership or CEQA lead agency experience seizing the opportunity to self-certify its own proposal against public opposition by those who have suffered economic and environmental injustice at the hands of BCHD and SBHD for over 50 years.

I remind BCHD that SBHD elected to allow the City of Redondo Beach to be the CEQA lead agency in the 1980s for the 520 Building and did NOT self-certify that CEQA document. According to the CEO's dismissive discussion of that incident and supposed legal opinion that BCHD MUST be the CEQA lead agency, that SBHD executive officer and Board should have been removed for a willful violation of the statute. It appears that removal of this CEO and Board for malfeasance is also appropriate given their elaborate scheme to deny public input and move forward in CEQA, a process where they self-certify their own plan with no regard to the environmental or economic justice concerns of the local neighborhoods, the public, the BCHD taxpayer-owners or even the City of Redondo Beach.

Thankfully, the City of Redondo Beach must issue a conditional use permit that can get this project back inside neighborhood design guidelines to look much like Kensington at Knob Hill.

Thankfully, the City of Torrance must approve any use of the land along Flagler, along with any egress onto Flagler and can also serve to withhold approvals until a reasonable project emerges and BCHD stops hiding behind both COVID and CEQA lead agency ability to self-certify.

CC: Redondo Beach Mayor and Council as public comment
Torrance Mayor and Council as public comment

Martha Alvarez

From: Bob Beverly <bob.beverly@ymail.com>
Sent: Tuesday, August 4, 2020 3:55 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] Extended hours discussion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I hope this email finds all of you and yours healthy and well. I understand there is a discussion tonight involving extended hours Thursday through Sunday until 11:00 pm for the outdoor patios. As I always mention in my writings to all of you, yes I am an over 30 year restaurant owner in Manhattan Beach. But more important is I am a lifelong resident (approaching 68 years now, WOW!). I tend to side with residents more than the business community. I am so disappointed when I see outright violations of city patio extension agreements and/or legal responsibilities of downtown businesses. The residents have already done so much for we restaurant owners. I hope the asking of extended hours, knowing of all the past violators, does not push my fellow citizens over the proverbial edge. Thursday and Sunday are "school nights". I would suggest a potential trial basis of extending Friday and Saturday only. Let's see how that works out. Then maybe Thursday could be added but I don't think Sunday should be considered. Thank you for listening, Bob Beverly Shellback Tavern cell 310 991-7982

Martha Alvarez

From: Rachel Clinton <clintonsinai@gmail.com>
Sent: Tuesday, August 4, 2020 3:51 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Reparations for Bruce's Beach - Public Comment

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the Manhattan Beach City Council,

My name is Rachel Clinton and I am writing to call on the City Council to repay the Bruce Family for the property the City of Manhattan Beach seized from them.

The history of Bruce's Beach and its modern-day impact is dark and upsetting. Not only was the Bruce family was run off the land they rightfully owned, but the city of Manhattan Beach has completely failed to make amends for this gross abuse of power. When one of my friends sent an email calling on the city to address and make reparations for the atrocities that occurred, Mayor Richard Montgomery replied telling her to read the plaque at Bruce's Beach, as if that plaque somehow fixes the city's wrongdoings.

Hopefully, Mayor Montgomery's views are not indicative of the city as a whole. I hope the city commits to give reparations to descendants of the Bruce family by giving them the land that was stripped from them all those years ago. I also request that Manhattan Beach updates the plaque to tell the full, uncensored history of Bruce's Beach. Finally, I think it is essential that the story of Bruce's Beach is taught in MBUSD schools. This will allow students to understand that racial bigotry towards Blacks is not just something that occurred during slavery or in history books, but that it has many modern occurrences in our community.

Thank you, and I hope you consider this request for the city to address and rectify the history of Bruce's Beach.

Rachel Clinton

Martha Alvarez

From: sabrina harris <sabreezyharris@gmail.com>
Sent: Tuesday, August 4, 2020 12:52 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Reparations for Bruce's Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council,

I am writing to call on the City Council to repay the Bruce Family for the property the City of Manhattan Beach seized from them.

At the turn of the 20th century, Bruce's Beach was a flourishing resort run by a Black family for other Black families not welcome anywhere else. The Bruces purchased their seafront property in 1912 and built their business from the ground up. They worked to make it a hallmark of the community and their success brought business, reputé, and a community to Manhattan Beach. They accomplished this despite harassment by the Ku Klux Klan and sympathetic white residents, despite at least one cross burned on their lawn, despite legal harassment on the part of the City, and despite the systemic barriers and difficulty for a Black family of amassing sufficient capital to start and operate a business in a segregated area.

In 1924, giving in to racism at the urging of white residents, the City of Manhattan Beach condemned Bruce's Beach on false pretenses. The City then began the process of and ultimately succeeded in seizing the Bruce Family's land by eminent domain. The Bruce Family fought the seizure in court, but the city ultimately constructed a park on the land to ensure that it could never be returned to the Bruce Family.

Manhattan Beach feels the effects of its past wrongs today. Our population is overwhelmingly white and actively hostile to people of color in significant part because the City Council advanced an agenda of racial segregation that was as wrong then as it is unacceptable now. We've seen for years that our community consistently harasses and demeans people of color; even though today it's high property prices that predominantly keep people of color out, the city has never wanted them in. By wielding the power of government for discriminatory ends, people of color are still kept out. It didn't start in 1924, and if the City Council still refuses to do anything about it now, we'll see it long after 2020.

Making reparations for past wrongs is the right place to start. The city must return the land it stole from the Bruce family to its rightful owners, and provide restitution for loss of revenue for 95 years and monetary damages for the wanton violation of their civil rights. The city should also replace the current plaque, which fails to address the full history of Bruce's Beach, and issue a public apology taking responsibility for the theft of the Bruce family land and acknowledge that Manhattan Beach is not only not immune from racism, but also has actively participated in it.

I join the thousands who have signed the petition calling on Manhattan Beach to address the full history of Bruce's Beach, and I join them too in calling on the City Council not to miss this moment.

Sabrina Harris

Sent from my iPhone

Martha Alvarez

From: robertbush dslextreme.com <robertbush@dslextreme.com>
Sent: Monday, August 3, 2020 4:52 PM
To: robertbush @dslextreme.com
Cc: Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; mmatthews; kkomatinsky; bfournell; jfenton; speel; robertbush @dslextreme.com; List - City Council
Subject: [EXTERNAL] 2018 Salaries for Manhattan Beach (Transparent California) Pension Spiking Sb 400 - new pension law - Governor Grey Davis

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

2018 Salaries for Manhattan Beach (Transparent California) Pension Spiking SB 400 - new pension law – Governor Grey Davis

by Robert Bush

2018 Salaries for Manhattan Beach (Transparent California)

Name – Ronald Ray Lauren Job Title – Fire Battalion Chief Regular Pay - 178,776 Overtime Pay – 140,754 Other Pay – 42,690 Total Pay – 362,226 Benefits – 63,690 Pension Debt – 39,067 Total Pay & Benefits – \$464,985 Highest paid employee.

475 – 450 (1) 450 - 425 (1) 425 - 400 (4) 400 - 375 (3) 375 - 350 (6) 350 - 325 (10) 325 - 300 (7)

Manhattan Beach City Employees – 32 employees that earn more than \$300.000 year.

Police Chief Derrick Abell \$412,287

City Manager Bruce Moe \$349,796

Fire Battalion Chief makes more than the following elected persons:

United States President - \$400,000, Vice President- \$230,700, Cabinet - \$210,700, Senate/Representatives - \$174,000, Supreme Court Justice - \$267,000. U.S. Army General - \$189,600. California Governor - \$201,800, Attorney General - \$175,182.

Pension Spiking

California Supreme Court sided with the state, [unanimously upholding](#) a provision of the 2013 law that prohibited pension spiking by county workers.

California county employees – “pension spiking” - the ability to boost their pensions by cashing out unused vacation or sick leave, or working extra hours, at the end of their careers. In some cases, workers received more in pension payments than they earned while working.

California Rule, a 65-year-old legal doctrine that strongly protects public pensions for all government workers except new hires.

The decision on spiking applies to [20 counties that administer their pension plans](#) under the County Employees Retirement Law of 1937, which the 2013 law amended. L.A., Orange, San Bernardino and San Diego counties are among them. The city of Los Angeles has a separate pension system.

SB 400 - new pension law – Governor Grey Davis

With the stroke of a pen, California Gov. Gray Davis signed legislation that gave prison guards, park rangers, Cal State professors and other state employees the kind of retirement security normally reserved for the wealthy.

More than 200,000 civil servants became eligible to retire at 55 — and in many cases collect more than half their highest salary for life. California Highway Patrol officers could retire at 50 and receive as much as 90% of their peak pay for as long as they lived.

The state employees' pension fund, they said, would grow fast enough to pay the bill in full. They were off — by billions of dollars — and taxpayers will bear the consequences for decades to come.

State employee pensions will cost taxpayers \$5.4 billion, according to the Department of Finance.

SB 400 - new pension law - it's more than 30 times what the state paid for retirement benefits in 2000.

After state workers won richer retirement benefits, unions representing teachers, police, firefighters and other local employees demanded similar benefits, and got them in many cases.

Today, the difference between what all California government agencies have set aside for pensions and what they will eventually owe amounts to \$241 billion according to the state controller.

The enhanced benefits stand in stark contrast to the financial insecurity facing most Americans in retirement. The vast majority of private sector workers have no pensions and very little retirement savings, and will depend largely on Social Security payments, which average about \$16,000 per year.

Union leaders say their generous pensions are preserving the middle-class dream of a comfortable retirement.

Martha Alvarez

From: Markland, Jordan (LAN-INI) <Jordan.Markland@initiative.com>
Sent: Monday, August 3, 2020 9:50 AM
To: List - City Council; City Manager
Subject: [EXTERNAL] Mask Ordinance

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Greetings City Council,

First, I want to start by thanking you all for your city service during what is a strange and difficult time for all of us. You did not sign up to lead during an unprecedented global pandemic, and I have a great respect for the many tough decisions you have worked as a group to make on behalf of our wonderful city.

I am writing this, however, to voice my displeasure with one of your decisions, the mandatory mask ordinance. Let me start by saying I am certainly not "anti-mask." I am happy to wear mine indoors and will never complain about that; I think they should be mandated inside.

Outside is another story, however. At this point, we know that nearly all transmission happens indoors. Requiring runners, bikers, and people out for a walk to wear a mask is simply unnecessary. If we're really serious about stopping the virus, I'd rather my tax dollars go towards cracking down on the numerous house parties across the city, where transmission is actually occurring. No one is catching the virus when out for a run, or lounging at the beach, and it's a shame that our hard-earned tax dollars are going towards enforcement on something that will have no effect on transmission.

I also fear that someone is going to get hurt because of this ordinance. At this point, we've all seen the video of the woman throwing coffee in a non-mask wearer's face downtown. My girlfriend recently forgot her mask on her morning strand walk and another woman verbally threatened her. Tensions are clearly way too high on this issue, it is only a matter of time before something more severe takes place.

Common sense must prevail here. We're all more than able to stay 6 feet away from others outdoors, even when exercising. Please, repeal this before someone gets hurt.

I truly hope you will take this into consideration.

Thanks,
Jordan Markland
(408) 204-2011

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Martha Alvarez

From: Hailey Dahl <haileymdahl@icloud.com>
Sent: Monday, August 3, 2020 9:05 AM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Reparations for Bruce's Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council,

I am writing to call on the City Council to repay the Bruce Family for the property the City of Manhattan Beach seized from them.

At the turn of the 20th century, Bruce's Beach was a flourishing resort run by a Black family for other Black families not welcome anywhere else. The Bruces purchased their seafront property in 1912 and built their business from the ground up. They worked to make it a hallmark of the community and their success brought business, repute, and a community to Manhattan Beach. They accomplished this despite harassment by the Ku Klux Klan and sympathetic white residents, despite at least one cross burned on their lawn, despite legal harassment on the part of the City, and despite the systemic barriers and difficulty for a Black family of amassing sufficient capital to start and operate a business in a segregated area.

In 1924, giving in to racism at the urging of white residents, the City of Manhattan Beach condemned Bruce's Beach on false pretenses. The City then began the process of and ultimately succeeded in seizing the Bruce Family's land by eminent domain. The Bruce Family fought the seizure in court, but the city ultimately constructed a park on the land to ensure that it could never be returned to the Bruce Family.

Manhattan Beach feels the effects of its past wrongs today. Our population is overwhelmingly white and actively hostile to people of color in significant part because the City Council advanced an agenda of racial segregation that was as wrong then as it is unacceptable now. We've seen for years that our community consistently harasses and demeans people of color; even though today it's high property prices that predominantly keep people of color out, the city has never wanted them in. By wielding the power of government for discriminatory ends, people of color are still kept out. It didn't start in 1924, and if the City Council still refuses to do anything about it now, we'll see it long after 2020.

Making reparations for past wrongs is the right place to start. The city must return the land it stole from the Bruce family to its rightful owners, and provide restitution for loss of revenue for 95 years and monetary damages for the wanton violation of their civil rights. The city should also replace the current plaque, which fails to address the full history of Bruce's Beach, and issue a public apology taking responsibility for the theft of the Bruce family land and acknowledge that Manhattan Beach is not only not immune from racism, but also has actively participated in it.

I join the thousands who have signed the petition calling on Manhattan Beach to address the full history of Bruce's Beach, and I join them too in calling on the City Council not to miss this moment.

Sincerely,
Hailey

Martha Alvarez

From: Rebecca Dahl <beccadahlx@gmail.com>
Sent: Monday, August 3, 2020 12:42 AM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Open Debate about Bruce's Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council,

My name is Rebecca Dahl and I'm a resident of Manhattan Beach. I'm writing in support of Councilmember Hersman's call to open debate about Bruce's Beach on the City Council. The City Council need to address its use of eminent domain to enforce racial segregation in Manhattan Beach as well as the culture that led to it. Claiming we just don't have a problem in Manhattan Beach is false. We've had a problem since the start. The City Council needs to hold a public forum and lead the way in redressing its past wrongs if we're going to be serious about change.

Sent from my iPhone

Martha Alvarez

From: Camila Zagarzazú <camilazaga@gmail.com>
Sent: Sunday, August 2, 2020 8:49 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Reparations for Bruce's Beach

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Members of the City Council,

I am writing to call on the City Council to repay the Bruce Family for the property the City of Manhattan Beach seized from them.

At the turn of the 20th century, Bruce's Beach was a flourishing resort run by a Black family for other Black families not welcome anywhere else. The Bruces purchased their seafront property in 1912 and built their business from the ground up. They worked to make it a hallmark of the community and their success brought business, repute, and a community to Manhattan Beach. They accomplished this despite harassment by the Ku Klux Klan and sympathetic white residents, despite at least one cross burned on their lawn, despite legal harassment on the part of the City, and despite the systemic barriers and difficulty for a Black family of amassing sufficient capital to start and operate a business in a segregated area.

In 1924, giving in to racism at the urging of white residents, the City of Manhattan Beach condemned Bruce's Beach on false pretenses. The City then began the process of and ultimately succeeded in seizing the Bruce Family's land by eminent domain. The Bruce Family fought the seizure in court, but the city ultimately constructed a park on the land to ensure that it could never be returned to the Bruce Family.

Manhattan Beach feels the effects of its past wrongs today. Our population is overwhelmingly white and actively hostile to people of color in significant part because the City Council advanced an agenda of racial segregation that was as wrong then as it is unacceptable now. We've seen for years that our community consistently harasses and demeans people of color; even though today it's high property prices that predominantly keep people of color out, the city has never wanted them in. By wielding the power of government for discriminatory ends, people of color are still kept out. It didn't start in 1924, and if the City Council still refuses to do anything about it now, we'll see it long after 2020.

Making reparations for past wrongs is the right place to start. The city must return the land it stole from the Bruce family to its rightful owners, and provide restitution for loss of revenue for 95 years and monetary damages for the wanton violation of their civil rights. The city should also replace the current plaque, which fails to address the full history of Bruce's Beach, and issue a public apology taking responsibility for the theft of the Bruce family land and acknowledge that Manhattan Beach is not only not immune from racism, but also has actively participated in it.

I join the thousands who have signed the petition calling on Manhattan Beach to address the full history of Bruce's Beach, and I join them too in calling on the City Council not to miss this moment.

Martha Alvarez

From: amwilliamstwins@gmail.com
Sent: Sunday, August 2, 2020 6:00 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Calling for More Public Forums on Policing

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council,

My name is Marina Williams and I'm a resident of Manhattan Beach. I just recently graduated from Mira Costa and have lived in Manhattan Beach my whole life. At the public forum on race and policing on July 9th, all the members of the City Council repeatedly said that that forum was only a first step. I'm calling on the City Council to take the next one. It's unacceptable that more action steps have not been taken. We need a real public forum, and if we're going to have real change. We need a public forum with open conversation, where the Chief of Police and City Councilmembers respond to the questions people have right then and there and be accountable to the public they swore to serve.

Martha Alvarez

From: Patricia Lundy <patricialundy7@gmail.com>
Sent: Sunday, August 2, 2020 5:51 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] New Concerns About Bruce's Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello,

I am writing as a concerned resident of Manhattan Beach. I'm horrified to learn of the history behind Bruce's Beach and how the Bruce Family had land unlawfully taken from them.

They need to be repaid for the loss of their property.

If you are not familiar with the history of Bruce's beach, I implore you to learn about it. The Bruce Family purchased a beach property and turned it into a resort for Black families (who were not welcome anywhere else) at the turn of the 20th century. However, after being harassed by the KKK and constant racism from white residents, the City of MB condemned Bruce's Beach and then unlawfully seized the property from the family.

Making reparations for past wrongs is the right place to start. The Bruce family should be given their land back and be provided restitution for loss of revenue for 95 years. The city should also replace the current plaque, which fails to address the full history of Bruce's Beach, and issue a public apology taking responsibility for the theft of the Bruce family land and acknowledge that Manhattan Beach is not only not immune from racism, but also has actively participated in it.

As a resident of MB, I want to make my city a better place and a more welcoming place for all people who reside here and who visit our beaches. This is a great place to start.

Sincerely,
Patricia Lundy

Martha Alvarez

From: Daphna Oyserman <daphna.oyserman@gmail.com>
Sent: Sunday, August 2, 2020 1:52 PM
To: List - City Council; citym@citymb.info
Subject: [EXTERNAL] Bruce's Park

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I am disturbed by the ongoing lack of resolution to the land grab now marked as Bruce's Park. As a town, Manhattan Beach has a responsibility to right the wrong done to the Bruce family. The solution is clear, return the land appropriated from the family, or pay fair market value to keep the land. That the land is now expensive implies that it will have to be returned to the Bruce heirs. That something else we value is there now should not impede doing the right thing. None of us would find it appropriate for the city to come and raze our own homes in order to build a park or to put up a lifeguard station. That everyone enjoys the benefit of a park or lifeguard station does not mean that the city and take without fair compensation. There really is not another option here. The land was taken to keep African Americans out and the compensation paid was not fair value at the time – from the reports, it seems the family got about 5% of its market value. There is a simple solution, give back the land or pay for it.

Daphna Oyserman
Homeowner, 217 4th Place MB
daphna.oyserman@gmail.com

Martha Alvarez

From: Clara Mangali <clara.mangali@gmail.com>
Sent: Saturday, August 1, 2020 2:20 PM
To: List - City Council
Cc: City Manager
Subject: [EXTERNAL] Reparations for Bruce's Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Members of the City Council,

I am writing to call on the City Council to repay the Bruce Family for the property the City of Manhattan Beach seized from them.

At the turn of the 20th century, Bruce's Beach was a flourishing resort run by a Black family for other Black families not welcome anywhere else. The Bruces purchased their seafront property in 1912 and built their business from the ground up. They worked to make it a hallmark of the community and their success brought business, reputé, and a community to Manhattan Beach. They accomplished this despite harassment by the Ku Klux Klan and sympathetic white residents, despite at least one cross burned on their lawn, despite legal harassment on the part of the City, and despite the systemic barriers and difficulty for a Black family of amassing sufficient capital to start and operate a business in a segregated area.

In 1924, giving in to racism at the urging of white residents, the City of Manhattan Beach condemned Bruce's Beach on false pretenses. The City then began the process of and ultimately succeeded in seizing the Bruce Family's land by eminent domain. The Bruce Family fought the seizure in court, but the city ultimately constructed a park on the land to ensure that it could never be returned to the Bruce Family.

Manhattan Beach feels the effects of its past wrongs today. Our population is overwhelmingly white and actively hostile to people of color in significant part because the City Council advanced an agenda of racial segregation that was as wrong then as it is unacceptable now. We've seen for years that our community consistently harasses and demeans people of color; even though today it's high property prices that predominantly keep people of color out, the city has never wanted them in. By wielding the power of government for discriminatory ends, people of color are still kept out. It didn't start in 1924, and if the City Council still refuses to do anything about it now, we'll see it long after 2020.

Making reparations for past wrongs is the right place to start. The city must return the land it stole from the Bruce family to its rightful owners, and provide restitution for loss of revenue for 95 years and monetary damages for the wanton violation of their civil rights. The city should also replace the current plaque, which fails to address the full history of Bruce's Beach, and issue a public apology taking responsibility for the theft of the Bruce family land and acknowledge that Manhattan Beach is not only not immune from racism, but also has actively participated in it.

I join the thousands who have signed the petition calling on Manhattan Beach to address the full history of Bruce's Beach, and I join them too in calling on the City Council not to miss this moment.

Regards,
Clara Mangali

Martha Alvarez

From: CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach
<CityOfManhattanBeach@citymb.info>
Sent: Saturday, August 1, 2020 10:54 AM
To: List - City Council
Subject: [EXTERNAL] Face Masks - signs needed on the Strand

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

Site Visitor Name: Terry Constant
Site Visitor Email: terryconstant@live.com

So the green belt is well marked with signs stating masks are mandatory but not on the strand. Why not? I was walking there this morning and I would say 90% of people wear them but the other 10% are an issue. How about putting up some signs issuing tickets down there. it helped with getting people to wear them on the green belt (I walk this everyday and have noticed the difference).

Terry Constant
2811 N Valley Drive
Manhattan Beach



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Martha Alvarez

From: John D. <commdumond@verizon.net>
Sent: Thursday, July 30, 2020 8:03 PM
To: List - City Council
Cc: Lisa Jacobs - Beach Reporter
Subject: [EXTERNAL] Emergency Order 13

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Gentlefolk,

I am really confused by Emergency Order 13 and the subsequent articles in the Beach Reporter. There are clear discrepancies between the two.

The Emergency Order continues to declare that the citizens and others in our area who do not wear a cloth face covering in public are guilty of a misdemeanor. I cannot state strongly enough how wrong I believe this action to be.

Additionally, I raised a number of issues with you regarding the emergency order when I first became aware of it and I was advised that the legal issues I raised would be addressed by the city attorney. I understand that my emails were forwarded to him--but I have not received any responses from him.

I was also told that a committee was being formed to address some of the concerns and I was hopeful. I read the lead article in the 23 July 2020 edition of The Beach Reporter that stated the "City was adding common sense to mask wearing rules." Based on the paper, among the "common sense changes" was the city attorney's statement that violations would be "treated in this case as an administrative fine" rather than a misdemeanor. According to the Beach Reporter, the City Council had directed the City Manager to delete the misdemeanor phrase so where is that change reflected in a legal document?

I also notice that the Emergency Order continues to require a cloth face covering. That type of covering is very specifically defined in higher government documents which means individuals who wear disposable face coverings would not meet the requirements of the Emergency Order. The Beach Reporter article does not use the term cloth face covering which suggests that the Order does not require the coverings to be cloth. If disposable face coverings are to be considered adequate, then the Emergency Order should be modified to delete the word "cloth".

I have a number of other concerns that I have raised with Mayor Montgomery regarding this Emergency Order that I would be glad to share with the whole council as well as the City Manager and the City Attorney. Among them is the importance of social distancing as the primary means of stopping the spread of COVID, which shows up no-where in the Emergency Order, but is the thrust of federal, state and LA county efforts. It is as if the Emergency Order authors truly believe that face coverings are the best (and maybe only) way to stop the spread.

I have been told by at least one member of the Council and I now see in the 28 July 2020 edition of the Beach Reporter that "Governor Newsom announced that face masks are required to be worn in most public places. Soon after, the LA County Health Officer announced that face masks were required when leaving homes". I have been looking for the specific documents stating those requirements and this is what I have found: From the State dated 18 Jun 2020

[https://urldefense.com/v3/__https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH*20Document*20Library/COVID-19__;JSU!!AxJhxnnVZ8w!ZyxBrztfV7gBs1tVgXyEJfZVB9zUX8XVtOocaiRXF3GC6aXto2gff4HcQT7Z-69ej4tPJQ\\$/Guidance-for-Face-Coverings_06-18-2020.pdf](https://urldefense.com/v3/__https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH*20Document*20Library/COVID-19__;JSU!!AxJhxnnVZ8w!ZyxBrztfV7gBs1tVgXyEJfZVB9zUX8XVtOocaiRXF3GC6aXto2gff4HcQT7Z-69ej4tPJQ$/Guidance-for-Face-Coverings_06-18-2020.pdf) and from the county updated as recently as 17 Jul 2020:
[https://urldefense.com/v3/__http://publichealth.lacounty.gov/media/Coronavirus/docs/protection/GuidanceC__;!!AxJhxnnVZ8w!ZyxBrztfV7gBs1tVgXyEJfZVB9zUX8XVtOocaiRXF3GC6aXto2gff4HcQT7Z-68cFynyZA\\$lothFaceCoverings.pdf](https://urldefense.com/v3/__http://publichealth.lacounty.gov/media/Coronavirus/docs/protection/GuidanceC__;!!AxJhxnnVZ8w!ZyxBrztfV7gBs1tVgXyEJfZVB9zUX8XVtOocaiRXF3GC6aXto2gff4HcQT7Z-68cFynyZA$lothFaceCoverings.pdf)

Neither of these documents have mandated that face coverings MUST be used whenever in public. Quite the contrary. Of interest is that both of these documents make it clear that social distancing is the primary tool and suggest that if social distancing cannot be achieved then a face covering should be used.

In my previous emails to some members of the council I have pointed out that MOST people do NOT apply all the recommended steps for using a face covering and therefore are putting themselves at risk of by using face coverings more than once. Just consider the individual who wears a bandanna to, say a store, and touches a contaminated cart. Fifteen minutes later when he/she is back home, he/she removes the face covering, puts the groceries away and then puts the bandanna back on to go for a walk. During the 3 mile walk he/she sees a few people but is always at least 20 feet from any of them. Unfortunately for that 45 minute walk he/she has been inhaling COVID through his nose and mouth from the inside of his/her bandanna. Why is wearing a face covering in an area where there are no people better than breathing fresh air?

I assume that the material in the Beach Reporter is informative but I don't believe that it supercedes in legal terms the mandate of the Emergency Order. If it is the intent of the City Council to remove the phrase regarding being guilty of a misdemeanor for a violation and for changing cloth face covering to just face covering then the Emergency Order should be revisited in its entirety. Obviously, common sense would dictate that children playing in their front yards are not to be subjected to a misdemeanor or even an administrative fine.

I hope the City Council revisits the whole approach to wearing face coverings as it modifies Emergency Order 13.

John Dumond

Martha Alvarez

From: robertbush dslextreme.com <robertbush@dslextreme.com>
Sent: Wednesday, July 29, 2020 5:10 PM
To: robertbush @dslextreme.com
Cc: Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; bfournell; jfenton; speel; robertbush @dslextreme.com; robertbush @dslextreme.com
Subject: [EXTERNAL] "Florida's Folly" Coronavirus Leaves Florida a State of Confusion

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

"Florida's Folly" Coronavirus Leaves Florida a State of Confusion by Robert Bush

Florida is now the U.S. epicenter of the pandemic. Over the last week, it reported more than 80,000 new cases, well ahead of California and Texas, two much larger states that are also struggling to contain the virus.

Yet in much of Florida the response to the crisis has been little more than a shrug. Disney World has reopened, restaurants and shopping malls are crowded, and Gov. Ron DeSantis has invited four professional sports leagues and the Republican national convention to the state.

Over the last month, Florida has seen its caseload jump from fewer than 90,000 to more than 350,000. The death toll has climbed from 3,104 to 4,982, the eighth highest in the country. At least 54 hospitals across Florida have reported that their ICU wards are full.

Even as the numbers surged, DeSantis pledged not to impose new shelter-in-place rules and began pushing for schools to reopen and free parents to go back to work.

He has also refused calls to issue a statewide order mandating face coverings in public, leaving it to the counties to implement their own guidelines.

Public health has become politicized and that is a recipe for disaster," said Dr. Anne W. Rimoin, a professor of epidemiology at UCLA. "The fact that masks

have become politicized is nonsensical. It's a proven public health method of reducing disease transmission."

"I think there was some sort of ... moment where one of their loved ones got sick or they tried to go to a hospital and the hospital was full," "It's dawned on them to say, 'OK, no matter what our politics are, maybe we should put on a mask.'"

They passed the measure over the objection of dozens of mask-less protesters who filled the commissioners' chambers. Four protesters later filed a 78-page lawsuit claiming the order "interferes with personal liberty and constitutional rights."

"I'd rather wear a mask than be in a coffin,"

There are still many people who believe the pandemic is a hoax or that masks are useless.

"Anybody who thinks that this is a hoax or it's not real, they need to go visit a hospital and see what it's like,"

The state also faces a unique challenge in its demographics: A quarter of the population is 18 or younger while 20% of the state is 65 or older.

"On one hand there's a younger population that goes out and feels invincible and is probably picking up this virus," . "And at the same time, it's got the most number of seniors of any state in the country."

For now, state officials say that many of the new infections are in young adults, whose resilience has helped control the death toll. Faust cautioned that things could shift rapidly.

"You're really playing with matches there because you could end up having a bunch of young people get it and transmit it to the seniors, who are going to start really having high mortality rates from this," he said.

“This is just an epidemic of moronic behavior, where you have people doing things on purpose that are known to be dangerous, either out of some misguided act of political defiance or some just Neanderthal sense that they're bulletproof,” he said. ”At this point, this many months in, you still don't get it?

Martha Alvarez

From: CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach
<CityOfManhattanBeach@citymb.info>
Sent: Wednesday, July 29, 2020 1:07 PM
To: List - City Council
Subject: [EXTERNAL] Wearing masks while playing tennis at Live Oak

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

Site Visitor Name: Mary Ellen
Site Visitor Email: mevoj@aol.com

I do not understand the rationale behind the requirement to wear a mask while playing tennis. Currently everyone must wear a mask when checking in and walking to the courts. Only 2 people are allowed on the court and social distancing is required between players. Therefore, it makes no sense to require masks while playing tennis outdoors, particularly if you are older or have asthma, because the probability of transmission would be negligible.



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Martha Alvarez

From: Steven Annis <steveannis11@gmail.com>
Sent: Tuesday, July 28, 2020 2:54 PM
To: List - City Council
Subject: [EXTERNAL] Strand Bike Path

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Firstly- greatly appreciate the efforts to curb the virus, the addition of outdoor dining and caring for the community thru these difficult times.

Re-painting the bikes only signage along the Strand Bike Path could prove helpful as too many, likely non-residents, are walking along it.

If this is an LA County responsibility if you could pass along this suggestion it would be greatly appreciated.

Thank you.

--

Steven Annis
424-400-4009
steveannis11@gmail.com
<https://www.linkedin.com/in/stevenannis>

Martha Alvarez

From: Jacqueline Zuanich-Ferrell <jzuanichferrell@yahoo.com>
Sent: Tuesday, July 28, 2020 11:24 AM
To: List - City Council
Subject: [EXTERNAL] Rule Change on Face Masks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Initially MB residents who used the reservation system for pickleball courts at Manhattan Heights Park were informed we did not need to wear masks to play singles. About a week ago, we were told by Rec Dept staff that we must wear masks when we play. It is not possible to wear a mask over mouth and nose without **fogging up** sunglasses as we are exerting ourselves as we play! Wearing a mask over nose and mouth will expose seniors and younger players to possible injury due to limited visibility. Come down to the courts and we will demonstrate.

Jacqueline Zuanich-Ferrell
310-748-2181

Martha Alvarez

From: robertbush dslextreme.com <robertbush@dslextreme.com>
Sent: Monday, July 27, 2020 1:51 PM
To: robertbush @dslextreme.com
Cc: Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; jfenton; Carol Perrin, Allen Fulmer; speel
Subject: [EXTERNAL] Masks or Ventilators

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Manhattan Beach – Smoke-free/Coronavirus-free - only if you wear a mask when you leave your home. No confusion or exemptions, just common sense taken to the stop the spread/surge of the virus. MASKS OR VENTILATORS

Masks or Ventilators by Robert Bush

LA County’s order requires facial coverings if someone anticipates being with others at any point. Manhattan Beach’s order says folks must wear face coverings once they leave their residences.

Councilmember Suzanne Hadley

The council may be overstepping its boundaries and should “dial back” the new rules — only enforcing face coverings in the commercial district, in crowded areas, on the Strand, in downtown and on the north end.

The city should not enforce face coverings at parks, on the beach or in neighborhoods.

The order required masks while playing singles tennis, on a walk with a member of one's household and in neighborhoods well beyond the city's commercial district.

I understand we've made things simpler to enforce by making it so draconian. But I really think we have gone overboard.

I think the lack of common sense exemptions like for walking alone on a residential block when there's no one around, erodes respect for law enforcement.

I agree with Councilmember Suzanne Hadley that – “people in the city must wear face coverings when leaving their homes or [pay a fine](#)” is DRACONIAN.

Draconian Laws, government action are extremely severe or go further than what is right or necessary.

California has 415,000 coronavirus cases and 7,000 deaths. Draconian measures have to be taken to stop the spread/surge of the virus.

The only place that you are safe from the COVID-19 is your own home with your family. Once you step out your front door – the virus is lurking.

Masks or Ventilators.

You don't take off your safety belts or only stop at certain stop signs because you are driving in your neighborhood instead of on busy streets.

You could be playing singles tennis and your mask-less partner may have the virus. You walk alone in your neighborhood and you meet a friend who has no mask but has the virus. You take an umbrella (mask) when there is a chance of rain (coronavirus).

Maybe you should stayed at home or wore a mask.

If you are looking for a miracle pill that will give you a longer, heathier life, look no further. But it's not a pill that you swallow but it something that covers your mouth and nose – face mask.

**COVID-19 ICU Patient “I can’t breathe, help me. Save my life, now”.
by Robert Bush**

Manny Khodadadi, an emergency room nurse at USC Verdugo Hills Hospital - for patients - “it’s like being under water and trying to swim toward the top and you can’t get your nose above the top of the water”. “Help me, help me, help me. I can’t breathe, help me” “Save my life, now”.

The United States has had nearly twice as many COVID-19 deaths as the next closest country after five months of failed national leadership, haphazard local policies on testing, tracing and reopening, and widespread public resistance to basic, simple precautions that could have saved lives.

That’s despite treatments that include high-dose oxygen, ventilators, lung-bypass machines, blood thinners to prevent clots that attack organs and cause great pain, and steroids to reduce inflammation in the lungs. In advanced stages, the sickest patients at least have the mercy of being sedated.

We have to understand that we are at war here. We are dealing with an enemy that is microscopic, something we can't see. In this war we can't see the enemy. It's a surprise attack and the tools we have to fight this are our masks, properly worn masks, and keeping our hands clean."

**California surpasses New York as worst-hit state for coronavirus cases
by Robert Bush**

**California moves past NY - now tops in nation for virus cases with
415,000 according to a tally by Johns Hopkins University**

**Gov. Gavin Newsom and health officials have blamed the increase
on people — many of them younger adults — gathering with
friends and family and not wearing masks or maintaining social
distancing.**

**At the end of June, Newsom began re-imposing shutdowns - bars
and inside dining, bans on indoor religious services and in-
person instruction at schools and closures of indoor malls and
gyms**

**New York (19.5 million residents) has 32,500 coronavirus-
related deaths and California (40 million residents) has 7,000
deaths.**

**Los Angeles County (10 million residents) remain a virus hot spot
and has 164,800 virus cases and 4,213 deaths.**

Martha Alvarez

From: Sarah Sheahan <sarah@lspgr.com>
Sent: Friday, July 24, 2020 5:01 PM
To: List - City Council
Subject: [EXTERNAL] Janice Hahn on How 'Alternative Learning Centers' Could Work

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello, with the fall approaching it might be interesting for the City to offer families who are forming study groups and learning pods the chance to register for a new type of (or existing) permit to use outdoor spaces (parks, the library picnic tables, Metlox/plaza near the police station, etc). We want to avoid using people's houses and backyards.

I know I'm hoping to find space behind the library and I imagine others are as well. It might keep things organized (and physically distant) if places get crowded.

I reached out to Erik Zandvliet about a permit to block traffic from a residential block to allow outdoor play without cars during the "school day" as well. He replied that a block party permit would do the trick. This is something more parents might want to do to allow for an easy "recess" for MB kids this fall.

I noticed Janice Hahn spoke about outdoor spaces being used for learning this fall, just FYI:

[https://urldefense.com/v3/__https://www.scpr.org/programs/take-two/2020/07/23/21036/__;!!AxJhxnnVZ8w!ZzPFcwB4Whih-NaFq1_bhjdUjNeAvcPeBc-mI5_rGTFOOS7w_I2EjffZCFXmZa7Wz4ifnQ\\$](https://urldefense.com/v3/__https://www.scpr.org/programs/take-two/2020/07/23/21036/__;!!AxJhxnnVZ8w!ZzPFcwB4Whih-NaFq1_bhjdUjNeAvcPeBc-mI5_rGTFOOS7w_I2EjffZCFXmZa7Wz4ifnQ$)

Thanks for all you do,
Sarah Leonard Sheahan

Sent from my iPhone

Martha Alvarez

From: robertbush dslextre.me.com <robertbush@dslextre.me.com>
Sent: Friday, July 24, 2020 11:27 AM
To: robertbush @dslextre.me.com
Cc: Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; Steve Napolitano; speel; jfenton
Subject: [EXTERNAL] Portland - federal Officers Policing BLM Protests

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Portland - Federal Officers Policing BLM Protests **by Robert Bush**

Homeland Security deployed additional agents in Portland from its components including Customs and Border Protection and Immigration and Customs Enforcement in response to protesters damaging federal property, including a U.S. courthouse.

The Justice Department also deployed agents from the U.S. Marshals Service

Modest cuts to the Police budget are insufficient so the protesters are demanding defunding or abolishing the Police Department.

Protesters broke into a building, set it on fire and started dumpster fires.

The fire at the Portland Police Association building was put out a short time later.

The department declared the gathering a riot, and began working to clear the area in North Portland.

Police said protesters had first gathered at the Portland Police Bureau's North Precinct, vandalizing patrol vehicles and taunting officers as they reported for work.

Police dispersed the group, which then went to the Portland Police Association building.

Tear gas was deployed against another group of demonstrators near the federal courthouse in downtown Portland on Saturday night, the Oregonian/Oregon Live reported.

Fencing that had been placed around the courthouse had also been removed by protesters and made into barricades, police tweeted.

Before the aggressive language and action from federal officials, the unrest had frustrated Wheeler and other local authorities, who had said a small cadre of violent activists were drowning out the message of peaceful protesters in the city.

But Wheeler said the federal presence in the city is now exacerbating a tense situation.

Federal officers and Portland police advanced simultaneously on demonstrators to clear the streets early Saturday, making arrests as protesters threw bottles and pieces of metal fencing.

Martha Alvarez

From: John D. <commdumond@verizon.net>
Sent: Friday, July 24, 2020 10:30 AM
To: List - City Council
Subject: [EXTERNAL] Thanks for making some steps in the right direction on the Emergency Order

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

As some of you may know I've been very vocal (via email) to some members of the City Council about Emergency Order 13. Looking at the current Beach Reporter I see that some steps are being taken to address these concerns and I appreciate that.

I notice that a committee is being formed to further improve the council's approach. I have sent numerous emails to Richard with some of my specific concerns that include links to County and State rules/guidance, many specific questions that a reasonable citizen would be interested in seeing addressed. I see a couple of them are being addressed such as the statement in Order 13 regarding the assumption of guilt of a misdemeanor (crime) for any violation. I also notice the omission of "cloth" in now describing face coverings because many citizens and visitors are wearing disposable coverings. Also, I had asked the question about children playing in their front yard being found guilty of a misdemeanor.

I was/am critical of the Order's total omission of the benefits of Social Distancing as if the use of face coverings is "better" than social distancing. That is a real danger. For one thing, it makes people believe that a face covering makes the wearer invulnerable to Covid. There is lots of evidence that most people do not take all the proper precautions when donning the face covering. Most people fail to wash their hands before donning the covering, they often touch their coverings and face while wearing the covering, etc. Imagine a wearer at one of the grocery stores picking up apples, going home and removing the face covering, removing the apples from the paper bag, and then put the covering back on to go for a walk in the neighborhood. What if a Covid carrier had sneezed over the apples or into their hands before touching the apples? Now the innocent shopper puts on the face covering inside out (easy to do with a bandanna or scarf) and then goes for a walk around Manhattan Beach's residential streets. That individual is now sucking in the virus through either her nose or mouth because it is touching their nose and mouth and all breathing is through the contaminated covering. Surely, that is far worse than walking through our neighborhood without a face covering where no one is less than 6 feet or, more likely, 20 feet away. I see no education being provided to our citizens on the proper donning of face coverings if they are to be mandatory.

If the committee members would like to see my emails identifying my concerns I'd be glad to forward them to you.

John Dumond

Martha Alvarez

From: neuman neuman <gossdog1@gmail.com>
Sent: Thursday, July 23, 2020 8:26 PM
To: List - City Council; City Manager
Subject: [EXTERNAL] City Council

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I would like to thank you for imposing a fine for not wearing a mask. Most people on the bike path are aware of it and still don't consider it important, the majority are still not covering their faces. I hope that this will be enforced for all our benefit.

Sincerely, David Brown

Martha Alvarez

From: Ian Woolley <ianwoolley@icloud.com>
Sent: Thursday, July 23, 2020 7:44 PM
To: List - City Council
Cc: City Manager; Ian Woolley
Subject: [EXTERNAL] Masks

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Team Members,

The purpose of this email is to reach out and express concern regarding the lack of people wearing masks especially on the pier, downtown and along the strand in Manhattan Beach. While I understand the City Council is reviewing the requirements, I think it's pretty simple and there should not be any confusion. When you leave your house, you need to wear a mask and it needs to cover the nose and mouth. There's a lot of people complying with the requirements and some who simply refuse to comply. It is my hope that the Council will continue and drive and issuing fines for non compliance. This is a very serious issue and we must all work together to slow the speed of COVID 19.

The fines imposed are very cheap and many countries outside the USA has implemented heavier fines in the thousands for similar offenses. There's been a lot of warning issues since this ordinance was implemented and these warnings should have been issued as fines. I hope the city will take this very serious and issue fines for non compliance. If we (together) do not take the appropriate measure NOW, we will be faced with greater restriction in the very near future.

Please do not let the guard down and enforce fines for non compliance. Thank you in advance.

Ian Woolley
310-920-6033

Martha Alvarez

From: robertbush dslextreme.com <robertbush@dslextreme.com>
Sent: Thursday, July 23, 2020 5:54 PM
To: robertbush @dslextreme.com
Cc: Nancy Hersman; Steve Napolitano; Richard Montgomery; Suzanne Hadley; Hildy Stern; Bruce Moe; Quinn Barrow; List - City Council; mmatthews; kkomatinsky; bfournell; jfenton; Steve Napolitano; speel
Subject: [EXTERNAL] AB 5 & AB 1850 Save the Beach Reporter/Easy Reader

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

AB 5 & AB 1850 – Save the Beach Reporter/Easy Reader

by Robert Bush

AB 5 – requires independent contractors like newspaper carriers to be classified as “employees” and newspapers will face an average increase of up to 95 percent in distribution costs.

Without local newspapers - accurate community journalism will become a thing of the past, fact checking will not exist and misinformation will spread undeterred, there will be no outlet to report on local elections, crime, schools or jobs, individuals will be less informed about the civic process and less likely to engage in improving their communities.

Industrywide, newspapers are scrambling to survive by cutting coverage, furloughing reporters, and eliminating print publication on certain days of the week.

Before the Legislature adjourns at the end of the summer, lawmakers must take action to save local journalism and preserve Californians access to reliable trusted information.

Assembly Bill AB 1850 – creates new employment exemptions. Legislature must add newspapers to AB 1850 and grant more time for carriers to be exempt from AB 5.

Accurate journalism during these historic months and the years of recovery ahead is essential as we rebuild the state and nation.

Now the Legislature must do its job to save community journalism by amending and enacting AB 1850.

Save the Beach Reporter/Easy Reader - Contact the following leaders in the Legislature:

State Senator Ben Allen (916) 651-4026

State Assembly Al Muratsuchi (916) 319-2066

Governor Gavin Newsom (916) 445-2841

**Love Manhattan Beach, The Beach Reporter and Easy Reader
Bush**

by Robert

I have loved Manhattan Beach , The Beach Reporter and Easy Reader ever since I came to California in 1960 to pursue my career as an Aeronautical Engineer.

Newspapers and television give us news about California, nationwide and worldwide, but only the local newspapers (the Beach Reporter and Easy Reader) give us the local news that affects our everyday life.

My main interest in the newspapers is the coverage of the community events in Manhattan Beach, but also interested in other South Bay cities that affect my home town.

Knowledge about the City's activities can only be obtained from the local newspapers. I love to read "Letters to the Editor" and submit articles because they have a larger audience than the City Council meetings.

I was intimidated at first and even thought about having Paul Silva (the Beach Reporter) be my "ghost writer" and I would read the article at the City Council meeting. I finally realized that the words have to be from your own thoughts that came from the heart.

Please support The Beach Reporter/Easy Reader so the residents of the South Bay cities can continue to have the information that affects our everyday lives.

M

Martha Alvarez

From: CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach
<CityOfManhattanBeach@citymb.info>
Sent: Thursday, July 23, 2020 9:00 AM
To: List - City Council
Subject: [EXTERNAL] Face Coverings

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

Site Visitor Name: Christine Brugman
Site Visitor Email: brugman1@verizon.net

I truly appreciate that you established the requirement to wear face coverings when outside of our homes. I also appreciate that you issued citations last weekend in downtown. However, I was downtown last evening (around 6 pm) and noticed that there were people walking on Manhattan Avenue that were not wearing any face coverings. Given that you have now allowed restaurants to use outdoor spaces in front of their restaurants, and pedestrians are walking through the area, I think it is important for you to put up more signs regarding face coverings and to issue citations when people do not wear face coverings. I asked one person to put on a face cover and the response was "I am outdoors I don't need one".

Thank you for considering posting more signs and issuing citations as needed.



CITY OF MANHATTAN BEACH

CITY NOTIFICATION

(310) 802-5000
CityofManhattanBeach@citymb.info

CITY OF MANHATTAN BEACH 1400 Highland Avenue Manhattan Beach, CA 90266
Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety
Reach Manhattan Beach Here for you 24/7, use our click and fix it app
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Martha Alvarez

From: heather kim <shinystar0127@gmail.com>
Sent: Thursday, July 23, 2020 12:40 AM
Subject: [EXTERNAL] Dear Honorable Mayor

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Honorable Mayor

My name is Heather. I have been a resident in Southern California for over 10 years. If you are reading this email now and take a few minutes to reply, your support can help with the saving of many lives. First of all, thank you very much for sharing your precious time.

In the United States, when George Floyd died due to police over racial discrimination, the whole nation came together to raise awareness about the importance of stopping discrimination and human rights abuses against specific racial groups.

In the meantime, I encountered news from South Korea about events where a religious group (Shincheonji Church) is being persecuted unjustly, so I decided to write this email to you. As you know very well, all nations around the world are struggling to protect their people from the COVID-19 pandemic.

However, in South Korea, one religious group (Shincheonji Church) is falsely reported to the media as if they were responsible for the spreading of COVID 19. Rather, it is the government that have the authority and are responsible to facilitate quarantine and responsible for taking measures for public safety.

And as a result of false and misleading reports that were created, human rights in Korea are under threat. For example, discrimination in the workplace due to religion beliefs, domestic violence, and even suicide due to persecution because of their beliefs. I was heartbroken by the persecution that was happening in South Korea due to one's beliefs.

I read in an article that there are about 4,000 recovered COVID-19 Shincheonji Church members who donated \$83 billion worth plasma to help in the fight against COVID-19. Regardless of their good actions, they are the very people/group who are being blamed for the COVID-19, and the government is evading responsibility by putting the blame on a religious group.

I urge you to give support for religious freedom and human rights to be enforced in South Korea and stop religious persecution.

And I ask for help on this issue as soon as possible. The Korean government successfully prevented widespread COVID 19 in Korea due to the good control measures they put in

place, but putting the blame on a minor religious group for the responsibility for the COVID-19 is unjust.

The Korean media does not do anything to raise awareness of what is going on with the persecution that is occurring. I would be very grateful if you can take time to just respond via text, video, or voice on your support to change what is happening in South Korea. I really wanted to inform you about this painful reality that is currently happening in South Korea.

Your voice and support will make a huge difference in the change for the better. I look forward to your response, thank you.

Most respectfully,
Heather Kim

Martha Alvarez

From: CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach
<CityOfManhattanBeach@citymb.info>
Sent: Wednesday, July 22, 2020 1:04 PM
To: List - City Council
Subject: [EXTERNAL] MB Mask Policy

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

Site Visitor Name: Delpha Flad
Site Visitor Email: Delpha.flad@gmail.com

I wish to register my agreement with the current mandate to require masks in public in Manhattan Beach. It has been proven time and time again that masks help prevent the spread of COVID-19, so to continue that mandated policy is the prudent action at this time.



CITY OF MANHATTAN BEACH

CITY ENOTIFICATION

(310) 802-5000
CityofManhattanBeach@citymb.info

CITY OF MANHATTAN BEACH 1400 Highland Avenue Manhattan Beach, CA 90266
Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety
Reach Manhattan Beach Here for you 24/7, use our click and fix it app
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Martha Alvarez

From: jeridear@verizon.net
Sent: Wednesday, July 22, 2020 12:51 PM
To: List - City Council
Subject: [EXTERNAL] Face Coverings

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

July 22, 2020

City Council Members,

The verbiage on the posted signs is FINIALLY crystal clear. Mandatory face coverings are required in **public**, that means everywhere, it leaves no confusion to the reader. Please do not alter this.

There should be only two exceptions:

While you are on your own private property.
While driving in your car.

I personally do not want to be in a situation where council member Hadley is, exerting physical exercise, barreling in my direction, on her bike without face coverings protection for myself or my family.
The same applies to runners anywhere in **public** and the possible discharge that exerted physical exercise produces.

We finally got signage that is firm and clear. Concerned residents are out here.... Please be firm with this, remind them to **buckle** up to save a life.

Jeri Dearden ~~ 310-545-0921

Martha Alvarez

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Sent: Wednesday, July 22, 2020 11:25 AM
To: noel.chun@bchd.org; vish.chatterji@bchd.org; vanessa.poster@bchd.org;
jane.diehl@bchd.org; michelle.bholat@bchd.org
Cc: communications@bchd.org; Eleanor Manzano; CityClerk@torranceca.gov;
citycouncil@hermosabeach.gov; cityclerk@hermosabeach.gov; List - City Council; City
Clerk
Subject: [EXTERNAL] Fwd: Public Comment - BCHD CEO and Board Malfeasance

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

PUBLIC RECORD INPUT TO BCHD BOARD, REDONDO BEACH MAYOR AND COUNCIL, TORRANCE MAYOR AND COUNCIL, HERMOSA BEACH MAYOR AND COUNCIL, MANHATTAN BEACH MAYOR AND COUNCIL

BCHD is systemically denying public input.

BCHD elected to dump it's HLC plan out at 605PM on Friday June 12th, and then approve it at the Board meeting 3 business days later, without any meaningful opportunity for public review and input, such as the public meeting that was scheduled for March 2020 at Crowne Plaza. Instead, BCHD willfully withheld the plan from public view under cover of Covid and summarily approved it on June 17th, 2020 approximately 90 days after it could have made the plan public. The plan was a revision of a 2009 plan that was released 3,981 days prior to June 12th.

In a prior meeting, BCHD passed rules to allow the Board President to effectively suppress public comments by tallying them and reporting the number of comments during meetings as opposed to reading them into the record.

Now, BCHD places limits on individual comments of 3,992 characters in an online form. That is approximately 1 page. BCHD seems unable to understand that the surrounding public has been subjected to chronic stress (Bluezones "silent killer"), economic injustice, and environmental injustice for 60 years and has no appetite to be the oppressed by BCHD for another century as BCHD pursues its lust for commercial real estate development.

The following comment does not fit inside BCHDs form and is provided as a public comment to the Board by direct email to assure it's in the public record, as are ALL EMAILS under the California Public Records Act.

It is provided to the surrounding City Councils and Mayors by copy.

----- Forwarded message -----

From: Mark Nelson (Home Gmail) <menelson@gmail.com>
Date: Mon, Jul 20, 2020 at 3:32 PM
Subject: Public Comment - BCHD CEO and Board Malfeasance
To: <communications@bchd.org>
Cc: <CityClerk@torranceca.gov>, <cityclerk@redondo.org>, Eleanor Manzano
<eleanor.manzano@redondo.org>, <drosenfeld@seng.com>, Mark Nelson (Gmail) <menelson@gmail.com>

Below are written public comments to the BCHD Board with copies to the Redondo Beach and Torrance Mayors and Councils for inclusion in their next available meeting public comments.

Mark Nelson
BCHD Healthy Living Campus Community Working Group 3-year Volunteer
Redondo Beach Property Owner
menelson@gmail.com

July 20, 2020

BCHD Board
by email

mal·fea·sance / ,mal' fēzəns/ noun wrongdoing, especially by a public official.

The BCHD Board and CEO committed “malfeasance in office” with their “abuse of power and process” actions regarding the proposed Healthy Living Campus.

The first publicly available campus redevelopment plan was released on July 13, 2009 when Chun and Poster were already Board members.

The 3rd plan revision was made available in a Friday document dump after business hours, 3,981 days later, on Friday June 12, 2020 at 6:05PM.

In contrast to the 3,981 days that BCHD allocated itself for the campus redesign process, the CEO and Board consciously and with deliberate forethought of planning allowed precisely 3 business days, June 15th through 17th, 2020 for public comment prior to summary approval in order to stifle the public.

The public comment was overwhelmingly NEGATIVE and in opposition to the never-before-seen design that provided: 1) a 75-foot tall, luxury, 6-story apartment complex renting for \$150,000 annually on the north perimeter of the campus towering over 100-feet above the surrounding neighborhoods, 2) an 8-story 24/7/365 parking structure on southwest perimeter of campus towering over 100-feet above the surrounding neighborhoods, and 3) a public aquatic center that was in neither prior plans since 2017.

BCHD CEO and Board abused their power and process to affirmatively deny the public and BCHDs taxpayer-owners rights in its scheme of a 3 day comment period and pre-arranged approval.

CEO Malfeasance

Specifically, the CEO has misrepresented the purpose of CEQA to the Board, the public, and the BCHD taxpayer-owners as a process to determine the scope of the project when in fact CEQA is an environmental evaluation. The process of public input into the base case is the obligation of the proponent prior to the DEIR, and the CEO willfully concealed the 3rd revision from the public in order to reduce public input to 3 days prior to a predetermined approval vote by the Board. This is willful misconduct to the level of malfeasance.

Board President Bholat Malfeasance

As the presiding member, President Bholat’s primary responsibility was to assure the public process was transparent, open, and that decisions were based on a transparent fact base. When allowing for a vote on the 3rd revised plan where BCHD allowed itself 3,981 days and limited public input to 3 business days, President

Bholat denied the taxpayer-owners due process and input and failed to provide leadership and guidance to the Board. This constitutes abuse of power and malfeasance in office.

Board Member Poster Malfeasance

Board member Poster had significant questions about the plan, recognizing her lack of information and understanding; however, in her malfeasance voted affirmatively to approve the plan absent the CEOs response to her questions. It was either malfeasance for voting without full information, or malfeasance for make a "show request" that was meaningless in the face of the predetermined outcome.

Board Member Chun Malfeasance

On the video record, Board member Chun acknowledged the predetermined outcome of the Board meeting and vote. He expressed disdain for public comments and having to attend Board meetings that last until midnight, and he signaled the arranged in advance outcome of the upcoming vote. Chun stated at 5hr39m20s in the Board video "I think we should proceed because if we don't, you're gonna have another 100 [sic comments], you're going to have another meeting that ends at 12 with the exact same result."

Board member Chun's comments reflect BCHDs continued systemic denial of both the public's and the taxpayer-owner's rights and reveals abuse of power and potential Brown Act violations disclosing that the Board had discussed the outcome of the vote in advance. Had Chun not had prior knowledge of the Board outcome, he could not have made the statement as a BCHD fiduciary and Board member noting that any amount of future comments would result "with the exact same result."

Board member Chun's direct denial of public input in the face of overwhelming opposition represents malfeasance, especially with regard to the rights of the taxpayer-owners of BCHD. Willful Brown Act violations also constitute malfeasance.

Additional Board Members Malfeasance

While both voted in the affirmative to deny the public and BCHDs taxpayer-owners the right to adequate input in the process, and while both voted in the affirmative to misuse the CEQA process, neither made substantive comments throughout the meeting. Their misuse of CEQA to further the Board's objectives against those of the public and taxpayer-owners constitutes malfeasance.

The full case for CEO Malfeasance

If, in fact, the 3rd plan revision would have been available for discussion at the March 2020 proposed Crowne Plaza public meeting, then the CEOs malfeasance begins with failing to provide the 3rd design to the public in a timely fashion. Overall, BCHD allocated itself 1,327 days for every 1 day that it allowed for public input prior to the proforma approval of the 3rd revised plan on June 17, 2020.

If the 3rd plan revision was developed during the COVID-19 pandemic between March and June 2020, then the CEOs malfeasance includes both dereliction of duty for failing to provide the full resources and focus of a California health district on the life and safety of its taxpayer-owners during the pandemic; and the deliberate use of the COVID-19 pandemic to reduce public input to the design and comment on the 3rd revised plan to only 3 business days after a 3,981 day process.

How many fewer people would have died in the Beach Cities had BCHD focused exclusively on COVID instead of its lust for real estate development?

The CEO is also guilty of malfeasance for misleading the Board with respect to the purpose of CEQA. Nowhere in CEQA or its legislative intent is there the contemplation that CEQA is a tool to explore alternatives to the proposed project in the place of public process evaluation of the proposed project. This is especially true when the proponent is a self-certifying agency with the ability to override public input and significant impacts. The

CEO has counseled the Board to misuse CEQA, to mislead the public on the purpose of CEQA, and to abuse its power by allowing the public only 3 days of comment on the 3rd revised plan after 3,981 days of process – by directly stating that CEQA is the appropriate process. It is not.

I challenge the CEO to provide documentation of ANY California CEQA lead agency-project proponent that has EVER provided only 3 days of public input prior to approval of its significantly revised plan that included never-before-seen elements and stated that the appropriate venue for analysis and selection of an alternative is the CEQA process. That action is a willful misrepresentation of CEQA. This is the result of an inept agency without leadership or CEQA lead agency experience seizing the opportunity to self-certify its own proposal against public opposition by those who have suffered economic and environmental injustice at the hands of BCHD and SBHD for over 50 years.

I remind BCHD that SBHD elected to allow the City of Redondo Beach to be the CEQA lead agency in the 1980s for the 520 Building and did NOT self-certify that CEQA document. According to the CEO's dismissive discussion of that incident and supposed legal opinion that BCHD MUST be the CEQA lead agency, that SBHD executive officer and Board should have been removed for a willful violation of the statute. It appears that removal of this CEO and Board for malfeasance is also appropriate given their elaborate scheme to deny public input and move forward in CEQA, a process where they self-certify their own plan with no regard to the environmental or economic justice concerns of the local neighborhoods, the public, the BCHD taxpayer-owners or even the City of Redondo Beach.

Thankfully, the City of Redondo Beach must issue a conditional use permit that can get this project back inside neighborhood design guidelines to look much like Kensington at Knob Hill.

Thankfully, the City of Torrance must approve any use of the land along Flagler, along with any egress onto Flagler and can also serve to withhold approvals until a reasonable project emerges and BCHD stops hiding behind both COVID and CEQA lead agency ability to self-certify.

CC: Redondo Beach Mayor and Council as public comment
Torrance Mayor and Council as public comment