

Martha Alvarez, MMC

From: Katherine E McClain <Katherine.X.Mcclain@kp.org>
Sent: Wednesday, August 31, 2022 12:20 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

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Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

Katie McClain

A concerned resident

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Martha Alvarez, MMC

From: Martha Alvarez, MMC
Sent: Wednesday, August 31, 2022 12:14 PM
To: City Clerk
Subject: FW: Comment to CC related to Highrose: FW: FYI
Attachments: Screensho.jpg; IMG_9950.jpg; IMG_9951.jpg; IMG_9952.jpg; IMG_9953.jpg

From: Frank Buckley <FBuckley@marlinoperations.com>
Sent: Friday, August 26, 2022 9:53 AM
To: Ted Faturos <tfaturos@manhattanbeach.gov>
Cc: Carrie Tai, AICP <ctai@manhattanbeach.gov>; Talyn Mirzakhania <tmirzakhania@manhattanbeach.gov>
Subject: [EXTERNAL] FYI

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Please send to City Attorney and City Council, as this is the barrage of social media posts that I'm faced with every single day. All falsehoods, that create hysteria, and are misleading the public in to believing you, the Planning Staff have done something wrong, or illegal, as well as the developer, somehow not complying. And then City Councilmembers base their decisions on the un-informed citizens.

Thank you.

Frank L. Buckley | Director – Real Estate
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DRE# 01986956

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**Mark Francis Burton**

19m ·



Dear MB Residents: Here is my 5 minute Statement that I gave during my hearing before the City Council on August 16. Although it may be a little long, it does provide the foundation for why I am adamantly opposed to this project. Kind regards, [Mark Francis Burton](#)

p.s...I think the best option is for the City to buy these two parcels and development the entire northeast corner of Highland and Rosecrans. Or, take these two parcels by eminent domain.

HEARING FOR HIGHROSE

This development before you tonight is for a "BEHEMOTH OF A BUILDING", a 4-Story, 79 Unit Luxury Apartment building that will literally dwarf all other two story commercial and residential buildings in that area. It is completely out of character and repugnant to overarching low-profile development theme in our General Plan and our Local Coastal Program. Our low-profile character defines us as a community. It is one of the reasons why we are such a great community. It's worth fighting for!

A prior City Council thought it was important to ban the use of plastic bags to protect our environment. More importantly, they had the resolve to defend that ban in litigation all the way to the Supreme Court where they won. In that spirit, our residents expect you to deny this project in order to protect our low-profile character, all the way to the Supreme Court if necessary! Heck, you've spent money on rainbows and plaques! Why not invest in protecting our low-profile character? And, you will win in court! Here's why.



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Shockingly, this development is not even eligible for the density bonus "streamlined, ministerial approval process". That's right. The statute and guidelines are crystal clear that a site located in the coastal zone is not eligible, nor are sites located within sensitive areas such as the wetlands, a hazard waste site, within a very high fire hazard severity zone, and several other locations. Maybe a discretionary conditional use permit process is in order? Furthermore, since this development is in the North End Commercial zone, it may not be eligible as well, since the site must be in residential zone, and these two parcels are not. As we know, the intersection of Highland and Rosecrans has all four corners zoned commercial. It is vitally important to our El Porto and North MB residents that these four corners be for commercial uses.

SB 35, the density bonus statute, was part of a package of 15 low-income housing bills.

In discerning the legislature intent and meaning of these bills, you need to ask two questions: What is the problem the legislature was trying to fix? And, how did the legislation fix the problem?

Here's the problem the legislature was trying to fix.

After an application for a low-income housing project was processed by City staff and an EIR was completed, that low-income housing project needed to go through a purely discretionary conditional use permit process for approval before a Planning Commission and City Council causing substantial delays with many worthwhile low income housing projects being denied for one reason or another, and in many instances no good reason at all, "despite the absence of adverse environmental impacts". Here's how the legislation was able fix the problem.

The Legislative Counsels' Digest for SB 35 and the statute provide: "This bill would authorize a development proponent to submit an application for a multifamily



The Legislative Counsel's Digest for SB 35 and the statute provide: "This bill would authorize a development proponent to submit an application for a multifamily housing development...that is subject to a streamlined, ministerial approval process...and not subject to a conditional use permit."

The fix was simple. The Legislature scuttled the discretionary conditional use permit process and substituted in a new "streamlined, ministerial approval process" to the alleviate the delays and mischief caused by Planning Commissions and City Councils.

Importantly, SB 35, and the package of 15 low-income housing bills did not establish an exemption from CEQA requirements, including completing an EIR, for low-income housing projects.

If you exercise good common-sense judgment, you would know that this Governor and this Legislature would never exempt low income housing projects throughout the State from CEQA and the EIR process. With many low-income housing projects being in poor, disadvantaged communities, it would be discriminatory to do so. These communities are already disproportionality impacted by environmental, safety and health challenges.

SB 35 and the package of bills do in fact exempt certain projects from CEQA, but not low income housing projects. For instance, the statutes specifically exempt BART leases and improvements and a scoping consultation for projects in the geographic area of any California Native American Tribe for instance.

In analyzing SB 35 and the package bills it would be a serious and fatal flaw to conflate the density bonus phrase "streamlined, ministerial approval process" with the CEQA Regulations phrase "ministerial project". A process is not a project. Examples of a "ministerial project" are the issuance of building permits, the issuance of a business license, or approval of final



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project are the issuance of building permits, the issuance of a business license, or approval of final subdivision maps, the approval of individual utility service connections and disconnections. Obviously, this 4-story, 79 unit, Behemoth of Building is of quite a different character. Under CEQA Regulations and existing case law, CEQA must be interpreted to afford the fullest possible protection to the environment. All you must really do is ask "Will the project have a significant impact on the environment". The answer in regard to this development is ABSOLUTLEY YES. In fact, in all of Manhattan Beach, I can't think of two parcels of land more environmentally and safety challenged than these two that are directly downslope from 100-year-old oil storage tanks, with high voltage transmission lines directly above and a large natural gas line directly adjacent. Can you say Methane? It would be negligent, maybe grossly negligent to not do an EIR. Like the Council that banned plastic bags, our residents need you to deny this permit and remand the matter back to the CDD Director with direction to complete an EIR and you need to do it with the resolve to defend your action in litigation all the way to the California Supreme Court, if necessary. It's simply the legal thing to do, and it's the right thing to do. I urge you to stand with our residents, not with the State and developer.

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Kyle Ransford

That might be politically popular and correct in idealism. But it is not correct in law, if you are a responsible Steward of our city's future and funds, we should be very careful starting a fight with the state where the law is not on our side and we will quickly spend millions of dollars in legal expenses to lose that should be used for many other city services and projects. Wishing you were on the right side of the law when you should be is not a strategy.

Like Reply

1 😲



Mark Francis Burton Author

Kyle Ransford Hello Kyle! I hope you and your family are doing well! Respectfully, not even close. In the opinion of this simple government lawyer in the public service, this STR project should is not even eligible for the DBL...and, it is subject of our CEQA will a EIR necessary. That's the law, not the "story" that has been pitched by some. Happy to meet and bring you up to speed. Kind regards, Mark Francis Burton

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Martha Alvarez, MMC

From: Martha Alvarez, MMC
Sent: Wednesday, August 31, 2022 12:13 PM
To: City Clerk
Subject: FW: [EXTERNAL] 4-Story, 79-Unit STR Luxury Apartments
Attachments: Section 15268 - Ministerial Projects.pdf; Day v. City of Glendale.pdf

From: Mark Burton <markburton@gmail.com>
Sent: Tuesday, August 30, 2022 6:22 AM
To: Steve Napolitano; Richard Montgomery; Joe Franklin; Hildy Stern; Suzanne Hadley
Subject: [EXTERNAL] 4-Story, 79-Unit STR Luxury Apartments

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Honorable Mayor, Mayor Pro Tem and Councilmembers: As you know, it is sometimes a good idea to step back from advocacy and reflect practically, using your common sense. Here are my comments in that regard:

1. It is obvious that this is an STR project dressed up as a low income residential project.
2. It is obvious that this project is directly adjacent to a 100 year old oil refinery, a known polluter.
3. It is obvious that any STR or residential project will be within the 3200 feet of any oil refinery buffer zone that the State is contemplating for all housing projects. In plain English, you don't build housing projects close to oil refineries.
4. It is obvious that an Environmental Impact Report will be required prior to building any project at this site.
5. It is obvious that the most judicious and practical path forward for an EIR is for Council to remand this application with direction to complete an EIR.
6. It is obvious that if the City doesn't require an EIR, then a Court will order you do so. This path forward to an EIR is a waste of time, money and effort for all concerned...and, embarrassing to a City that has a history of protecting the environment and the health and safety of its residents.
7. It is obvious that your Staff and City Attorney are biased and not providing you with all the information you need. Here are just two examples: 1. Council has not been provided with Section 15268, Ministerial Projects, of the Official California Code of Regulations; and, 2. Council has not been provided with developers' original application for STRs (i.e. Use Permit Application/Proposed Mixed Use Development/Hotel Use with STRs).

Although there are other common sense comments I could provide, I think I'll stop now and let you reflect using your common sense.

Thank you for your public service and all the work you do for our community. Although I might not agree with some of your decisions, I do agree that you are a devoted, hard working group of public servants.

Kind regards, Mark

Day v. City of Glendale

51 Cal.App.3d 817 (Cal. Ct. App. 1975) · 124 Cal. Rptr. 569
Decided Sep 30, 1975

Docket No. 45720.

September 30, 1975.

Appeal from Superior Court of Los Angeles
County, No. NC C5824G, David N. Eagleson,

818 Judge. *818

COUNSEL

Jones Jones and Arthur T. Jones for Plaintiffs and
Appellants.

Evelle J. Younger, Attorney General, Robert H.
O'Brien, Assistant Attorney General, Nicholas C.
Yost and Norman N. Flette, Deputy Attorneys
General, as Amici Curiae on behalf of Plaintiffs
and Appellants.

Richard W. Marston, City Attorney, and Frank R.
Manzano, Senior Assistant City Attorney, for
Defendant and Respondent.

Melby Anderson, Henry Melby, Monteleone
McCrory and Michael Maroko for Real Parties in
Interest and Respondents.

819 *819

OPINION

FLEMING, J.

John and Gertrude Day, residents of the City of
Glendale, appeal the denial of a writ of mandate
sought to compel respondent city to amend its
environmental guidelines and require an

environmental impact report as a condition for
issuance of a grading permit to real-parties-in-
interest Kirst-MacDonald-Hensler, a joint venture.

(1) Real-parties-in-interest Hensler and
MacDonald own 70 acres of undeveloped land in
the San Raphael Hills of Glendale adjacent to the
site of a proposed state highway. They joined with
others to form the joint venture that won the state
contract to construct the proposed highway. In
March 1974 respondent City of Glendale issued a
grading permit authorizing the joint venture to fill
canyons on the Hensler and MacDonald land with
1,556,000 cubic yards of material to be excavated
in the highway construction project. The permit
820 also authorized grading *820 and movement of
343,000 cubic yards of material to be cut from a
ridge to form a notch — 420 feet wide at the top,
70 feet wide at the bottom, and flanked by one-to-
one grade slopes cut from 100 to 200 feet —
which would permit the extension of an adjacent
Glendale street into the leveled Hensler and
MacDonald land.

Although city guidelines did not require
preparation of an environmental impact report
(EIR) for a grading permit, an EIR was presented
with the application for the permit. In their
petition the Days contended that the city
guidelines should have required an EIR, that the
submitted EIR inadequately evaluated the
environmental significance of the grading project
and of available alternatives, that the city allowed
insufficient time for citizen comments on the EIR,
and that it failed to independently evaluate the
project, all in violation of the California

Environmental Quality Act (CEQA). ([Pub. Resources Code, § 21000](#)¹ et seq.) CEQA applies to discretionary projects approved by public agencies but does not apply to ministerial projects of a similar nature (§ 21080). The trial court found that issuance of a grading permit was for a ministerial project and concluded that CEQA did not apply. The critical issue on appeal is whether issuance of the grading permit was for a discretionary or ministerial project within the meaning of CEQA.

¹ All further statutory references are to the Public Resources Code.

CEQA does not define the term *ministerial*. Instead, [section 21083](#) requires the Secretary of the Resources Agency to adopt guidelines for interpretation by public agencies of CEQA, guidelines which must include criteria for orderly evaluation of projects and for preparation of environmental impact reports consistent with CEQA. [Section 21082](#) requires public agencies, in turn, to adopt their own guidelines and procedures consistent both with CEQA and the guidelines of the secretary.

At the time the city issued the grading permit, the Secretary of the Resources Agency had adopted the following guidelines (Cal. Admin. Code, tit. 14, div. 6):

"15073. Ministerial Projects. Ministerial projects are exempt from the requirements of CEQA, and no EIR is required. The determination of what is 'ministerial' can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and it is anticipated that each public agency will make such
821 determination either *821 as a part of its implementing regulations or on a case-by-case basis. It is further anticipated that the following actions will, in most cases, be ministerial in nature.

"(a) Issuance of building permits.

"(b) Issuance of business licenses.

"(c) Approval of final subdivision maps.

"(d) Approval of individual utility service connections and disconnections.

"In the absence of any discretionary provision contained in local ordinance, it shall be presumed that these four actions are ministerial. Each public agency may, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances." Glendale in turn adopted its own guidelines (Environmental Guidelines and Procedures of the City of Glendale):

"[Section 10. Ministerial Projects.](#)

"The following are ministerial projects under the ordinances of the City of Glendale and do not require the preparation of an EIR:

"A. Issuance of building permits.

"B. Issuance of business licenses.

"C. Approval of final subdivision maps.

"D. Approval of individual utility service connections and disconnections.

"E. *Issuance of grading, fill, and excavation permits.*" (Italics added.)

Respondent and real-parties-in-interest contend that the state, through CEQA and its guidelines, has delegated to local agencies the prerogative to determine which projects are ministerial and hence exempt from the requirements of CEQA. Glendale, they argue, deems grading permits ministerial, and consequently CEQA does not
822 apply. This argument, if *822 valid, would eviscerate CEQA, a result clearly not intended by the Legislature. The applicability of CEQA cannot be made to depend upon the unfettered discretion of local agencies, for local agencies must act in accordance with state guidelines and the objectives of CEQA. Their actions must also reflect the stated intent of enabling legislation: "It is the intent of the Legislature that all agencies of

the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage." (§ 21000, subd. (g).)

But, it is argued, issuance of a grading permit was for a ministerial project in this instance, whether or not CEQA gives local agencies absolute power to determine which projects are ministerial. We do not agree. State guidelines implementing CEQA, in consonance with standard legal formulation (see *Johnson v. State of California*, 69 Cal.2d 782, 788 [73 Cal.Rptr. 240, 447 P.2d 352]; *People v. Department of Housing and Community Development*, 45 Cal.App.3d 185, 192 [119 Cal.Rptr. 266]) offer these definitions:

"15024. Discretionary Project. Discretionary project means an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

"15032. Ministerial Projects. Ministerial projects as a general rule, include those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer."

The Glendale Municipal Code, chapter 23, governs the issuance of grading permits by the city engineer. The code imposes many technical and

clearly ministerial requirements. But it also imposes many requirements *823 that are discretionary. Important for our purposes are the following:

— after visual inspection of the grading site the city engineer may require submission of geological and soil reports with recommendations regarding the effect of geological and soil conditions on the proposed development, and those recommendations approved by the city engineer must be incorporated in the grading plan (§§ 23-15(b) and (c));

— the city engineer may impose regulations with respect to access routes to hillside grading projects "as he shall determine are required in the interest of safety precautions involving pedestrian or vehicular traffic" (§ 23-16(f));

— in granting the permit the city engineer must attach such conditions as may be necessary to prevent creation of hazard to public or private property (§ 23-16(g)(5));

— and if the city engineer determines that the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to persons or property, he must deny the grading permit (§ 23-18).

The foregoing, patently, are discretionary items without fixed standards or objective measurements and require the exercise of judgment, deliberation, and decision by the city engineer. At bench, the city engineer did exercise his discretion by attaching numerous conditions to the issuance of the grading permit.

(2) CEQA must be interpreted to afford the fullest possible protection to the environment within the reasonable scope of statutory language. (*Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 [104 Cal.Rptr. 761, 502 P.2d 1049].) A project of mixed ministerial-discretionary character, as was the grading permit here, should

be treated as a discretionary project. As was said in *People v. Department of Housing and Community Development*, 45 Cal.App.3d 185, 194 [119 Cal.Rptr. 266], ". . . CEQA draws a line between purely ministerial and entirely discretionary projects but does not mention those having both characteristics. Statutory policy, not semantics, forms the standard for segregating discretionary from ministerial functions. . . . CEQA is to be interpreted to "afford the fullest

824 possible protection to the environment *824 within the reasonable scope of the statutory language." . . . So construed, section 21080 extends CEQA's scope to hybrid projects of a mixed ministerial-discretionary character; doubt whether a project is ministerial or discretionary should be resolved in favor of the latter characterization."

Moreover, the discretionary-ministerial designation of a project is not necessarily determinative of its environmental impact. We do not believe the Legislature intended to exclude from the ambit of CEQA any project involving, as here, cut, movement, and fill of massive sections of earth. All parties agree that the grading project will have a significant effect on the environment. The issuance of the grading permit is the only point at which the environmental impact of the project may be publicly considered before mountains are moved and 70 acres of canyon are filled.

We note that appellants did not request a stay pending determination of this appeal, and we recognize that appropriate remedies to correct substantial error and abuse of discretion may be limited by physical realities. Yet even if the grading project planned by real parties in interest has been entirely completed, the cause must be remanded to the trial court for resolution of appellants' objections to the content of the EIR and their objections to Glendale's guidelines. Under the provisions of CEQA those affected by this major land-moving project are entitled to a full review of its environmental impact.

The judgment is reversed, and the cause is remanded for further proceedings in accordance with this opinion.

Roth, P.J., concurred.

BEACH, J.

I dissent.

The majority declares that "the critical issue on appeal is whether issuance of the grading permit was for a discretionary or ministerial project within the meaning of CEQA." I respectfully disagree for I believe that a more fundamental issue and one dispositive of this case is: "Is the ordinance of the City of Glendale unconstitutional or clearly violative of any statutory prohibition?" In my view no constitutional infirmity and no violation of any statutory prohibition has been

825 demonstrated by appellant or amicus curiae. *825

The basic fundamental law, [Public Resources Code section 21080](#),¹ clearly provides that CEQA shall apply to discretionary projects not to ministerial projects. In the (admittedly nonexclusive) listing of *discretionary* projects, [section 21080](#), subdivision (a), does not include the issuance of a grading permit.² The statute authorizes and provides that guidelines shall be established and adopted by the Resources Agency of California. The guidelines thus adopted by the Resources Agency, 14 California Administrative Code, section 15032, lists projects which in most instances will be deemed *ministerial*. Again the list is not exclusive and the issuance of a grading permit is not listed. The guidelines state:

¹ Unless otherwise indicated all section references are to Public Resources Code.

² As stated in the brief of the Attorney General, "The version of Assembly Bill 889 reported out by the Senate Committee on Governmental Organizations did define ministerial projects to include the issuance of grading and building permits. (A.B. 889, as amended November 16, 1972.)

However, in the final version of Assembly Bill 889 the reference to grading and building permits as being 'ministerial' in nature was deleted. (A.B. 889, as amended November 29, 1972.) Two inferences may be drawn from this fact. One is that the Legislature considered the grading and building permits as neither wholly ministerial or wholly discretionary. The other is that the Legislature intended that the decision whether the issuance of building and grading permits was a ministerial or a discretionary act should be left to the decision of each 'agency' either on a case-by-case basis or by adoption of an all-inclusive rule."

". . . The determination of what is 'ministerial' can most appropriately be made by the particular public agency involved based upon its analysis of its own laws. . . . Each public agency may, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances." (Cal. Admin. Code, tit. 14, § 14:15073.)

The public agency, the City of Glendale, therefore by the combined operation of statutes and administrative guidelines is not prohibited but in fact authorized to designate what other "projects" are ministerial acts.³ The city declared by its municipal ordinance that the issuance of a grading permit is a ministerial act. (Glendale Mun. Code, 1964, as amended pt. 2, § 10(E).)

³ That there is no difference between an "act" such as issuing a building or grading permit — (giving a piece of paper) and a "project" as a physical activity culminating in physical change to the environment, was at least implied in *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, at page 265 [104 Cal.Rptr. 761, 502 P.2d 1049], and unquestionably determined in *Bozung v. Local Agency Formation Com.*, 13 Cal.3d 263, at 279 [118 Cal.Rptr. 249, 529 P.2d 1017].

The net effect is that the act of the City of Glendale passed an ordinance which it was not prohibited from doing and which was *826 contemplated by the guidelines written by the legislatively appointed agency. That exercise of its legislative power is not because of any delegation of authority to the City of Glendale by the Legislature as its subservient agency under CEQA, but because of the city's constitutional authority to do so under its charter of 1921.⁴

⁴ We judicially notice the Charter of the City of Glendale.

I agree with the majority that the act of grading especially of the scope and magnitude involved at bench is clearly an activity or project which has a direct effect on the environment. I further agree that the decision of whether or not to issue this particular grading permit viewed by any common sense standards does involve the exercise of judgment and discretion. The majority correctly lists some of the facts illustrating this. I think that reason and wisdom align themselves with the majority in determining that such grading is a significant amount of work and it affects the environment and the issuance of a grading permit for work of this magnitude requires discretion. It would be better if the ordinance did not say that it is merely a ministerial act. But, as I understand the doctrine of separation of powers, that decision is not ours to make. The Legislature has nowhere in CEQA forbidden the City of Glendale or any other municipality to decide by the legislative process what is ministerial. The Legislature could have, by preempting the field of decision with clarity of language, or perhaps by not predicating application of CEQA upon considerations or determinations of ministerial versus discretionary conduct or activity. But, "wisdom or folly," it did so. What the state Legislature has constitutionally enacted and what a municipality has thereby been permitted to supplement by its constitutionally valid enactment are matters of legislative not judicial concern.

Perhaps the acts of the secretary of the Resources Agency under the delegation provided for in [section 21082](#) or the acts of the Office of Planning and Research under the delegation provided for in [section 21083](#), may well be the subject of proper scrutiny under the standards of Government Code section 11374. (See *Eisenberg's W. House v. St. Bd. Equal.*, [72 Cal.App.2d 8](#) [[164 P.2d 57](#)]; *Desert Environmental Conservation Assn. v. Public Utilities Com.*, [8 Cal.3d 739](#) [[106 Cal.Rptr. 31](#), [505 P.2d 223](#)].)

But the review of an adjudication or of a fact finding process of an administrative agency is not before us. The Legislature may properly entrust the task of filling in the details of its statutory ⁸²⁷ scheme to an ^{*827} administrative agency. While the City of Glendale may be an "agency" for the purposes of designating persons or entities to whom CEQA refers that is not to say that it is an "agency" within the meaning of quasi-judicial/quasi-legislative administrative agencies governed by Government Code section 11374. Thus the problem before us is not one where "An unconstitutional delegation of power occurs when the Legislature confers upon an *administrative* agency the unrestricted authority to make fundamental policy determinations." (Italics added.) (*Clean Air Constituency v. California State Air Resources Bd.*, [11 Cal.3d 801](#), [816](#) [[114 Cal.Rptr. 577](#), [523 P.2d 617](#)]; *Morris v. Williams*, [67 Cal.2d 733](#) [[63 Cal.Rptr. 689](#), [433 P.2d 697](#)].) By way of illustration, *People v. Department of Housing and Community Development*, [45 Cal.App.3d 185](#) [[119 Cal.Rptr. 266](#)], is distinguishable on this basis.

People v. Department of Housing and Community Development, *supra*, did not involve the act of a coordinate branch of government. There the act in question was one by the State Department of Housing having the obligation of acting upon an application for issuance of a mobile home park building permit. The court there determined that issuance of the permit had both characteristics and determined that CEQA applied. In reaching that

conclusion the court did not superimpose its determination over that of, and contrary to, the decision of a legislative and coordinate branch of government.

The first part of our inquiry appears to me to be: "Did the City of Glendale have the fundamental power to pass such law?" If so, the second part of our inquiry should be: "Is it constitutionally infirm as violative of a constitutionally protected right?" If not, then we cannot strike down or limit the statute or reconstruct it because of, or to suit, our ideas of legislative purpose.

The majority opinion attacks the content of the Glendale municipal ordinance. The holding in effect says: "Issuance of a grading permit is so clearly (or at least so often) a discretionary act (reasonable minds cannot differ) that you, Glendale, simply cannot say to the contrary." In my view that result or effect, exceeds the scope of our authority even if in our opinion the ordinance is unsound and not helpful to the achievement or the purpose of the fundamental statute, CEQA.

What was said in *Lockard v. City of Los Angeles*, [33 Cal.2d 453](#) [[202 P.2d 38](#), [7 A.L.R.2d 990](#)], about the review of another municipal ordinance is ⁸²⁸ apposite here. ^{*828}

"In considering the scope or nature of appellate review in a case of this type we must keep in mind the fact that the courts are examining the act of a coordinate branch of the government — the legislative — in a field in which it has paramount authority, and not reviewing the decision of a lower tribunal or of a fact-finding body. Courts have nothing to do with the wisdom of laws or regulations, and the legislative power must be upheld unless manifestly abused so as to infringe on constitutional guaranties. The duty to uphold the legislative power is as much the duty of appellate courts as it is of trial courts, and under the doctrine of separation of powers neither the trial nor appellate courts are authorized to 'review' legislative determinations. The only function of the courts is to determine whether the exercise of

legislative power has exceeded constitutional limitations. As applied to the case at hand, the function of this court is to determine whether the record shows a reasonable basis for the action of the zoning authorities, and, if the reasonableness of the ordinance is fairly debatable, the legislative determination will not be disturbed. [Citations.]" (*Lockard v. City of Los Angeles, supra*, at p. 461-462.)⁵

⁵ I acknowledge that decisions of recent years have taken much wind out of the sails of this pilot ship of judicial conduct. However, I deem it still seaworthy.

Where statutory ambiguity prevails and construction is needed, there is no question but that the court performs its proper function to construe and explain words. Here, however, the Legislature did not leave the determination of ministerial versus discretionary projects for the courts alone to determine. By the process explained above, intentionally or unintentionally the Legislature left an opening in this regard with the possibility that it would be filled by the act of the municipal legislative body. That a municipal ordinance might assist in the creating of a law the fundamental outlines of which are established by the Legislature is not prohibited. The municipal council is a coordinate branch of the government. The problems posed by the case at bench illustrate the fact that the present statutory scheme is wobbly and badly in need of major repair. In an effort to assist in strengthening the statutory structure the majority and other cases would discard semantics in favor of statutory policy as the guiding light for the court's reasoning and the court's decision. The words of *People v. Department of Housing and Community Development, supra*, 45 Cal.App.3d 185, 194, are quoted: "Statutory policy, not semantics, forms the standard for segregating discretionary from ministerial functions." The majority continues "moreover the discretionary-ministerial designation of a project is not necessarily *829 determinative of this environmental impact." I

agree with this second observation but unfortunately the Legislature has used that very standard to determine the *applicability* of CEQA. Maybe the Legislature did not intend that all acts should be determined as one or the other but the words are clear "This division shall not apply to ministerial projects proposed to be carried out or approved by public agencies." (§ 21080, subd. (b).)

The majority indicates that the argument, that local agencies have the prerogative to determine which projects are ministerial and hence exempt from the requirements of CEQA, "if valid would eviscerate CEQA, a result clearly not intended by the Legislature." The majority indicates that therefore the actions of local agencies must reflect the stated intent of the enabling legislation. It is precisely because of the possible result envisioned by the majority, that the statutory scheme needs correction. That is however a legislative task. Even if the provision of the act did not affirmatively authorize, nothing prohibits the city from making laws which it deems implement the statute. In seeking to answer the problems in this area the courts cannot ignore rules of judicial limitations in considering legislative acts. The objective of CEQA and the intent of the Legislature reaches far and sweeps broadly. It drastically affects long honored and established rules of ownership of property.

Where the exercise of police power is such that it significantly and drastically makes new inroads upon constitutionally protected rights of private ownership of property, that effect is as equally important a consideration for the court as is any noble purpose of the legislation.⁶ That consideration should persuade the court that in such case rescue from the unexpected and undesired effects of its own statutory scheme is the Legislature's own job.

⁶ Is not all legislation presumably aimed at a worthy purpose?

Justice Sullivan in his scholarly dissent in *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, said at page 286 [104 Cal.Rptr. 761, 502 P.2d 1049]: "I, as well as the majority, am conscious of the profound need to improve and maintain the quality of California's environment [citation], but settled principles of statutory construction cannot be set aside by the judiciary in order to achieve that high purpose." That *830 statement relative to principles of statutory construction, applies equally well to principles of scope of judicial power.

I would affirm the judgment of the superior court.

A petition for a rehearing was denied October 28, 1975, and the petition of the real parties in interest and respondents Kirst-MacDonald-Hensler for a hearing by the Supreme Court was denied November 25, 1975. Clark, J., was of the opinion that the petition should be granted.

831 *831

Cal. Code Regs. tit. 14 § 15268

Section 15268 - Ministerial Projects

(a) Ministerial projects are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis.

(b) In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial:

(1) Issuance of building permits.

(2) Issuance of business licenses.

(3) Approval of final subdivision maps.

(4) Approval of individual utility service connections and disconnections.

(c) Each public agency should, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

(d) Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

Cal. Code Regs. Tit. 14, § 15268

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21080(b)(1), Public Resources Code; Day v. City of Glendale, 51 Cal. App. 3d 817.

1. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

Martha Alvarez, MMC

From: Martha Alvarez, MMC
Sent: Wednesday, August 31, 2022 12:13 PM
To: City Clerk
Subject: FW: [EXTERNAL] Planning Commissions - How is Highrose project going through without a traffic / environmental study?

From: Ryan Turner <turnerryan@me.com>
Date: August 29, 2022 at 10:11:54 PDT
To: List - Planning Commission <PlanningCommission@manhattanbeach.gov>
Subject: [EXTERNAL] Planning Commissions - How is Highrose project going through without a traffic / environmental study?

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To whom it may concern,

As a 20 year resident on Manhattan Beach, I am shocked the Highrose project is even being considered. Our city upholds the strictest building codes and permits which has kept our community one of the best places to live. My wife and I do not see a single reason why our city needs to approve and allow this huge project in our neighborhood. I'm all for building housing but a 79 unit 4 story building in this section of our town makes zero sense. Currently, the traffic and parking in North Manhattan Beach is at it's limit and what traffic and environmental studies have been done to see how this would effect the current residents.

The Highrose project has no purpose and will add nothing to our community. If it were about building low income housing in the area then there are much better places than in North MB. The developer clearly is not trying to help the housing crisis by only offering 6 units of the 79 units. This is pure greed and I'm ashamed the city council has not taken these appeals filed against Highrose and stopped the project.

This project moving forward will only lead to more greed developers to find loopholes in our cities planning and exploit our quiet neighborhood. Please do the right thing and stop this development at this size from moving forward. Why can't the developers make a 26 unit building with 6 low income units? And if they cannot agree to a smaller building (under 4 stories), then let's find a better use for this land than cramming a city block of people on a tiny plot of land.

Thank you,
Ryan Turner
642 Rosecrans Ave

Martha Alvarez, MMC

From: kealtergott@gmail.com
Sent: Tuesday, August 30, 2022 5:46 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

A concerned resident

Sent from my iPhone

Martha Alvarez, MMC

From: bobbymccuembca@aol.com
Sent: Tuesday, August 30, 2022 3:37 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose/Veranda Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am **OPPOSED** to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

Voters set height restrictions in the 80's just so something like this wouldn't happen. HighRose/Veranda is a dangerous answer to the State's "Density Bonus" law needs. This overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

Bobby McCue
A concerned and agitated resident

Martha Alvarez, MMC

From: Carolyn Powers <ccpowers@beachpowers.com>
Sent: Tuesday, August 30, 2022 2:01 PM
To: List - City Council
Subject: [EXTERNAL] Burton "On MB Government"

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council members,

I have been a long-standing resident of Manhattan Beach for 40 years. I reside here because of the quaintness of our town and the clean beaches we offer visitors.

Manhattan Beach has always been a beautiful and prideful community demonstrated yearly by its loyal residents. We support our emergency services, local businesses, and schools. However, I cannot and will not support this monstrosity of a Residential building. Not only does it not fit in with our beach community, but it will also be an absolute eye sore. It will cause more traffic congestion and, therefore, more pollution.

In addition, the way this building was "approved" is an insult to the people of Manhattan Beach. They knew we would not vote to allow this building, so they backdoored the process and thought they could get away with it. I will not stand for this political trickery.

I vehemently oppose the building of this structure and stand with the citizens of Manhattan Beach. We will fight to stop this, and we hope you stand with us!

Sincerely,
Carolyn Powers

Martha Alvarez, MMC

From: Laurie Giery <lalix4@icloud.com>
Sent: Tuesday, August 30, 2022 1:50 PM
To: List - City Council
Subject: [EXTERNAL] I oppose Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I oppose the Highrose project.
Laurie Giery lifetime resident of Manhattan Beach.
1140-2nd St

Sent from my iPhone

Martha Alvarez, MMC

From: Kelly Nick <kellygnick@yahoo.com>
Sent: Tuesday, August 30, 2022 11:11 AM
To: List - City Council
Subject: [EXTERNAL] We oppose the Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

City Council Members,

For many reasons- aesthetics, environmental impact, traffic, and a general anathema to the town being built up with high rises, we are writing to voice opposition to the proposed Highrose building on Highland and Rosecrans.

Thank you for your consideration.

Kelly Gallagher Nick

Jack Nick

1808 Manzanita Lane

MB, CA. 90266

Martha Alvarez, MMC

From: Regina Kodimer <regikodimer@gmail.com>
Sent: Tuesday, August 30, 2022 7:37 AM
To: List - City Council
Subject: [EXTERNAL] Verandas project, I am very opposed to this project. Please do all you can to cancel this project. Regina Kodimer, 213 20th Street,

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Sent from my iPad

Martha Alvarez, MMC

From: Sharon Curto <sharoncurto@yahoo.com>
Sent: Monday, August 29, 2022 10:26 PM
To: List - City Council
Subject: [EXTERNAL] Highrose-I disapprove

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Sent from my iPhone

Martha Alvarez, MMC

From: Charles Schacht <charles@charlesschacht.com>
Sent: Monday, August 29, 2022 7:25 PM
To: List - City Council
Subject: [EXTERNAL] Do not build the 79-UNIT "BEHEMOTH OF A BUILDING"

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Do not allow this building to be built (79-UNIT "BEHEMOTH OF A BUILDING")

All people I talked with in El porto do not want this. It will be an eye sore and cause traffic and parking problems.

Please stop the build.

Regards,

Charles Schacht
310-415-6563
charles@charlesschacht.com
www.charlesschacht.com

Martha Alvarez, MMC

From: tsgreenler@gmail.com
Sent: Monday, August 29, 2022 7:16 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

Tim Greenler

Martha Alvarez, MMC

From: debra consani <debraconsani@gmail.com>
Sent: Monday, August 29, 2022 6:00 PM
To: List - City Council
Subject: [EXTERNAL] Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To the City Council:

I object to the Highrose Project. It will create gridlock at that corner and the lack of adequate parking being built for this Project will seriously impact the flow of traffic in that area and negatively affect parking and traffic flow in the surrounding residential neighborhood.

I am deeply concerned that a CEQA has not been mandated by our City since the property sits on land that very well could be contaminated and hazardous to the entire neighborhood and construction staff workers. Low income housing is not exempt from CEQA or the EIR process. It's incredibly disturbing that those issues have not been addressed or forced by our City Planning Department.

In addition, the Highrose units will be used for short term rentals which in NO WAY helps ease the housing problems that the State is trying to remedy.

Finally, let's face the fact that this project does not fit within our community in terms of the sheer size of it. I am not opposed to low income housing but there has to be a better, smaller space that can be used in some other area.

Please VOTE NO and consider the oath you took to protect our community.

Thank you,

Debra Consani
Resident

Martha Alvarez, MMC

From: Margot Farris <margotfarris@mac.com>
Sent: Monday, August 29, 2022 5:58 PM
To: List - City Council
Subject: [EXTERNAL] High rise unit on Verandahs site

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council:

I vehemently oppose the pending construction of the 78 unit apartment building on Rosecrans and Highland. It is already a very congested area with traffic, it will be a nightmare when construction starts. Which will continue when 78 new families move in. Our beach community is so fragile, why do we want to make it worse? Not to mention how unhealthy to live/build beside a refinery!

This is a cute little beach town. A large complex does not belong here. East where there is more space is a much better location for a project this size. This is not Miami Beach! Please don't let this happen!!

Margot Farris
425 31 st Street
Manhattan Beach, CA 90266
310-706-5965

Sent from my iPhone

Martha Alvarez, MMC

From: Michael Ward <getmikel@gmail.com>
Sent: Monday, August 29, 2022 5:36 PM
To: List - City Council
Subject: [EXTERNAL] Proposed high rise at Highland & Rosecrans

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

This is in opposition to the above proposed development that would not just change the skyline but also introduce extraordinary density issues affecting community safety.

Vote no!

Martha Alvarez, MMC

From: sue cutler <suecutler6@icloud.com>
Sent: Monday, August 29, 2022 5:25 PM
To: List - City Council
Subject: [EXTERNAL] No to the 4 story High Rose Project in north Manhattan Beach

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Members,

Please count me among the many, many Manhattan Beach citizens who are adamantly opposed to the HighRose project. It's environmental impact would be scary and it is totally out of character in this low profile city. As our city council I hope I can count on you to act on the wishes of the community you work so hard to serve.

Thanks in advance for your consideration.

Sue Cutler
1736 Nelson Ave.
Manhattan Beach, 90266

Sent from my iPad

Martha Alvarez, MMC

From: Peter Landecker <plandecker@yahoo.com>
Sent: Monday, August 29, 2022 5:06 PM
To: List - City Council
Subject: [EXTERNAL] Verandas Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council Member,

I am strongly against approval of the Verandas Project for the following reasons:

- 1) The project seems to be represented as Residential rather than Short Term Rentals.
- 2) There seems to have been an inadequate environmental impact study.
- 3) In a coastal commission area, a tall building is out of character and objectionable.
- 4) It conflicts with the City of Manhattan Beach key value of low population density.

Peter Landecker
1736 Nelson Avenue
Manhattan Beach, CA 90266

Martha Alvarez, MMC

From: John Adair <adairj@mac.com>
Sent: Monday, August 29, 2022 4:30 PM
To: List - City Council
Subject: [EXTERNAL] opposition to highrise

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council,

I OPPOSE THE PROPOSED FOUR-STORY HIGHRISE LUXURY APARTMENTS AT HIGHLAND AVENUE AND ROSECRANS BOULEVARD.

John Adair
305 20th Street
Manhattan Beach, CA
(310) 878-7659

Martha Alvarez, MMC

From: sharon stienstra <sestienstra@yahoo.com>
Sent: Monday, August 29, 2022 4:11 PM
To: List - City Council
Subject: [EXTERNAL] Four story apartment

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please don't do that. Figure something out. More congestion and so many people living that close to the ocean will be good for no one or the ocean.

Thanks,

Sharon Stienstra
1520 Gates Avenue
MB

[Sent from Yahoo Mail for iPhone](#)

Martha Alvarez, MMC

From: Tom Bourke <talltom2@aol.com>
Sent: Monday, August 29, 2022 3:43 PM
To: List - City Council
Subject: [EXTERNAL] High Rose, please no.

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please vote no on High Rose

Thomas K. Bourke
Law Office of Thomas K. Bourke
413 Ingleside Drive
Manhattan Beach, CA 90266
P. 213-623-1092
C. 213-700-3606
F. 213-623-5325
E. talltom2@aol.com

Sent from [AOL Desktop](#)

Martha Alvarez, MMC

From: Janice Champion <janicechampion56@gmail.com>
Sent: Monday, August 29, 2022 2:50 PM
To: List - City Council
Subject: [EXTERNAL] Please reject the Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Members,

I have lived in Manhattan Beach for more than 40 years. I have seen increases in density, especially traffic density. The Highrose Project will obviously exacerbate that problem. I worry about gridlock. I worry about more foot traffic around an already crowded beach area.

I also think the 4-story project is not in character with our beach town. It will be too visible. It will be too dense.

Please deny the permit for the Highrose Project,

Sincerely,

Janice Champion
229 15th Street
Manhattan Beach, CA 90266
(310)-545-3442

Martha Alvarez, MMC

From: Ken Thompson <kentfrmca@gmail.com>
Sent: Monday, August 29, 2022 1:57 PM
To: List - City Council
Subject: [EXTERNAL] Verandas Hirose short term rentals

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council

I'm adamantly opposed to Verandas project. Due misrepresentation of project as Residential when Short Term Rentals are it's hidden Agenda

Kenneth Thompson
720 13th Street
Manhattan Beach, Ca

Don't let aging get you down. It's too hard to get back up again!

Martha Alvarez, MMC

From: Erin McCarthy <erinmccarthy121@gmail.com>
Sent: Monday, August 29, 2022 1:55 PM
To: List - City Council
Subject: [EXTERNAL] Highrose apartments

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hi there,

I just saw the email from Mike Burton about the apartments and, as a resident of Manhattan Beach for 24 years, would be very sad to see this major development to the sand section. Our low key scale is so rare these days and this could set the tone for further high-rise corporate development. Hope some folks are pushing on opposing this!

Thanks,
Erin

--

Erin McCarthy

Business Analyst at McKinsey & Company

Harvard College Class of 2020

310-213-5234

erin_mccarthy@mckinsey.com

Martha Alvarez, MMC

From: debaets@aol.com
Sent: Monday, August 29, 2022 1:45 PM
To: List - City Council
Subject: [EXTERNAL] Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Member

I would like for you to vote NO on the Highrose project. If this action causes a lawsuit, I am in favor of spending my tax dollars to defend the City. We must at all costs protect our small-town charm and neighborhoods.

Steve De Baets
Manhattan Beach resident
310-480-1529 c

Martha Alvarez, MMC

From: Erin Brewster <ebrewstermd@yahoo.com>
Sent: Monday, August 29, 2022 1:23 PM
To: List - City Council
Subject: [EXTERNAL] Highrose project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council members,

As a homeowner in the North MB area and a member of greater MB, I do not support the HighRose Project. The sheer size and increase in residents to the North MB area will negatively impact all of us who already live in the area and already deal with the congestion in and around Highland and Rosecrans. We need locally owned shops and restaurants, not more people to further congest this small community that is already busting at the seams. Please stop this project.

Sincerely,

Erin Brewster

217 31st St.

Sent from my iPhone

Martha Alvarez, MMC

From: peter Gentry <petergentry@hotmail.com>
Sent: Monday, August 29, 2022 1:21 PM
To: List - City Council
Subject: [EXTERNAL] Rosecrans Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear council members,

I am a life long MB resident for the last 50 years and continue to live in North MB with my wife and son. My mother still lives in town, my brother David and his family live here, and my in-laws moved 4 doors down several years ago. I/we are very much opposed to the proposed apartment development on the corner of Rosecrans and Highland.

These are my reasons I feel this project should not be allowed.

1) 4 stories?! We have nothing like this and it will set a dangerous precedent for future projects in our community. It could open the doors for taller structures and more density. Any project in our town should comply with current zoning laws and be congruent with our neighborhood. If this is allowed other developers will use it to argue they should be allowed to build similar structures. What if Vons closes shop and the new owners want to build a 6 or 8 story complex downtown?

We all love our small town feel, this is why so many people from the Westside of LA have moved here, we are not Santa Monica. Let's keep it that way.

2) The high density project will significantly increase traffic along a very busy commuter route backing up traffic not only on the intersection but all along Highland into Hermosa Beach. That intersection is also quite busy on weekends and during the summer. Why add fuel to the fire.

3) the property should be used for other reasons. Retail, restaurants, park...something that adds to the North Manhattan Beach community.

4) the developers have already tried to circumvent review by the community by including an insignificant number of low income units. Since the developers only motivation for the development is greed, the only reason to include less profitable low income units was to sneak this by our community our local government. They have already shown that they do not have our community in their interests and can not be trusted. This is a bad group to do business with.

5) we have lots of small apartments in North Manhattan, more so than any other area except perhaps Manhattan Beach Blvd but none of them are of this size, height, and magnitude. This project is not consistent with our community and should not be allowed.

Think of the long term impact such a project will have on our community. We can fight Sacramento's nearsighted out touch mandates and find other ways to deal with their draconian measures. It seems many other communities similar to ours up and down the state also do not appreciate Sacramento's mandates. Perhaps we could all fight together to preserve our towns.

Thanks,

Peter Gentry
310-802-9181

Get [Outlook for Android](#)

Martha Alvarez, MMC

From: Mark Abramson <mark@markalaw.com>
Sent: Monday, August 29, 2022 12:50 PM
To: List - City Council
Subject: [EXTERNAL] Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I am a resident and business owner in Manhattan Beach and I oppose the Highrose project at Highland and Rosecrans. Please do what the residents want.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(C) (310) 245-8174
(F) (310) 321-7810
mark@markalaw.com

Martha Alvarez, MMC

From: judyandvin@aol.com
Sent: Monday, August 29, 2022 11:58 AM
To: List - City Council
Subject: [EXTERNAL] high rose project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

This city does not need this project.. Please vote it down. Thank You Vincent O'Donnell MB resident

Martha Alvarez, MMC

From: Megan Pfaff <meganpfaff@icloud.com>
Sent: Monday, August 29, 2022 11:42 AM
To: List - City Council
Subject: [EXTERNAL] Opposition to HighRose apartment building on Highland and Rosecrans

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please receive this email as a formal opposition to the HighRose apartment building on Highland and Rosecrans. As a long time resident and as an individual who was raised in this beautiful community, I am opposed to this development for it's impact on low-profile character and it's environmental impact.

Thank you,
Megan Pfaff

Martha Alvarez, MMC

From: RICHARD BRANDES <rdbogie@aol.com>
Sent: Monday, August 29, 2022 11:26 AM
To: List - City Council
Subject: [EXTERNAL] The behemoth development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Do everything possible to block this insane 4-story development. You weren't elected just to do easy things.
Dick Brandes

Martha Alvarez, MMC

From: Melinda Beswick <mdb.rnret@yahoo.com>
Sent: Monday, August 29, 2022 11:06 AM
To: List - City Council
Subject: [EXTERNAL] Opposition to the 4 Story High Rose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Members:

I am writing in opposition to the 4 Story High Rose Project. I have been a resident of Manhattan Beach since the summer of 1983. My husband and I chose to move into Manhattan Beach because of its friendly neighborhood vibe when we relocated from the East Coast that year. While there have been many changes to that vibe since we moved here, none of these changes brought with them the problems that will come with approval and development of the High Rose Project.

I won't go into all the negatives associated with this project as I am going to hope that you are all well aware of these as they have been repeatedly addressed in the many letters to the editor in local newspapers and throughout the local social media networks.

I ask that you represent the citizens who elected you to your current positions on the Council and work diligently to ensure that the High Rose Project is not allowed to progress toward implementation.

Sincerely,

Melinda D. Beswick
1729 Pacific Avenue
Manhattan Beach, CA 90266

Martha Alvarez, MMC

From: Teddy Sears <teddysears@yahoo.com>
Sent: Monday, August 29, 2022 10:29 AM
To: List - City Council
Cc: Milissa
Subject: [EXTERNAL] Opposition to Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hello,

I am a 17 year resident of Manhattan Beach and my wife is a 20 year resident. We strongly oppose construction of the new Highrose complex until, at minimum, the appropriate environmental impact report is thoroughly completed.

We have been shocked at the speed this project has been moving and we humbly ask you to please slow down, do the right thing for your longtime residents, and get this right (if it is to be built at all). What's the rush? Thank you.

Sincerely,

Teddy and Milissa Sears

Martha Alvarez, MMC

From: Matt Haydis <haydis.matt@gmail.com>
Sent: Monday, August 29, 2022 10:08 AM
To: List - City Council
Subject: [EXTERNAL] I Oppose the Proposed Four-Story Luxury Apartments

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please accept this email as my opposition for the Four-Story Highrose Luxury Apartments at Rosecrans and Highland.

--
Matt Haydis
310-889-8409

Martha Alvarez, MMC

From: Ryan Turner <turnerryan@me.com>
Sent: Monday, August 29, 2022 10:06 AM
To: List - City Council
Subject: [EXTERNAL] Highrose Housing Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To whom it may concern,

As a 20 year resident on Manhattan Beach, I am shocked the Highrose project is even being considered. Our city upholds the strictest building codes and permits which has kept our community one of the best places to live. My wife and I do not see a single reason why our city needs to approve and allow this huge project in our neighborhood. I'm all for building housing but a 79 unit 4 story building in this section of our town makes zero sense. Currently, the traffic and parking in North Manhattan Beach is at it's limit and what traffic and environmental studies have been done to see how this would effect the current residents.

The Highrose project has no purpose and will add nothing to our community. If it were about building low income housing in the area then there are much better places than in North MB. The developer clearly is not trying to help the housing crisis by only offering 6 units of the 79 units. This is pure greed and I'm ashamed the city council has not taken these appeals filed against Highrose and stopped the project.

This project moving forward will only lead to more greed developers to find loopholes in our cities planning and exploit our quiet neighborhood. Please do the right thing and stop this development at this size from moving forward. Why can't the developers make a 26 unit building with 6 low income units? And if they cannot agree to a smaller building (under 4 stories), then let's find a better use for this land than cramming a city block of people on a tiny plot of land.

Thank you,
Ryan Turner
642 Rosecrans Ave

Martha Alvarez, MMC

From: Andre Oviedo <andreoviedo@ardellas.com>
Sent: Monday, August 29, 2022 9:06 AM
To: List - City Council
Subject: [EXTERNAL] 4 story building

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I completely oppose a 4 story building in Manhattan Beach. We changed the law several years ago to a 3 story only. I am sure we can get the support as we did before that did not want a 4 story building on 33rd and Highland Ave. This is not Santa Monica. Thank you.

Sent from my iPhone

Martha Alvarez, MMC

From: Linda Maul <lindam@pacsan.com>
Sent: Monday, August 29, 2022 9:06 AM
To: List - City Council
Subject: [EXTERNAL] Rose highland apt

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To whom it concerns,

I am so surprised that the council is considering approving the apt structure on Rosecrans. First of all the traffic impact will be significant. The Rosecrans /Highland intersection is a disaster as it is.... I understand the need for affordable housing. But you are truly disillusioned if you believe this project is the answer. As presented the minimal units that will be considered "affordable" do not represent the true nature of the project.

Clear representation of the project and input from the residence is necessary before final approval.

Thank you,
Linda Maul

Martha Alvarez, MMC

From: Brittany Junod <britt.junod@icloud.com>
Sent: Monday, August 29, 2022 9:05 AM
To: List - City Council
Subject: [EXTERNAL] Oppose new high rise

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hi,
I'm a proud Manhattan Beach resident for over 12 years. What was once a charming beach town is now becoming a full time construction zone of new construction houses.
I ask to not allow the planned 70+ unit building on Rosecrans to be built.
Please preserve what appeal and authenticity this town has left.

Thank you,
Brittany Junod

Sent from my iPhone

Martha Alvarez, MMC

From: Rob Casanova <robcasanova@hotmail.com>
Sent: Monday, August 29, 2022 8:59 AM
To: List - City Council
Subject: [EXTERNAL] Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear City Council,

I will start this email with please do what's right for our small beachside community. We are not LA or Santa Monica or Long Beach. Those areas are the areas that the residents you represent chose to avoid by seeking residency here.

This development proposed is a 4-Story, 79 Unit Luxury Apartment building that will literally dwarf all other two story commercial and residential buildings in that area. It is completely out of character and repugnant to overarching low-profile development theme in our General Plan and our Local Coastal Program. Our low-profile character defines us as a community. It is one of the reasons why we are such a great community. It's worth fighting for!

I will state that the Phase 1 that was presented is rudimentary at best. A complete Phase 2 study w an adequate number of soil and air samples test including borings need to be completed by a reputable firm such as AEI environmental. A phase 1 is no where near satisfactory a basis for a project adjacent to a large oil refinery such as Chevron.

A prior City Council thought it was important to ban the use of plastic bags to protect our environment. More importantly, they had the resolve to defend that ban in litigation all the way to the Supreme Court where they won. In that spirit, our residents expect you to deny this project to protect our low-profile character, all the way to the Supreme Court if necessary! Why not invest in protecting our low-profile character? And you will win in court! Here's why.

Shockingly, this development is not even eligible for the density bonus "streamlined, ministerial approval process". That's right. The statute and guidelines are crystal clear that a site located in the coastal zone is not eligible, nor are sites located within sensitive areas such as the wetlands, a hazard waste site, within a very high fire hazard severity zone, and several other locations. Maybe a discretionary conditional use permit process is in order? Furthermore, since this development is in the North End Commercial zone, it may not be eligible as well, since the site must be in residential zone, and these two parcels are not. As we know, the intersection of Highland and Rosecrans has all four corners zoned commercial. It is vitally important to our El Porto and North MB residents that these four corners be for commercial uses.

SB 35, the density bonus statute, was part of a package of 15 low-income housing bills.

In discerning the legislature intent and meaning of these bills, you need to ask two questions: What is the problem the legislature was trying to fix? And how did the legislation fix the problem?

Here's the problem the legislature was trying to fix.

After an application for a low-income housing project was processed by City staff and an EIR was completed, that low-income housing project needed to go through a purely discretionary conditional use permit process for approval before a Planning Commission and City Council causing substantial delays with many worthwhile low income housing projects being denied for one reason or another, and in many instances no good reason at all, “despite the absence of adverse environmental impacts”.

Here's how the legislation was able fix the problem.

The Legislative Counsels’ Digest for SB 35 and the statute provide: “This bill would authorize a development proponent to submit an application for a multifamily housing development...that is subject to a streamlined, ministerial approval process...and not subject to a conditional use permit.”

The fix was simple. The Legislature scuttled the discretionary conditional use permit process and substituted in a new “streamlined, ministerial approval process” to the alleviate the delays and mischief caused by Planning Commissions and City Councils.

Importantly, SB 35, and the package of 15 low-income housing bills did not establish an exemption from CEQA requirements, including completing an EIR, for low-income housing projects.

If you exercise good common-sense judgment, you will know that this Governor and this Legislature would never exempt low-income housing projects throughout the State from CEQA and the EIR process. With many low-income housing projects being in poor, disadvantaged communities, it would be discriminatory to do so. These communities are already disproportionality impacted by environmental, safety and health challenges.

SB 35 and the package of bills do in fact exempt certain projects from CEQA, but not low-income housing projects. For instance, the statutes specifically exempt BART leases and improvements and a scoping consultation for projects in the geographic area of any California Native American Tribe for instance.

In analyzing SB 35 and the package bills it would be a serious and fatal flaw to conflate the density bonus phrase “streamlined, ministerial approval process” with the CEQA Regulations phrase “ministerial project”. A process is not a project. Examples of a “ministerial project” are the issuance of building permits, the issuance of a business license, or approval of final subdivision maps, the approval of individual utility service connections and disconnections. Obviously, this 4-story, 79-unit, Behemoth of Building is of quite a different character. Under CEQA Regulations and existing case law, CEQA must be interpreted to afford the fullest possible protection to the environment. All you must really do is ask “Will the project have a significant impact on the environment?”. The answer is ABSOLUTLEY YES.

In fact, in all of Manhattan Beach, I can’t think of two parcels of land more environmentally and safety challenged than these two that are directly downslope from 100-year-old oil storage tanks, with high voltage transmission lines directly above and a large natural gas line directly adjacent. Can you say Methane? It would be negligent, maybe grossly negligent to not do an EIR.

Like the Council that banned plastic bags, our residents need you to deny this permit and remand the matter back to the CDD Director with direction to complete an EIR and you need to do it with the resolve to defend your action in litigation all the way to the California Supreme Court, if necessary.

It's simply the legal thing to do, and it's the right thing to do.

I urge you to stand with our residents, not with the State and developer!

In closing please don't force me to run against you all in the next City Council election. My neighbors and colleagues have urged me to do so. I remain confident in our current city council and their ability to do the right thing.

Best,
Rob Casanova

Martha Alvarez, MMC

From: Mary Pierson <marypierson1975@gmail.com>
Sent: Monday, August 29, 2022 8:59 AM
To: List - City Council
Subject: [EXTERNAL] Mark Burton Aug 16 statement

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I fully support 100% of his statement. Additionally as I've written to some of you already, the traffic density in the North End is already overwhelming our narrow Highland Avenue.

Why would you, as elected representatives of this community, allow this project to go forward? All I can think is that you are not willing to fight the developer, and that you are hiding behind a state bill intended for social justice purposes not the enrichment of a developer and surely not the destruction of the MB local character.

Sincerely,
Mary Pierson
417 Marine Place

Martha Alvarez, MMC

From: Lyle Maul <lylem@pacsan.com>
Sent: Monday, August 29, 2022 8:52 AM
To: List - City Council
Subject: [EXTERNAL] Opposition to high-rise apt on Rosecrans

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I am a 50 year resident of Manhattan Beach and strongly opposed to the 4 story apartment project proposed for Rosecrans. It is out of character for the city and proposed in a high risk location. Stand up to the developers and state and do whats best for our city.

Lyle Maul

Sent from [Mail](#) for Windows

Martha Alvarez, MMC

From: Mark Pfaff <mark@aereps.net>
Sent: Monday, August 29, 2022 8:48 AM
To: List - City Council
Subject: [EXTERNAL] 4 story highrose project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To whom it may concern at the City of MB,

We oppose the Highrose project.

Regards,
Mark Pfaff
MB Resident

Martha Alvarez, MMC

From: Robbie Atkinson <jatkinson11@roadrunner.com>
Sent: Monday, August 29, 2022 8:47 AM
To: List - City Council
Subject: [EXTERNAL] High rose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I have been a homeowner and resident in the North End for over 55 years. The possibility of allowing the Highrose development is unconscionable to me. The impact on this end of town would be unbearable. How is it that the Coastal Commission is not involved?

Sent from my iPhone

Martha Alvarez, MMC

From: Faith Backus Lyons <faithbl@gmail.com>
Sent: Thursday, August 25, 2022 6:23 PM
To: List - City Council
Subject: [EXTERNAL] Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council: I want to register my husband's and my support for the project. Don't let the NIMBY's kill this opportunity to increase our housing stock with a project that will have very little impact on residents.

I do want to suggest that the City use whatever power it has to increase the number of affordable units to 20%. This is standard for such projects and the developer will still make a reasonable return.

Thank you,

Faith Lyons

--

Faith Backus Lyons
(310) 266-3205

Martha Alvarez, MMC

From: Dr. Dale Murnane <hshgk1@gmail.com>
Sent: Thursday, August 25, 2022 12:47 PM
To: List - City Council
Subject: [EXTERNAL] Project Verandas from Dr. Dale Murnane

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To ALL Honorable City Council Members,

I write to you, appalled, at the threats you received from Manhattan Beach "land owners", if you choose, for the 'Good of the Whole', to approve Project Verandas.

I walked the Strand before I left town and observed their dirty, sun bleached, cracking homes with apparent mold, signs protesting City Council and wordy signs to prohibit a dog from peeing (and worse) on their 2'x1.5' spot of dirt, referred to as a 'garden'.

Their female bodied children (or grandchildren?) were walking around clad in 'almost nothing' and one gave me a double middle finger when she allowed her large dog to approach my Working Service Dog when my back was to them as I was gazing at the sea.

When my dog alerted me, I turned and told her she shouldn't let her dog approach a Working Service Dog, for future reference; that comment earned me the double middle finger.

I saw young (male-bodied) exhausted surfers climbing from the beach up through the sand and as they started their weary ascent up the street, my heart and memories traveled back in time. Carrying their surfboards tucked under their arm was a delight and erased, if only for a moment, the other visuals.

I hope the threats from "land owners" stop for you and I hope your meeting scheduled for September 6th ends way before midnight; I also wish you luck!

I enjoyed watching you work with Dignity,
Respectfully,

Dr. Dale A. Murnane

Martha Alvarez, MMC

From: Benjamin Banner <bbanner@gmail.com>
Sent: Wednesday, August 24, 2022 10:57 PM
To: List - City Council
Subject: [EXTERNAL] Build Housing in Manhattan Beach!

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable Manhattan Beach Councilmembers:

The cost of living in this area is out of control; especially in Manhattan Beach. I was recently taken aback by the "Not In My Backyard" (NIMBY) advocates' push to further suppress housing and drive up housing costs by rallying landowners to oppose the HighRose development.

I'm a junior engineer who graduated just over a year ago and moved to California to work for the aerospace industry. I can barely afford to live here, and I may well have to head back east to someplace with a more realistic cost of living if nothing improves. As it stands now, I see little future for myself in this area because the residential costs are worse than anywhere else I've lived in the country. If I didn't love my job, I'd have already left. But I do, so I'm e-mailing you...the first time I've e-mailed my local elected officials.

It's easy to see why housing costs are out of control. South Bay localities have been pushed to oppose any and all new housing by existing homeowners. Rather than efficient use of land, this area is completely downzoned, leaving the working class to commute long distances or take on a large amount of roommates to pool resources and afford a single family home to rent at great cost. The development opposition advocates talk about maintaining the "character" of an area (a dog whistle if I've ever heard one) while abusing CEQA (as was seen recently up in Berkeley, nearly denying hundreds of admitted students admission) in an effort to further drive up their property values and keep out those they don't want living next door. Who is going to be left to buy those properties down the road? Young professionals, service industry workers, and many others are all being priced out of the area.

I am a resident of Manhattan Beach. I work in Manhattan Beach. I vote here. I pay taxes here. I want the supply of housing in Manhattan Beach increased.

I am FOR the Highrose El Porto/Project Verandas development, and I urge you to stand in support of this project to increase the supply of available housing, as well as any other projects that increase the affordable and/or market-rate housing supply that come across your desks, before the situation in South Bay gets any worse.

Sincerely,

Ben Banner
bbanner@gmail.com

Martha Alvarez, MMC

From: Jessica Doran <jno812@yahoo.com>
Sent: Wednesday, August 24, 2022 9:22 PM
To: List - City Council
Subject: [EXTERNAL] Project Verandas

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Councilmembers,

As a longstanding homeowner in north Manhattan Beach, I've seen much change over the years. One of the most negative changes I've seen is the density of neighborhoods which among many unfortunate outcomes includes a lack of parking in neighborhood areas accompanied by too many cars racing around these narrow streets.

As I listened to the City Council meeting this week, I was hopeful that this outrageous proposal of a huge apartment complex would be easily voted as a "no" all around. It's bad for our community on so many levels.

I ask you to please consider what residents here want and need. The small-town feel is what drew me here. We cannot handle any more density. It's already too much.

I miss the crime free neighborhood I once had. I miss the fact that no one can visit me by car because my street parking is always full.

Our low-profile character is special, it is why many of us have chosen to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to protect us.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, the risk of toxicity and pollution to our area and local storm drains is just too much. There are so many environmental and safety concerns that demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Thank you.

Sincerely,

Jessica Doran
468 33rd street

Manhattan Beach, CA
702.806.3913

Sent from my iPhone

Martha Alvarez, MMC

From: N. Mostafavi <nmostafavi@me.com>
Sent: Wednesday, August 24, 2022 9:18 AM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

Newsha Mostafavi
A concerned resident

Martha Alvarez, MMC

From: Alex Gayner <alexgayner@gmail.com>
Sent: Wednesday, August 24, 2022 6:33 AM
To: List - City Council
Subject: [EXTERNAL] Opposition to Verandas/Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a long time resident of North Manhattan Beach, I wanted to write to the full council once again and express our opposition to the approval and completion of the Verandas/Highrose project.

Allowing a developer to take advantage of a loophole that will fundamentally change North Manhattan Beach for the worse would be a fundamental fracture to the foundation of the city council. We count on your leadership and commitment to protect our community..

We all know the majority of Manhattan Beach opposes this project and there is a very simple reason for that. It is a direct manipulation of California's new High Density Housing laws.

I no way is Manhattan Beach prepared to accommodate the increase in traffic, trash, lack of parking and speeding that will come with this.

I implore the 3 members of the council that are not willing to fight this project to walk the streets of our town and listen to the residents and their message. This must not be allowed to happen..

This is a defining moment for unity in the council and what we stand for as a town.

Alex Gayner
560 Rosecrans Ave
Manhattan Beach, CA

Martha Alvarez, MMC

From: Nancy Edwards <nedwards@automotivedigest.com>
Sent: Tuesday, August 23, 2022 9:45 PM
To: List - City Council
Subject: [EXTERNAL] We oppose the huge development project on Rosecrans at the verandas site

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Nancy Edwards
Charles Parker
425 32nd Street
310-963-0413

Sent from my iPhone

Martha Alvarez, MMC

From: Mike Romagnoli <mromagnoli23@yahoo.com>
Sent: Tuesday, August 23, 2022 2:09 PM
To: List - City Council
Subject: [EXTERNAL] Opposition to Verandas/Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a Manhattan beach resident for over 15 years and southbay for over 25, I can't tell you how disappointed I am at the lack of willingness to fight this initiative we are currently demonstrating as a city. I would like to thank those that are standing up to an initiative we all know will only have a negative impact on our community in the long term in exchange for the short term financial opportunity tearing down the fabric of this community will surface for those in the business of real estate development. A "we shouldn't fight because we will lose" mentality is clearly driven by those that are not putting the city's best interest first but their own best interest first and foremost. If there is a loophole into this approval there is a loophole out and the court system represents an ideal place to invest time and energy to subtract from the profitability of this project for the investors and developers...once the profitability diminishes their desire to move forward will simultaneously.

In my opinion, the city's number 1 goal should be to delay this initiative by any means necessary...it is the only way to preserve what most of us came here for above and beyond padding our own pockets by developing irresponsibly.

Thank you.

Mike Romagnoli.

Sent from my iPhone

Martha Alvarez, MMC

From: Rudkin, George H <George.Rudkin@va.gov>
Sent: Tuesday, August 23, 2022 11:40 AM
To: List - City Council
Subject: [EXTERNAL] Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Opposing Highrose project as it stands. Let the lawsuits come. Stick to local zoning and maintain the character of the community, please.

Regards
George Rudin

Martha Alvarez, MMC

From: dave young <daveyoungconsult@gmail.com>
Sent: Tuesday, August 23, 2022 9:06 AM
To: List - City Council
Subject: [EXTERNAL] Opposition to Verandas/Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Born and raised in MC. This is going to fundamentally change North MB, in a bad way. Putting 79 new “low-income” apartments on Rosecrans and Highland is going to do nothing to improve traffic, congestion, crime or property values.

It’s a loophole that the contractor is attempting to take advantage of under California’s new High Density Housing laws. In short, they’re getting to avoid all the normal zoning laws, environmental impact laws, building requirements and application processes that everyone else in the city / county have to deal with and which the City has traditionally used to create uniformity in MB.

Basically, this local construction company is getting to put a giant high density apartment complex on the beach where it would never normally have been allowed. All they have to do is designate 7 of the units as low income and they get to sell/rent the balance for triple what they could collect if they had to build it near the 405 where it wouldn’t violate City, County and Coastal Commission rules. It’s a scam and we the residents of North Manhattan/Manhattan will have to deal with the fallout.

3 of the 5 council members aren’t willing to fight the state on it. 2 are. This is my message to everyone I speak to in MB. Not a good look for the council members who are suppose to be looking after the city.

Martha Alvarez, MMC

From: Tracee Farrell <califarrells@verizon.net>
Sent: Tuesday, August 23, 2022 8:22 AM
To: List - City Council
Subject: [EXTERNAL] Fw: Oppose the Highrose development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Good morning City Council,

Resending my February email regarding the need to oppose the Highrose project for Richard and Steve. MB must join in litigation with other coastal cities and similar communities who are opposing this illegal state law.

Sincerely,

Tracee Farrell

[Sent from the all new AOL app for iOS](#)

Begin forwarded message:

On Friday, February 4, 2022, 10:41 AM, Tracee Farrell <califarrells@verizon.net> wrote:

Dear City Council, et al,

Council should be doing everything in its power to oppose the Highrose development. The City of Manhattan Beach should be doing everything in its power to push back against this state overreach into local zoning and control issues.

This development would have a devastating impact on our local community. Traffic and parking in the area, which are already bad, would be significantly negatively impacted. The increased density in an already overpopulated area would be extremely detrimental to the quality of life of the residents and North Manhattan Beach business environment. A large, multi dwelling development like this in this area is out of place, violates MB building ordinances, and will forever change the look and feel of our small town beach community.

Council and the City should not succumb to these state laws simply because they have already been passed. There must be push back and resistance. There must be education by means of litigation, if necessary, to show Sacramento what a devastating effect this would have in cities like ours. This is not a situation where there is a one size fits all solution. The State, with these short sighted regulations, cannot be allowed to fundamentally change the character and culture of a City that already has a density problem and require that local laws be overridden or excepted. It's shocking that this has even gotten this far along in the process. How is it possible that our Planning Commission is recommending this? How is it possible that the Planning Commission has determined that the adoption of this plan and this particular development could not have a significant effect on the environment? Please stop this.

Sincerely,

Tracee & Mike Farrell

Martha Alvarez, MMC

From: Fawn Schanz <fawn.schanz@icloud.com>
Sent: Monday, August 22, 2022 10:48 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

A concerned resident

Fawn A. Schanz

Martha Alvarez, MMC

From: Jan Karl <JKarl@MORLEYBUILDERS.com>
Sent: Monday, August 22, 2022 9:38 PM
To: List - City Council
Cc: Jan Karl; Jan Karl
Subject: [EXTERNAL] Project Verandas

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Councilmembers,

As a longstanding homeowner in north Manhattan Beach, I've seen much change over the years. One of the most negative changes I've seen is the density of neighborhoods which among many unfortunate outcomes includes a lack of parking in neighborhood areas accompanied by too many cars racing around these narrow streets.

As I listened to the City Council meeting this week, I was hopeful that this outrageous proposal of a huge apartment complex would be easily voted as a "no" all around. It's bad for our community on so many levels.

I ask you to please consider what residents here want and need. The small-town feel is what drew me here. We cannot handle any more density. It's already too much.

I miss the crime free neighborhood I once had. I miss the fact that no one can visit me by car because my street parking is always full.

Our low-profile character is special, it is why many of us have chosen to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to protect us.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, the risk of toxicity and pollution to our area and local storm drains is just too much. There are so many environmental and safety concerns that demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Thank you.
Most sincerely,

Jan Karl
421 34th Street
Manhattan Beach, CA
310-993-4311

Martha Alvarez, MMC

From: STEPHANIE COHEN <manhattanie@verizon.net>
Sent: Monday, August 22, 2022 9:05 PM
To: List - City Council
Subject: [EXTERNAL] High Rose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

I am 100% against this new apt. complex being built in the chosen location. I've lived in MB for 34 years and used to live on 36th Street, very close to where the proposed complex will be. I'm glad, at this point, that I live elsewhere in MB. While it may be legal to build at Highland and Rosecrans, it certainly is not SMART. We live in a small town w/ some shady past dealings (Bruce's Beach, the land that Mira Costa stands on, etc.). You can see I am a liberal, humanistic, resident, and even I think that corner is the wrong place to put a 4 story apt. building with 4 low-income units.

I'm not philosophically opposed to low income housing in MB. However, to put in 4 units and call it low income housing, is ridiculous. We all know what it costs to live in our beautiful town-food, gas, land, transportation, parking, etc., etc. I'm a single, educator, living here. I KNOW why there are no other single teachers, counselors, school psychologists or speech language pathologists living in this town except me.

There is no way that jamming in a 78 unit building to that patch of land and offering 4 lucky families housing in it, is going to have ANY impact on the shortage of affordable housing in L.A. County or specifically in MB. If you really want to offer affordable housing in our town, have some of the businesses and developers donate some land on Sepulveda (like across from Skechers) and put a BIG building in, with tons of parking, a playground, a pool and a tutoring center so kids can access what they need to thrive.

I understand that the city isn't run on dreams; it's run on money. But placing the proposed apt. at Rosecrans and Highland is a ridiculous use of that land which will result in crazier than usual parking and traffic woes, will be detrimental to the businesses across the street on Rosecrans and especially on the west side of Highland and based upon what I've read, it will create some likely needless exposure to toxic chemicals by tearing up the ground. And to say there will be no visitor parking is simply unrealistic.

This may be a LEGAL plan but it certainly is NOT a well thought out addition to our community nor will it be beneficial to the few families that are supposed to benefit from its uniqueness. Bottom line? The developer should be stopped. Legal doesn't make it smart, ethical or beneficial.

Stephanie Cohen
East Manhattan Beach

Martha Alvarez, MMC

From: Candis Duke <candisduke@icloud.com>
Sent: Monday, August 22, 2022 3:48 PM
To: List - City Council
Subject: [EXTERNAL] New Rosecrans project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear council members...

Thank you for your service and your care. I am very concerned about the new project and especially the impact it will have on our environment and our traffic.

I ask you each to download the plume app and begin watching our air quality. Our air quality is a problem even right next to the ocean because of not only the airport but Chevron and our traffic.

We have lately been running over 100 which is unsafe for everyone!! To add to it And make it worse makes absolutely no sense.

In addition I don't know if any of you drive to or from the west side during traffic hours but Vista Del Mar is always backed up. Remember when the council person turned it into only two lanes with parking instead of four-lanes?(obviously that was short-lived). I imagine the traffic will be similar to that if we allow this new project. I do not understand how COUNCIL is excepting the studies that have been provided that's far as evidence that we won't be severely negatively impacted.

Please... I asked the city Council think carefully and do what you have been elected to do, to protect all of us and our city and our lifestyle here.

I do not think we should have this project here at all. But if need be, Perhaps there is an alternate site where a project like this could be built with less impact, that is inland at the edge of East Manhattan Beach and not down here in the middle of such immense traffic.

I understand why developer want to do it because the ROI/income /value/cost will be insane.

Do not allow the State to override our local zoning laws.

1. City Council should deny the developer's current building permit application that uses privileges afforded by State legislation that circumvents City zoning and planning laws.
2. Council should encourage the developer to resubmit his application without utilizing state legislation and to abide by our City zoning laws.

3. Council should be transparent and fully inform the residents about how the current building plans conflict with MB's carefully thought through zoning laws.
4. It is clear that a comprehensive environmental STUDY is needed to assure everyone that digging down 45' deep on this property to add a parking structure is not going to cause an environmental disaster, like releasing toxic fumes into the air, causing oil deposits to flow into the groundwater or the nearby ocean water and beaches. The developer's use of an outdated and very limited environment "assessment" does not comply with our local zoning requirements.
5. If the City is sued by the developer, Council needs to have the same resolve to stand up for our laws as they did some years ago when the City was sued over our ordinance banning plastic bags. The City stood by its decision to ban plastic bags and took the case to the highest court in CA and won. The Courts are where we stand up for our City, lest we be swallowed up by the State or County.
6. Unless the City takes a stand now against the overreach by State legislation, developers will swarm MB with similar plans. Approving Highrose is approving State legislation and all future similar projects circumventing our local laws.

Candis Duke

Sent from my iPhone

Martha Alvarez, MMC

From: Michael Fairchild <mfairchild@mjfwlaw.com>
Sent: Monday, August 22, 2022 1:23 PM
To: List - City Council
Subject: [EXTERNAL] Opposition to Verandas/Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I wanted to take a quick moment to again make clear to the full council that - as a longtime resident of Manhattan Beach living in close proximity to the proposed Verandas / Highrose project – we are very much opposed to its completion.

I will not take up your time reiterating ALL of the many reasons that the vast majority of residents believe this is the wrong project in the wrong location at the wrong time. But will say that this is a defining moment for the city and the council. The decisions made on this issue will certainly shape the way your constituents view your role as leaders, and the support (or lack thereof) that you will receive in the future.

Throwing our hands in the air and saying this is a fight we (probably) can't win is not an excuse for doing nothing.

Michael Fairchild
469 34th Street
Manhattan Beach, CA

From: Jan Karl <JKarl@MORLEYBUILDERS.com>
Sent: Sunday, August 21, 2022 7:24 PM
To: Steve Napolitano; Suzanne Hadley; Joe Franklin; Richard Montgomery; Hildy Stern
Cc: Jan Karl; Jan Karl
Subject: [EXTERNAL] Project Verandas/Highrose

Dear Honorable Mayor and City Councilmembers,

As a longstanding homeowner in north Manhattan Beach, I've seen much change over the years. One of the most negative changes I've seen is the density of neighborhoods which among many unfortunate outcomes includes a lack of parking in neighborhood areas accompanied by too many cars racing around these narrow streets.

As I listened to the City Council meeting this week, I was hopeful that this outrageous proposal of a huge apartment complex would be easily voted as a "no" all around. It's bad for our community on so many levels.

I ask you to please consider what residents here want and need. The small-town feel is what drew me here. We cannot handle any more density. It's already too much.

I miss the crime free neighborhood I once had. I miss the fact that no one can visit me by car because my street parking is always full.

Our low-profile character is special, it is why many of us have chosen to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to protect us.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, the risk of toxicity and pollution to our

area and local storm drains is just too much. There are so many environmental and safety concerns that demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Thank you.

Sincerely,

Jan Karl

421 34th Street

Manhattan Beach, CA

310-993-4311

Martha Alvarez, MMC

From: Ulrich, Laurel A <Laurel.Ulrich@marsh.com>
Sent: Monday, August 22, 2022 12:37 PM
To: List - City Council
Cc: vanceowen@gmail.com; ryanhulrich@gmail.com; julietterulrich@gmail.com
Subject: [EXTERNAL] HighRose Pending Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

City Council Members:

We highly disapprove of the HighRose pending development. We strongly oppose the State and Developer attempting to railroad this City into ignoring our Cities zoning laws with this property. Clearly, the Developer is using a limited environment assessment that is outrageous given the fact that the Chevron plant is within feet of the development which could have a horrific impact to the community, ocean and beaches and engage the city in huge lawsuits. How can this development not have a full traffic study as the development will impact the traffic flow of the whole SouthBay. Manhattan Beach put Gelsons through years and years of traffic and environmental studies yet we seem to be letting this developer, CA and Janice Hahn railroad our City into a development that will bring us lawsuits, environmental irreversible damage, traffic snarls and accidents impacting the residents and future developments that will change the make-up of this city forever. Please protect this City that you are supposed to be protecting and representing and stop protecting the CA current political leaders instead. If you vote for this development, you are clearly overlooking our local laws.

Laurel, Vance, Juliette and Ryan Ulrich

This e-mail, including any attachments that accompany it, may contain information that is confidential or privileged. This e-mail is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail and are not an intended recipient, any disclosure, distribution, copying or other use or retention of this email or information contained within it are prohibited. If you have received this email in error, please immediately reply to the sender via e-mail and also permanently delete all copies of the original message together with any of its attachments from your computer or device.

Martha Alvarez, MMC

From: KATHERINE CHAMBERS <kadiec@msn.com>
Sent: Monday, August 22, 2022 12:32 PM
To: List - City Council
Subject: [EXTERNAL] I oppose Highrose development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Do not allow the State to override our local zoning laws.

1. City Council should deny the developer's current building permit application that uses privileges afforded by State legislation that circumvents City zoning and planning laws.
2. Council should encourage the developer to resubmit his application without utilizing state legislation and to abide by our City zoning laws.
3. Council should be transparent and fully inform the residents about how the current building plans conflict with MB's carefully thought through zoning laws.
4. It is clear that a comprehensive environmental STUDY is needed to assure everyone that digging down 45' deep on this property to add a parking structure is not going to cause an environmental disaster, like releasing toxic fumes into the air, causing oil deposits to flow into the groundwater or the nearby ocean water and beaches. The developer's use of an outdated and very limited environment "assessment" does not comply with our local zoning requirements.
5. If the City is sued by the developer, Council needs to have the same resolve to stand up for our laws as they did some years ago when the City was sued over our ordinance banning plastic bags. The City stood by its decision to ban plastic bags and took the case to the highest court in CA and won. The Courts are where we stand up for our City, lest we be swallowed up by the State or County.
6. Unless the City takes a stand now against the overreach by State legislation, developers will swarm MB with similar plans. Approving Highrose is approving State legislation and all future similar projects circumventing our local laws.

As a 25 year Manhattan Beach resident, Please deny the Highrose project.

Thank you,

Kadie Chambers

224 20th street, Manhattan Beach

Martha Alvarez, MMC

From: BARRY FORMAN <bjforman@verizon.net>
Sent: Monday, August 22, 2022 12:24 PM
To: List - City Council
Subject: [EXTERNAL] Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I am a resident of Manhattan Beach. I have read arguments opposing the project as is and am personally opposed to the project .

Barry J Forman

Sent from my iPhone

Martha Alvarez, MMC

From: Bruce Kuch <bpkuch@gmail.com>
Sent: Monday, August 22, 2022 8:53 AM
To: List - City Council
Subject: [EXTERNAL] HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable Councilmembers:
Please enforce local building requirements.

Bruce & Pam Kuch
1440 8th Street
714 519-5985

Martha Alvarez, MMC

From: Jim Dillavou <jimdillavou@yahoo.com>
Sent: Monday, August 22, 2022 8:36 AM
To: List - City Council
Subject: [EXTERNAL] Highrose / Planning vs. Policy

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Good morning,

My Planning Commission vote to approve the Highrose project was, I believe, correct from a pure city **planning** standpoint. However, from a **policy** standpoint, my vote would have been different. As the arbiters of **policy** for our City, I thank you for the extensive time and thought you have put into this important policy decision.

Sincerely,
Jim Dillavou

Martha Alvarez, MMC

From: Rory O <captainowow@yahoo.com>
Sent: Monday, August 22, 2022 8:11 AM
To: List - City Council
Subject: [EXTERNAL] I (and many) grow tired the Councils disregard from the Majority

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

City Council Members,

As reminder, you are the servants "of the People". Yes, you were elected but, several of you may not return as Council members so, it seems easy for you to "hit and run". There many arguments against the Highrose build. Manhattan already is crammed tight enough. Why are you concerned with what "self-serving" Developers think or want. We are the residents that have to live here after they have ruined North-End and walk away..

Do not allow the State to override our local zoning laws.

1. City Council should deny the developer's current building permit application that uses privileges afforded by State legislation that circumvents City zoning and planning laws.
2. Council should encourage the developer to resubmit his application without utilizing state legislation and to abide by our City zoning laws.
3. Council should be transparent and fully inform the residents about how the current building plans conflict with MB's carefully thought through zoning laws.
4. It is clear that a comprehensive environmental STUDY is needed to assure everyone that digging down 45' deep on this property to add a parking structure is not going to cause an environmental disaster, like releasing toxic fumes into the air, causing oil deposits to flow into the groundwater or the nearby ocean water and beaches. The developer's use of an outdated and very limited environment "assessment" does not comply with our local zoning requirements.
5. If the City is sued by the developer, Council needs to have the same resolve to stand up for our laws as they did some years ago when the City was sued over our ordinance banning plastic bags. The City stood by its decision to ban plastic bags and took the case to the highest court in CA and won. The Courts are where we stand up for our City, lest we be swallowed up by the State or County.
6. Unless the City takes a stand now against the overreach by State legislation, developers will swarm MB with similar plans. Approving Highrose is approving State legislation and all future similar projects circumventing our local laws.

Thank You,
Rory & Marie O'Brien
1808 Walnut Ave

Martha Alvarez, MMC

From: Beverly Mitchell <bmittell@srm-financial.com>
Sent: Monday, August 22, 2022 7:34 AM
To: List - City Council
Subject: [EXTERNAL] Highrose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I am Against this project. Please protect our City. Thank you.

Sent from my iPhone

Martha Alvarez, MMC

From: ERIC GRAY <egray123@verizon.net>
Sent: Monday, August 22, 2022 7:10 AM
To: List - City Council
Cc: MBStrong2021@gmail.com
Subject: [EXTERNAL] Highrose Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Members,

After serving on the Chevron Community Advisory Panel for 5 years, I can assure you that there is every reason to require a thorough environmental impact study on the site for the proposed Highrose development.

The refinery has over 100 years of stored pollution in the soil it rests on, and is very close to our groundwater source including drinking water. Any significant construction, such as an underground parking structure, so close to the refinery has the potential to release toxins in the surrounding area or ocean.

At a minimum, it is your duty as a Council to vet this issue thoroughly.

Further, I disagree with the State of CA totally overriding our local zoning laws. It is taxation without representation in my view. Therefore, I encourage the Council to stand up to this over-reach of State authority. If not now, when? When the State has mandated the 6th or 7th "densification" project?

Regards,

Eric Gray

Martha Alvarez, MMC

From: Ki and Anne Filek <filekanneki@gmail.com>
Sent: Monday, August 22, 2022 6:31 AM
To: List - City Council
Subject: [EXTERNAL] High rise project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Circumventing local laws is making a mockery of them. The high rise project doesn't make sense in this crowded environment This opens the door to future circumvention of our laws

Mr Filek

--

Anne and Ki Filek
filekanneki@gmail.com

Martha Alvarez, MMC

From: jalang44@aol.com
Sent: Monday, August 22, 2022 6:17 AM
To: List - City Council
Subject: [EXTERNAL] Vote NO

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please don't allow the state to rule our city...we don't need their money. No to Rosecrans developement period.

Martha Alvarez, MMC

From: Susan Swerdloff <sjswerdloff@earthlink.net>
Sent: Sunday, August 21, 2022 10:24 PM
To: List - City Council
Cc: assemblymember.muratsuchi@assembly.ca.gov; Senator.Allen@senate.ca.gov
Subject: [EXTERNAL] Fwd: HighRose/Verandas Project

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

From: Susan Swerdloff [mailto:sjswerdloff@earthlink.net]
Sent: Sunday, August 21, 2022 6:27 PM
To: 'rmontgomery@citymb.info' <rmontgomery@citymb.info>; 'snapolitano@citymb.info' <snapolitano@citymb.info>; 'shadley@citymb.info' <shadley@citymb.info>; 'hstern@citymb.info' <hstern@citymb.info>; 'jfranklin@citymb.info' <jfranklin@citymb.info>
Subject: HighRose/Verandas Project

Honorable City Council members:

As a longstanding homeowner and resident in Manhattan Beach, and a parent of a child who attended MBSD, I've seen much change over the years. One of the most negative changes I've seen is the density of neighborhoods which among many unfortunate outcomes includes a complete lack of parking in neighborhood areas, too many cars racing around these narrow streets, accidents, near misses, and increased crime.

While I understand there is a shortage of affordable housing in California, and Los Angeles County, I urge you to consider voting against populating our City with large apartment complexes. As I listened to the City Council meeting this week, I was hopeful that this outrageous proposal of a huge apartment complex at Rosecrans and Highland, an already heavily trafficked and congested area, would be easily voted down by City Counsel, members.

I urge you to consider what residents here want and need. The small-town feel is what drew many of us here. We cannot handle any more density, more traffic and more people. It's already too much and the current infrastructure is already dated and in disrepair.

Our low-profile character is special, it is why many of us choose to call Manhattan Beach home. We gave invested in our schools to maintain our Real Estate values and increased density would diminish our values and would encourage many to stop investing in the City and our

schools. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to protect us.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents. It will create gridlock at an already challenging corner. Have you driven thru that area at rush hour? Maybe you should. I urge you to do the right thing for the City of MB and not for your political careers. Please vote down this project and do not set this precedent.

Thank you, Most sincerely,

Susan Swerdloff

325 1st Street

Manhattan Beach, CA 90266

siswerdloff@earthlink.net

310-350-2939

Martha Alvarez, MMC

From: Jim Pickett <pickjim@gmail.com>
Sent: Saturday, August 20, 2022 7:19 PM
To: List - City Council
Subject: [EXTERNAL] Re: Opposed to HighRose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Suzanne and Richard,

It is very pleasing to have you two respond on a beautiful Saturday afternoon. An unexpected response.

Jim Pickett

On Sat, Aug 20, 2022 at 3:00 PM Jim Pickett <pickjim@gmail.com> wrote:

As a 40+ year resident and property owner in Manhattan Beach, I am very opposed to the HighRose development as currently proposed. Our home is very near the intersection of Highland and Rosecrans and we believe that we, along with the majority of our community, including El Porto residents, would be negatively impacted.

W. J. Pickett

Martha Alvarez, MMC

From: john berryman <johnberryman2005@yahoo.com>
Sent: Saturday, August 20, 2022 5:13 PM
To: List - City Council
Subject: [EXTERNAL] RESIDENTS AGAINST HIGHROSE DEVELOPMENT !!!

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,

JOHN BERRYMAN
413 NINTH PL
MANHATTAN BEACH CA 90266

A concerned resident

Martha Alvarez, MMC

From: Jim Pickett <pickjim@gmail.com>
Sent: Saturday, August 20, 2022 3:01 PM
To: List - City Council
Subject: [EXTERNAL] Opposed to HighRose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a 40+ year resident and property owner in Manhattan Beach, I am very opposed to the HighRose development as currently proposed. Our home is very near the intersection of Highland and Rosecrans and we believe that we, along with the majority of our community, including El Porto residents, would be negatively impacted.

W. J. Pickett

Martha Alvarez, MMC

From: Dennis M. Dillon <dillon447@aol.com>
Sent: Saturday, August 20, 2022 1:51 PM
To: List - City Council
Subject: [EXTERNAL] No to 79 unit, 4-story building in MB!

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Council Members,

I have lived in the northwest side of Manhattan Beach for 27 years and I am shocked that a 79 unit, fifty-foot-tall apartment building is even under consideration in our neighborhood. It is far too big, too tall and would require a huge number of parking stalls, all of which would lead to more traffic at Highland and Rosecrans which is already a too busy. Allowing this development would be detrimental for all of the people of Manhattan Beach, but especially for those of us at the north end of town who frequent the intersection. The intersection would forever be a traffic nightmare, not only during the construction of this monstrosity, but forever after, with hundreds of additional cars and pedestrians coming and going every day. To build any development more than a fourplex should require an EIR and detailed traffic study to determine just how bad the traffic would be. You should also consider that this is a Tsunami escape route and people will be killed because of the traffic backup should this development go through. And finally, this property backs up to the Chevron plant which adds numerous environmental, health and safety issues to this proposed development.

I urge you to do whatever needs to be done to stop this atrocity before it gets any further. I understand that there will be costs involved but we need to do whatever it takes to save our city and our way of life. I will certainly vote against any council members who do not fight to keep this from being built in Manhattan Beach.

Regards,

Dennis Dillon
440 30th St.
Manhattan Beach, CA 90266
310.600.3457
Ddillon447@aol.com

Martha Alvarez, MMC

From: Robert Tepper <westernlaser21@gmail.com>
Sent: Saturday, August 20, 2022 10:32 AM
To: List - City Council
Subject: [EXTERNAL] Highrose apartments

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a resident of Manhattan Beach and a 47 year resident of The South Bay, I am opposed to the building of this property.

Please stop it, it does not fit into our beach community.

Robert Tepper
1405 Pine

--
Robert

Martha Alvarez, MMC

From: Roger Bondelli <rbondelli@icloud.com>
Sent: Friday, August 19, 2022 11:58 PM
To: List - City Council
Subject: [EXTERNAL] Behemoth Bldg. at Rosecrans and Highland MB

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

I am a 45 year Manhattan Beach resident and oppose that building on Rosecrans and highland. 4 stories tall is insane there! The tallest it should be allowed is 2 stories if at all.

Sent from my iPad

Martha Alvarez, MMC

From: Celeste Sheres <celestesheres@gmail.com>
Sent: Friday, August 19, 2022 9:11 PM
To: List - City Council
Subject: [EXTERNAL] Overdevelopment

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a resident of Manhattan Beach for many years I am opposed to the development project being proposed in el Porto. It is unnecessary and will destroy the uniqueness of our beach community. The community is a small community and we have already seen a large increase in crime and traffic. A development such as this will only make the situation worse. It is unfortunate that we as a city have even entertained such an idea and for many reasons it is extremely unfair to the surrounding residents. I feel very saddened that the profits of the developers have somehow become more important than the well-being of our community. It is truly shameful and I hope you will consider withdrawing the request for development. Sincerely Sheres

Sent from my iPhone

Martha Alvarez, MMC

From: jgarb9@gmail.com
Sent: Friday, August 19, 2022 8:48 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,
Joel Garber

A concerned resident

Sent from my iPhone

Martha Alvarez, MMC

From: Jason Goldwater <j.goldwater@me.com>
Sent: Friday, August 19, 2022 5:48 PM
To: List - City Council
Subject: [EXTERNAL] Highrose Project @ Verandas

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please be advised that our household is vehemently opposed to this project not only because of its 4-story height, which is way out of character for MB, but also because of environmental concerns that could arise from digging in that area next to Chevron.

In addition, the traffic it would create (however positive for our business at 35th & Highland) seems as if will create a daily fiasco.

As residents who can see this piece of land from our window, it scares us.

 — Jason & Bree Goldwater

Jason Goldwater
Partner/Creator/CEO

Direct: [415.747.1565](tel:415.747.1565)

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IG: human_landscapers

Martha Alvarez, MMC

From: Kathy Ford <kjford3@gmail.com>
Sent: Friday, August 19, 2022 2:13 PM
To: List - City Council
Subject: [EXTERNAL] Highrose Apartments

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

As a long time resident of Manhattan Beach I am opposed to this project and ask that the Council not vote for it. Our city is becoming overbuilt and doesn't need more large overbuilt structures so that we're surrounded by concrete.

Please vote NO.

Thank you!

Martha Alvarez, MMC

From: Bill Frash <bfrash@gmail.com>
Sent: Friday, August 19, 2022 1:46 PM
To: List - City Council
Subject: [EXTERNAL] Massive Condo Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

The Frash family is 100% opposed to this crazy idea. - Bill Frash, 3605 Pacific Ave, Manhattan Beach, CA 90266

Martha Alvarez, MMC

From: Lu Hearlson <lhboxter@gmail.com>
Sent: Friday, August 19, 2022 12:53 PM
To: List - City Council
Subject: [EXTERNAL] Proposed 4 story residence on Rosecrans

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Sir:

I am writing as a TAX PAYING RESIDENT that this project that's being pushed through by a special agenda is NOT LEGAL!! I scrapped my whole life to live in this magnificent city, in a 1200 sq ft condo! I do not live on the strand or anywhere close but I TREASURE my neighborhood and city for its BLUE ZONE quality of life! To build this monster building goes AGAINST EVERYTHING the City of Manhattan Beach PRIDES it self in protecting! If you want low housing then go to a neighborhood that can build to that zone! Don't we all want to live in a quality city like ours that's paid for through high taxes paid by hard working people and businesses! Go build your government backed monstrosity in a different neighborhood! The impact on the traffic is bad already! More cars, more people and those people will sublet to more people and more cars, I think you can hear concerned citizens voices-Let's Keep Manhattan in the Blue Zone.

Thank you,
Luanne Hearlson
14 year resident

Sent from my iPhone

Martha Alvarez, MMC

From: Loralie Ogden <logden456@gmail.com>
Sent: Friday, August 19, 2022 12:55 PM
To: List - City Council
Subject: [EXTERNAL] HighRose

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hello,

I read with interest the Easy Reader recap of the Council meeting this week. God bless you for fighting the good fight. As much as I do not want to see this density, I think there's little we can do except change the laws in Sacramento! I'm also afraid that what Frank Buckley said may be true about the next guy wanting to build more. Damned if you do and Damned if you don't. I think stringing it out as long as possible and hoping that the ballot initiative to repeal this nonsense law passes. I saw that the Venice residents fought and won against something like this.

Thank you for your service!

Loralie Ogden
456 32nd street

Martha Alvarez, MMC

From: Tania Thiele <taniat@icloud.com>
Sent: Friday, August 19, 2022 11:51 AM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

As you know, our low-profile character is special, it is why many of us choose to call Manhattan Beach home. So, that is why I am OPPOSED to the HighRose/Verandas project and urge you to stand-up and protect our local zoning laws.

A 4-story 79 unit apartment complex at the corner of Rosecrans and Highland Ave is an outrageous, out-of-character proposal, and a dangerous answer to the State's "Density Bonus" law needs. A HighRose overbuild will set a precedent and threaten the future of our city and residents.

HighRose will create gridlock at a major intersection, and the lack of appropriate parking for its residents and visitors will further compound the problem. And with Chevron and NRG on its property lines, a full CEQA analysis should be mandatory. So many environmental and safety concerns demand attention.

Please do the right thing, demonstrate political courage, raise every good faith legal argument available, act as our leaders to safeguard the City's general welfare on behalf of the residents of our special community.

Sincerely,
Tania Thiele
29th street, Manhattan Beach

Sent from my iPhone

Martha Alvarez, MMC

From: Colton Forth <cforth@jukeaudio.com>
Sent: Friday, August 19, 2022 9:26 AM
To: List - City Council
Cc: Brad FORTH; Mommy Life
Subject: [EXTERNAL] MB Resident - Obejction to Rosecrans Apartment Building

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hello,

Hope this finds you well. My name is Colton Forth and I have been a Manhattan Beach citizen for the past 10 years living on 20th street with my family, and have recently purchased my own home on 15th street.

I am reaching out to express my disapproval of the 79 unit complex being proposed to be built on Rosecrans on Highland. As a small coastal beach town, this project cuts against what makes Manhattan Beach special and will have adverse effects on all residents currently living and paying taxes here. This influx of population will put further strain on our local infrastructure and result in excessive traffic backups, overcrowded streets, and more. There are no other buildings near the water that exceed 2 stories, and for good reason. A 4 story building in that location is utterly out of character.

Given the proximity of this proposed development to the Chevron plant, digging up the soil also poses serious health risks to nearby residents. These risks need to be fully evaluated by a non biased party.

I am hoping you as the city council listens to the wishes of your residents, as the vast majority of current owners in Manhattan Beach feel the same way I do.

Regards,
Colton

--



Colton Forth
Phone: 310-424-8087
[Juke Audio](#) - President

Martha Alvarez, MMC

From: Lisa Handelman <lisa_handelman@yahoo.com>
Sent: Friday, August 19, 2022 8:43 AM
To: List - City Council
Subject: [EXTERNAL] Behemoth of Building

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hello,

As a 25 year resident of MB and a South Bay native, I am against the scale of this development in the proposed location as I believe it would negatively impact the community with it's density and the inevitable traffic issues that would arise.

Thank you,
Lisa Handelman
NW Tree Section

Martha Alvarez, MMC

From: Ty Ward <southbayty@gmail.com>
Sent: Friday, August 19, 2022 8:11 AM
To: List - City Council
Subject: [EXTERNAL] 12 year MB sand section resident strongly opposes the 4-Story "Behemoth of a Building"

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

MB City Council please come back to reality & understand clearly that this VERY SMALL "Signature California" beach town is not proper ground for 4 level structures and esp not for a whopping 79 units. Not even at the Rosecrans & Highland location.

Strong Oppose.

Thanks

--

Ty Ward
DRE #01914552
Palm Realty Boutique
1419 Highland Ave
Manhattan Beach, CA 90266
Ty@Tywardhomes.com
310.968.5641

Martha Alvarez, MMC

From: Steve Gaffney <steve@stevegaffney.com>
Sent: Thursday, August 18, 2022 12:03 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

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Sincerely,

Steve Gaffney
A concerned resident

Martha Alvarez, MMC

From: Elise Johnson <elisejohnson5@gmail.com>
Sent: Thursday, August 18, 2022 11:03 AM
To: List - City Council
Subject: [EXTERNAL] I'm in favor of Highrose. Here's why.

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Hi Council,

If Facebook is an accurate barometer, I may be the only person in MB in support of the development on Highland and Rosecrans. 😊

But here I am; a proud YIMBY.

The fact is that CA has not developed enough new housing to support demand. The data on this is well established. Supply is low, so rents are high.

For too long, California cities, including MB, have failed to keep up with our growing population and have expected "somewhere else" to be the place new housing is built.

Manhattan Beach needs to build UP - and not just those 3 or 4 story single family homes adjacent to Highrose in the Grandview neighborhood, but multi-family units that include (gasp) "low income" apartments.

Manhattan Beach needs to be part of the solution to California's housing crisis.

And yes, in my backyard too.

In YIMBYism,
Elise

Martha Alvarez, MMC

From: Alexander Anderson <alexjr1978@icloud.com>
Sent: Wednesday, August 17, 2022 10:18 PM
To: List - City Council
Subject: [EXTERNAL] Residents against HighRose Development

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Honorable City Councilmembers:

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Sincerely,

Alexander Anderson
A concerned resident

Martha Alvarez, MMC

From: Ronald Schendel <ron@rschendel.com>
Sent: Wednesday, August 17, 2022 7:06 AM
To: List - City Council
Subject: [EXTERNAL] Appeal clarification

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Steve Napolitano, Mayor
City Council members

I wish to clarify a point that I believe may have been misunderstood in my appeal presentation.

My position is that 65915. (e) (1) requires a waiver when construction of 79 units is precluded by code such as height limitation. It does not require such a waiver just because developer wants larger units.

For example, does anyone really think the law allows for a developer to propose a project with all 3 bedroom units and require a height waiver for 2 or 3 extra floors? That is certainly not my reading of the law.

However, this does not mean developer can only build smaller units or in our case 79 singles. He still has the option of building any mix of units he wishes. Obviously, with larger units in the mix, the total units that can be built without the waiver would be reduced.

The allowed 79 units is a maximum, not a requirement, and is not intended to limit the developer's options.