

## Martha Alvarez

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**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

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**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

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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

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**From:** eszde@aol.com  
**Sent:** Tuesday, August 4, 2020 6:11 PM  
**To:** List - City Council; City Manager  
**Subject:** [EXTERNAL] Bruce's Beach

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

Hello City Council of Manhattan Beach,

I would like to address the issues surrounding Bruce's Beach. I feel it is important to follow through on a few ideas. Now is the time to take another step in the right direction. Do what is right for the family who had to suffer the racial injustice of having their land taken away through eminent domain, make a reparation to the family. I understand a new plaque is in the process of being made. The wording on this plaque should be developed with the family, and out line how the City to a hard look at the past and decided to make things right.

Thanks,  
Eszter Delgado  
Redondo Beach

## Martha Alvarez

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**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.

WRITER'S DIRECT DIAL NUMBER:  
(310) 551-8137

WRITER'S E-MAIL ADDRESS:  
SKRUL@HEALTH-LAW.COM

FILE NO. 80375.835

HEALTH CARE LAWYERS & ADVISORS  
1875 CENTURY PARK EAST, SUITE 1600  
LOS ANGELES, CALIFORNIA 90067-2517  
TELEPHONE (310) 551-8111  
FACSIMILE (310) 551-8181  
WEB SITE: WWW.HEALTH-LAW.COM

OFFICES ALSO LOCATED IN  
SAN DIEGO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BOSTON

February 15, 2019

**VIA EMAIL AND U.S. MAIL**

**[michael.webb@redondo.org](mailto:michael.webb@redondo.org) and [Cheryl.Park@redondo.org](mailto: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.<sup>1</sup> Therefore, to determine whether the Healthy Living Campus Project uses

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<sup>1</sup> 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 30108.55<sup>2</sup>

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

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<sup>2</sup> 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 Ordinance<sup>3</sup>

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.

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<sup>3</sup> 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

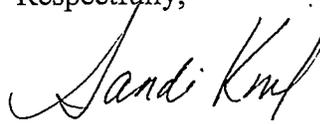
As noted above, both the provisions of the General Plan and the Zoning Ordinance support the Healthy Living Campus Project uses without any amendments necessary to either.

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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](mailto: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)