

ROUGHLY EDITED COPY

MANHATTAN BEACH CITY COUNCIL  
REGULAR MEETING  
REMOTE BROADCAST CAPTIONING  
TUESDAY, October 18, 2022

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>> Mayor Napolitano: WE'RE LIVE. ALL RIGHT. GOOD EVENING, EVERYONE. WELCOME TO THE CITY COUNCIL MEETING OF OCTOBER 18<sup>th</sup>, 2022. IT IS 6 P.M. I DON'T SEE THAT FAR ANYMORE. I BELIEVE IT'S CLOSE ENOUGH AND WE'RE GOING TO BEGIN THE MEETING WITH A -- THE PLEDGE TO THE FLAG.

>> WE'VE GOT THE PRIOR MEETING, THAT'S RIGHT. WE WERE IN THE CLOSED SESSION FOR THE LAST HOUR OR SO.

>> IT'S ANNOUNCED BY THE MAYOR, THE CITY COUNCIL WENT INTO CLOSED SESSION TO DISCUSS THE ITEMS IDENTIFIED ON THE 5:00 AGENDA. THERE IS NO REPORTABLE ACTION TAKEN. AT THIS TIME IT WOULD BE APPROPRIATE TO ADJOURN THAT MEETING UNTIL 6:00 -- UNTIL 5:00 TOMORROW.

>> Mayor Napolitano: OKAY. THAT'S A WONDERFULLY VAGUE STATEMENT. WE WILL ADJOURN UNTIL 5:00 TOMORROW THE CLOSED SESSION. AND WE WILL THEN CONTINUE ON WITH OUR MEETING NOW, WHICH WE'VE ALREADY STARTED. WE'RE GOING THE STAND UP AND DO THE PLEDGE TO THE FLAG. HOW ABOUT THAT.

>> I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA. AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE WITH LIBERTY AND JUSTICE FOR ALL.

>> Mayor Napolitano: ALL RIGHT. THANK YOU. THAT TAKE US TO ROLL CALL MADAM CITY CLERK.

>> COUNCILMEMBER FRANKLIN.

>> Councilmember Franklin: HERE.

>> COUNCILMEMBER HADLEY. COUNCILMEMBER STERN:

>> COUNCILMEMBER STERN: I AM HERE.

>> MAYOR PRO TEM MONTGOMERY.

>> Mayor Pro Tem Montgomery: I'M HERE.

>> MAYOR NAPOLITANO.

>> Mayor Napolitano: I'M HERE AS WELL. ON BEHALF OF OUR COLLEAGUE, COUNCILMEMBER SUZANNE HADLEY, RESIDENTS, CITY STAFF, THIS IS COUNCILMEMBER SUZANNE HADLEY. I'M -- NO. I WAS DIAGNOSED THIS MORNING AT EXTRA CARE WITH VIRAL LARYNGITIS WHICH MEANS I'VE LOST MY VOICE. IT IS NOT CONTAGIOUS. THERE IS NO TREATMENT OTHER THAN RESTING MY VOICE BOX WHICH I WILL BE DOING TONIGHT AND THE NEXT SEVERAL DAYS. DAVID.

>> LARYNGITIS IS CORRELATED WITH ALLERGIES AND HAY FEVER, BOTH OF WHICH I HAVE IN ABUNDANCE. I HAVE BEEN SPEAKING QUITE A BIT AT AND HIGHER VOLUMES DURING THE CANDIDACY PHONE. AS PRESIDENT OBAMA HAS SAID, I HAVE A PEN AND A PHONE AND I CAN USE THAT TO STAKE ADMINISTRATIVE ACTIONS THAT MOVE THE BALL FORWARD. I'VE GOT A PEN AND A VOTING SCREEN. I WILL USING THOSE TO CARRY OUT THE PEOPLE'S BUSINESS TONIGHT. THANK YOU FOR YOUR UNDERSTANDING. I'D KINDLY ASK YOUR PATIENT IN ADVANCE IF MY WRITTEN SPEECH CAUSES ANY INCONVENIENCE OR CAUSES A DELAY TONIGHT. WE'RE GOING TO HELP OUT IN ANY WAY WE CAN AND I'M HAPPY TO READ ANYTHING THAT SHE WRITES

ON ANY MATTER AT THIS TIME. NOW TO THE CEREMONIAL PRESENTATION. THIS IS PRESENTATION OF COMMENDATIONS TO MANHATTAN BEACH HISTORICAL SOCIETY YOUTH GOING PRESIDENT GARY MCCAULAY AND MANHATTAN BEACH HISTORICAL SOCIETY PIONEER FOUNDER JAMES BILL FOR THEIR YEARS OF DEDICATED SERVICE TO THE CITY OF MANHATTAN BEACH AND THE MANHATTAN BEACH HISTORICAL SOCIETY. I'M GOING TO GO FIRST WITH GARY. FOR THOSE WHO DON'T KNOW, WE HAVE A MANHATTAN BEACH HISTORICAL SOCIETY. AND THEY OPERATE OUT OF -- SOME PEOPLE DON'T KNOW. THEY OPERATE OUT OF THE LITTLE RED HOUSE AT POLLIWOG PARK. AND THEY HAVE MEETINGS THAT THEY INVITE THE PUBLIC TO, THEY ENCOURAGE PARTICIPATION. THEY ARE THE [INAUDIBLE] OF THE ARTIFACTS THAT MANHATTAN BEACH OWNS. THEY DO A GREAT JOB OF IT AND WE'RE NOW STARTING TO DIGITIZE ALL OF THE DOCUMENTS. I SEE CHRIS HERE AS WELL WHO IS INSTRUMENTAL IN THAT EFFORT. WE HAVE A BIG EFFORT UNDER WAY AGAIN TO REVITALIZE THE KEEPING OF ALL OF OUR DOCUMENTS AND ARTIFACTS AND GARY HAS BEEN PUSHING THAT FOR MANY YEARS. HE SERVED AS PRESIDENT OF THE MANHATTAN BEACH HISTORICAL SOCIETY FOR TEN YEARS. CLOSE ENOUGH. HAS BEEN ON THE -- HE CAN'T REMEMBER HIS OWN HISTORY. I'M GOING OFF OF WHAT HE TOLD ME. HE'S BEEN ON THE BOARD SINCE 2007, SO HE TELLS ME. SO WE'LL HAVE SOMEONE VERIFY THOSE FACTS LATER. BUT IN THE MEANTIME HE HAS DONE AN INCREDIBLE JOB ESPECIALLY BEHIND THE SCENES, I CAN TELL YOU THAT. HE WOULD CALL ME UP OR E-MAIL ME EVERY FEW MONTHS AND SAY STEVE, IT'S TIME FOR A BREAKFAST. WE NEED TO TALK ABOUT ALL OF OUR NEEDS AT THE HISTORICAL HOUSE. BECAUSE OF THOSE TALKS WE STARTED GOING WE NEED A BUDGET. WE NEED A BUDGET. EVERYONE THOUGHT OH, THE HISTORICAL SOCIETY IS TAKING CARE OF THIS THEMSELVES. AND IT WAS NEVER MEANT TO BE THAT WAY. BECAUSE IT'S THE CITY'S HISTORY. IT'S THE CITY'S ARTIFACTS. WE OWN IT. THEY HAVE BEEN NICE ENOUGH. THE CARETAKERS OF IT BUT WE HAVE TO STEP UP AND HELP THEM TAKE CARE OF IT BY INVESTING IN IT AND HAVING A SAFE PLACE THAT WILL HOUSE THESE DOCUMENTS AND ARTIFACTS FOR FUTURE GENERATIONS AND GET THE KIDS INVOLVED AND SCHOOLS INVOLVED. AND GARY SPEARHEADED THAT. MARTHA HAS TAKEN THE TORCH FROM GARY TO MOVE THINGS FORWARD FROM NOW ON. ON BEHALF OF THE COMMUNITY, GARY, MY COLLEAGUES HERE, I WANT TO THANK YOU FOR YOUR DEDICATION OF YEARS OF SERVICE AND ALSO MAKE AVAILABLE ALL OF THE HISTORY OF MANHATTAN BEACH TO FUTURE GENERATIONS. THANK YOU SO MUCH FOR ALL OF YOUR EFFORTS.

>> JUST TO SAY, YOU KNOW, I REALLY APPRECIATE THE SUPPORT OF COUNCIL AND ALL OF THE MEMBERS OF THE HISTORICAL SOCIETY. AND REALLY, STEVE, YOU'VE BEEN THE BACKBONE FOR SUPPORTING US. I APPRECIATE THAT. I MEAN, REALLY, ALL YOU GUYS HAVE BEEN. I REALLY APPRECIATE THAT. I'LL LET JAMES GET HIS MUCH NEEDED AND DESERVED COMMENDATION.

>> Mayor Napolitano: FOR THOSE WHO THINK GARY IS ALL BUSINESS, I'VE GOT SOME PHOTOS TO SHOW YOU. AND NEXT UP WE HAVE JAMES GILL

HERE AND JAMES HAS BEEN A LIFELONG RESIDENT OF MANHATTAN BEACH. BUT WHAT HE DID A COUPLE OF YEARS AGO IS FOUND THE MANHATTAN BEACH PIONEERS. AND THE PIONEERS ARE FOLKS WHO HAVE LIVED HERE 50 YEARS OR MORE. AND THEN THERE'S OTHER FOLKS. I'M GOING TO LET HIM EXPLAIN IT BECAUSE WE WHAT WE WANT TO DO IS ENCOURAGE OTHERS TO JOIN AND BECOME PART OF THIS. BECAUSE WHAT HE DOES IS PUTS TOGETHER TALKS FOR FOLKS. I'LL LET HIM EXPLAIN IT. I KEEP SAYING I'M GOING TO LET HIM EXPLAIN IT AND I KEEP EXPLAINING IT. GO AHEAD.

>> TANK YOU. MAYOR, IT'S AN HONOR TO BE HERE WITH YOU, ESPECIALLY WITH YOU, SIX-TIME MAYOR? IS THAT THE NUMBER? STEVE IS ONE OF OUR PIONEERS. HE HAS PRESENTED AT THE PIONEERS MEETING FOR US. YOU CAN FIND HIS VIDEO ONLINE AS WELL. IF YOU WANT TO FIND THE VIDEOS, GOOGLE FOR MANHATTAN BEACH PIONEERS AND YOU WILL FIND THEM. A QUICK BACKGROUND, MY GRANDPARENTS MOVED HERE FROM 1937 FROM ANCHORAGE, ALASKA, WHERE MY GREAT-GRANDFATHER WOUND UP BEING THE MAYOR. HE WAS A PIONEER THERE AND THEY STARTED A PIONEERS GROUP IN ANCHORAGE THAT'S BEEN GOING ON FOR DECADES. THAT'S WHERE I HEARD ABOUT IT. AND THROUGH MY GRANDMOTHER I HAD LOST SEVERAL OF OUR FAMILY FRIENDS, HER GENERATION IS LONG GONE, MY DAD'S GENERATION IS NOW GETTING OLDER. HOPEFULLY HE'S WATCHING RIGHT NOW FROM PALM SPRINGS. BUT THE IDEAS CAME TO ME, WHY DON'T WE BRING THAT HERE SO WE CAN CAPTURE SOME OF THOSE STORIES. THAT'S THE MAIN CHALLENGE, AS STEVE BRINGS UP. GETTING THE WORD OUT. THERE ARE A LOT OF PIONEERS AROUND TOWN. THEY'RE NOT ON THE E-MAIL LIST AND THAT'S THE WAY I'VE KEPT THIS THING GOING. UNFORTUNATELY FOR SOME OF THE OLDER GENERATIONS, E-MAIL IS NOT THE BEST WAY BUT IT'S AN EASY WAY FOR ME. SO WITH THE HELP OF ROBBIE WILSON, A 78-YEAR RESIDENT SITTING BACK THERE AND DAWN SPENCER WHO IS UPWARDS OF AN 85-YEAR RESIDENT IN TOWN, AS WELL AS GARY, THEY HELPED ME BRING THIS TO THE HISTORICAL SOCIETY BOARD, AND I WANT TO THANK SEVERAL OF THOSE MEMBERS FOR BEING HERE TONIGHT. THE BOARD IS RIGHT BACK THERE WITH A COUPLE OF OTHER OF MY PIONEER PRESENTERS SITTING WITH THEM. WE HAVE A GREAT AUDIENCE TONIGHT. THE IDEA IS TO GET THE WORD OUT. IF YOU HAVE BEEN HERE 30 TO 50 YEARS IS ASSOCIATE PIONEER, 50 YEARS OR MORE IS A PIONEER. THE ENTIRE COMMUNITY IS INVITED TO COME TO THE MEETINGS AND HEAR THE PRESENTATIONS. I I'M TRYING TO CAPTURE THE OLDER FOLKS NOW. THERE ARE BEEN 25 VIDEO PRESENTATIONS SO FAR AND WE'VE ALREADY LOST FIVE OF THOSE PEOPLE. I'VE THRILLED THOSE PEOPLE HAD THEIR STORY CAPTURED ON VIDEO. AND ONE THING THAT I'M REALLY LOOKING TO DO IS -- YES, THOSE VIDEOS ARE ONLINE. BUT AS A HISTORICAL SOCIETY, AS A CITY, LET'S FIGURE OUT A WAY OF HOW WE CAN BETTER PRESENT THESE VIDEOS TO BE SEEN. THAT'S AN IDEA I WANT TO WORK ON AND COME UP WITH SOME GOOD IDEAS FOR. OUR NEXT MEETING IS SCHEDULED -- I PUT ON AN E-MAIL THE OTHER DAY THAT IT WAS THE 21<sup>st</sup> OF JANUARY. NOW SOMETHING HAS COME UP. WE'RE NOW ON THE

28<sup>th</sup> OF JANUARY IS OUR NEXT MEETING AND IT WILL BE AT THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT BUILDING ON SOUTH TECH RIGHT BY MIRRA COSTA HIGH SCHOOL. MY E-MAIL ADDRESS SO YOU CAN REACH OUT TO ME, JAMESRGILL@AOL.COM, OLD SCHOOL, AOL. YES, SEE? I LIKE TO KEEP THE HISTORY THING GOING. PLEASE SEND ME AN E-MAIL. YOU'LL BE ON THE INVITE LIST FOR THE NEXT MEETING. THE GENERAL PUBLIC IS WELCOME. WE'D LOVE TO SEE YOU THERE. IF YOU DON'T GET THERE THE VIDEO WILL BE ONLINE. THANK YOU VERY MUCH. [APPLAUSE]

>> Mayor Napolitano: THIS IS A SHAMELESS PLUG FOR THE HISTORICAL SOCIETY AND THE PIONEERS, YOU'RE ABSOLUTELY RIGHT. FOR THOSE WATCHING AT HOME, MANHATTAN BEACH NEWS, THIS IS A GREAT STORY TO PICK UP, BEACH REPORTER, EASY READER, TALK TO THESE GUYS, TALK TO OUR HISTORICAL SOCIETY MEMBERS NOW, OUR NEW PRESIDENT, GET IN TOUCH AND LET'S HIGHLIGHT OUR HISTORY. IT'S IMPORTANT FOR US, IT'S IMPORTANT FOR THE FUTURE. THANK YOU FOR YOUR EFFORTS, JAMES. I WANT TO PRESENT THAT TO YOU ON BEHALF OF THE CITY. AND WE'LL TAKE A PHOTO FOR HISTORY'S SAKE. [INAUDIBLE]

>> Mayor Napolitano: ALL RIGHT. THAT'S ABOUT AS FUN AND LIGHTHEARTED AT THIS MEETING IS GOING TO GET TONIGHT.

>> Councilmember Stern: OH, THAT'S NOT TRUE.

>> Mayor Napolitano: NEXT UP APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES. IF ANY MEMBER OF COUNCIL WANT TO REMOVE AN ITEM FROM CONSENT CALENDAR, NOW IS THE TIME TO BRING THAT UP. ANYBODY HAVE A CONSENT CALENDAR ITEM TO REMOVE? SEEING NONE, WE HAVE A MOTION BY COUNCILMEMBER HADLEY --

>> Mayor Napolitano: YEAH. YOU HAVE TO USE YOUR MOUSE TONIGHT. WHERE ARE WE GETTING THE SCREEN?

>> Mayor Pro Tem Montgomery: VOTE CAST.

>> Councilmember Stern: MY SCREEN IS NOT ON.

>> Mayor Napolitano: MOTION BY COUNCILMEMBER HADLEY, SECOND BY COUNCILMEMBER FRANKLIN. DO YOU HAVE YOUR SCREEN YET?

>> Councilmember Stern: CAN WE DO A ROLL CALL VOTE? THERE WE GO. NEVER MIND.

>> Mayor Napolitano: GOT IT NOW?

>> I'LL DO A ROLL CALL.

>> Mayor Napolitano: OKAY.

>> COUNCILMEMBER FRANKLIN.

>> Councilmember Franklin: YES.

>> COUNCILMEMBER STERN.

>> Councilmember Stern: YES.

>> MAYOR PRO TEM MONTGOMERY.

>> Mayor Pro Tem Montgomery: YES.

>> COUNCILMEMBER HADLEY.

>> Mayor Napolitano: MAYOR NAPOLITANO YES.

>> MOTION PASSES 5-0.

>> Mayor Napolitano: THAT TAKES US TO CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS UP TO ONE MINUTE PER PERSON. IF YOU

HAVE AN ANNOUNCEMENT OR AN EVENT GOING ON, COME ON DOWN.

>> MY NAME IS JOSH MURRAY AND I'M HERE ON BEHALF OF MANHATTAN BEACH LIBRARY. I'D LIKE TO INVITE THE COMMUNITY TO VISIT THIS SUNDAY, OCTOBER 23<sup>rd</sup> AT 1 P.M. RENOWNED AND AWARD-WINNING DUO WILL PRESENT THE FIRST IN THEIR GROUND-BREAKING NEW COLLECTION OF FRACTURED FAIRLY TALE PICTURE BOOKS, A TWIST ON THE THREE BILLY GOATS GRUFF. THIS IS IN CONJUNCTION WITH PAGES BOOKSTORE. AND THIS PROGRAM IS APPROPRIATE FOR AGES 4 TO 8 AND THEIR CAREGIVERS. THIS SUNDAY AT MANHATTAN BEACH LIBRARY AT 1:00. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: OTHER COMMUNITY ANNOUNCEMENTS FROM THE AUDIENCE?

>> GOOD EVENING. MY NAME IS DAN, MY WIFE DUFFY AND I HAVE BEEN LIVING ON ANDERSON STREET FOR 27 YEARS. WE'RE SPEARHEADING A LOCAL EFFORT TO BLOCK RETAIL POT SHOPS HERE IN MANHATTAN BEACH. WE HAVE A LARGE, GROWING GROUP OF LIKE-MINDED NEIGHBORS. THOUSANDS 0 OUR NEIGHBORS OPPOSE RETAIL POT SHOPS HERE IN MANHATTAN BEACH BUT WE NEED TO MAKE OUR VOICES HEARD. WE URGE OUR FELLOW RESIDENTS TO VOTE NO ON THE MISGUIDED MEASURE AND B THAT WOULD REQUIRE THREE RETAIL POT SHOPS IN PLACES LIKE OUR DOWNTOWN OR EL PORTO. THIS IS NOT ABOUT CANNABIS. THIS IS ABOUT RETAIL POT SHOPS AND THE CRIME THAT THEIR CASH WILL ATTRACT. THEY'RE NOT CONSISTENT WITH OUR VALUES, OUR HOMETOWN VALUES OF SAFE NEIGHBORHOODS. PLEASE VISIT OUR WEBSITE AT VOTENOONMB.COM AND ON YOUR BALLOT PLEASE VOTE NO ON MEASURE MB. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER ORGANIZATION ANNOUNCEMENT.

>> HONORABLE MAYOR AND CITY COUNCIL, I HAVE A COUPLE OF EVENTS TO INVITE EVERYBODY TO. THIS FRIDAY NIGHT IS OUR OPENING RECEPTION FOR FLY HIGH DIVE DEEP. THIS EXHIBITION FEATURES THE WORK OF ARTIST LYNN. HER WORK DEALS WITH ECOLOGICAL CONSERVATION THROUGH HER SCULPTURES AND PAINTINGS. AT 5:45 WE VEAL A COUPLE OF WORDS FROM OUR MAYOR AND FOLLOWED BY THAT AT 6 P.M. WE'LL HAVE A Q&A WITH THE ARTIST. THERE WILL BE LIGHT REFRESHMENTS AVAILABLE AT THAT RECEPTION. STOP BY MANHATTAN BEACH ARTS CENTER FROM 5 TO 7. THE FOLLOWING WEEKEND ON OCTOBER 29<sup>th</sup> WE INVITE MEMBERS OF THE COMMUNITY TO GET CREATIVE, GET YOUR HANDS DIRTY AS WE PAINT OUT THE RAINBOW GAZEBO AT POLLIWOG PARK. WE'LL HAVE ARTISTS AND A TEACHER ON SITE TO FACILITATE AND HELP VOLUNTEERS PAINT. AT 10 A.M. WE'LL HAVE BRIEF WORDS FROM THE MAYOR AGAIN AND THEN FOLLOWING THAT WE WILL -- OKAY, NO? OKAY. AND FOLLOWING THAT WE WILL GET TO PAINTING. SO I HOPE EVERYBODY CAN COME OUT AND TAKE PART IN THIS MEANINGFUL ART PIECE. THANK YOU.

>> Mayor Napolitano: NOTE TO SELF. READ CALENDAR.

>> GOOD EVENING. MY NAME IS JAN BUICK. I'M WITH THE PARKS AND RECREATION DEPARTMENT AND I WANT TO ANNOUNCE THAT WE HAVE THE BE OUR GUEST PROGRAM GOING WITH YOUTH MANHATTAN BEACH AND THE PARKS AND RECREATION DEPARTMENT WHICH ALLOWS OLDER ADULTS, RESIDENTS OF

MANHATTAN BEACH 55 AND OLDER TO ATTEND THE EVENTS PUT ON BY THE MANHATTAN BEACH UNIFIED SCHOOL DISTRICT, PERFORMERS, THE CONCERTS, THE PLAYS, ALL OF THE DIFFERENT ACTIVITIES. AND THESE ARE FREE. YOU COME INTO THE OLDER ADULT PROGRAM OFFICE, GET A CARD AND THEN YOU ARE ABLE TO ATTEND THE EVENTS. AND THIS IS A COOPERATIVE RELATIONSHIP WITH THE UNIFIED SCHOOL DISTRICT. I HOPE 55 AND OLDER WILL COME JOIN, GET A CARD AND GO VISIT.

>> Mayor Napolitano: THANK YOU.

>> FRANK [INAUDIBLE], PRESIDENT OF THE MANHATTAN BEACH CERT. THIS THURSDAY, THE 20<sup>th</sup> OF OCTOBER WE HAVE THE GREAT SHAKEOUT. I ENCOURAGE EVERYBODY TO PARTICIPATE AT 10:20 IN THE MORNING TO DROP, COVER AND HOLD. AND WE WILL HAVE A CERT EXERCISE THIS SATURDAY AT AMERICAN MARTYRS CHURCH WITH CERT, THE FIRE DEPARTMENT AND NEIGHBORHOOD WATCH. THE PUBLIC IS INVITED TO COME AND WATCH WHAT CERT DOES AND HOW THEY OPERATE WITH THE FIRE DEPARTMENT. AND THIS COMING NOVEMBER 4<sup>th</sup>, 5<sup>th</sup> AND 6<sup>th</sup> WE HAVE OUR BASIC CERT CLASS OVER AT THE FIRE DEPARTMENT AND WE ENCOURAGE EVERYONE TO SIGN UP FOR THAT AT MBCERTA.ORG. THANK YOU.

>> GOOD EVENING, HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL. MARK LEYMAN, PARKS AND RECREATION DIRECTOR. I WANTED TO REMIND THE COMMUNITY TO COME OUT TO A FEW OF OUR HALLOWEEN EVENTS. WE HAVE THE CARNIVAL SATURDAY, OCTOBER 22<sup>nd</sup>, FROM 1 TO 5 P.M. IN MANHATTAN HEIGHTS AND THE PUMPKIN RACES SATURDAY, OCTOBER 30<sup>th</sup> FROM 12 TO 5 P.M. AND A SAVE THE DATE FOR VETERANS CEREMONY ON NOVEMBER 11<sup>th</sup> AT 11 A.M. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL. I'M WITH PUBLIC WORKS WANTING TO TALK ABOUT WATER CONSERVATION. THE CITY IS NOT MEETING ITS 20% REDUCTION AND WE NEED TO DO OUR BEST TO CONSERVE WATER. JUST SOME INFORMATION FOR YOU GUYS. DURING THE MONTH OF SEPTEMBER WHEN WE DID HAVE A 15-DAY SHUTDOWN, WE STILL ONLY SAVED 13.5% IN COMPARISON TO 2020 IN SEPTEMBER. AND RIGHT NOW TO DATE WE'VE ONLY SAVED 11.9%. SO WE STILL HAVE A LOT OF WORK TO DO. AND I ENCOURAGE YOU GUYS TO REACH OUT TO ME IF YOU NEED TO, IF YOU NEED SOME INFORMATION, SOME TIPS, ANYTHING. WE'VE GOT IT ALL ON OUR WEBSITE BUT I'M HAPPY TO TALK TO ANYBODY. ADDITIONALLY, WEST BASIN IS HOLDING EVENTS FOR WATER CONSERVATION IN THE NEXT COUPLE OF WEEKS, SATURDAY, OCTOBER 22<sup>nd</sup>, THEY'RE HOLDING A WATER HARVEST. THEY'LL HAVE A LOT OF STUFF FOR THE KIDS TO DO. A FREE EVENT. AND THE CITY OF MANHATTAN BEACH WILL BE THERE. THEY WILL BE DOING A FREE RAIN BARREL EVENT. A COUPLE OF DIFFERENT EVENTS SCHEDULED, OCTOBER 29<sup>th</sup>, NOVEMBER 5<sup>th</sup> AND NOVEMBER 19<sup>th</sup> BUT ALL OF THAT IS INFORMATION IS ON THE CITY CALENDAR, YOU CAN LOOK UP WEST BASIN'S FREE RAIN BARREL PROGRAM. THANK YOU VERY MUCH.

>> Mayor Napolitano: THE MESSAGE THERE IS SHOWER WITH ANOTHER. ALL RIGHT. OTHER COMMUNITY ANNOUNCEMENTS? CHIEF.

>> GOOD EVENING, MAYOR, MEMBERS OF THE COUNCIL. RACHEL JOHNSON, YOUR POLICE CHIEF. I WANTED TO INVITE THE COMMUNITY OUT TO TRUNK OR TREAT. THAT'S THURSDAY, OCTOBER 27<sup>th</sup>. IT WILL BE RIGHT ON 13<sup>th</sup> STREET WHERE THE FARMER'S MARKET NORMALLY IS. COME OUT WITH US THAT AFTERNOON, JOIN US TO SEE POLICE CARS, MEET POLICE EMPLOYEES AND THE BEST PART, GET SOME CANDY. SO PLEASE JOIN US ON THE 27<sup>th</sup> FOR TRUNK OR TREAT. I'D ALSO LIKE TO INVITE THE COMMUNITY TO TIP A COP WHICH IS GOING TO BE THURSDAY, NOVEMBER 3<sup>rd</sup> AT THE BISTRO. TIP A COP BENEFITS SPECIAL OLYMPICS AND YOU WILL HAVE THE OPPORTUNITY IF YOU GO TO THE BISTRO ON THE 3<sup>rd</sup> TO BE WAITED ON BY POLICE DEPARTMENT EMPLOYEES AND HAVE YOURS TRULY SEAT YOU AS YOUR HOSTESS. IT'S A GREAT CAUSE, GREAT EVENT. PLEASE COME OUT AND JOIN US. THANK A LOT.

>> Mayor Napolitano: THANK YOU. OTHER ANNOUNCEMENTS HERE IN CHAMBERS? WE'LL GO TO ZOOM. I SEE ERIC.

>> HI. GOOD EVENING, MAYOR, MAYOR PRO TEM AND CITY COUNCIL MEMBERS. MY NAME IS ERICK. I'M HERE TO SERVE THE COMMUNITY AND CITY STAFF AND CITY COUNCIL. WE WOULD LIKE TO INVITE ALL RESIDENTS AND BUSINESS OF THE CITY TO PARTICIPATE IN A FREE SHED EVENT THIS SATURDAY IN THE MIRA COSTA HIGH SCHOOL PARKING LOT. EACH HOUSEHOLD OR BUSINESS CAN BRING UP TO THREE BANKER'S BOXES, FOR SAFE AND SECURE SHREDDING AND RECYCLING. THIS IS A FIRST COME FIRST SERVED EVENT. THIS IS POSTED ON THE CITY CALENDAR ON THE CITY WEBSITE. THANK YOU FOR THE OPPORTUNITY TO PRESENT TODAY AND I HOPE TO SEE YOU AT THE EVENT THIS SATURDAY. THANK YOU SO MUCH.

>> Mayor Napolitano: THANK YOU. COUNCIL, ANY COMMUNITY ANNOUNCEMENTS?

>> Councilmember Franklin: YES, THANK YOU. I'M HERE IN THE PLACE OF KELSEY BRANDON. SHE'S A MANHATTAN BEACH RESIDENT. AND I DON'T KNOW IF THIS IS EITHER THE FOURTH OR THE FIFTH TOURNAMENT THAT SHE PUTS ON. IT'S CALLED VOLLEY FOR SOUND. AND IT'S A CHARITY EVENT TO RAISE HEARING LOSS AWARENESS IN THE SOUTH BAY. IT'S BEING HELD IN HERMOSA BEACH ON OCTOBER 22<sup>nd</sup>. THE WEBSITE TO SIGN UP FOR IS VOLLEY4SOUND.COM. AND SHE EXTENDED A CHALLENGE TO OUR OWN MAYOR, STEVE NAPOLITANO WHO SHE SAID WAS TOO CHICKEN TO SHOW UP LAST YEAR OR SOMETHING LIKE THAT.

>> Mayor Napolitano: I WAS OUT OF TOWN.

>> Councilmember Franklin: AND SHE SAID NO EXCUSES THIS TIME.

>> Mayor Napolitano: THAT WORKS FOR ME.

>> Councilmember Franklin: VOLLEY 4 SOUND.

>> Mayor Napolitano: THANK YOU FOR THE SHOUT OUT. ANYTHING ELSE, COUNCIL? OKAY. WE WILL MOVE ON, THEN. ITEM NUMBER TWO, GENERAL BUSINESS. THIS IS CONSIDERATION OF THE FIVE APPEALS OF THE PLANNING COMMISSION'S DECISION TO AFFIRM THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF A PRECISE DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, TENTATIVE PARCEL MAP FOR THE DEVELOPMENT OF A 96,217 SQUARE FOOT MULTIFAMILY RESIDENTIAL



BUILDING. I THINK EVERYONE KNOWS WHAT THIS IS, RIGHT? SO A COUPLE THINGS. THIS IS GENERAL BUSINESS, SO THAT MEANS EACH SPEAKER WILL HAVE TWO MINUTES. THERE'S NOT GOING TO BE ANY PRESENTATIONS BY THE APPLICANT OR THE APPELLANTS UNLESS QUESTIONS ARE ASKED OF THEM. THEY'RE ALLOWED TO SPEAK FOR TWO MINUTES AS WELL. WE ASK, AS WE DID LAST TIME, THAT YOU RESPECT EACH OTHER AND RESPECT THE PROCESS. WE ASK YOU DON'T APPLAUD OR BOO. IT'S NOT A GAME SHOW. NOBODY IS GOING TO BE VOTED FOR OR AGAINST BASED ON WHO SHOUTS THE LOUDEST. LET'S TRY TO RESPECT EACH OTHER IN THE PROCESS LIKE I ASKED AND WE'LL GET THROUGH THIS JUST FINE. I WILL SPEAK TO THE -- OR LOOK OVER TO THE CITY ATTORNEY RIGHT NOW. I KNOW THAT THERE WERE SOME ISSUES BROUGHT UP BY MEMBERS OF THE PUBLIC REGARDING POTENTIAL CONFLICTS OF INTEREST, I THINK, OF MYSELF AND OF MAYOR PRO TEM MONTGOMERY. FOR MYSELF, THERE WAS AN ISSUE THAT WAS RAISED AS TO WHETHER MY PAYMENT AS AN ATTORNEY FOR MY WORK AS A STATE APPOINTED ATTORNEY AND THAT ANY PAYMENT FROM THE STATE WOULD BE A CONFLICT. I DON'T KNOW HOW, BUT IT'S NOT RELATED IN ANY WAY, SHAPE OR FORM. I'LL LET YOU SPEAK TO THAT. AND THEN MAYOR PRO TEM MONTGOMERY CAN SPEAK ON THAT. MR. CITY ATTORNEY, PLEASE WEIGH IN ON ANY CONFLICTS OF INTEREST.

>> THERE WERE ALLEGATIONS THAT SINCE YOU DO SOME WORK FOR THE STATE THAT SOMEHOW YOU WERE DISQUALIFIED FROM ACTING TONIGHT. AND WITH COUNCILMEMBER MONTGOMERY, TWO DIFFERENT ALLEGATIONS. ONE THAT HE DID SOME WORK FOR THE RIDDLE FAMILY THAT USED TO OWN VERANDAS. AND ALSO THAT HE RECEIVED SOME MONEY FROM AIRBNB BACK IN 2017. LET'S BEGIN. FOR THE BENEFIT OF THE PUBLIC, THE STATE HAS WHAT'S CALLED THE POLITICAL REFORM ACT WHICH REQUIRES COUNCILMEMBERS TO DISQUALIFY THEMSELVES IF THEY HAVE A FINANCIAL INTEREST IN THE DECISION. SO CLEARLY IF THEY WERE WORKING FOR THE DEVELOPER OR THE PROPERTY OWNER AND HAVE DONE SOME WORK AND RECEIVED COMPENSATION IN THE LAST 12 MONTHS, THEY WOULD NOT BE ABLE TO PARTICIPATE. SO WITH RESPECT TO MAYOR NAPOLITANO, THE ALLEGATION IS THAT HE WORKED FOR THE STATE. WELL THE STATE IS NOT THE APPLICANT HERE. HE HAS RECEIVED NO FINANCIAL COMPENSATION FROM THE PROPERTY OWNER IN THE LAST 12 MONTHS OR PERHAPS EVER. AND WORKING FOR THE STATE DOESN'T DISQUALIFY HIM UNDER ANY APPLICABLE LAW. WITH RESPECT TO COUNCILMEMBER MONTGOMERY HE HAS REPORTED ON HIS STATEMENT 700 FORM THAT HE DID SOME WORK FOR AIRBNB, RECEIVED SOME COMPENSATION FROM AIRBNB BACK IN 2007 --

>> Mayor Pro Tem Montgomery: '17. 250.00.

>> AND DID SOME WORK FOR SOMEONE IN THE CITY BUT NOT THE RIDDLE FAMILY. UNDER THE POLITICAL REFORM ACT, SECTION 87103, IF ANY COUNCILMEMBER HAS RECEIVED MORE THAN \$500 WITHIN THE LAST 12 MONTHS FROM THE APPLICANT OR THE PROPERTY OWNER, THEY WOULD HAVE TO DISQUALIFY THEMSELVES FROM ACTING. AND IN THIS CASE AIRBNB IS NOT THE APPLICANT AND AS COUNCILMEMBER MONTGOMERY WILL EXPLAIN, THERE'S TWO DIFFERENT RIDDLE FAMILIES. BUT IN ANY EVENT, HE

RECEIVED NO MONEY FROM EITHER RIDDLE FAMILY WITHIN THE LAST 12 MONTHS.

>> Mayor Pro Tem Montgomery: THAT IS CORRECT.

>> SO IF YOU WANT TO ELABORATE ON THE RIDDLE FAMILY.

>> Mayor Pro Tem Montgomery: THERE'S A SIMILAR NAME, EXACT SAME NAME, A TRUST THAT OWNS A BILLBOARD COMPANY AND I WORKED FOR THAT COMPANY AS A CONSULTANT FOR ALMOST A YEAR. BUT IT'S OVER A YEAR AGO. NOTHING TO DO WITH MANHATTAN BEACH. NO BILLBOARDS IN OUR CITY. SO THERE'S NO INFLUENCE AND NO CONFLICT.

>> SO THAT'S ABOUT IT. I DON'T THINK THERE'S ANYTHING THAT NEEDS TO BE SAID, BUT ONCE AGAIN UNDER THE POLITICAL REFORM ACT, BASED ON THE INFORMATION PROVIDED BY THE COUNCILMEMBERS, THERE'S NO CONFLICT.

>> Mayor Napolitano: THANK YOU. AND AS WE START TAKING PUBLIC COMMENT ON THIS, I WOULD ASK THAT IF YOU PLAN TO SPEAK, COME ON DOWN, SIT IN THE CHAIRS IN THE LOWER LEVEL SO THAT WHEN ONE PERSON IS DONE THE NEXT PERSON CAN GET RIGHT UP. OKAY? WITH THAT I THINK WE'RE READY TO GO HERE. SO WE DO HAVE A SPEAKER.

>> GOOD EVENING, MAYOR, MEMBERS OF THE CITY COUNCIL. CARRIE TAI, THE CITY'S COMMUNITY DEVELOPMENT DIRECTOR. THIS ITEM IS A CONTINUATION OF THE ITEM -- OF THE AUGUST 16<sup>th</sup> AGENDA ITEM. AND TONIGHT WE HAVE A BRIEF STAFF REPORT TO SUPPLEMENT THAT REPORT FROM AUGUST 16<sup>th</sup>. GIVING THAT STAFF REPORT WILL. TED FATUROS AND PLANNING MANAGER TALYN MIZAKHANIAN WILL ALSO ASSIST.

>> GOOD EVENING, MAYOR NAPOLITANO AND MEMBERS OF THE CITY COUNCIL. MY NAME IS TED FATUROS, I'M AN ASSOCIATE PLANNER HERE IN THE CITY'S PLANNING DIVISION AND I'M HERE TO PRESENT A PRESENTATION FOR YOUR CONTINUED DELIBERATION FOR FIVE APPEALS OF A PRECISE DEVELOPMENT PLAN AND ASSOCIATED ENTITLEMENTS FOR A DENSITY BONUS PROJECT AT 401 ROSECRANS AVENUE AND 3770 HIGHLAND AVENUE. ARE WE STUCK?

>> Mayor Napolitano: GREAT PRESENTATION.

>> THERE WE GO. THANKS. I'D LIKE TO START BY REFRESHING YOUR MEMORY ON SOME OF THE PREVIOUS MEETING. SO ON AUGUST 16<sup>th</sup> OF THIS YEAR THE CITY COUNCIL MET AND CONSIDERED FIVE APPEALS OF THE PLANNING COMMISSION'S DECISION TO AFFIRM THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF THE PROJECT. CITY STAFF, THE APPLICANT AND FOUR APPELLANTS MADE PRESENTATIONS AND OVER 50 MEMBERS OF THE PUBLIC PROVIDED COMMENTS. THE MEETING WENT QUITE LATE AND CITING THE LATE HOUR THE CITY COUNCIL CONTINUED THE ITEM. DURING THE MEETING AND SUBSEQUENT TO THE MEETING, SEVERAL COMMENTS WERE MADE BOTH OPPOSED AND IN FAVOR OF THE PROJECT. OPPONENTS OF THE PROJECT EXPRESSED CONCERNS RELATED TO THE PROJECT'S IMPACT ON PARKING, TRAFFIC, THE HEIGHT OF THE BUILDING AND ALSO POTENTIAL ENVIRONMENTAL HAZARDS DUE TO THE SITE'S PROXIMITY TO THE CHEVRON REFINERY. PROPONENTS OF THE PROJECT FOCUSED ON THE NEED OR INCREASED HOUSING STOCK DURING THE COWING

CRISIS, AND CITED CONSEQUENCES OF DISAPPROVING THE PROJECT, INCLUDING LAWSUITS, THE CITY'S REQUIREMENT TO PAY THE ATTORNEYS' FEES OF PEOPLE SUING THE CITY, STATE ACTION ENFORCING THE HOUSING ACCOUNTABILITY ACT FROM THE STATE ATTORNEY GENERAL'S OFFICE. AND THE DEPARTMENT OF HOUSING COMMUNITY DEVELOPMENT, AS WELL AS THE POTENTIAL FOR A DIFFERENT PROJECT AT THE SAME SITE THAT WOULD BE LARGER AND HAVE MORE MASS. STAFF THOROUGHLY RESEARCHED THESE COMMENTS AND PROVIDED DETAILED RESPONSES IN THE STAFF REPORT. THAT'S PART OF TONIGHT'S AGENDA. ONE OF THE COMMENT AS PREVIOUSLY STATED WAS REGARDING THE ENVIRONMENTAL HAZARDS. THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BECAUSE IT IS MINISTERIAL IN NATURE. ALL MINISTERIAL PROJECTS ARE EXEMPT FROM CEQA. THE CITY COUNCIL, SOMETIME BETWEEN 2013 AND 2015 MADE ALL PROJECTS THAT -- STATE DENSITY PROJECTS THAT REQUIRE SITE PLAN MINISTERIAL AND THEREFORE EXEMPT FROM CEQA, A LOCAL REGULATION. THE APPLICANT PROVIDED A PHASE ONE AND PHASE TWO ENVIRONMENTAL ASSESSMENT AND THOSE ASSESSMENTS STATE THERE ARE NO CONDITIONS ON THE SITE THAT POSE A THREAT TO THE ENVIRONMENT AND/OR HUMAN HEALTH. STAFF ALSO COMMENTED ON POTENTIAL FUTURE TRAFFIC AND PARKING IMPACTS. THE PROJECT IS PROVIDING MORE PARKING THAN THE MINIMUM REQUIREMENTS UNDER STATE LAW. AND THE APPLICANT HAS ALSO PROVIDED A TRIP GENERATION STUDY THAT SHOWS THAT THE PROJECT PRODUCES LESS TRIPS -- LESS OVERALL TRIPS THAN COMMERCIAL PROJECTS ON THE SITE. THE CITY'S TRAFFIC ENGINEER HAS REVIEWED THAT TRIP STUDY AND PROVIDED AN INDEPENDENT ANALYSIS OF IT AND CAN CONFIRM ITS FINDINGS ARE CORRECT AND ACCURATE. STAFF ALSO REVIEWED RECENT LEGISLATION THAT WAS SIGNED BY THE GOVERNOR AND GOES INTO EFFECT THE FIRST OF NEXT YEAR. AND AFTER THOROUGHLY REVIEWING THE NEW LAWS, STAFF HAS CONCLUDED THAT THE EVALUATION OF THE PROJECT HAS NOT CHANGED. IT HAS NOT CHANGED. TO REITERATE, THE CITY'S LOCAL ZONING LAWS INCLUDING THE GENERAL PLAN AND LOCAL COASTAL PLAN REQUIRED MINISTERIAL REVIEW OF THIS PROJECT. THAT'S STATED IN BOTH THE HOUSING ELEMENT, THE 5<sup>th</sup> CYCLE HOUSING ELEMENT AS WELL AS THE CITY'S LOCAL COASTAL PROGRAM. ALSO, THE PROJECT WILL NOT SET ANY PRECEDENT. EVERY PROJECT IS ANALYZED ON THE UNIQUE MERITS OF THAT PROJECT. THIS SITE IS VERY UNIQUE IN THAT IT IS VERY LARGE COMPARED TO NEIGHBORING SITES. AND IT ALSO HAS A VERY STRANGE SHAPE. AND THOSE ARE SOME OF THE UNIQUE ASPECTS OF THE PROJECT. SO TO CONCLUDE AND BASED ON ALL OF THE EVIDENCE IN THE RECORD, STAFF RECOMMENDS THAT THE CITY COUNCIL REVIEW THE PROJECT FOR COMPLIANCE WITH APPLICABLE AND OBJECTIVE STATE AND LOCAL REGULATIONS AND ADOPT THE RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE PROJECT. THAT CONCLUDES MY PRESENTATION. I'M HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

>> Mayor Napolitano: QUESTIONS FROM COUNCIL?

>> Mayor Pro Tem: I HAVE ONE, YOUR HONOR.

>> Mayor Pro Tem: MONTH.

>> Mayor Pro Tem Montgomery: CAN YOU EXPLAIN THE TERM REPLACEMENT PROJECT, PLEASE.

>> SURE. THERE ARE -- UNDER STATE LAWS SOMEONE COULD PROPOSE AN ALTERNATIVE PROJECT AT THE EXACT SAME SITE THAT WOULD BE LARGER BECAUSE IT WOULD SET MORE UNITS ASIDE FOR AFFORDABLE HOUSING. THIS PROJECT GETS A 35% DENSITY BONUS. ANOTHER PROJECT COULD GO UP TO A 50% BONUS. INSTEAD OF THE PROPOSED 79 UNITS, NOW ANOTHER PROJECT COULD GO UP TO 87 UNITS WHICH WOULD LIKELY MEAN FOR MASSING THAN WHAT THE CURRENT PROJECT CURRENTLY PROPOSES.

>> Mayor Pro Tem Montgomery: AND IF THAT PROJECT CAME TO THE CITY, ASSUMING THE COUNCIL VOTED THE FIRST ONE DOWN, IS THERE A CAP ON TOTAL NUMBER OF UNITS AND/OR SIZE OR BULK OF THE REPLACEMENT PROJECT? IS THERE A CEILING?

>> NO. STAFF WOULD REVIEW IT TO MAKE SURE IT ADHERES TO ALL LAWS BUT THERE ISN'T A CAP.

>> Mayor Pro Tem Montgomery: NO CAP.

>> WELL, STATE LAW SAYS THAT THERE IS A MAXIMUM NUMBER OF UNITS SET DEPENDING ON HOW MUCH OF THE UNITS ARE SET ASIDE FOR AFFORDABLE HOUSING.

>> Mayor Pro Tem Montgomery: UNDERSTOOD. THANK YOU.

>> Mayor Napolitano: COUNCILMEMBER FRANKLIN.

>> Councilmember Franklin: TED, SINCE WE MET ON AUGUST 16, HAS THERE BEEN ANY CHANGES OR ANY NEW INFORMATION OR ANYTHING AT ALL FOR THE COUNCIL TO CONSIDER EITHER FROM THE DEVELOPER OR FROM THE STATE OR ANYTHING?

>> THE PROJECT HASN'T CHANGED AND I CAN'T THINK OF ANYTHING I DON'T KNOW.

>> Mayor Napolitano: THE MEETING WAS CONTINUED, THOUGH, TO ANSWER SOME OF THESE QUESTIONS ABOUT THE OTHER STATE LEGISLATION, THE THINGS THAT A LOT OF THE FOLKS IN THE COMMUNITY WERE E-MAILING US ABOUT. WE WANTED TO ADDRESS SOME OF THOSE THINGS.

>> Councilmember Franklin: AND THEN CAN WE TALK TO THE DEVELOPER AGAIN.

>> Mayor Napolitano: YOU CAN ASK QUESTIONS OF THE DEVELOPER.

>> Councilmember Franklin: DURING THIS PHASE?

>> Mayor Napolitano: WE CAN DO IT UP FRONT IF YOU HAVE QUESTIONS NOW. WHAT WAS THE QUESTION?

>> GOOD EVENING, COUNCILMEMBER AND HONORABLE MAYOR. TALYN MIZAKHANIAN, WE TRIED TO ADDRESS ALL OF THE QUESTIONS IN TONIGHT'S MEETING AS WELL AS THE REPORT THAT WAS PRESENTED BY TED FATUROS. IF THERE ARE SPECIFICS RELATED TO THOSE PARTICULAR TOPICS, WE'RE HAPPY TO ADDRESS THEM TONIGHT.

>> Mayor Napolitano: DO YOU HAVE QUESTIONS FOR THE STAFF RIGHT NOW OR THE DEVELOPER.

>> Councilmember Franklin: THE DEVELOPER.

>> Mayor Napolitano: WE'LL ASK THE DEVELOPER OR THE DEVELOPER'S REPRESENTATIVE TO COME DOWN THEN.

>> GOOD EVENING.

>> Councilmember Franklin: THANKS, MR. BUCKLEY. APPRECIATE IT. YOU WANT TO INTRODUCE YOURSELF?

>> I'M FRANK BUCKLEY AND I'M THE APPLICANT.

>> Councilmember Franklin: SO MR. BUCKLEY, I WAS JUST GOING THROUGH PRIOR QUESTIONS AND ANSWERS AND EVERYTHING AND SO AT THE PLANNING COMMISSION PRESENTATION ON JUNE 8<sup>th</sup> YOU STATED THE FOLLOWING DURING YOUR PRESENTATION. YOU SAID SO THINK THE MONTAGE, THE MIRAMAR, THIS IS GOING TO BE A BEAUTIFUL PROJECT. IT IS MANHATTAN BEACH AND WE'RE VERY SENSITIVE TO ULTIMATELY WHAT GETS BUILT HERE AND HOW THE PROPERTIES TENETED AND HOW IT'S ULTIMATELY OPERATED. DO YOU RECALL MAKING THAT STATEMENT?

>> I DO.

>> Councilmember Franklin: OKAY. GREAT. WHAT DID YOU MEAN BY THE REFERENCE TO MONTAGE AND THE MIRAMAR. THEY'RE HOTELING WITH RIGHT?

>> YES. I MEANT AESTHETICALLY THIS WILL BE A COASTAL PROJECT THAT WILL BE SENSITIVE TO THE FACT THAT IT'S IN A COASTAL MARKET AND THE ARCHITECTURE OF THOSE HOTELS THAT I REFERENCED, WE'RE GOING TO TAKE ELEMENTS OF THOSE AND TRY TO INCORPORATE THEM INTO THIS PROJECT.

>> Councilmember Franklin: OKAY. GOT IT. THOSE ARE VERY HIGH-QUALITY, HIGH-END HOTELS.

>> RIGHT.

>> Councilmember Franklin: NO PARTICULARLY WHAT YOU ASSOCIATE WITH AN APARTMENT BUILDING. BUT I COULD SEE THAT. SO ARE THERE ANY -- ARE THERE ANY PLANS -- SO BACK IN -- ON AUGUST 16<sup>th</sup> WE ASKED SOME QUESTIONS. AND I HAD ASKED ARE THERE ANY PLANS FOR SHORT-TERM RENTALS WITH THE PROPERTY AND YOUR RESPONSE WAS WE ARE PLANNING TO FOLLOW THE LAW, WHATEVER THAT IS. AND I DID A FOLLOW-UP QUESTION, I SAID WHAT IS THE LAW, TO YOUR UNDERSTANDING. AND YOU SAID THAT THEY ARE AVAILABLE FOR SHORT-TERM RENTAL.

>> I BELIEVE THAT'S TRUE.

>> Councilmember Franklin: I SAID, IS IT AVAILABLE? AND YOU SAID, THAT'S WHAT I HEARD TONIGHT. REFERRING BACK TO THE QUESTIONS THEN. SO LET'S DELVE INTO THAT A LITTLE BIT DEEPER. HAS RENTING THE UNITS OF YOUR PROPOSED DEVELOPMENT AS SHORT-TERM RENTALS INSTEAD OF LONG-TERM FAMILY HOUSING EVER BEEN DISCUSSED WITH YOUR COMPANY OR WITH THE CITY?

>> WHEN WE FIRST APPLIED, FIRST STARTED TALKING TO THE CITY, THE FEEDBACK THAT WE GOT FROM THE CITY WAS THEY WANTED A HOTEL AT THIS SITE. SO WHEN WE -- WE'VE BEEN IN ESCROW ONCE BEFORE AND WE HEARD LOUD AND CLEAR FROM THE CITY THAT THEY WERE LOOKING FOR T.O.T. ROOM AND THAT THEY WOULD SUPPORT --

>> Councilmember Franklin: WHO WITH THE CITY?

>> I DON'T RECALL IF IT WAS CITY COUNCIL MEMBERS AT THE TIME OR

PLANNING STAFF OR WHO IT WAS. THIS WAS FOUR OR FIVE YEARS AGO. BUT IT WAS PRETTY CLEAR THAT THERE WAS A STRONG INTEREST IN DEVELOPING -- PRESERVING THIS CORNER FOR HOSPITALITY. WE LOOKED AT THAT, PUT IT IN ESCROW AND WE STARTED ENTERTAINING HOTELS. AND WE BROUGHT THROUGH PROPER AND MONTAGE AND A NUMBER OF OTHERS. AND NO ONE COULD GET COMFORTABLE WITH THAT CORNER. THEY THOUGHT IT'S NEXT TO A REFINERY, IT'S ON THE NORTH END. AND THEY DIDN'T THINK WE COULD GET THE ADR TO JUSTIFY THE COST. WE PULLED OUT OF ESCROW AND NEVER PROCEEDED. SEVERAL YEARS LATER WHEN WE GOT BACK INTO CONTRACT, I ASSUMED WRONGLY THAT THE CITY MAY WANT T.O.T. AND WOULD NOT SUPPORT A STRAIGHT RESIDENTIAL PROJECT. IF YOU GO BACK AND LOOK AT YOUR INITIAL APPLICATION AND THE INITIAL TRAFFIC STUDY REFERENCED SHORT-TERM RENTALS FOR A PORTION OF THE UNITS, WITH ME THINKING THAT WAS THE ONLY WAY WE WOULD GARNER SUPPORT FROM THE CITY. AT THAT TIME, UNBEKNOWNST TO ME, THERE WAS A MORATORIUM ON SHORT-TERM RENTALS AND IT WAS MADE AWARE TO ME THAT WE WOULD NEED THAT A CRP TO SEPARATE SHORT-TERM RENTALS. WE'RE DOING IT AS A GESTURE. BUT THIS IS NOT WHAT WE WANT TO DO. WE WANT TO BUILD AN APARTMENT BUILDING. THE REASON WE KEPT THE 21 STUDIOS WAS BECAUSE TO CHANGE THOSE TO ONE BEDROOMS OR TWO BEDROOMS WOULD INCREASE THE TOTAL SIZE OF THE PROJECT AND I WAS ALREADY SENSITIVE TO THE SIZING. SO WE KEPT THE UNIT MIX THE SAME. TO BE VERY SPECIFIC AND CLEAR ON YOUR WE, WE HAVE ZERO INTEREST OR INTENTION OF RUNNING SHORT-TERM RENTALS.

>> Councilmember Franklin: OKAY. SO WOULD -- SO THEN ASSUMING YOU WOULD AGREE TO SIGN A COVENANT PROHIBITING SHORT-TERM RENTALS FOR ALL 79 UNITS REGARDLESS IF YOU OR ANY OPERATOR YOU HIRE MANAGES THE PROPERTY OR FOR ANY OF THE TENANTS?

>> I'M NOT INTERESTED IN SIGNING A DEED RESTRICTION OR A COVE I CAN'T RESTRICTION FOR SHORT-TERM RENTALS BUT I AM TELLING YOU I HAVE NO INTENTION OF OPERATING SHORT-TERM RENTALS. IN THE SAME WAY IF SOMEONE CAME TO YOU AND SAID YOU'RE NOT RENTING THE THIRD BEDROOM IN YOUR HOME BUT WE'RE GOING TO DEED RESTRICT IT FOR 65 YEARS. YOU MAY HAVE NO INTEREST IN DOING THAT EVEN THOUGH YOU HAVE IN INTENTION OF RENTING YOUR THIRD BEDROOM. IT'S A HASSLE WITH SHORT-TERM RENTAL. YOU HAVE TO HAVE MAID SERVICE. IT IS SET UP TO BE RUN AS AN APARTMENT BUILDING. IT'S NOT SET UP TO BE A SHORT-TERM RENTAL.

>> Councilmember Franklin: THERE IS MORE PROFIT WITH SHORT-TERM RENTALS.

>> WITH A LOT MORE HEADACHES. YOU DO NOT NEED TO DO SHORT-TERM RENTALS IN MANHATTAN BEACH.

>> Mayor Napolitano: HE'S ANSWERED THE QUESTION.

>> Councilmember Franklin: ALL RIGHT. MR. CITY ATTORNEY, QUINN BARROW IN THE AFFORDABLE HOUSING AGREEMENT WE WANT TO PUT A COVENANT IN THERE TO PRESENT SHORT-TERM RENTALS FROM EITHER THE OPERATOR OR THE OWNER OR ANY OF THE TENANTS THEREIN.

>> YEAH, THAT'S CORRECT. YOU KNOW, I UNDERSTAND THIS ISSUE ABOUT THE DEED RESTRICTION. BUT, YOU KNOW, THE HOUSING LAWS AND THE DENSITY BONUS LAWS ARE DESIGNED TO PROVIDE HOUSING AND THE STATE HAS RECOGNIZED THAT IF PEOPLE CONVERT HOUSING TO RENTALS, SHORT-TERM RENTALS, THAT DEFEATS THE PURPOSE OF THE DENSITY BONUS LAWS. SO THE STATE HAS INDICATED IN A NUMBER OF DIFFERENT HOUSING CRISIS ACTS THAT CITIES CAN PROHIBIT SHORT-TERM RENTALS. AND THE BEST WAY -- I WOULDN'T USE THIS AS A PROHIBITION BUT AS A COVENANT ON ALL 79 UNITS. AND THAT'S WHAT I WOULD RECOMMEND. IF THE COUNCIL APPROVES THIS, THAT WOULD BE PART OF THE AFFORDABLE COVENANT.

>> Councilmember Franklin: AND THAT WOULD COVER -- THERE'S NEW TYPES OF HOTELS AS I UNDERSTAND, CALLED ALT HOTELS. THEY WOULD GO IN AND RENT PART OF AN APARTMENT BUILDING OR THE ENTIRE APARTMENT BUILDING SO THE OWNER OF THE BUILDING ONLY HAS ONE MASTER LEASE AND THEN THIS ALT HOTEL OR ALTERNATIVE HOTEL OPERATOR, THEN OPERATORS IT AS A SHORT-TERM RENTAL. WE WANT TO MAKE SURE IT COVERS THAT AS WELL, THE COVENANT.

>> YES. ONCE AGAIN, THIS IS DESIGNED TO ACCOMPLISH THE STATE LAWS IN HOUSING. WE WANT TO MAKE SURE THAT IT'S USED FOR HOUSING. I MEAN THERE'S NO -- THAT'S CALLED DENSITY BONUS CONCESSIONS FOR COMMERCIAL USES SUCH AS HOTELS FOR SHORT-TERM RENTALS. IT'S FOR HOUSING.

>> Councilmember Franklin: THAT'S HOW THEY GOT THE DENSITY BONUS WAS SAYING IT'S FOR FAMILY HOUSING?

>> CORRECT.

>> Councilmember Franklin: AND WOULD THE STATE ENFORCE THAT THEN, OR WE WOULD ENFORCE IT AND THEN THE STATE WOULD --

>> I DON'T KNOW IF THE STATE WOULD COMMENT ON THAT. IT'S A BIG STATE. AND AS WE KNOW IT AND MENTIONED IN THE STAFF REPORT, THEY'RE VERY ACTIVE IN THE HOUSING, SO WHO KNOW WHAT IS THE STATE WOULD BE.

>> Councilmember Franklin: OKAY. AND SO GOING TO TRAFFIC, YOU KNOW, AROUND THAT AREA, THE LAST TIME WE TALKED ON AUGUST 16<sup>th</sup> WE TALKED ABOUT THE POSSIBILITY OF A STOPLIGHT AT THE INTERSECTION OF ALMA AND ON THE NORTH SIDE OF ROSECRANS IS THE ENTRANCE AND EXIT TO YOUR PROJECT. WE DON'T KNOW WHAT THAT TRAFFIC IMPACT IS GOING TO BE NOW. BUT, I MEAN, ANY REASONABLY-THINKING PERSON WHO LIVES IN THE AREA NOW -- I THINK ONE RESIDENT DESCRIBED IT AS THE BERMUDA TRIANGLE, THAT INTERSECTION. CARS GO IN AND THEY NEVER SHOW UP AGAIN. [LAUGHTER] SO THE QUESTION IS, WOULD YOU AGREE TO PAY FOR ANY TRAFFIC SIGNAL THAT'S SERVING YOUR PROPERTY THAT MAY BE DEEMED NECESSARY TO ENSURE SAFE AND SMOOTH TRAFFIC FLOW IN AND OUT OF YOUR PROPERTY EITHER BEFORE, DURING OR AFTER CONSTRUCTION? AND THIS COULD BE, I MENTIONED BEFORE, AT THE INTERSECTION OF ALMA AND ROSECRANS.

>> I BELIEVE THE CITY'S TRAFFIC ENGINEER DETERMINED -- WE

ACTUALLY INQUIRED ABOUT A TRAFFIC SIGNAL THINKING IT MADE SENSE. AND THE CITY CAME BACK TO US AND SAID THAT THE DENSITY DOES NOT MERIT A TRAFFIC LIGHT. AND THERE'S A WHOLE REPORT ON SOMEWHERE. IS THE CITY GOING TO CHANGE THEIR POSITION ON THAT AND WOULD WE BE OPEN TO THAT? THE ANSWER WOULD BE YES.

>> Councilmember Franklin: THAT YOU WOULD BE --

>> I DON'T KNOW WHAT A TRAFFIC SIGNAL COSTS. I DON'T KNOW, WHAT DOES A TRAFFIC SIGNAL COST. I DON'T KNOW.

>> Mayor Napolitano: [INAUDIBLE]

>> Councilmember Franklin: WE'RE JUST PUTTING ONE UP NOW AT THE CORNER OF CEDAR AND MARINE.

>> Mayor Napolitano: STAFF CAN ANSWER.

>> THE ESTIMATED COST FOR A NEW TRAFFIC SIGNAL AT THE CURRENT TIME IS ABOUT 450 TO \$500,000. AND THE CITY DID CONDUCT A, BASED ON THE TRIP GENERATION RATES, STUDIED WHETHER OR NOT THE PROJECT WOULD WARRANT A TRAFFIC SIGNAL. AND THE ANSWER TO THAT WAS NOT BASED ON ENGINEERING STANDARDS THAT ARE APPLICABLE. AND AS A RESULT, EVEN IF THE PROJECT WERE DISCRETIONARY, THERE WOULD BE NO NEXUS TO REQUIRE THAT PARTICULAR IMPROVEMENT AS A PART OF CONDITION OF APPROVAL.

>> Councilmember Franklin: OKAY. THANK YOU. I HAVE NO FURTHER QUESTIONS.

>> Mayor Napolitano: OKAY. COUNCIL, ANY OTHER QUESTIONS OF MR. BUCKLEY? SEEING NONE, THANK YOU. WE'LL OPEN THINGS UP TO THE PUBLIC THEN. WE'RE GOING TO START IN CHAMBERS. ANYONE HERE WISHING TO SPEAK, PLEASE COME UP. YOU HAVE TWO MINUTES. AGAIN, WE ASK YOU TO RESPECT THE TIME.

>> HELLO, EVERYBODY. THANKS FOR HAVING ME. MY NAME IS JASON MULLER. I GREW UP AROUND HERE, WENT TO USC, STUDIED URBAN PLANNING AND ARCHITECTURE DEVELOPMENT. I'M A LOCAL DEVELOPER, LOCAL DAD. AND I THINK THAT WITH PROJECTS THAT HAVE THIS MUCH SITE SPECIFICITY, THERE'S A LOT TO CONSIDER. WHEN YOU FIND A SITE, YOU CHECK OUT THE ZONING AND WORK WITH THE CITY PLANNING STAFF, THE EXPERTS IN PLANNING THAT ARE HIRED BY EVERY CITY. ONCE YOU'RE ABLE TO MEET AT MINDS WITH THAT, YOU WORK WITH EXPERT ARCHITECTS AND YOU GO MONTH AFTER MONTH AFTER MONTH AND TRY TO FIND THE BEST POSSIBLE SOLUTION FOR THE SITE, ESPECIALLY IF THE SITE IS IRREGULAR, IF THE SITE HAS COMPLEXITIES. THIS SITE IS SLOPED, IT'S A BERMUDA TRIANGLE. A LOT OF DIFFERENT COMPLICATIONS. AND IF YOU WERE TO BE A BUSINESS OWNER AROUND HERE AND YOU LOOKED TO HIRE PEOPLE FROM ANYWHERE IN THE STATE AND THEY TRIED TO FIND HOUSING, IT IS ABSOLUTELY IMPOSSIBLE TO FIND AN APARTMENT. IT IS SO HARD. EVERY TIME SOMEBODY APPLIES, THERE'S FIVE, SIX, SEVEN PEOPLE IN FRONT OF YOU. I THINK WITH DR. GREENE'S STUDIES YOU CAN SEE THERE'S 200,000 UNITS THAT ARE NEEDED PER YEAR IN CALIFORNIA AND ONLY 100,000 ARE PROVIDED EVERY YEAR. THIS IS OVER THE LAST TEN YEARS. AND SO THE STATE ISN'T



TELLING US WHAT WE NEED TO DO. IT'S SAYING WHAT WE SHOULD DO, RIGHT. AND SO YOU GO FROM THAT TO LOCAL SITE SPECIFICITY AND RELYING ON THE EXPERTS THAT THE CITY HAS HIRED, THE PLANNING STAFF, THE EXPERTS THAT THE DEVELOPER HAS HIRED TO HELP WITH THE PRESENTATION AND IT'S BEFORE YOU GUYS NOW. AND THIS IS THE HIGHEST AND BEST USE FOR THE TIME BEING. THANK YOU.

>> GOOD EVENING. HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL. ANY NAME IS MICHAEL CURAN, A 51-YEAR MANHATTAN BEACH RESIDENT. DUE TO MY HISTORICAL BUMPING UP AGAINST IMPOSED SPEAKING TIME LIMITS, I'M GOING TO CONTINUE MY FOCUS ON SURROUNDING ENVIRONMENTAL PROBLEMS CREATED BY THE ADJACENT CHEVRON REFINERY SINCE MANY OTHERS ADDRESS THE INCOMPATIBILITY OF THE 50-FOOT HIGH, 79 UNIT IN THIS FLOOR TO RATIO WITH THE RISK AT MANHATTAN BEACH. THE ENVIRONMENTAL EXPERT DISCUSSED WHAT SOUND LIKE AN ENVIRONMENTAL ASSESSMENT WITH REGARD TO THE SUB SURFACE ISSUES OF METHANE, LEAKING UNDERGROUND STORAGE TANKS, ET CETERA. DID NOT APPEAR TO ADDRESS THE AIR QUALITY ISSUES RAISED WE THE SOUTHERN COAST AIR QUALITY MANAGEMENT DISTRICT EVERY YEAR OR WHY CHEVRON INSISTED ON CCRs IN PROPERTY DEEDS THAT CHEVRON SOLD OF ITS PROPERTY DIRECTLY EAST OF THE REFINERY UP TO DOUGLAS SEAT IN EL SEGUNDO OR THE FINES THAT CHEVRON HAS PAID. BREAKING IT DOWN IN SIMPLER TERMS, WOULD YOU WANT ONE OF YOUR FAMILY MEMBERS LIVING CLOSE TO THIS SITE. IT WOULD ONLY BE AS GOOD AS THEIR FINANCIAL STATEMENT WHICH WOULD NOT BE AS STRONG AS AN INSURANCE COMPANY FOR THE CITY OF MANHATTAN BEACH. THE NEW STATE LAW PROHIBITS RESIDENTIAL BEING WITHIN 3200 FEET OF A REFINERY. ALTHOUGH THE LAW BECOMES EFFECTIVE LAST YEAR, YOU WOULDN'T WANT TO GRANDFATHER IN A RESIDENTIAL DEVELOPMENT CLOSER TO 3200 FEET OF THE REFINERY FOR THE NOW UNDERLINED SAFETY REASONS. THANK YOU. THANK YOU. NEXT SPEAKER, PLEASE.

>> GOOD EVENING, COUNCILMEMBERS. MY NAME IS [INAUDIBLE]. I'VE BEEN A RESIDENT OF MANHATTAN BEACH SINCE 1987. TONIGHT I WANT TO ADDRESS A MAJOR PROBLEM THAT PERTAINS TO THE HIGH ROSE PROJECT. THE MAIN ISSUE IS THERE IS SERIOUS POTENTIAL LIFE AND LIFE-THREATENING HAZARDS TO TENANTS. IMAGINE THE CATASTROPHE IF ONE OF THE TANKS CAUGHT FIRE OR THERE WAS A MAJOR EXPLOSION. CHEVRON HAS HAD ACCIDENTS OF THIS TYPE IN THE PAST. JUST A FEW MONTHS AGO, A TWO-ALARM FIRE TOOK PLACE AT THEIR REFINERY. SOME OF THE NEARBY OIL TANKS ARE CORRODING WHICH WILL LEAD TO LEAKAGE AND A WEAKENING OF THE TANK. I DON'T BELIEVE THE DEVELOPER OR THE CITY HAS HAD A PROPER STUDY DONE TO DEAL WITH THIS CORROSION ISSUES, LET ALONE THE EVACUATION PROCEDURES. BEING A BUILDER AND FORMER DEVELOPER, I'VE HAD TO DEAL RECENTLY WITH GROUND ISSUES COMPARED TO THE DEVELOPERS TESTS. I APPEAL TO THE COUNCILMEMBERS TO SERIOUSLY CONSIDER THESE EXISTING ISSUES. BE AWARE THAT MOST OF THE CITY'S RESIDENTS ARE OPPOSED TO THIS PROJECT. THEREFORE, WHY WOULD YOU APPROVE IT. LET YOUR CONSCIENCE BE YOU GUIDE ON HOW

YOU VOTE. YOU REALLY CARE ABOUT THE PEOPLE'S WELL-BEING, DON'T PUT FUTURE RESIDENTS ON HIGH ROSE IN HARM'S WAY. CONSIDER THIS. WOULD YOU BE COMFORTABLE HAVING A FAMILY MEMBER RESIDING IN A BUILDING SO CLOSE TO A REFINERY TANKS THAT COULD CATCH FIRE AND EXPLODE AT ANY TIME? WE HAVE TO POTENTIAL OF HAVING A CHERNOBYL TYPE SITUATION IN MANHATTAN BEACH. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU.

>> HI, AGAIN, AARON ROSEN, LIFELONG MANHATTAN BEACH RESIDENT. I LIVE DIRECTLY ACROSS THE STREET FROM THE PROPOSED CONSTRUCTION SITE. I'VE ALREADY SPOKEN SEVERAL TIMES ABOUT MY OPPOSITION TO THIS PROJECT. IT WILL DESTROY THE VIEWS OF MY ENTIRE BLOCK. IT GIVES A MIDDLE FINGER TO THE CURRENT BUILDING RESTRICTIONS. AND THE LAND HASN'T BEEN PROPERLY EVALUATED SOUNDS LIKE A DISASTER WAITING TO HAPPEN. IT SETS A SCARY PRECEDENT FOR THE COMMUNITY. IT'S CLEAR THAT THE RESIDENTS OF MANHATTAN BEACH, THE PEOPLE WHO ELECTED YOU TO REPRESENT THEM ALL WANT YOU TO VOTE NO ON THIS PROPOSAL. THAT'S TRUE FOR PROBABLY EVERYONE IN THE ROOM, WITH THE EXCEPTION OF THE DEVELOPER AND HIS GOLFING BUDDIES OR ANYBODY WHO IS AFRAID OF THE FIGHT WITH SACRAMENTO. SOMEONE SUGGESTED THIS PROJECT MIGHT HELP SAVE THE SCHOOL DISTRICT BY BRINGING IN MORE STUDENTS TO HELD. THE EXODUS FROM MBSD. MANHATTAN BEACH IS A CITY WITH A LOT OF MONEY. PEOPLE ARE GOING TO SPEND THAT MONEY ON PRIVATE SCHOOL FOR THEIR KIDS. NOTHING WE CAN DO ABOUT THAT. BUT IF YOU IMAGINE EVERY UNIT IN THIS RIDICULOUS BUILDING THAT HOUSED KIDS, THAT'S GOING TO BRING IN -- IF THIS IS OUR PLAN FOR A 1.3% INCREASE IN ENROLLMENT, THE FUTURE LOOKS TERRIFYING AND KIND OF STUPID. THIS ISN'T GOING TO HELP LOCAL BUSINESSES. THEY'RE GOING TO HAVE TO CONTEND WITH DUST AND PARKING THROUGH THE CONSTRUCTION. I'M NOT OPPOSED TO DEVELOPMENT. AND I'M CERTAINLY NOT OPPOSED TO AFFORDABLE HOUSING. BUT I THINK WE NEED TO FOCUS ON PROJECTS THAT ARE LESS CONTENTIOUS AND LESS DESTRUCTIVE TO THE AREA IN WHICH THEY'RE PLANNED. PLEASE LISTEN TO YOUR CONSTITUENTS, PUT THIS PROPOSAL IN THE TRASH WHERE IT BELONGS. IF YOU DON'T, I LOOK FORWARD TO RUNNING AGAINST YOU IN A FEW YEARS.

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER.

>> MAYOR, CITY COUNCIL MEMBERS, MY NAME IS PHILLIP COOK, I'M A RESIDENT OF MANHATTAN BEACH. A BUSINESS OWNER HERE IN MANHATTAN BEACH. AND I'M A PROPERTY OWNER, COMMERCIAL PROPERTY OWNER HERE IN MANHATTAN BEACH. AND BECAUSE OF MY AGE, IF COUNCILMEMBER HADLEY COULD SPEAK UP, I WOULD APPRECIATE IT A LOT. SO TO BELIEVE THAT 124 PARKING SPACE WILL BE ENOUGH TO ACCOMMODATE 79 UNITS MEANS YOU DO NOT LIVE IN MANHATTAN BEACH. THE COST OF LIVING HERE MEANS YOU NEED AS MANY ROOMMATES AS POSSIBLE. MORE ROOMMATES EQUALS MORE CARS. SIMPLE AS THAT. THIS COUNCIL SHOULD REMEMBER WHAT PREVIOUS COUNCILS HAVE PUT THE GELSONS THROUGH, THREE TO FIVE YEARS OF DELAYS. AND MB VILLAGE TEN YEARS OF DELAYS. IF YOU BEND DOWN TO THE EDICTS OF SACRAMENTO WITHOUT A FIGHT, YOU WILL

BE TRASHING THE HEIGHT LIMIT THAT HAS BEEN IN PLACE FOR ALL OF MANHATTAN BEACH RESIDENTS FOR MORE THAN 50 YEARS. I DEVELOPED A HOUSE, I DEVELOPED A COMMERCIAL BUILDING AND I OBEYED EVERY LAW THAT WAS IN PLACE AT THAT TIME. IF YOU LET SACRAMENTO TELL YOU DON'T HAVE TO DO THAT, YOU'RE WRONG. YOU DON'T REPRESENT ALL OF MANHATTAN BEACH. YOU DO NOT. IF YOU DO THAT, YOU WILL NOT BE REPRESENTING BASED ON THE YEAS AND NAYS I'VE HEARD OF THE MAJORITY MANHATTAN BEACH RESIDENTS. YOU'LL BE TRASHING THE LAST 50 YEARS OF OUR HISTORY. THE PREVIOUS SPEAKER SPOKE OF TRAFFIC EXPERTS. WE'VE HEARD TRAFFIC EXPERTS TELL US HOW TO DO THIS AND THAT. HOW GOOD IS OUR TRAFFIC. ROSECRANS IN THE MORNING OR EVENING? HOW IS THAT TRAFFIC FOR YOU. THINK ABOUT THAT. THE EXPERTS MAYBE AREN'T SO EXPERT AT SAYING WHAT PEOPLE WILL DO. AND PEOPLE WILL DO WHAT'S EASIEST FOR THEM. SAY NO TO THIS PROJECT, PLEASE.

>> Mayor Napolitano: THANK YOU.

>> MY NAME IS ELENA AND I LIVE ON HIGHLAND. AND I LIVE IN A TOWNHOUSE. MY UNIT FACES CREST DRIVE. MANY MORNINGS CREST DRIVE IS A SPEEDWAY AS IT IS USED AS A SHORTCUT GOING NORTH FOR PEOPLE WHO WANT TO ELIMINATE, GET AWAY FROM THE TRAFFIC ON HIGHLAND. AND WE HAVE NO SPEED BUMPS. IT'S ONLY SUPPOSED TO BE 15 MILES AN HOUR AND PEOPLE JUST RACE THROUGH THERE. WHAT'S GOING TO HAPPEN WHEN HIGH ROSE IS THERE? MORE PEOPLE WILL BECOME -- KNOW ABOUT -- IT'S A SHORTCUT. ALSO, I USED TO WORK DOWNTOWN BEFORE I RETIRED, AND ONCE I EXITED THE 105 FREEWAY AND WOULD COME DOWN IMPERIAL HIGHWAY TO HIGHLAND -- PARDON ME, TO VISTA DELMAR, WHEN I WOULD ACCESS VISTA DELMAR, IT WAS STOP AND GO TRAFFIC AND THAT'S MANY YEARS AGO. POPULATION HAS MUCH MORE INCREASED. ONCE I WOULD CROSS OVER FROM VISTA DELMAR TO HIGHLAND, IT WOULD TAKE ME 25 MINUTES TO ACCESS MY PARKING AT 42<sup>nd</sup> AND HIGHLAND. SO RIGHT NOW THE LAST FEW YEARS, BECAUSE OF THE PANDEMIC TRAFFIC IS WAY DOWN. ONCE EVERYBODY IS GOING BACK TO WORK AND YOU'RE ADDING -- I DON'T KNOW HOW MANY PEOPLE WILL BE GOING NORTH AND THE TRAFFIC WILL BECOME UNBEARABLE. THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER.

>> GOOD EVENING. AS YOU KNOW I'M ONE OF THE APPELLANTS. I JUST WOULD LIKE TO REITERATE MY POINT THAT THE HEIGHT WAIVER IS NOT REQUIRED AND SHOULD NOT BE PLANNED REGARDLESS OF WHAT THE STAFF REPORT SAYS. THE DEVELOPMENT STANDARDS DO NOT PHYSICALLY PRECLUDE THE CONSTRUCTION OF A DEVELOPMENT MEETING THE CRITERIA OF 65915 SUBDIVISION B THAT THE DENSITIES OR THE CONCESSIONS OR INCENTIVES PERMITTED. SPECIFICALLY, 79 UNITS CAN BE BUILT WITHIN THE HEIGHT LIMITS OF 36 FEET. JUST BECAUSE A DEVELOPER DOESN'T LIKE 79 SINGLES DOES NOT MEAN YOU HAVE TO COMPLY OR PROVIDE THEM WITH THAT EXTRA BONUS AND FINANCIAL INCENTIVE. THEY CAN BUILD 79 UNITS WITHIN THE RESTRICTIONS THAT THE CITY HAS. THERE'S ABSOLUTELY NO BASIS FOR A HEIGHT WAIVER. IT IS NOT REQUIRED AND YOU SHOULD NOT

GRANT IT. THANK YOU.

>> MY NAME IS RAY JOSEPH. THIS IS REALLY, REALLY GOOD ADVERTISING FOR THE RUTHLESS DEVELOPER TO COME IN HERE AND ACQUIRE THE PROPERTY IF THIS PROJECT FAILS. THAT'S THE GUY I'M WORRIED ABOUT. THEY HAVE TO ADD TWO MORE LOW-INCOME UNITS AND THEY GO TO THE OTHER DENSITY AND THEN THERE'S THE OTHER GUYS WHO MAX OUT EVERY LITTLE BIT THAT I CAN. THAT'S THE ONE I'M TRULY AFRAID OF. BECAUSE IF THIS FALLS OUT, THEY SELL THE LAND -- I'VE HEARD THEY'VE HAD INQUIRIES FROM OTHER DEVELOPERS THAT WANT TO BUY THIS PROPERTY, AND THEY WILL MAX IT UP, THEY'LL GO HIGHER, HIGHER DENSITY. AND THOSE GUYS HAVE THE ATTORNEYS THAT KNOW HOW TO GET IT DONE. THOSE ARE THE GUYS I'M WORRIED ABOUT. JUST ADDING TWO MORE LOW-INCOME UNITS GETS THEM TO 50% DENSITY. I HAVE FRIENDS IN COMMERCIAL CONSTRUCTION ATTORNEYS, THEY GO, THERE'S NOTHING THAT'S GOING TO STOP THIS THING. I HAVE FRIENDS THAT DO -- PUT ON THOUSANDS AND THOUSANDS OF COMMERCIAL AND RESIDENTIAL UNITS. THEY GO, THERE'S NOTHING YOU CAN DO TO STOP IT. SO MY CONCERN IS IF YOU STOP, THEN YOU BETTER STOP ALL OF THE FUTURE ONES AS WELL. BECAUSE OTHERWISE I'M WORRIED ABOUT THE NEXT GUY. THESE GUYS ARE BUILDING SOMETHING FAIRLY REASONABLE. AND WHEN I HEAR ALL OF THESE PEOPLE TALK ABOUT HEIGHTS, HERE'S SOME EXAMPLES OF FOUR-STORY UNITS THAT ARE CURRENTLY IN TOWN THAT ARE OVER 40 FEET FROM -- I KNOW THEY'RE NOT TECHNICALLY FOUR BUT IF YOU LOOK THERE'S FOUR LEVELS.

>> Mayor Napolitano: OKAY. THIS ISN'T --

>> BUT THESE ARE HIGHER FROM THE VERY -- FROM THE DRIVEWAY TO THE TOP OF THE BUILDING HIGHER THAN 40 FEET. SO WHAT I'M SAYING IS, SOME OF THESE THINGS CAN HAPPEN. ALSO BRINGING IN A RESIDENTIAL UNIT IN THERE VERSUS COMMERCIAL, WE GOT NEIGHBORS. THIS COULD REALLY TURN INTO A NICE COMMUNITY. I THINK IT COULD BE A NICE PROJECT. I THINK IT COULD BE A WONDERFUL CHANGE. YOU'RE GOING TO BLOCK THE VIEWS OF THE REFINERY. AND IF THE REFINERY IS THAT DANGEROUS, WHY DO ALL OF THOSE OTHER PEOPLE LIVE THERE.

[ BEEPING ]

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER, PLEASE. NEXT UP. IF YOU'RE GOING TO TALK ABOUT, YOU CAN GO OUTSIDE, PLEASE. THANK YOU.

>> HELLO, HONORABLE MAYOR AND COUNCILMEMBERS. I'M GAYLE FORTIS, I'M HERE TO STOP HIGH ROSE AND I HAVE TO ITEMS TO DISCUSS. HIGH ROSE IS A SHORT-TERM RENTAL DRESSED UP TO LOOK LIKE HOUSING UNITS. HERE'S ORIGINAL PLAN DATED DECEMBER 20<sup>th</sup>, 2020. IN THE ORIGINAL PLAN THE PROJECT SUMMARY STATES THE TOTAL OF 36 SHORT-TERM RENTALS WERE PROPOSED. THERE IT IS. NUMBER TWO, IT IS RECKLESS THAT THE CITY DOES NOT CONDUCT ITS OWN ENVIRONMENTAL STUDY DUE TO EXTREME CLOSE PROXIMITY TO THE CHEVRON REFINERY. HERE IS THE REPORT. IT IS DATED JANUARY 23<sup>rd</sup>, 2017, PERFORMED FOR THE PREVIOUS OWNER OF THE SITE, KELLIE, AND I QUOTE, DUE TO THE

HISSELF RIFF OF THE OIL-DRILLING EFFORT IN THE NEAR VICINITY, THE PRESENCE OF METHANE GAS IN THE SUBSURFACE CANNOT BE RULED OUT. METHANE TESTING SHOULD BE CONDUCTED THE SITE IS TO BE REDEVELOPED. END QUOTE. THIS ISN'T ABOUT I DON'T LIKE IT. THIS IS ABOUT SAFETY CONCERNS AND PROTECTING THE HEALTH AND WELFARE OF YOUR CITIZENS. THANK YOU SINCERELY FOR YOUR SERVICE AND ATTENTION TO THIS MATTER.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING, HONORABLE MAYOR AND CITY COUNCIL MEMBERS. THANK YOU FOR YOUR TIME. I'M HERE IN SUPPORT OF THE PROJECT. MY WIFE AND I, WE STARTED NEW JOBS AND MOVED TO THE SOUTH BAY IN MARCH OF 2020. I'M A CPA AND MY WIFE IS A SPEECH PATHOLOGIST. BEING TWO WORKING PROFESSIONALS, WE THOUGHT WE COULD AFFORD TO START LOOKING FOR A HOUSE HERE. YOU'VE GOT HOMES THAT ARE WORTH MULTIPLE MILLION DOLLARS NEXT TO THE WATER. THEN YOUR AVERAGE HOMES ARE ONLY WORTH A FEW MILLION AND THEN THERE ARE RENTING OPTIONS THAT ARE UNDESIRABLE FOR DOUBLE THE MARKET PRICE. WE UNDERSTOOD WE WEREN'T IN A POSITION TO BE BUYING INTO SUCH A GREAT CITY BUT WHAT SURPRISED US WAS THE LACK OF RENTAL INVENTORY. WE WANTED TO LIVE IN A COMFORTABLE APARTMENT UNTIL WE COULD SAVE ENOUGH TO BUY. WE'RE THE FACE OF THE MIDDLE CLASS OR EVEN THE UPPER MIDDLE CLASS AND THE NEXT GENERATION. PEOPLE LIKE US LOVE THIS CITY AND WANT TO LAY DOWN ROOTS HERE AND AS LEADERS THIS SHOULD BE A CONCERNING STORY. AND I KNOW FROM THE LAST MEETING A COUPLE OF YOU KNOW THIS TOO WELL AS YOUR CHILDREN WERE ALSO EXPERIENCING THIS. AND FRANKLY, YOU WANT PEOPLE LIKE ME WHO ARE YOUNGER, MIDDLE CLASS TO LIVE HERE BECAUSE WE'RE GOING TO START OUR FAMILY. AND WITH OUR CHILDREN GO THROUGH THE PUBLIC SCHOOL SYSTEM, AS YOU MENTIONED. AND ENROLLMENT HAS BEEN PLUMMETING AND THAT'S WHY THE LOCAL SCHOOL DISTRICT DOES SUPPORT THIS PROJECT. AND THEN YOU ALSO MENTIONED LOCAL BUSINESSES. YOU KNOW, AS PATRONS 0 THE AREA, WE'LL BE EATING AT PONCHOS AND FISH BAR AND GETTING OUR HAIR CUT AT THAT BARBER AND WE'LL BE INVOLVED IN COMMUNITY SERVICE AND BE AMBASSADORS FOR THE CITY BECAUSE WE HAVE ROOTS. I THINK PROJECT VERANDAS IS THE SOLUTION TO MIDDLE-CLASS PROBLEM AND I THINK THIS WILL PROVIDE THE OPPORTUNITY. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING, CITY COUNCIL MEMBERS. MY NAME IS ALEX FORTIS, I'M A 30-YEAR RESIDENT TO MANHATTAN BEACH. I GOT TO PUT IN MY ASSOCIATE PIONEER APPLICATION IN. I'LL BEEN HERE 30 YEARS, GRAND VIEW, MBMS, UCLA, I PLAYED FOR TROJAN WATER POLO CLUB, I COACH THERE, NBYB, LITTLE LEAGUE, AYSO. ALL OF IT. I AM AS MANHATTAN BEACH AS IT COMES. ASIDE FROM [INAUDIBLE] I GUESS THAT'S THE ONLY THINGS WOULD NOT MAKE ME VERY MANHATTAN BEACH. BUT I DO KNOW HOW BAD TRAFFIC IS AT THE INTERSECTION OF HIGHLAND AND ROSECRANS HAVING GROWN UP AT 36 AND ALMA. I KNOW MANY KIDS USE THE BIKE

LANE ALONG ROSECRANS TO GET TO AND FROM THE BEACH, THESE ELECTRIC BIKES. AND I KNOW PUTTING IN A NEW PROJECT AT THAT INTERSECTION IS NOT ONLY GOING TO MAKE IT DANGEROUS TO THE KIDS AS WELL AS THE PEOPLE WHO COMMUTE EVERY DAY IN THE INTERSECTION. NOW THEY WANT TO PROPOSE PUTTING A TRAFFIC SIGNAL A HUNDRED YARDS UP FROM THAT SIGNAL, IT'S GOING TO BACK TRAFFIC EVEN MORE ONTO HIGHLAND AS WE KNOW IT. YOUR JOB IS TO PROTECT US AND KEEP US SAFE. YOU ASKED FOR LEGAL ANSWERS TO STOP THIS PROJECT. THIS PROJECT IS BLATANTLY A SCAM. THEY WANT LOW-INCOME UNITS AND WE KNOW IT. LET'S COME UP WITH A PROJECT TO KEEP THE RESIDENTS SAFE. THAT'S YOUR JOB. PLEASE DO SO. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> HELLO. MY NAME IS KEVIN COVERT. I SUPPORT PROJECT VERANDAS. BEEN A MANHATTAN BEACH RESIDENT FOR NEARLY 30 YEARS, 25 OF THOSE YEARS NEAR THE LOCATION OF THIS PROJECT. VERY FAMILIAR WITH IT. I HAVE 5 AND 3-YEAR-OLDS ENTERING THE MANHATTAN BEACH PUBLIC SCHOOL SYSTEM. I MAY BE THINKING TOO FAR AHEAD BUT I HOPE THEY CAN AFFORD TO LIVE HERE ONE OF THESE DAYS WHICH IS ONE OF THE REASONS I SUPPORT THIS PROJECT. AYE BEEN FOLLOWING IT EXTREMELY CLOSELY. VERY FAMILIAR WITH THE DETAILS. I UNDERSTAND AND APPRECIATE THE OPPOSITION VIEWPOINTS. IT'S GREAT TO HAVE EVERYONE SPEAK UP. I KNOW THE SITE WELL. I KNOW THE CHEVRON REFINERY WELL AND I REVIEWED ALL OF THE MATERIALS. VERY CLOSE TO IT. AND, YOU KNOW, I WOULD SAY THAT, YOU KNOW, THERE'S BEEN A LOT OF ISSUES IN OPPOSITION. BUT IF EVERY PROJECT WAS BASED ON OPPOSITION ISSUES ONLY, YOU KNOW, THERE WOULD BE ZERO DEVELOPMENT. I'M IN FAVOR OF RESPONSIBLE DEVELOPMENT IN THE CITY. I WOULD LIKE TO SEE IT. I'M GOING TO BE HERE A LONG TIME AND MY KIDS ARE GOING TO BE HERE A LONG TIME. I KNOW IT'S RUNDOWN INTERSECTION AND NEEDS SOMETHING TO BE DONE. YOU KNOW, RETAIL IS NOT GOING TO BE BETTER THAN WHAT RESIDENTIAL IS. I'M MUCH MORE IN FAVOR OF RESIDENTIAL BECAUSE IT KEEPS THE FEEL OF OUR UNIQUE TOWN, ESPECIALLY BY THE BEACH WHERE OTHER CITIES HAVE COMMERCIAL AND OFFICE AND OTHER STUFF AND RETAIL. THOSE WILL ONLY UP CREASE TRAFFIC. I THINK ALTHOUGH A LOT OF THE OPPONENTS HAVE BEEN VOCAL, THEY DEFINITELY DO NOT REPRESENT THE LARGE MAJORITY OF RESIDENTS IN FAVOR OF RESPONSIBLE DEVELOPMENT. THIS IS BY A LOCAL DEVELOPER, UNLIKE A LOT OF THE COMMENTS THAT ARE MADE THAT ACTUALLY CARES ABOUT THIS CITY AND OUR COMMUNITY. SO I THINK THAT'S A HUGE FACTOR FOR ME. THE BOTTOM LINE IS THEY'VE ADDRESSED THE CONCERNS AT AD NAUSEAM AT  
DETAIL -- [ BEEPING ]

>> MY NAME IS JOHN. I LIVE ON 44<sup>th</sup> STREET ALONG WITH MY FAMILY. I KINDLY REQUEST THAT YOU VOTE NO ON HIGH ROSE AND DON'T LET THEM TURN MANHATTAN BEACH INTO REDONDO BEACH. LET'S ENFORCE THE EXISTING HEIGHT LIMIT THAT THE CITY CURRENTLY HAS. IN ADDITION, A FULL ENVIRONMENTAL STUDY IS NEEDED TO ENSURE THAT THE COMMUNITY IS NOT ADVERSELY AFFECTED BY THIS PROJECT. SHOULD THE

ENVIRONMENTAL ISSUES BE BEYOND WHAT EVERYBODY IS SAYING THEY CURRENTLY ARE? I SUGGEST THE CITY REQUIRE THEM TO DONATE THE LAND AND MAKE IT A COMMUNITY PARK. LET'S KEEP MANHATTAN BEACH MANHATTAN BEACH. AND LET'S LET THE MEGA DEVELOPERS GO DOWN THE STREET AND DEVELOP THEIR PROJECTS IN REDONDO BEACH. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING. MY NAME IS SEAN ZEE. BEEN A SOUTH BAY RESIDENT FOR CLOSE TO 20 YEARS. HOPING TO BUILD MY NEXT HOUSE IN MANHATTAN BEACH. I'M IN SUPPORT OF THIS PROJECT FOR MANY REASONS. ONE, FIRST I DON'T PLAY GOLF. SO LIKE SOME OTHER PEOPLE SAID, GOLF BUDDIES. THE DEVELOPMENT OF PROJECTS LIKE THESE ARE ABSOLUTELY A NECESSITY. THE STATE NEEDS IT, YES. YES, L.A. COUNTY IS UNDERDEVELOPED, NEEDS MORE UNITS. AND RIGHT NOW WITH THE CURRENT SITUATION EVERYTHING IS HAPPENING, WE NEED MORE PROPERTIES IN THE CITY. NOT LESS. THIS IS MANAGED BY A LOCAL DEVELOPER, SOMEONE WHO ACTUALLY CARES ABOUT THE COMMUNITY, BUILDING VERY BEAUTIFUL, AS YOU GUYS HAVE SEEN ALL OF THEIR BUILDINGS AROUND THE CITY. AND FOR TO JUST DENY THIS PROPERTY AND LET IT GO TO THE NEXT DEVELOPER THAT COULD ABSOLUTELY BUILD SOMETHING HIDEOUS AND SOMETHING LARGER THAT BRINGS THE WRONG CROWD TO THE CITY. I'M 100% IN SUPPORT OF THIS MEASURE. SO PLEASE VOTE YES ON IT AND LET'S KEEP BUILDING GREAT THINGS IN THE CITY. THANK YOU.

>> HI. THANK YOU, MAYOR AND CITY COUNCIL. MY NAME IS MITCHELL CHUNG. A LONG-TIME RESIDENT OF MANHATTAN BEACH AND I HAVE MANY FRIENDS IN THE COMMUNITY AND COLLEAGUES IN THE COMMUNITY OF DIVERSE BACKGROUNDS. AND WITHOUT FAIL EVERY SINGLE ONE OF THEM WAS APPALLED UPON HEARING THAT THE CITY IS CONSIDERING PUTTING LOW-INCOME HOUSING UNITS NEXT TO THE CHEVRON REFINERY. WITH AB20 SIGNED INTO LAW, THE STATE RECOGNIZES THE DANGERS OF BUILDING NEXT TO A REFINERY AND ACKNOWLEDGES THE SOCIAL INJUSTICE TO DISENFRANCHISED COMMUNITIES WHO HAVE HAD FEW OPTIONS BUT TO LIVE NEXT TO A DANGEROUS REFINERY. THIS IS A STEP TO ADDRESS SOME OF THE GRIEVANCES THAT ARE WITHIN 3200 FEET OF THE REFINERY SOME ARGUE IT DOESN'T APPLY HERE BECAUSE THE LAW DOESN'T GO INTO EFFECT UNTIL 2023. BUT WITH THE IMPLICATIONS DUE TO HEALTH AND SAFETY CONCERNS, THIS IS SOMETHING THE CITY CAN'T IGNORE. DOZENS OF ORGANIZATIONS FROM EQUITY AND SOCIAL JUSTICE GROUPS AND AFFORDABLE HOUSING ADVOCACY GROUPS SOME WHO HAVE REACHED OUT WITH SOME NOT SO NICE LETTERS, HAVE BEEN OVERWHELMING SUPPORTERS OF AB211. MY COLLEAGUES AND I HAVE SPOKEN TO A NUMBER OF THE HOUSING ADVOCACY GROUPS RECENTLY AND THEIR TUNE IS STARTING TO CHANGE, ESPECIALLY ONCE THEY HEARD THE DETAILS OF THIS PROJECT BEING NEXT TO A REFINERY. AS AN EXAMPLE, THE HOUSING AND COMMUNITY DEVELOPMENT ORGANIZATION SAID THAT THEY WOULD HAVE TO RECONSIDER THEIR POSITION IN LIGHT OF THE AB211 BECOMING LAW. THE CALIFORNIA ASSOCIATION OF REALTORS DID A COMPLETE 180 SAYING THEY CANNOT SUPPORT THE DEVELOPMENT OF AN AFFORDABLE HOUSING UNIT KNOWING

IT'S NEXT TO A REFINERY. WE ASK THAT YOU DO THE RIGHT AND ETHICAL THING, STAND WITH THE RESIDENTS, THE SOCIAL JUSTICE AND ENVIRONMENTAL GROUPS AND THE HOUSING ADVOCACY GROUPS AND REMAND THIS PROJECT FOR FULL ENVIRONMENTAL REVIEW. ANYTHING LESS WOULD BE -- [ BEEPING ]

>> Mayor Napolitano: THANK YOU.

>> THANK YOU.

>> HI. THANK YOU, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. I'M HERE ON A DIFFERENT REASON AND THAT'S TO THANK YOU FOR THE PROCLAMATION FOR FAMILY COURT AWARENESS MONTH.

>> Mayor Napolitano: OKAY. THAT'S NOT THE TIME, THOUGH. PUBLIC PARTICIPATION FOR THINGS LIKE THAT IS AFTER THIS. IF YOU CAN WAIT.

>> I CAN WAIT.

>> Mayor Napolitano: I SAY A LITTLE BIT, BUT... I WOULDN'T BOTHER SITTING THERE. LONGER THAN THAT. GET SOME COFFEE. ALL RIGHT. NEXT SPEAKER. NO FIGHT BETWEEN CANDIDATES.

>> GOOD EVENING. MY NAME IS RITA AND LONG-TERM RESIDENTS. AND I JUST WANT TO EXPRESS MY CONCERN FOR THE FACT THAT WE HAVE A PROPOSAL FOR A PROJECT THAT IS WITHIN AN AREA 3200 FEET OF A SITUATION WHERE WE'VE ALREADY -- WE CURRENTLY HAVE LEGISLATION THAT IS SAYING THAT THIS IS NOT AN APPROPRIATE PLACE. I AM ALL FOR MODERATE AND LOWER-INCOME HOUSING BEING ADDRESSED WITHIN OUR CITY, BUT THIS PROJECT SEEMS TO BE RECOGNIZED BY OUR OWN STATE THAT IT'S NOT THE RIGHT PLACE TO PUT IT. WE DON'T WANT TO HAVE A SITUATION WHERE WE HAVE, AS HAS BEEN RECOMMENDED -- HAS BEEN -- I'M CONCERNED ABOUT WHERE THIS PLACE -- THIS PROPERTY IS BEING PLACED. WE HAVE LOWER-INCOME HOUSING, PEOPLE BEING PLACED IN A SITUATION WHERE THEY SHOULDN'T BE PLACED. IT'S HISTORICALLY NOT APPROPRIATE FOR LOWER-INCOME HOUSING AND I'D LIKE TO SEE THAT WE CONSIDER THAT FOR OUR RESIDENTS, OUR CURRENT AND OUR PROPOSED RESIDENTS. THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER.

>> GOOD EVENING, HONORABLE COUNCILMEMBERS. 220 DEGREES IS WHEN WATER BECOMES STEAM AND EXPANDS A THOUSAND-FOLD. IF YOU LOOK AT THE PHOTO UP THERE, YOU CAN SEE THE TANK FARM. IN THAT TANK IS CRUDE OIL. THE WATER IN THAT CRUDE OIL WILL SEEP TO THE BOTTOM OF THE TANK. AND CRUDE OIL CATCHES ON FIRE, THE WATER WILL THEN GO TO 220 DEGREES AND YOU'LL HAVE A MASSIVE EXPLOSION WITH A BLAST RADIUS OF A HALF MILE. RIGHT NOW THE EMERGENCY PREPAREDNESS COORDINATOR PLAN FOR THE CITY IS THAT WHEN THAT TEMPERATURE REACHES 190 EVERYONE WILL BE EVACUATED, INCLUDING FIRST RESPONDERS AND RESIDENTS, BEYOND THAT HALF-MILE-BLAST RADIUS. I KNOW THIS BECAUSE I SAT ON COUNCIL AND GOT A BRIEFING FROM THE FIRE CHIEF AND THE BATTALION CHIEF REGARDING AN EXERCISE AT THAT REFINERY. ALL OF THE FIRE DEPARTMENTS IN THE SOUTH BAY WERE THERE AS WELL AS THE FIRE DEPARTMENTS FROM CERTAIN REFINERIES TO FOLLOW



THE EXERCISE TO SEE IF THEY COULD PUT ENOUGH WATER ON THE FIRE TO KEEP IT BELOW 220. THEY COULD NOT. THAT'S WHY THE CURRENT PLAN IS TO EVACUATE. I BELIEVE IT WOULD BE UNETHICAL, IMMORAL AND CRIMINALLY NEGLIGENT TO APPROVE THIS PROJECT KNOWING THE SERIOUS AND SIGNIFICANT SAFETY THREAT. TO BUILD A FOUR-STORY RESIDENTIAL UNIT DIRECTLY IN THE SIGHTS OF THIS BLAST IS LIKE BEING IN A FOX HOLE WITH BOMBS GOING AROUND AND STICKING YOUR HEAD UP. THE FIRE CHIEF WAS SPECIFICALLY ASKED ABOUT THESE PROPERTIES DURING THAT MEETING. HE SAYS THE DEVASTATION TO THE PROPERTY DAMAGE WOULD BE UNBELIEVABLE. JUST IMAGINE NOW IF WE HAVE RESIDENTS IN THERE. YOU CAN'T APPROVE SOMETHING LIKE THIS. YOU NOW HAVE WHAT YOU NEED TO SEND THIS BACK TO THE COMMUNITY DEVELOPMENT DIRECTOR, PREPARE A LETTER ABOUT A SIGNIFICANT THREAT TO THE HEALTH AND SAFETY OF OUR RESIDENTS. DON'T DO THIS. DO THE RIGHT THING. IF YOU APPROVE IT, I'M AFRAID THIS COUNCIL WILL BE SUBJECT TO RIDICULE AGAIN BY SACRAMENTO, L.A. TIMES. MANHATTAN BEACH APPROVES LOW-INCOME HEALTH PROJECT RIGHT IN THE LINE OF FIRE. I'VE GOT A DECLARATION I'VE SUBMITTED UNDER PENALTY OF PERJURY AND VERIFIED THE FACTS WITH THE BATTALION CHIEF. THANK YOU. YOU'RE OUT OF TIME HERE. I'M SORRY. THE CLOCK RAN OUT.

>> THANK YOU.

>> Mayor Napolitano: EXCUSE ME FOR A MINUTE, FRANK. WHAT'S GOING ON? SO THE CLOCK IS GOING TO COME BACK?

>> YES.

>> Mayor Napolitano: DO YOU HAVE THE CLOCK READY? [INAUDIBLE]

>> Mayor Napolitano: IF YOU WANT TO GO, FRANK.

>> FRANK, 35 YEARS WITH THE MANHATTAN BEACH FIRE DEPARTMENT, RETIRED FOR SEVEN YEARS AS BATTALION CHIEF AND NOW THAT OUR STATE HAS PASSED A LAW THAT SUPPORTS MY POSITION, I FEEL CONFIDENT TO SPEAK TO YOU ON THIS ISSUE. I AM YOUR LOCAL EXPERT ON HEALTH AND SAFETY ISSUES ASSOCIATED WITH THE CHEVRON REFINERY. I HAVE TRAINED AT CHEVRON. I HOLD CERTIFICATES FOR HAZARDOUS MATERIALS, EMERGENCY PREPAREDNESS AND FIREFIGHTING. I HAVE RESPONDED TO AND BE IN THE MIDDLE OF LEAKS AT CHEVRON. I HAVE FELT THE GROUND RUMBLE BENEATH MY FEET AND BEEN COVERED IN CRUDE OIL. I HAVE HELPED DEVELOP EMERGENCY RESPONSE PLANS FOR MANHATTAN BEACH RELATIVE TO LARGE INCIDENTS AT THE REFINERY. BASED ON MY EXPERIENCE AND TRAINING, I FEEL CONFIDENT IN SAYING THE CHEVRON REFINERY POSES A SIGNIFICANT AND HEALTH SAFETY RISK TO ANY NEW RESIDENTIAL DEVELOPMENT NEXT TO THE REFINERY. NOW THE STATE OF CALIFORNIA FEELS THE SAME AND HAS PUT THEIR CONCERNS INTO LAW. YOU HAVE HEARD MANY OTHER REASONS FROM OUR RESIDENTS WHY YOU SHOULD NOT APPROVE THE HIGH ROSE PROJECT. YOU TELLS THAT YOUR HANDS ARE TIED. YOU HAVE NO OPTIONS BUT TO APPROVE THIS PROJECT. I AM NOT A LAWYER SO I DON'T FEEL QUALIFIED TO GIVE YOU LEGAL ADVICE ON THIS DEVELOPMENT. I DO FEEL QUALIFIED TO TELL YOU THERE ARE HEALTH AND SAFETY RISKS PUTTING RESIDENTIAL UNITS NEXT TO THE

CHEVRON REFINERY. YOU HAVE THE LEGAL RIGHT AND MORAL OBLIGATION TO FULLY INVESTIGATE THIS REAL RISK TO PEOPLE WHO WOULD BE LIVING IN THE RESIDENTIAL DEVELOPMENT. PLEASE DON'T SHIRK YOUR RESPONSIBILITY TO PROTECT THE PEOPLE WHO LIVE, WORK IN AND VISIT OUR CITY. THANK YOU.

>> Mayor Napolitano: THANK YOU. ANYONE ELSE HERE IN CHAMBERS? AGAIN, IF YOU PLAN TO SPEAK, COME ON DOWN. WE HAVE FOLKS ON ZOOM IF YOU'RE NOT GOING TO.

>> HELLO. DREW RYAN, A LIFELONG RESIDENT OF MANHATTAN BEACH AND I OWN THAT PROPERTY IMMEDIATELY ADJACENT TO THE DEVELOPMENT AND HAVE MY LAW FIRM THERE. I DO PERSONAL INJURY LAW AND THIS DEVELOPMENT TO ME POSES A SIGNIFICANT RISK OF LITIGATION TO THE CITY. GOVERNMENT CODES SECTION 815.6 IMPOSES A MANDATORY DUTY UPON THE CITY TO PERFORM ACTS AS ENUMERATED BY THE LEGISLATURE. AND THE CITY CAN BE LIABLE FOR FAILING TO PERFORM A MANDATORY DUTY UNLESS THE PUBLIC ENTITY ESTABLISHES THAT EXERCISE REASONABLE DILIGENCE TO DISCHARGE THE DUTY. THE DENSITY BONUS LAWS ARE UNEQUIVOCAL. THERE IS AN EXPLOSION RISK, THAT WE HAVE RISK OF PETROLEUM AND RISK OF GROUND WATER CONTAMINATION. THESE RISKS POSE A SIGNIFICANT LITIGATION CHALLENGE TO THE CITY BECAUSE THERE'S CLEAN WATER CASES THAT CAN BE FILED, TOXIC TORT CASES THAT CAN BE FILED AND REMEDIATION CASES THAT CAN BE FILED. THE BEST COURSE OF ACTION IS TO REMAND THIS FOR FUEL ENVIRONMENTAL REVIEW SO THE CITY DISCHARGES ITS MANDATORY DUTY TO INVESTIGATE ALL HEALTH AND SAFETY RISKS THIS PROJECT POSES. THIS COULD BE THE MOST EFFICIENT WAY TO HANDLE THIS ISSUE AT THIS POINT IN TIME. YOU'RE GOING TO FACE LITIGATION FROM THE DEVELOPER, I'M SURE. BUT THE EXPOSURE THERE IS MINUSCULE IN MY OPINION VERSUS THE POTENTIAL OF TENS OF MILLIONS OF DOLLARS IN POTENTIAL CLEAN WATER CASES, TOXIC TORT CASES AND LITIGATION FROM THE RESIDENTS. I THANK YOU FOR CONSIDERING THIS AND LOOKING FORWARD TO HEARING YOUR DECISION.

>> Mayor Napolitano: THANK YOU.

>> THANKS.

>> GOOD EVENING, COUNCIL. MY NAME IS PETER KYM, I OBSERVE THE BEACH CAFE. I'VE BEEN THE OWNER OF THE CAFE FOR 30 YEARS. IN FACT, MAYOR, YOURS AND MAYOR PRO TEM, I'VE KNOWN YOU GUYS FOR OVER 30 YEARS. I REMEMBER WHEN THE MAYOR WAS A YOUNG BUCK AT THE AGE OF 20. AND I REMEMBER WHEN MAYOR PRO TEM USED TO DO INDIAN GUIDES. SO THIS IS HOW LONG I'VE KNOWN BOTH OF YOU. I'M BASICALLY HERE, AS YOU GUYS KNOW, I'M OPPOSED TO THIS PROJECT AS A 30-YEAR BUSINESS OWNER. AND PEOPLE ASK ME WHY ARE YOU OPPOSED WHEN THIS PROJECT PROBABLY BENEFITS YOU MORE THAN ANYBODY ELSE. AND IT DOES. BUT HERE'S THE THING. IN NORTH MANHATTAN BEACH WHERE I'VE BEEN A BUSINESS OWNER, IT'S A COMMUNITY. THERE'S A SYMBIOTIC RELATIONSHIP BETWEEN MYSELF AND THE BUSINESSES AND THE RESIDENTS. AND THE OVERWHELMING NUMBER OF RESIDENTS IN NORTH MANHATTAN BEACH

OPPOSE THIS PROJECT. I AM A STEWARD FOR THE RESIDENTS. I LISTEN TO THE RESIDENTS. YOU GUYS ARE STEWARDS OF THE RESIDENTS. THE RESIDENTS THAT SPOKE FOR THE PROJECT, THEY DON'T LIVE AROUND THERE. THE PEOPLE WHO LIVE AROUND THIS PROJECT ARE OPPOSED TO IT. THAT'S WHY I'M OPPOSED TO IT. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> ONE OTHER THING. SPEAKING OF WHICH, I APOLOGIZE FOR NOT BEING AT THE LAST MEETING, BUT THERE WAS AN ITEM THERE VOTED DOWN BY YOU GUYS REGARDING THE PARK ON 45<sup>th</sup> AND STRAND. WE WANTED TO PUT SWING SET THERE AND THE REASON I WASN'T THERE IS BECAUSE YOU CHANGED THE MEETING. THE REASON WE WANT TO PUT SWING SETS THERE, THERE'S CONVICTED FELONS, CHILD MOLESTERS LIVING IN EL PORTO. IF WE PUT SWING SETS THERE, THEY WILL HAVE TO MOVE OUT. I APOLOGIZE FOR NOT BEING HERE AT THE LAST MEETING TO EXPRESS THAT. THANK YOU.

>> Mayor Napolitano: OKAY. OTHER SPEAKERS HERE?

>> [INAUDIBLE] 50-YEAR RESIDENT. I'M GOING TO GO OFF FROM THE OTHER THINGS. I'M GOING ON THE PEDESTRIAN SIDE. I'VE CROSSED THOSE STREETS OP ROSECRANS AND HIGHLAND FOR 50 YEARS AN THEY'VE GOTTEN WORSE AND WORSE. THE SIGNALS DON'T WORK. WE SPENT A LOT OF MONEY ON THOSE. ONE GOT KNOCKED DOWN AND DIDN'T GET PUT UP FOR A YEAR AND A HALF. I AM NOT SURE WHAT'S GOING ON WITH THAT. BUT I'VE BEEN AT THOSE SIGNALS WHERE IT GOES THROUGH THREE SIGNALS AND THE PEDESTRIANS CANNOT CROSS THE STREET. I DON'T UNDERSTAND WHY THIS HAS NOT BEEN ATTENDED TO. ON 36<sup>th</sup> STREET WE HAD A SIGNAL CROSSING THE STREET THAT WAS OUT FOR A YEAR AND A HALF. NOW WE'RE TALKING ABOUT BRING IN A WHOLE BUNCH OF NEW RESIDENTS IN THERE AND GUESTS, NO PARKING, NO GUEST PARKING, AND THEY'RE ALL GOING TO BE CROSSING THESE STREETS THAT THE SIGNALS DON'T EVEN WORK. MAYBE WE CAN GET THE SIGNALS ON THE CORNERS THERE TO WORK AND THEN MAYBE WE CAN CONSIDER PUTTING OTHER PROJECTS IN. BUT LET'S GET THAT DONE FIRST. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS HERE IN CHAMBERS?

>> GOOD EVENING, CITY COUNCIL MEMBERS. I'M EVAN CHUCK, A 26-YEAR RESIDENT HERE IN MANHATTAN BEACH AND I'M A LAWYER. I'VE BEEN INQUIRED TO REPRESENT THE RESIDENTS ON A PROBONO BASIS. I WANT TO TAKE THIS TIME TO DRAW ATTENTION TO A LETTER THAT ONE OF MY COLLEAGUES FROM THE NORTHWESTERN UNIVERSITY SCHOOL OF LAW BASICALLY SAID THAT YOU KNOW -- I KNOW JUST THE PREVIOUS COMMENT WE WERE TALKING ABOUT PEDESTRIAN THINGS. I'M GOING TO TAKE IT BACK UP FOR A SECOND. IF YOU GUYS ALLOW THIS TO HAPPEN, THIS IS A TEXTBOOK CASE OF A VIOLATION OF POTENTIAL 14<sup>th</sup> DUE PROCESS RIGHTS OF THE CONSTITUTION. I WANT TO MAKE SURE YOU GUYS UNDERSTAND WHAT THAT MEANS. RIGHT. SUBSTANTIVE TO DUE PROCESS UNDER THE CONSTITUTION IS NOW IN A WAY LIMITED RIGHT TO THREE THINGS. IT'S THE LIFE INTEREST, IT'S THE LIBERTY INTEREST, AND THE PROPERTY INTEREST OF YOUR CITIZENS. AND SO BY DENYING THAT, IT'S NOT ABOUT

THE STATE INTEREST OR THE DENSITY BONUS. IT'S ABOUT VIOLATING YOUR CITIZEN'S CONSTITUTIONAL RIGHTS. I THINK GIVEN THE CONTROVERSIES GOING ON, THE LAST THING YOU WANT TO DO IS VIOLATE THE CONSTITUTION RIGHTS OF THE PEOPLE. SOME PEOPLE LAUGH AT IT. MAYBE YOU DON'T DEAL WITH FEDERAL LAW. I DO. I'VE DEALT WITH IT FOR ALMOST 30 YEARS IN MY CAREER. THESE ARE THINGS THAT ARE SERIOUS. SOMEBODY WHO HAS BEEN CITED BY THE SUPREME COURT 22 YEARS AND AMONG THE TOP 25 LEGAL SCHOLARS OF ALL TIME SHOULD BE LISTENED TO WITH RELATIVE WEIGHT AND FRANKLY NOT RIDICULED. I WANT TO BRING THAT TO YOUR ATTENTION AND APPRECIATE THAT YOU'LL CONSIDER THAT AS PART OF YOUR DECISION. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS HERE IN CHAMBERS? ALL RIGHT. WE'LL TURN TO ZOOM. DEONDRE.

>> I'M REPRESENTING THE LOS ANGELES [INAUDIBLE] IN SOUTHERN CALIFORNIA. WE'RE A NONPROFIT TRADE ASSOCIATION MADE UP OF OVER 1,000 COMPANIES. ON BEHALF OF OUR MEMBERSHIP I WOULD ASK YOU TO DENY FIVE APPEALS AND APPROVE THE PROJECT VERANDAS. CURRENTLY CALIFORNIA AS MENTIONED BY PREVIOUS TESTIFIERS, A FACING ONE OF THE MOST DRASTIC HOUSING SHORTAGES IN THE NATION. THE STATE NEEDS TO BUILD 3.5 MILLION HOUSING UNITS TO FILL THIS GAP. THE CITY OF MANHATTAN BEACH NEEDS TO BE RESPONSIBLE IN CREATING NEARLY 774 NEW HOUSES BY 2029. THIS DEVELOPMENT WOULD PROVIDE 79 RESIDENTIAL UNITS OF MUCH NEEDED HOUSING. EVERY NEW UNIT OF HOUSING IN THE CITY HELPS REACH THIS GOAL. IT ALSO ADDRESSES THE SHORTFALL. VERANDAS ADDS AFFORDABLE HOUSING AS WELL. THIS IS VALUABLE INVESTMENT IN THE CITY BY INCREASING AVAILABLE PARKING IN THE AREA AND WILL BENEFIT THE BUSINESSES. IT WILL GENERATE NEW REVENUE STREAMS FOR THE CITY. ESTIMATES SHOW THAT AT LEAST THREE JOBS ARE PRODUCED FOR EVERY NEW UNIT CREATED. THE INFUSION OF WORK AND FUTURE RESIDENTS WILL HELP SUPPORT LOCAL BUSINESSES. WE'RE PROUD TO SUPPORT THESE EFFORTS IN CREATING HOUSING OPPORTUNITIES. FOR THIS REASON WE ASK YOU TO DENY THE FIVE APPEALS AND APPROVE PROJECT VERANDAS. APPRECIATE YOUR TIME.

>> Mayor Napolitano: THANK YOU. MS. AMES.

>> CAN YOU HEAR ME?

>> Mayor Napolitano: YEAH. YOU'RE ON.

>> MY, MY NAME IS LUCIA LaROSA AMES. I'M A RESIDENT OF MANHATTAN BEACH. I THOUGHT THAT THE CITY HAD REALLY ITS HANDS TIED THE WAY IN WHICH I WAS READING THE RULES. BUT RECENTLY -- FIRST OF ALL, THERE'S A NEW LEGISLATION THAT SHOULD BE CONSIDERED, EVEN IF JUST FROM A MORAL STANDPOINT FOR EQUITY AND SOCIAL JUSTICE REASONS. FOR ME WHAT'S MOST CONCERNING IS THE. THAT YOU RECEIVED FROM THIS ATTORNEY THAT ADVISED THAT THE CITY'S HANDS ARE NOT TIED AND IN FACT YOU MUST ACT. THE CITY WILL VIOLATE DUE PROCESS AND THERE WILL BE [INAUDIBLE] IN COURT IF YOU APPROVE THIS PROJECT. AND HIS ATTORNEY IS A PARTNER OF A LAW FIRM IS READY TO DEFEND PROBONO ANY LEGAL ACTION AGAINST THE CITY IF WE APPROVE THIS PROJECT. SO

IT COMES DOWN TO REALLY WHAT IS THE ROLE OF THE CITY VERSUS THE STATE AND THE COUNTY. AND WHETHER A LAW THAT CIRCUMVENTS THE LEGAL PROCEDURE TO GRANT OUR SAFETY ENVIRONMENTAL SAFETY IS INDEED CONSTITUTIONAL. SO I THINK THAT YOU SHOULD RECONSIDER YOUR LEGAL RISKS AND TAKE THIS FIGHT LIKE YOU WERE DISCUSSING IN YOUR LAST HEARING. BECAUSE IT'S NOT GOING TO BE -- IT'S NOT GOING TO BE THE LAST. AND THIS IS GOING TO HAPPEN OVER AND OVER AGAIN IN OTHER AREAS. SO AT SOME POINT YOU MAYBE WANT TO CONSIDER, YOU KNOW, SAY NO AND TAKE THIS FIGHT. THANK YOU.

>> Mayor Napolitano: THANK YOU. MR. ZISLIS.

>> SORRY ABOUT THAT. I WAS DOING THE DISHES. MAYOR NAPOLITANO, MICHAEL ZISLIS. I LIVE RIGHT OFF OF ALMA WHERE ALL OF THIS IS GOING DOWN. I'M AGAINST THE CURRENT DENSITY AND HEIGHT OF HIGH ROSE. AND I JUST WANT TO GO BACK 20 YEARS AGO. I KNOW, MAYOR, YOU WERE ON COUNCIL AT THE TIME. I SAID IF YOU DIDN'T GIVE HIM THREE STORIES HE COULDN'T MAKE IT WORK. AND HE FOUGHT AND FOUGHT WITH THE CITY AND YOU GUYS HELD YOUR GROUND, TWO STORIES IS THE RULE AND GUESS WHAT, HE WALKED AWAY. I CAME IN AND DID IT AND IT'S SUCCESSFUL AS ANYTHING ELSE I'VE EVER DONE. I DON'T WANT THE COUNCIL TO BE BULLIED ON THE HEIGHTS AND THIS OTHER STUFF. THE PROJECT WILL BE A GREAT PROJECT IF IT WAS THREE STORIES AND THE RIGHT HEIGHT. I THINK IT COULD BE A GREAT PROJECT. AND ALSO I KIND OF NOTICED THAT THIS HAS BECOME A HOT ELECTION ISSUE. AUTOMATIC OF THE CANDIDATES ARE TALKING ABOUT IT. I JUST THINK THAT THE VOTER ARE GOING TO VOTE ON THIS ISSUE. THIS IS THE BIGGEST ISSUE THIS YEAR FACING OUR COUNCILMEMBERS RUNNING. AND I THINK YOU SHOULD SLOW THIS THING DOWN WITH AN ENVIRONMENTAL REPORT. I THINK A FULL -- AFTER ALL OF THE THINGS I'VE HEARD TONIGHT, A FULL ENVIRONMENTAL REPORT MAKES PERFECT SENSE. HEARING FROM THAT MARTIN RADISH, THAT WAS UNBELIEVABLE STUFF. I SEE A LAWSUIT WAITING TO HAPPEN FOR EVERYBODY. AND TED WAS TALKING TODAY, TALKING ABOUT THE MINISTERIAL THING, THAT OUR HANDS ARE TIED. OUR HANDS ARE TIED BECAUSE OUR CITY COUNCIL IN 2013 VOTED THAT WE COULDN'T CONTEST THIS STUFF. LET'S VOTE THAT WE CAN CONTEST THIS STUFF AND LET'S BE THE COUNCIL YOU WERE DURING COVID. YOU GUYS WERE THE BEST CITY COUNCIL IN ALL OF CALIFORNIA. YOU GUYS WENT AGAINST ALL OF THE RULES AND DID THE RIGHT THING FOR THE RESIDENTS, FOR THE BUSINESSES AND FOR THE RESTAURANTS. AND I WANT YOU TO DO THE RIGHT THING NOW FOR THE COMMUNITY. SO THANK YOU VERY MUCH AND LET'S GO FOR A FULL ENVIRONMENTAL REPORT ON THIS. THANK YOU.

>> Mayor Napolitano: THANK YOU, MIKE. NEXT ONE IS TELEPHONE NUMBER ENDING IN 556? OKAY. YOU'RE ON.

>> THANK YOU. MAYOR, COUNCIL AND STAFF, [INAUDIBLE] ASSOCIATION, BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION. SORRY ABOUT THAT. I JUST WANTED TO CALL AND REITERATE THAT THE HOUSING ACCOUNTABILITY ACT MAKES CLEAR THERE IS A DISCREET CHECKLIST OF OPTIONS THAT

ALLOW PROJECT DENIAL. AND WE SAW A LETTER, LET'S SEE, MARCH 29<sup>th</sup> FROM THE COMMUNITY DEVELOPMENT DIRECTOR BASICALLY OUTLINING THE FACT THAT NONE OF THOSE CRITERIA ARE MET IN THIS INSTANCE. THE STATE SUPPORTS THAT, HCD HAS WEIGHED IN AND SAYS THEY'RE IN SUPPORT OF THIS PROJECT AND THAT A DENIAL HERE IS LIKELY A VIOLATION OF STATE HOUSING LAW. ALONG WITH A NUMBER OF OTHER ORGANIZATIONS SUBMITTED LETTERS, THEY EXIST TO ENFORCE STATE HOUSING LAWS. IT SHOULD BE NOTICED THAT STATE HOUSING LAWS ALLOW THE COLLECTION OF ATTORNEYS' FEES. IT WOULD BE A PRUDENT ACTION TO MOVE FORWARD. LET THIS PROJECT PROCEED. AND ANOTHER POINT THAT'S BROUGHT UP THAT'S INTERESTING AS WELL, A DENIAL HERE COULD REOPEN THE PROPERTY UP TO THE POTENTIALITY OF THE BUILDER'S REMEDY. WE SEE WHAT'S GOING ON IN SANTA MONICA WITH THAT. THERE'S A LOT OF REASONS TO MOVE FORWARD WITH THIS PROJECT AND I APPRECIATE THAT THERE'S CONCERNS BUT STATE LAW LANDS HEAVY ON THIS MATTER. THANK YOU FOR THE OPPORTUNITY TO COMMENT.

>> Mayor Napolitano: THANK YOU. NEXT WE HAVE GEORGE BORDOKAS.

>> CAN YOU HEAR ME?

>> Mayor Napolitano: YES, WE CAN HEAR YOU.

>> GOOD EVENING. I'M HERE TO TALK ABOUT HIGH ROSE AGAIN. YOU KNOW MY PRIEST APPEAL WAS BASED ON THE HEIGHT LIMIT AND THE FACT THAT THE WAIVER WAS GIVEN BECAUSE THE DEVELOPER DECIDED, IN YOUR MIND, STAFF'S MIND, PROVIDED YOU WITH REASONABLE EVIDENCE THAT THEY COULDN'T BUILD WITHIN THE CODE 79 UNITS. BUT WE KNOW THAT'S NOT TRUE. THEY JUST WANT TO BUILD A LUXURY COMPLEX WITH A PENTHOUSE. THAT MIGHT NOT BE AN APPROPRIATE AND BEST USE FOR THAT PROPERTY. SECONDLY, I DON'T UNDERSTAND WHAT WE'RE TALKING ABOUT HERE. SO AB2011 SAYS YOU CAN'T BUILD THIS SORT OF THING, THIS SORT OF DEVELOPMENT NEXT TO A FUNCTIONING REFINERY. SO ARE WE JUST GOING TO LIKE APPROVE THIS NOW TO BASICALLY AVOID THAT LAW? AND THEN AS MANY PEOPLE HAVE ALREADY SAID, YOU KNOW, WE'RE OPENING UP PEOPLE TO RISK. THE TENANT TO RISK. OUR CITY TO A LITIGATION RISK. AND THAT SHOULD BE OF GREAT CONCERN TO ALL OF US. I'M NOT AGAINST HOUSING OR AFFORDABLE HOUSING, BUT I WOULD LIKE IT TO BE WITHIN THE LIMITS OF THE CITY. BECAUSE WE VOTED YOU IN TO PROTECT OUR ICONIC BEACH TOWN. THAT'S WHY I LIVE HERE. THAT'S WHY YOU LIVE HERE. THAT'S WHY THE DEVELOPER WANTS TO BUILD HERE. THIS IS AN OVERREACH BY THE STATE. IT'S A SHAM TO SHOW THAT THEY ARE DOING SOMETHING ABOUT AFFORDABLE HOUSING. PLEASE, DO YOUR JOB, PROTECT OUR TOWN, STOP HIGH ROSE. THANK YOU VERY MUCH.

>> Mayor Napolitano: THANK YOU. DEBBIE VAN NESS.

>> HI. I EXPRESSED MY OPPOSITION TO THIS PROJECT THE LAST TIME WE HAD THESE COMMENTS AND JUST WANTED TO DO SO AGAIN. MY MAIN OBJECTION, OF COURSE, IS I LIVE IN THE NEIGHBORHOOD AND IT'S QUALITY OF LIFE. IT'S PARKING. IT'S TRAFFIC. IT'S ENVIRONMENTAL. I DON'T BELIEVE FOR ONE MINUTE ANY OF THOSE STUDIES THAT THEY HAD DONE BEFORE WERE DONE THOROUGHLY OR REPRESENT WHAT IS GOING ON

NOW. THE PARKING AND THE TRAFFIC ISSUES ALONE, AS MANY PEOPLE HAVE SAID, ARE GOING TO BE HORRENDOUS IN THIS PART OF TOWN. THEY ALREADY ARE. SO TO PUT -- AND THERE'S NOT ENOUGH PARKING IN THOSE BUILDINGS FOR 79 UNITS. THERE JUST SIMPLY WON'T BE. AND STEVE, LAST TIME YOU ASKED THE DEVELOPER, WHY ARE YOU DOING THIS TO OUR CITY, AND HE SIMPLY SAID BECAUSE I CAN. THIS IS NOT SOME NOBLE GESTURE TO BUILD AFFORDABLE HOUSING BECAUSE HE WANTS TO SELL SOLVE A PROBLEM. HE'S TAKING ADVANTAGE OF THE LOOPHOLE IN THAT LAW AND NOW WE ACTUALLY HAVE NEW INFORMATION SINCE THE LAST TIME, THE NEW SENATE BILL THAT PROHIBITS LOW-INCOME HOUSING NEXT TO A REFINERY AND THE CONSTITUTIONAL LAW EXPERT THAT JUST SPOKE GIVING HIS OPINION THAT IT WOULD BE A DERELICTION OF DUTY TO LET THIS GO THROUGH. AND ALSO THE FACT THAT WE HAVE PEOPLE WILLING TO -- LAWYERS IN THE TOWN WILLING TO PITCH IN AND PROVIDE SOME LEGAL SERVICE TO FIGHT THIS. I THINK THIS IS GOING TO BE A FIGHT ALL OVER THE STATE AND I THINK WE NEED TO BE AT THE FOREFRONT OF IT. AND I DEFINITELY OPPOSE THIS PROJECT AND HOPE THAT YOU DO TOO. THANK YOU SO MUCH.

>> Mayor Napolitano: THANK YOU. NANCY DUNN.

>> GOOD EVENING, COUNCIL, MAYOR NAPOLITANO, RICHARD MONTGOMERY. HI, HILDY. I'M A 20-YEAR PROPERTY AND RESIDENT OWNER OF MANHATTAN BEACH. I LOVE YOU AND I LOVE THIS CITY. AND LET ME JUST SAY THAT I'M COMING ON HERE TODAY BECAUSE LET'S JUST BE REASONABLE. WHAT HAS HAPPENED TO THIS COUNTRY. THE POLARIZATION IS OUT OF CONTROL AND THERE HAS TO BE A WAY TO GET BEYOND THIS POLARIZATION AND THIS RIGHT VERSUS WRONG. THIS DEVELOPMENT IS AWESOME. YOU KNOW WHAT IT DOES? IT SOLVES A NUMBER OF ISSUES, FROM THE TRAFFIC STUDIES AND THE ENGINEERING STUDIES IT SHOWS THAT TRAFFIC WILL BE REDUCED, WE CREATE MORE HOUSING FOR PEOPLE WHO WANT TO LIVE IN OUR WONDERFUL COMMUNITY. THIS COMPANY -- THE DEVELOPER DOES NOT TAKE FULL ADVANTAGE, BY THE WAY, OF THE HOUSING ELEMENT. THERE COULD BE FAR MORE UNITS DEVELOPED IF SOMEONE WERE -- IF THIS PROPERTY WERE TO BE SOLD OFF. IN ADDITION, THAT CORNER IS ONE OF THE KEY ENTRY POINTS TO MANHATTAN BEACH. LET'S BE HONEST. HIGHLAND AND ROSECRANS. WE NEED SOMETHING BEAUTIFUL, COASTAL, BEACHY AND SOMETHING THAT THE COMMUNITY CAN BE PROUD OF. AS FAR AS THE HEIGHT RESTRICTION, YOU KNOW, WE HAVE THREE FEET -- THERE'S NOTHING THAT THAT HEIGHT IS GOING TO BLOCK EXCEPT FOR UGLY CHEVRON. LET'S BE CLEAR ABOUT THAT. WHAT IS IT GOING TO BLOCK? IN ADDITION TO THAT, WE NEED MORE HOUSING. ALL OF YOU HAVE CHILDREN. I HAVE A 17-YEAR-OLD. I WOULD LOVE HIM TO BE ABLE TO LIVE IN THIS COMMUNITY -- [ BEEPING ] -- THANK YOU.

>> Mayor Napolitano: THANK YOU, NANCY. JULIE.

>> HI. HONORABLE MEMBERS OF COUNCIL, MAYOR AND MAYOR PRO TEM, THANK YOU FOR YOUR SERVICE AND THE OPPORTUNITY TO SPEAK. MY NAME IS JULIE AND I'M A HOME ON THE OTHER HAND IN MANHATTAN BEACH FOR THE LAST EIGHT YEARS. MY HUSBAND AND I OPPOSE THE PROJECT AND

HOPE YOU'LL DO THE SAME. THOSE OF US WHO LIVE HERE CHOSE TO DO SO BECAUSE OF THE LOW-PROFILE COMMUNITY FEELING AND THE CURRENT HEIGHT RESTRICTIONS. WE ABIDE BY THOSE. DEVELOPERS SHOULD NOT HAVE SPECIAL INTEREST THAT ALLOW THEM TO SKIRT THE RULES. TWO, I HAVE COMMUTED THAT EXACT CORRIDOR FOR YEARS AND THE TRAFFIC IS HORRIBLE. AYE SPENT HOURS PARKED IN THAT EXACT SPOT TRYING TO GET ON MANY AN EVENING, ESPECIALLY IN THE SUMMERTIME. ADDING THAT WILL ALSO FURTHER THE CONGESTION AND SOLUTION THAT NONE OF US IN THE BEACH COMMUNITY DESIRE. THIRD AND FINALLY, USING LOW-INCOME HOUSING TO SKIRT THE HEIGHT RESTRICTIONS IS UNACCEPTABLE. THIS CANNOT BE TOLERATED. I FIRMLY OPPOSE THE HIGH ROSE PROJECT AND ASK COUNCIL TO DO THE SAME. PLEASE USE OUR RESOURCES AND TAX DOLLARS TO FIGHT THIS ALL THE WAY TO THE STATE. THIS IS MORE IMPORTANT TO THE QUALITY OF THE COMMUNITY THAN THE PLASTIC BAG ISSUE OF YEARS PAST. THIS NEGATIVELY AFFECTS THE LOOK AND FEEL OF OUR COASTAL COMMUNITY WE ALL CALL HOME AS WELL AS THE PROPERTY VALUES. PLEASE PROTECT MANHATTAN BEACH AND OPPOSE THIS PROJECT. THANK YOU.

>> Mayor Napolitano: THANK YOU. HEATHER.

>> HI. I'M SORRY. I DON'T HAVE MY NOTES IN FRONT OF ME AND I'M DRIVING, BUT I JUST WANT THE SAY THAT I FIRMLY OPPOSE THIS PROJECT. LET ME JUST START WITH I KNOW THE CITY ATTORNEY DID GO THROUGH AND SAY THAT THERE IS NO CONFLICT OF INTEREST. HOWEVER, I REALLY DO SEE THIS AS A CONFLICT OF INTEREST WHEN MAYOR, IF YOU RECEIVE ANY MONEY FROM THE STATE, HOW CAN YOU ACTUALLY FIGHT FOR US WHEN IT GOES AGAINST THE STATE, EVEN IF THE STATE IS NOT THE APPLICANT OF THIS, OF THIS CONSTRUCTION. BECAUSE THE STATE IS THE ONE THAT'S SAYING THAT WE NEED TO HAVE THIS LOW-INCOME HOUSING AND HONESTLY, THESE DEVELOPERS ALSO ARE USING LOW-INCOME HOUSING. IT'S NOT -- IT'S NOT THIS, YOU KNOW, GESTURE OR ANYTHING. THEY'RE USING IT SO THAT THEY CAN PUT IN, YOU KNOW, VERY EXPENSIVE HOUSES AND MAYBE EVEN DO THE SHORT-TERM RENTAL THINGS. THIS IS NOT GOING TO SOLVE THE HOUSING CRISIS AND IT'S NOT GOING TO SOLVE MB'S DECLINING NUMBERS. AND IT'S DISRESPECTFUL TO THINK ABOUT PUTTING ANY HUMAN NEAR THIS CHEVRON REFINERY WHERE THERE IS A VERY HIGH POTENTIAL OF SOMETHING HAPPENING. IF THERE IS LAW -- IF CALIFORNIA IS PASSING THIS LAW, THIS IS A MATTER OF MONTHS. IT'S OCTOBER. IF THIS STARTS IN JANUARY AND WE'RE TRYING TO GET THIS APPROVED RIGHT NOW JUST TO SKIRT THAT, I MEAN, THAT'S HORRIBLE. IT'S HORRIBLE TO PUT PEOPLE NEAR THIS REFINERY, ESPECIALLY IF YOU'RE TRYING TO PUT LOW-INCOME PEOPLE NEAR THIS REFINERY. I MEAN FROM AN EQUITY STANDPOINT, I KNOW YOU GUYS WANT TO OPEN UP MANHATTAN BEACH TO PEOPLE OF ALL CLASS LEVELS, BUT THAT DOESN'T MEAN THAT YOU HAVE TO PUT THESE PEOPLE AT THE FOOT OF THE REFINERY. [ BEEPING ]

>> Mayor Napolitano: THANK YOU, HEATHER. STEVE.

>> GOOD EVENING, EVERYBODY. THANK YOU FOR TAKING THE TIME TO



LISTEN TO ME. I LIVE IF EAST MANHATTAN BEACH ON SIXTH STREET. THANK YOU, MAYOR, THANK YOU MAYOR PRO TEM AND THE COUNCIL. I WOULD LIKE TO TAKE A MOMENT TO THANK MY FELLOW CITIZENS, SPECIFICALLY EVAN CHUCK, MARK BURTON, HEATHER WHO JUST SPOKE RIGHT BEFORE ME, FOR THEIR KIND WORDS OPPOSING THIS PROJECT WHICH CAN ONLY BE DESCRIBED AS A PERVERSE USE OF THE DENSITY BONUS LAW TO PUT A TOTAL OF SIX OUT OF 79 UNITS IN USE FOR LOW INCOME. AGAIN, I CALLED THIS A PERVERSE USE OF THE DENSITY BONUS LAW BECAUSE IT'S STRICTLY A MONEY GRAB FROM THE DEVELOPER TO ATTEMPT TO THROW A FEW LOW-INCOME UNITS TO GET THEIR MASSIVE COMPLEX PUT IN, FRANKLY ON THE BACKS OF RESIDENTS WHO HAVE BEEN HERE FOR DECADES AND THAT'S NOT WHAT WE'RE HERE FOR AND WE DIDN'T EXPECT THAT OUR CITY COUNCIL WOULD STAND FOR SOMETHING LIKE THAT. SO WITH THAT BEING SAID, I WOULD CERTAINLY EXPECT THAT OUR COUNCIL WOULD SIDE WITH THE RESIDENTS HERE AND FIND A BETTER PLACE TO PUT LOW-INCOME HOUSING RATHER THAN PUTTING IT ON THE HIGH HOSE PLACE NEXT TO A REFINERY WHICH WILL ONLY COST MILLIONS AND MILLIONS OF DOLLARS IN FUTURE LITIGATION FOR THE CITY COUNCIL IF THEY CHOOSE TO GO THROUGH WITH THIS. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU. ALL RIGHT. SEEING NO ONE ELSE ON ZOOM, LAST CHANCE FOR ANYONE HERE IN CHAMBERS WHO HASN'T ALREADY SPOKEN.

>> HELLO, COUNCILMEMBERS, MR. MAYOR. MY NAME IS AUDREY AND AS YOU KNOW, I'M OPPOSED TO HIGH ROSE AS PROPOSED. HOW ARE YOU GOING TO HANDLE ALL OF THE NEGATIVE PRESS THAT WILL COME WITH THIS IF YOU APPROVE THIS. YOU KNOW THAT THE PRESS WILL GO MANHATTAN BEACH, I'VE HEARD OF THAT BEFORE. WHY DO KNOW THAT. AND THEY'RE GOING TO DREDGE UP EVERYTHING ABOUT BRUCE'S BEACH AND THEY'RE GOING TO GO, GEE, MANHATTAN BEACH IS TRYING TO BUILD HOUSING FOR LOW-INCOME FAMILIES NEXT TO A REFINERY. AND THEY'RE GOING TO LEARN ABOUT AB2011, THEY'RE GOING TO LEARN ABOUT RICHMOND AND PUT IT ALL TOGETHER AND IT'S GOING TO BE A NASTY STORY ABOUT MANHATTAN BEACH. IT'S GOING TO GO NATIONAL. I DON'T KNOW IF YOU SAW THE RECENT REDONDO BEACH PIECE ON NBC NEWS AND THE MORNING SHOW. I THINK THAT COULD BE A LOT WORSE THAN THAT. I THINK YOU NEED TO THINK ABOUT HOW YOU'RE GOING TO HANDLE THAT NEWS AND PUBLICITY IF YOU APPROVE THIS PROJECT AS PROPOSED. THANK YOU.

>> Mayor Napolitano: THANK YOU. ANYBODY ELSE WHO HASN'T SPOKEN? ALL RIGHT. COUNCIL.

>> Councilmember Stern: I DON'T HAVE A SCREEN TO RAISE MY HAND.

>> Mayor Napolitano: GO AHEAD.

>> Councilmember Stern: I'M WONDERING IF WE CAN CONTINUE TO ASK QUESTIONS --

>> Mayor Napolitano: IF YOU HAVE QUESTIONS.

>> Councilmember Stern: YEAH, I DO.

>> Mayor Napolitano: FOR WHO?

>> Councilmember Stern: I THINK THE CITY ATTORNEY. THE TWO NEW

PIECES OF INFORMATION THAT WE KEEP HEARING ABOUT OVER AND OVER AGAIN THAT I THINK WE WOULD BENEFIT FROM SOME CLARIFICATION IS THE PROPOSED LAW AB2011 AND I THINK THAT WE WOULD BENEFIT FROM UNDERSTANDING HOW THIS PROJECT AND THAT LAW FIT TOGETHER.

>> YES. I CAN DO THAT AT THE REQUEST OF THE MAYOR. AND THERE'S ALSO -- I WANT TO ADDRESS THE IMMUNITY ISSUE AS WELL. SO THE GOVERNMENT CODE PROVISION IMMUNIZED THE CITY FROM ISSUING PERMITS. IF YOU APPROVE THIS PROJECT TONIGHT AND SOMETHING HAPPENS DURING CONSTRUCTION AND IT'S NOT MITIGATED, CONTRARY TO WHAT THE PHASE TWO HAS DISCLOSED, IF SOMETHING COMES UP, THE CITY IS NOT LIABLE FOR ISSUING THE PERMIT. AND THIS DEVELOPED -- THIS IS A GENERAL PRINCIPLE AND IT STARTED WITH -- I DON'T KNOW IF IT STARTED WITH APPROVING BARS AND RESTAURANTS THAT SERVED ALCOHOL AND THE BARTENDER WOULD PROVIDE TOO MUCH ALCOHOL, SOMEONE WOULD GET IN AN ACCIDENT AND THEN THEY WOULD SUE THE CITY FOR ISSUING THE PERMIT. THIS APPLIES ACROSS THE BOARD. THERE'S IMMUNITIES. THE SECTION HE CITED ABOUT THE MANDATORY DUTY TO ENFORCE THE STATE LAWS, THERE DEFINITELY IS A STATUTE THAT SAYS THAT. BUT APPROVAL WOULD BE -- WOULD BE IN PERFORMANCE OF CEQA. THAT'S NUMBER ONE. AB2011, I UNDERSTAND THAT PEOPLE MAY NOT FULLY UNDERSTAND 2011, I THINK IT'S 75 PAGES LONG. IT'S VERY TOUGH TO DECIPHER. THE STATE LEGISLATURE IS NOT A BEACON OF BREVITY. BUT THERE'S NO INTENT ABOUT SPECIAL JUSTICE IN 2011. 2011 WAS DESIGNED -- IT'S A HOUSING BILL AND I THINK IT MIGHT ALSO BE A PARKING BILL OR MAYBE IT'S GOT SOME OTHER PROVISION IN THOSE 75 PAGES. BUT IT'S DESIGNED TO PROVIDE A STATE-MANDATED MECHANISM FOR MINISTERIAL APPROVAL OF HOUSING PROJECTS. THAT'S THE INTENT OF 2011. THERE'S NOTHING IN 2011 THAT SAYS YOU CANNOT BUILD AFFORDABLE HOUSING NEAR A REFINERY OR WITHIN 3200 FEET. THERE'S NOTHING IN, ONCE AGAIN, SB2011 THAT SAYS THAT. WHAT IT SAYS IS THE STATE MANDATES A MINISTERIAL REVIEW, VERY STREAMLINED, JUST LIKE THE PROCESS THAT THE COUNCIL IS GOING THROUGH RIGHT NOW, FOR ALL HOUSING PROJECTS WITH A FEW EXCEPTIONS. ONE IS WITHIN 500 FEET OF A FREEWAY. ONE IS WITHIN 3200 FEET OF WHAT THEY CALL A -- FACILITIES. A REFINERY FACILITY. IT'S NOT A DEFINED TERM BUT THAT'S THE TERM THEY USE. WHAT IT MEANS IS YOU CANNOT USE THE STATE-MANDATED MINISTERIAL APPROVAL -- IT IS ALSO MENTIONED THERE'S EXCEPTION TO THE EXCEPTIONS. AND ONE OF THEM IS IF THERE'S A PHASE ONE THAT'S BEEN DONE ON THE PROPERTY. SO JUST TO EMPHASIZE THIS, I DON'T WANT TO GO INTO TOO MUCH DETAIL. IT CLEARLY SB2011 DOES NOT PROHIBIT HOUSING WITHIN 3200 FEET OF A REFINERY. SO THAT'S NUMBER ONE ON 2011. THE PROFESSOR RADISH -- I'M NOT GOING TO QUESTION AND SOMEONE USED THE WORD RIDICULE. THAT'S NOT MY JOB. A VERY SMART PROFESSOR AND I READ HIS LETTER. UNFORTUNATELY, I DON'T THINK HE'S GOTTEN ALL OF THE FACTS. HE BASED HIS LETTER ON THE FACTS THAT WERE PRESENTED TO HIM. THERE'S IN MENTION OF THE PHASE ONE OR PHASE TWO THAT'S BEEN

DONE ON THIS PROPERTY. HIS LETTER SAYS IT'S A VIOLATION OF DUE PROCESS AND SUBSTANTIVE DUE PROCESS WAS MENTIONED BY ONE OF THE ATTORNEYS. IT'S UNUSUAL CONCEPT THAT HAS BEEN BUILT INTO THE 14<sup>th</sup> AMENDMENT. BUT THE 14<sup>th</sup> AMENDMENT WAS ADOPTED BY THE STATES OR RATIFIED BY THE STATES IN 1848 -- 1868 AFTER THE CIVIL WAR. IT WAS DESIGNED TO PROTECT THE LIFE, LIBERTY AND PROPERTY OF PEOPLE WHO MAY BE DENIED DUE PROCESS. IT'S KIND OF A STRETCH, BUT I UNDERSTAND THE CONCEPT. BUT ONCE AGAIN, I DON'T BELIEVE HE UNDERSTANDS THAT THERE'S BAN PHASE ONE AND A PHASE TWO ON THIS PROPERTY. AND SO TYPICALLY WHEN YOU HAVE A PROJECT -- AND THIS HAPPENS IN EVERY PROJECT IN MANHATTAN BEACH WHERE YOU HAVE EXPERTS PROVIDING TRAFFIC STUDIES AND PHASE ONE AND PHASE TWO. BUT THERE'S ALSO A CONCERN FROM RESIDENTS -- AND IT'S A REASONABLE CONCERN -- THAT WHEN COURTS ARE LOOKING AT EVIDENCE, YOU'VE GOT AN EXPERT AND THEN YOU HAVE NO EVIDENCE THAT COUNTER WHAT IS' IN THE PHASE ONE OR PHASE TWO. WHAT YOU HAVE IS A FEAR THAT THERE MIGHT BE SOMETHING THERE THAT HASN'T BEEN DISCOVERED. AND SO THAT'S WHERE PROFESSOR REDDISH IS STATING YOU NEED MORE ENVIRONMENTAL REVIEW TO SEE IF THERE MIGHT BE A THREAT DURING CONSTRUCTION. THERE'S SO MANY PROTECTIONS DURING CONSTRUCTION. I'M NOT GOING TO QUESTION HIS WISDOM OR USE THAT WORD THAT ONE OF HIS SUPPORTERS USED. I GUESS IT WAS CALLED RIDICULE. VERY SMART GUY. I DON'T KNOW IF HE'S HAD ALL OF THE EVIDENCE. I DON'T KNOW IF HE KNOWS THERE'S A PHASE ONE OR PHASE TWO. I'M NOT SURE IF HE KNOWS ABOUT CALIFORNIA LAWS AND ALL OF THE PROTECTIONS DURING CONSTRUCTION THAT WILL TAKE PLACE. HAVING THE CITIES AWARE OF THIS FROM METLOX AND OTHER PLACES, EVERY PROJECT WILL, DURING CONSTRUCTION, THERE'S ALL THESE SAFETY MEASURES THAT WILL BE IMPLEMENTED. AND SO I'M NOT GOING TO BE CRITICAL OF HIS REPORT. I JUST DON'T THINK HE HAS THAT SAME UNDERSTANDING OF CALIFORNIA LAW -- YOU KNOW, HE'S A GIFTED CONSTITUTIONAL SCHOLAR AND PROBABLY KNOWS THE 14<sup>th</sup> AMENDMENT BETTER THAN ANYBODY, BUT IT DOESN'T APPLY TO THIS PARTICULAR PROJECT. IT DOESN'T APPLY TO CALIFORNIA LAW. PART OF HIS LETTER HE SAYS HE THINKS THE DENSITY BONUS LAWS ARE UNCONSTITUTIONAL. THEY'VE BEEN IN EFFECT I THINK SINCE 1979 OR SO. YOU KNOW, THAT'S SOMETHING THAT MAYBE HE'S RIGHT. BUT THAT DOESN'T IMPACT THIS PROJECT. SO THOSE ARE THE TWO BIG ITEMS. I ALSO MENTION THE IMMUNITY. I GUESS THOSE WERE THE ONLY TWO THAT YOU ASKED ABOUT.

>> Councilmember Stern: THANK YOU.

>> Mayor Napolitano: OKAY. OTHER QUESTIONS?

>> Councilmember Stern: YEAH, CAN I ASK A QUESTION OF TALYN? I WANT TO UNDERSTAND THIS BETTER BECAUSE WE'RE HEARING SO MUCH ABOUT THE CONCERNS ABOUT THIS CONSTRUCTION AND WHETHER THIS WILL CAUSE VULNERABILITY TO THE PEOPLE LIVING IN THAT AREA. AND I KNOW WE HAVE A LOT OF HOUSES THAT CURRENTLY ABUT CHEVRON. AND THIS WAS INTIMATED BY CITY ATTORNEY BARROW THAT ARE PROCESSES IN PLACE TO

PROTECT PEOPLE DURING CONSTRUCTION. CAN YOU HELP ALL OF US UNDERSTAND WHAT ARE THE POTENTIAL VULNERABILITIES FROM THE SAFETY STANDPOINT IN THIS CONSTRUCTION AND HOW ARE THOSE ADDRESSED DURING THE CONSTRUCTION AND IF ANYTHING HAS BEEN ALREADY DETERMINED IN THE PHASE ONE AND PHASE TWO THAT WE'VE ALREADY HAD. THAT'S PROBABLY A HUGE QUESTION, BUT...

>> I'LL TRY TO TAKE IT ONE BIT AT A TIME. YES, DURING THE CONSTRUCTION PROCESS WE HAVE A NUMBER OF THINGS IN PLACE, WHETHER THEY'RE THROUGH THE REGIONAL WATER QUALITY CONTROL BOARD, THE SOUTHERN CALIFORNIA AQMD, THE STATE DTSE WHICH IS THE DEPARTMENT OF TOXIC SUBSTANCES. THESE ARE STEPS DURING THE CONSTRUCTION PROCESS THAT THE CONTRACTORS WILL HAVE TO COMPLY WITH BY THOSE VARIOUS AGENCIES THAT ENSURE THAT EVERY STEP OF THE WAY DURING CONSTRUCTION, WHETHER IT'S HAZARDOUS SUBSTANCES IN THE SOIL, WHETHER IT'S SUBSTANCES EMITTED IN THE AIR THROUGH DEMOLITION OF THE EXISTING BUILDINGS, OR SUBSTANCES RELEASED INTO THE WATER POTENTIALLY, ALL OF THOSE -- ALL OF THOSE TARGETS ARE MET AND CHECKED OFF BY THESE VARIOUS AGENCIES BEFORE CONSTRUCTION COULD PROGRESS AT EVERY STAGE. SO THOSE ARE THE THINGS THAT FOR EVERY PROJECT, NOT JUST THIS ONE, THE CITY RELIES ON PROGRAMS THAT ARE ALREADY MANY PLACE, CHECKS THAT ARE ALREADY IN PLACE FOR EVERY SINGLE PROJECT IN ORDER FOR ONE PROJECT TO PROGRESS FROM ONE STEP TO THE OTHER DURING CONSTRUCTION.

>> Councilmember Stern: OKAY. THANK YOU. AND HAVE WE LEARNED ANYTHING ABOUT SOME OF THESE -- OUR RESIDENTS ARE WORRIED ABOUT METHANE AND CLEAN WATER AND TOXIC SUBSTANCES. HAVE WE LEARNED ANYTHING ABOUT THOSE IN ANY OF THE TESTS THAT HAVE ALREADY BEEN DONE, STAGE ONE OR STAGE TWO TESTS, TO VERIFY THAT THOSE PRODUCTS ARE NOT FOUND IN THE SOIL AT THIS TIME?

>> PHASE ONE AND PHASE TWO BOTH REPORTED THAT THERE WERE NO CONCERNS AT THE TIME. AND AGAIN AS CONSTRUCTION PROGRESSES, IF THE PROJECT IS APPROVED, THEY WOULD CONTINUE TO DO THE TESTING THAT'S REQUIRED AT EACH STEP TO VERIFY THAT THE CONCLUSION OF THE PHASE ONE AND PHASE TWO CONTINUE TO REMAIN ACCURATE.

>> Councilmember Stern: OKAY. THANK YOU. I HAVE NO OTHER QUESTIONS. THANK YOU.

>> Mayor Napolitano: OKAY. ANY OTHER QUESTIONS? MAYOR PRO TEM MONTGOMERY.

>> Mayor Pro Tem Montgomery: THANK YOU. LET ME START WITH TALYN. DON'T GO TOO FAR IN CASE THERE'S A QUESTION HERE. I APPRECIATE MY COLLEAGUE, COUNCILMEMBER STERN, GOING THROUGH THE EASY CHECKOFF LIST OF THINGS I WAS GOING TO ASK FIRST. LET ME GO TO TWO ITEMS CARRIE THAT NO ONE ELSE HAS EXPLAINED IT IN DETAIL YET. FIRST THE HEIGHT ISSUE. WE KEEP HEARING THAT THE CITY HAS DISCRETION WHEN IT COMES TO HEIGHT. COULD YOU WALK US THROUGH THE PROCESS OF HEIGHT AND WHAT WE THE CITY CAN AND CANNOT DO WITH THE HEIGHT ON THIS PROJECT?

>> SURE. ABSOLUTELY. THANK YOU, MAYOR PRO TEM, FOR YOUR QUESTION. YES, WITH REGARD TO HEIGHT, THE STARTING POINT FOR ANY PROJECT PROPOSED IN THE CITY IS THAT IT HAS TO MEET THE HEIGHT LIMIT AS INDICATED IN THE CITY'S MUNICIPAL CODE. HOWEVER, CERTAIN PROJECTS, SUCH AS THIS ONE, USE A DENSITY BONUS PROCESS WHICH IS ALLOWABLE BY BOTH THE CITY'S LOCAL MUNICIPAL CODE AS WELL AS STATE LAW. AND THROUGH THE DENSITY BONUS PROCESS, THE PROJECT IS ABLE TO ASK FOR WAIVERS AND CONCESSIONS OF THE CITY'S DEVELOPMENT STANDARDS IN ORDER TO ACCOMMODATE FOR THE ADDITIONAL DENSITY, TO ACCOMMODATE FOR THE ADDITIONAL DENSITY PROPOSED IN THE PROJECT. THE ADDITIONAL DENSITY PROPOSED IN THE PROJECT BY DEFINITION IS INCLUSIVE OF ANY AFFORDABLE HOUSING, SUCH AS THIS ONE. SO IN OTHER WORDS, THERE'S IN DENSITY BONUS PROJECT WITHOUT AN AFFORDABLE HOUSING COMPONENT. THAT IS BY DEFINITION ONE IN THE SAME. AND WHEN THEY'RE USING A WAIVER, THEY CAN REQUEST A WAIVER OF ANY DEVELOPMENT STANDARD. A HEIGHT LIMIT IS A DEVELOPMENT STANDARD. THEREFORE A HEIGHT LIMIT IS ONE OF THE DEVELOPMENT STANDARDS THAT THE DEVELOPER CAN REQUEST A WAIVER FOR. THERE IS NO LIMIT PER SE AS TO THE EXTENT OF THE WAIVER AND IN THIS CASE FOR THE PROJECT THE DEVELOPER HAS REQUESTED A WAIVER OF THE HEIGHT LIMIT TO THE DEGREE THAT IT NECESSITATES -- THAT THE PROJECT NECESSITATES IN ORDER TO CONSTRUCT THE PROJECT AS DESIGNED.

>> Mayor Pro Tem Montgomery: SECOND PART OF THE QUESTION. TED TALKED ABOUT REPLACEMENT OPTIONS. THE DEVELOPER USED A PERMIT TONIGHT. IF HE DOESN'T SELL TO SOMEONE SELLS OR IF HE DOES. IF A DEVELOPER COMES THROUGH AND CHANGES THE PLAN TO A DIFFERENT HEIGHT, NUMBER OF UNITS, IS HEIGHT ALSO GOING TO INCREASE AS WELL?

>> SO, YES. I MEAN THAT QUESTION IS -- IT LARGELY REQUIRES US TO SPECULATE IN TERMS OF ANSWERING IT. YES, IF THE CURRENT PROJECT AS PROPOSED DOES NOT MAX OUT, PER SE, THE DENSITY BONUS, THEY COULD GO ALL TO A 50% DENSITY BONUS IF THEY INCREASE THE NUMBER OF AFFORDABLE UNITS. THEY WOULD BE ABLE TO REQUEST A HEIGHT LIMIT THAT WOULD -- THAT THE PROJECT WOULD NEED IN ORDER TO BE CONSTRUCTED. I DON'T KNOW WHAT THAT PARTICULAR HEIGHT LIMIT LOOKS LIKE. FOR EXAMPLE, IF A PROJECT WERE PROPOSED THAT HAD A COMBINATION OF MORE UNITS BUT ALSO ALL LARGER UNITS. LET'S SAY THEY WERE ALL TWO OR THREE-BEDROOM UNITS, THE MASSING WOULD BE EXPONENTIALLY LARGER THAN WHAT IS BEFORE YOU TONIGHT AND THEREFORE CONCEIVABLY THE HEIGHT WOULD GO UP. THAT IS PURELY SPECULATIVE BUT THE ANSWER IS YES, THEY COULD ASK FOR MORE THAN THEY'RE ASKING FOR RIGHT NOW.

>> Mayor Pro Tem Montgomery: ONE FOR THE DEVELOPER OR ENGINEER, PLEASE. IS HE HERE? TELL EVERYBODY YOUR NAME AND WHAT YOUR PROFESSION IS.

>> YEAH. THANK YOU FOR HAVING ME. MY NAME IS TIMOTHY WOOD. I AM A

HYDROGEOLOGIST, A VICE PRESIDENT AND PRINCIPLE.

>> Mayor Pro Tem Montgomery: OUR LETTER TODAY, ALL OF THE STUDIES ON THE SITE PRIOR TO TODAY. AND YOUR LETTER TODAY MENTIONED THE FACT ABOUT HOW THE SOIL -- I BELIEVE COUNCILMEMBER STERN WAS FOLLOWING UP WITH HOW THE SOIL IS TREATED OR REVIEWED OR WHERE IT GOES DURING THE EXCAVATION PROCESS AND THE WAY THROUGH. CAN YOU EXPLAIN THAT?

>> WE DIDN'T DISCUSS THAT LAST TIME BUT THIS PROJECT REQUIRES THE EXCAVATION OF ABOUT 45,000 CUBIC YARDS OF SOIL FOR THE UNDERGROUND PARKING GARAGE THAT GOES DOWN TO, I BELIEVE, ABOUT 40. AND THAT SOIL, WHAT WE'VE TESTED SO FAR, SHOWS THAT THERE'S NOTHING IN IT. IT'S REALLY GOOD SOIL. PROBABLY BE DESIRABLE AT A NUMBER OF CONSTRUCTION SITES. BUT FOR MR. BUCKLEY'S GROUP'S PROTECTION, REGULAR DILIGENCE AND ANY RECEIVING FACILITY'S REQUIREMENT, ABOUT EVERY THOUSAND CUBIC YARDS THEY'LL REQUIRE A TEST, TESTING OF AT LEAST HYDROCARBONS, VOLATILE ORGANIC COMPOUNDS AND METALS AS CURRENTLY REQUIRED FOR ANY FACILITY IN THE SOUTHERN CALIFORNIA BASE IN. IF YOU TO TAKE IT TO A LANDFILL OR WASTE MANAGEMENT'S LANDFILL AND YOU TOLD THEM, GAVE THEM OUR PREVIOUS DATA, THAT WOULD SAY THAT'S NICE, THIS LOOKS GOOD BUT WE NEED TO SEE SOME AT THE TIME YOU'RE TAKING IT OUT. SO THAT'S GOING TO HAVE TO HAPPEN. WHEREVER THIS SOIL GOES. ANTICIPATES SOMEBODY MIGHT WANT IT. IT'S VERY GOOD. AND SO IT'S POSSIBLE THE FACILITY THAT NEEDS FILL MIGHT WANT IT AND THEY MIGHT HAVE THEIR OWN TESTING PLAN. MAYBE IT'S A CONSERVATIVE DEVELOPER AND THEY SAY OH, GIVE ME MORE TESTS. OKAY. WE CAN HAVE MORE TEST. BUT THIS IS A MINIMUM REQUIREMENT FOR A RECEIVING FACILITY. THEY'LL HAVE SOME NUMBER OF SAMPLES FOR 45,000 CUBIC YARDS.

>> Mayor Pro Tem Montgomery: I KNOW YOU DID AN EXTENT REVIEW OF THE SITE ITSELF. DID YOU EVER COME ACROSS ANY HISTORY IN YOUR RESEARCH OF THE SITE AND THE SURROUNDING SITE ITSELF OF ANY CHEVRON OIL TANK RESERVOIR EXPLOSION OR HEAVY LEAKS THAT CAME ANYWHERE NEAR THIS SITE?

>> I'M NOT AWARE OF AIR EMISSION HISTORY. I LOOKED AT SUB SURFACE IMPACTS WITH, WHAT WAS ON THE SITE. THIS SITE HAS A HISTORY OF SINGLE-FAMILY RESIDENTIAL PROPERTIES GOING BACK BEFORE OIL WAS DISCOVERED IN SOUTHERN CALIFORNIA IN THE '20s AND DEVELOPMENT EXPANDED. AND UNTIL IN CURRENT CONFIGURATION OF COMMERCIAL STRUCTURES WAS CONSTRUCTED, IT WAS NEVER OWNED BY CHEVRON. HISTORY SHOWS THAT IN THE DEED.

>> Mayor Pro Tem Montgomery: APPRECIATE YOUR TIME. NOTHING FURTHER.

>> Mayor Napolitano: THANK YOU. ALL RIGHT. NO FURTHER QUESTIONS? COMMENTS? IS THERE ANYTHING FOR ME TO READ? OKAY. NOTHING TO READ. EVERYBODY JUMPING TO... OKAY. ANYBODY?

>> Mayor Pro Tem Montgomery: I'LL START OFF. EVERYBODY ELSE IS HIDING FOR A SECOND. I'LL DO IT. LET ME START WITH THE HISTORY

HERE. THOSE OF YOU WHO WEREN'T IN THE CITY 35 YEARS AGO, I KNOW THE MAYOR WAS AND COUNCILMEMBER FRANKLIN MIGHT HAVE BEEN A YEAR BEFORE ME --

>> Mayor Napolitano: HOLD ON. CAN WE SILENCE ALL OF THE PHONES? THANK YOU.

>> Mayor Pro Tem Montgomery: I LIVED FIVE YEAR ON EL PORTO STREET. GOT TO KNOW PETER KYM. HE PROBABLY FED ME THE FIRST FEW YEARS. I'M FAMILIAR WITH EL PORTO AND WHAT GOES ON THERE AND THAT CORNER. NOT A SHOCK TO ME. BUT GOING BACK IN HISTORY, MY EXISTENCE WAS CORRECT, 2012, 2013, A PRIOR COUNCIL TO US TOOK AWAY THE RIGHT OF THE CITY. IT'S CALLED DISCRETIONARY VERSUS NONDISCRETIONARY. THAT WAS STRIPPED BEFORE THIS COUNCIL GOT HERE. THAT'S IMPORTANT TO THINK ABOUT NOW GOING FAST FORWARD. BECAUSE AT THIS TIME, AS WE HEARD BEFORE, THE STATE PUT THIS LAW IN PLACE 42 YEARS AGO. IT'S NOT NEW. IT DIDN'T SNEAK UP ON ANYBODY. NOBODY RAIDED THEIR HAND 42 YEARS AGO. NO ONE THOUGHT IT WOULD HAPPEN HERE BUT IT'S HERE. NUMBER ONE. SO THE IDEA THAT SAID IT'S A NEW STATE LAW, IT IS NOT NEW, NOR IS IT PROJECTED TO BE A HIGH-RISE. A COUPLE OTHERS I'VE HEARD, DEAD BODIES ON THE SITE, EXPLOSIONS. EVERYTHING ELSE WE'VE HEARD, NOT TRUE. LET'S TALK ABOUT THE FACTS. WE KNOW WHAT IT IS, WE KNOW WHERE IT IS. THE SECOND PART OF THIS IS PEOPLE THINK WE HAVEN'T SEEN ENOUGH OR HEARD ENOUGH ABOUT IT. NOT ONLY FROM OUR STAFF, WHICH I TOTALLY TRUST WITH EVERY PROJECT. THEY'RE ALL PROS HERE. WHY SOME RESIDENTS BELIEVE THAT OUR STAFF IS CULPABLE TO AGREE WITH A DEVELOPER OWE OUR CITY SAFETY IS WRONG AND DEMEANING TO OUR STAFF. STOP WITH THAT. NUMBER, I HAVE A BIGGER PROBLEM WITH. THAT IS GOING THROUGH THE PROCESS ITSELF. I WOULD SAY THE FACT THAT THREE OR FOUR CANDIDATES NOW, ONE OF THEM HAS TO BE HERE, THEY'VE GIVEN THEIR CONCERNS, THIS VOTE TONIGHT, FOLKS, WILL HAPPEN WELL BEFORE THE ELECTION. WILL IT CARRY OVER INTO THE NEXT ELECTION? TO '24? MAYBE. THE MAYOR AND I WILL BE GONE BY THEN, STEPPED OFF COUNCIL.

>> Mayor Napolitano: NO APPLAUD.

>> Mayor Pro Tem Montgomery: A GOOD THING. THINK ABOUT THIS. NO ONE NEEDS TO GET INVOLVED IN ELECTIONING. THIS IS A CITY ISSUE. THIS IS NOT A PARTY ISSUE. MANHATTAN BEACH IS MY PARTY AND PROBABLY THE MAYOR'S PARTY. HE WAS BORN HERE. DOESN'T HAVE AN ISSUE TO GO ALONG WITH AND SAY WHAT YOUR PARTY WANTS OR MAKE A PARTY ISSUE OUT OF IT. STICK WITH THE FACTS PART. HERE'S WHAT WE KNOW. I'M GOING THE BACK THIS UP. IS PHIL COOK STILL HERE? HE'S GONE. HOW MANY WERE YOU HERE WHEN METLOX CAME UP? REMEMBER THE METLOX PROJECT? RYAN IN COUPLE OTHER? REMEMBER? METLOX SEEMED TO BE THE RUIN OF MANHATTAN BEACH. IT WILL RUIN THE SMALL-TOWN FEEL OF MANHATTAN BEACH. HOW IS METLOX NOW? ANYBODY NOT GO THERE? ARE YOU KIDDING? ONE OF THE BEST THINGS OUR CITY DID. I CREDIT MY COLLEAGUE FOR STICKING TO HIS GUNS AND NOT BACKING OUT AND MAKING A PARK OF IT. NUMBER TWO, WALGREEN'S WILL RUIN THE CITY. HERE

COMES A BIG CORPORATE CHAIN, A DRIVE-THROUGH PRESCRIPTION PHARMACY. OH MY GOD. WHAT WILL HAPPEN. IT'S IN YOUR BACK YARD. THERE'S NO PROTEST ABOUT A WALGREEN'S. AND GELSON'S, A PRIOR COUNCIL SAT ON IT FOR YEARS. DIDN'T MOVE IT. THE MAYOR AND I AND OTHERS MOVED THAT PROJECT AND NOW LOOK AT GELSON'S. ALL OF THE FEAR THAT IT WOULD RUIN MANHATTAN BEACH. I UNDERSTAND THE POWER OF FEAR. THAT'S WHY WE HAVE FOUR OTHER CANDIDATES HERE TONIGHT. I UNDERSTAND THAT FEAR AND THE POWER OF THE FEAR. YOU HEARD THE ENGINEERS, PROFESSIONALS SAY WHAT'S GOING ON WITH IT. THERE'S NO RECORDED EXPLOSION AT CHEVRON FARMS. IF SO, WHY ARE THERE HOMES ON ALMA OR ROSECRANS OR CREST? WHY AREN'T THEY MOVED OUT? IT HASN'T HAPPENED. COULD IT HAPPEN? YES. WE COULD SEE PLANE CRASHES TOMORROW. HOPEFULLY NOT IN THAT AREA. BUT I MEAN YOU CAN'T LOOK AT THAT AND SAY IT'S POSSIBLE, LET'S NOT BUILD A HOME HERE BECAUSE SOME DAY THIS MIGHT HAPPEN. WE CAN'T DO THAT. WE HAVE TO DEAL WITH REALITY. AND THE FACT, PART OF IT, NUMBER TWO, WE'VE NOT SEEN ANY OTHER PROJECT COME TO US. AND YES, THE DEVELOPER TALKED ABOUT IT. WE SAW IT YEARS AGO BEFORE THESE GUYS SHOWED UP, THEY WANTED TO BUILD A HOTEL WITH RETAIL MIX AND CHANGE THE PARKING GARAGE TO THE CORNER CITY OWNED INTO A DEEPER, LARGER PARKING FACILITY. GUESS WHAT HAPPENED? ALL OF THOSE PLANS WENT AWAY. PEOPLE COME IN AND SAY I WANT TO BUILD A BIGGER PROJECT. I LIKE HOTELS, I LIKE T.O.T. AND I LIKE RETAIL. WE MET WITH THE ARCHITECTS, ANDY COHEN, A RESIDENT, SAID ANDY, CAN THIS WORK AS A PRIME HOTEL, SMALL LIKE A SHADE NUMBER THERE WITH PARKING BELOW AND A RETAIL MIX? YES, IT CAN WORK. THAT WAS THEN. NUMBERS CHANGED. YOU ALL ARE OF THE ITERATION OF WHAT WE THOUGHT WAS GOING TO HAPPEN. LET ME BRING ONE MORE ITEM UP HERE. MY FAVORITE E-MAILS. OKAY. SO NUMBER TWO OF THE BIG ITEMS. I LOVE WHEN SOMEONE SENDS A TAGLINE TO ME OR SEES ME AT THE STORE OR THE CAR WASH OR BASKIN-ROBBINS, RICHARD, DO THE RIGHT THING. WHICH YOUR THING IS THE RIGHT THING. THERE'S ONE OPINION AND THEN RYAN HAS ANOTHER OPINION. WHY IS YOUR OPINION BETTER THAN ANOTHER'S OPINION. DO I CANCEL THEM OUT? NO. EVERYONE HAS A VOICE. OUR JOB IS TO LISTEN TO ALL OF YOU AND RELISTENED TO A LOT OF YOU. SOME IN FAVOR, SOME DEFINITELY NOT IN FAVOR OF. IT'S OUR JOB TO LISTEN AND USE OUR COLLECTIVE MINDS HERE AS DECIDE WHAT'S BEST FOR THE CITY AS A WHOLE. NOT JUST ONE NEIGHBORHOOD. WHAT'S BEST FOR THE ENTIRE CITY. BRINGS ME TO MY FINAL POINT. I KNOW THE MAYOR IS HAPPY. BUDGET. WE'LL SPEND WHATEVER IT TAKE TO FIGHT THIS THING IN SACRAMENTO. SACRAMENTO IS 42 YEARS AGO. THERE'S NO ONE AROUND THAT HAS ANYTHING TO DO WITH THIS BILL. ZERO PEOPLE ARE THERE. THEY MODIFIED IN 2016 BECAUSE THEY FORGOT ONE LITTLE DOT IN THE RIGHT PLACE. THEY FIXED IT. NO CITY HAS LOST THE [INAUDIBLE]. ZERO. NONE. THINK ABOUT THAT FOR A SECOND. ALL OF THE PERMITS ACROSS THE CITY, NOT ONE HAS LOST THE PERMIT BATTLE IN COURT. ZERO. OKAY? STOP RIGHT THERE FOR A SECOND. PEOPLE THAT HAVE SAID,



EVEN SOME OF MY COUNCILMEMBERS SAY, LET'S TAKE IT ALL THE WAY, WHATEVER IT TAKES. OKAY. YOU'VE GOT 20-SOMETHING IN RESERVE FUNDS. MAYBE LOSS, DAMAGE TO THE CITY. YOU'RE WILLING TO SPEND THAT MONEY, EVEN THOUGH YOU FOUGHT US ON BUDGET -- YOU VOTED AGAINST OUR BUDGET. YOU WANT TO SPEND ALL THIS MONEY FOR A CASE YOU KNOW YOU CAN'T WIN. I SPOKE TO A PROFESSIONAL THAT'S WELL KNOWN, AN ATTORNEY, I SAID, LOOK, TAKE OFF OF YOUR HAT FOR A SECOND OF A COMPANY, YOUR BUSINESS, YOUR FIRM. YOU'RE A RESIDENT. COULD THE CITY WIN THIS CASE IF IT GOES TO COURT? NO. NO. THERE'S SOMEONE WHO HAS A VESTED DOG IN THE FIGHT. NO. I'LL TAKE YOUR MONEY IF YOU WANT TO HIRE MY FIRM BUT YOU CANNOT WIN THIS CASE. WHY WOULD ANYONE IN GOOD CONSCIOUS SAY THAT AND THEN COME IN AND TELL US, GO FOR IT. SPEND ALL OF THE MONEY IN THE RESERVES FOR THE MAJOR CATASTROPHE. WHY WOULD YOU DO THAT. WHY ARE YOU NOT PROTECTING YOUR RESIDENTS. ACTUALLY I AM. THE RESIDENTS OVER HERE TOLD ME THERE'S NOTHING THEY FOUND IN THE DIRT. THERE'S NO HISTORY OF DEAD BODIES. WE HAVE PROOF OF THAT. IN CONSTITUTIONAL AMENDMENTS ARE A WAY TO GO, SOMEONE WILL SEE THE CITY NO MATTER WHAT WE DO. SOMEONE WILL. THE DIFFERENCE IS, DO YOU WANT TO USE OUR MONEY, OUR RESERVE MONEY. I WAS THERE AT THE RECESSION, FOLKS. I KNOW WHAT IT WAS LIKE ON COUNCIL. ALL OF THE MONEY THAT WE SAVED IS IN OUR POCKET TO GET US THROUGH THE MAJOR NEXT RECESSION OR MAJOR EVENT THAT HAPPENS. YOU WANT TO BLOW THAT ON A CASE YOU KNOW WILL LOSE TO SEND SACRAMENTO A MESSAGE? SACRAMENTO IS OUT. TELL ME EXACTLY HOW SAVING THAT MONEY AND NOT DOING THIS OR DOING IT IS GOING TO MAKE IT BETTER. I DON'T UNDERSTAND THAT. I'LL NEVER UNDERSTAND THAT PIECE OF LOGIC. CONVOLUTED AS IT IS. THAT'S NOT A PROBLEM WE HAVE TODAY. LET ME SEE IF I MISS ANYTHING. GIVE ME A SECOND TO COLLECT MY LAST THOUGHTS. I HAVE SO MANY THOUGHTS ABOUT MY NOTES HERE.

>> YOU ONLY HAVE TWO MINUTES.

>> Mayor Pro Tem Montgomery: I WISH THE COLLEAGUES FELT THAT WAY. YOU KNOW WHAT, I THINK IT'S PRETTY EVIDENT. I KNOW TWO OF MY COLLEAGUES HAVE ALREADY STATED BUT I CANNOT IN GOOD CONSCIOUS AGREE AFTER GOING THROUGH THE RECESSION IN '89 TO SPEND ALL OF THAT MONEY ON A CASE WE CANNOT WIN, THAT DOESN'T INVOLVE SACRAMENTO TODAY, AND THAT IF WE DO THIS -- WE TALKED ABOUT IT. NOBODY MENTIONED IT. WHEN WE LOSE THIS CASE AND THE STATE WILL BEAT US AND WE WILL LOSE, HCD, PART OF THE STATE, AND I KNOW THE ATTORNEY IS WATCHING THIS, THE ATTORNEY GENERAL OF CALIFORNIA SENT US A LETTER, I AM WATCHING THIS. YOU THINK HE'S GOING TO FORGET WHAT HAPPENED AT BRUCE'S BEACH? I WAS THE MAYOR. I REMEMBER THAT. THAT GUY WILL RUN DOWN HERE TOMORROW, SIT IN FRONT OF CITY HALL AND SAY I AM PROTECTING SOUTHERN CALIFORNIA. HERE'S A CITY THAT WILL NOT ALLOW AFFORDABLE HOUSING. HE CAN TAKE OVER PERMANENT [INAUDIBLE] IF OUR CITY. HE CAN TAKE ALL OF THAT AND STOPPER MITTS IN OUR CITY. IF YOU'RE A HOMEOWNER GOING THROUGH

RENOVATION PLANS, CONSTRUCTION, IT WILL WAKE YOU UP. YOUR HONOR, THIS IS NOT WHAT I WANTED. I WANTED A HOTEL AND RETAIL. ALL OF THAT, INCREASE THE HEIGHT OF THE GARAGE I COULD. BUT I COULD NOT. I WANT TO VOTE YES TO THIS PROJECT AND NOT SUBJECT US TO LOSING MILLIONS OF DOLLARS AND 13 LAWSUITS THEY KNOW OF THAT ARE ON OUR DOCKET.

>> Mayor Napolitano: THANK YOU. ALL RIGHT. NEXT, COUNCILMEMBER STERN.

>> Councilmember Stern: YEAH. SO I WANT TO START BY JUST ACKNOWLEDGING EVERYBODY THAT HAS MADE COMMENTS, PHONE CALLS, WE'VE HAD COFFEES. WE'VE LISTENED. YOU'VE ALL COME DOWN HERE. WE'VE HAD SO MUCH INPUT AND WE'VE REALLY, REALLY LISTENED AND HEARD WHAT YOU ALL HAVE TO SAY. AND I WANT TO MAKE SURE THAT THAT'S VERY WELL UNDERSTOOD. BECAUSE AT OUR LAST MEETING I WAS ONE OF THE ONES THAT SAID I WANT TO CONTINUE THIS MEETING BECAUSE I WANT TO UNDERSTAND THIS BETTER. I WANT TO MAKE SURE THAT WE UNDERSTAND THIS BEFORE WE COME BACK AND MAKE A DECISION. SO WE ARE THINKING VERY THOUGHTFULLY ABOUT THIS. WE'RE GETTING OUR INPUT FROM OUR STAFF. WE'RE LISTENING. AND WE'RE DOING OUR RESEARCH. AND, YOU KNOW, WE'VE HEARD THIS CONCERNS. THIS STARTED WITH, WE DON'T LIKE THE HEIGHT, THIS IS BLOCKING OUR VIEW, WE DON'T LIKE THE TRAFFIC, WE DON'T LIKE THE PARKING. AND OVER ALL THIS TIME AND ALL OF THESE MONTHS WE'VE ADDED CONCERNS. WE'VE HEARD THE ADDED CONCERNS. WE'VE LEARNED MORE. PEOPLE HAVE THOUGHT MORE DEEPLY AND WE ARE NOW AT THIS PLACE WHERE WE ARE NOW HEARING ABOUT THE CONCERNS ABOUT OTHER LEGISLATION, OTHER ATTORNEYS ARE COMING IN AND THEY'RE WEIGHING IN. WE'RE LEARNING ABOUT THE SAFETY CONCERNS, ABOUT DIGGING INTO THIS SOIL. WE ARE LISTENING TO THAT AND WE ARE SEEKING OUR EXPERT INPUT ABOUT THAT. I DO WANT TO JUST SAY RIGHT NOW THAT WE HAVE ALSO HEARD SOME PRETTY MISDIRECTED CONCERNS, CHALLENGES TO OUR CITY STAFF, CHALLENGES TO OUR OWN COUNCILMEMBERS. AND I REALLY WANT TO CALL OUT THOSE BASELESS CLAIMS. I'M NOT GOING TO NAME ANYBODY INDIVIDUALLY, BUT I FIND THAT REALLY OUTRAGEOUS. WE'VE SAT HERE -- I'VE SAT HERE FOR FOUR YEARS, MY COLLEAGUES HAVE SAT HERE FOR, SOME FOR MUCH LONGER THAN THAT. BUT TO MAKE THESE KIND OF CLAIMS, I FIND THAT TO BE OUTRAGEOUS. SO FOR OUR STAFF, FOR MY COLLEAGUES, I JUST WANT TO SAY THAT I HOPE THAT WE ALL STAND TOGETHER AND DENOUNCE THAT KIND OF MEAN-SPIRITED BEHAVIOR BECAUSE IT IS NOT SERVING OR CITY WELL AND I FIND IT UNPRODUCTIVE AND REALLY, REALLY UNACCEPTABLE. SO COUNCILMEMBER MONTGOMERY, OR MAYOR PRO TEM MONTGOMERY MENTIONED A PHRASE I HAD BEEN STRUGGLING WITH TIME AND AGAIN. WE HEAR THIS PHRASE, DO THE RIGHT THING. AND I JUST WANT TO ASSURE EVERYBODY THAT WE ARE DOING THE RIGHT THING. WE ARE THINKING UP HERE ABOUT WHAT IS THE RIGHT THING. AND I WANT YOU TO REMEMBER, WE'RE ALL RESIDENTS. WE'RE LONG-TERM RESIDENTS OF MANHATTAN BEACH AND WE ALL LIVE HERE FOR THAT SAME REASON THAT WE

LOVE OUR SMALL-TOWN COMMUNITY. AND, YOU KNOW, WE LOOK AT THIS PROJECT AND WE SAY THIS DOESN'T REALLY LOOK LIKE THE AESTHETICS OF THE NORTH MANHATTAN BEACH AREA. I AGREE WITH THAT. I THINK THAT WOULD BE THE FIRST THING THAT WOULD COME TO OUR MIND WHEN WE SEE THIS PROJECT. BUT WHEN WE ARE ELECTED TO DO THE RIGHT THING FOR OUR COMMUNITY, THAT MEANS WE SPEND OUR TIME WISELY TO CONSIDER THE NEGATIVE CONSEQUENCES AND FIND SOLUTIONS AND BE MORE THAN JUST REACTIONARY, BUT WE REALLY -- WE'RE DOING OUR RESEARCH, WE'RE SEEKING OUR EXPERT INPUT AND LISTENING TO OUR COMMUNITY AND UPHOLDING THE LAW. AND WE HAVE BEEN DIRECTED AS TO EXACTLY WHAT THAT LAW IS. AND THIS PROJECT, AS IT'S BEEN EXPLAINED TO US, FITS CLEARLY WITHIN THE LAW. AND SO, YOU KNOW, WE KNOW IT'S A PROJECT BASED ON A SPECIFIC STATE DENSITY BONUS LAW THAT'S EXISTED FOR 40 YEARS AND IT'S BASED ON OUR OWN MUNICIPAL CODE. IT'S UNQUESTIONABLE THAT IT FALLS WITHIN THOSE LAWS. AND THE MINISTERIAL REVIEW THAT THAT IS USED FOR THIS PROCESS. SO THE QUESTION IS, IS THERE A WAY THAT WE CAN DENY THIS PROJECT. SO IT'S BEEN BROUGHT TO OUR ATTENTION THE AB2011 AND WE HAVE ALL CONSIDERED IT, BUT WE UNDERSTAND THAT 2011 DOES NOT APPLY TO THIS PROJECT TO ALLOW THIS PROJECT TO BE DENIED. IT IS NOT APPLICABLE. I MEAN IT'S NOT -- IT'S NOT LAW YET. BUT EVEN IF WE SAY LET'S IMPLY THE INTENT OF THAT LAW, WE'VE LEARNED THAT THE INTENT OF THAT LAW IS NOT TO DENY A PROJECT LIKE THIS. SO WE HEAR DEMAND AN EIR AND DEMAND A CEQA REVIEW. AND WE HAVE SPECIFIC LANGUAGE THAT SAYS ABSENT AND ADVERSE IMPACT WITH NO FEASIBLE METHOD TO MITIGATE OR AVOID THAT IMPACT. THE EIR IS NOT APPROPRIATE. SO WE HAVE TO FIND -- WE WANT TO USE THAT AS A REASON TO NOT DENY THIS PROJECT. WE WOULD HAVE TO OVERCOME THAT LANGUAGE. AND WE DON'T HAVE ANY SPECIFIC IMPACT THAT WE CAN POINT TO THAT COULD NOT BE MITIGATED. WE'VE HEARD FROM OUR STAFF THAT IF SOMETHING ARISES DURING THE CONSTRUCTION THAT THERE ARE TESTING AND THERE ARE MANDATES FOR LOOKING AT HOW TO MITIGATE ANYTHING THAT COMES UP IN THAT PROCESS. WE'VE HEARD ABOUT THE STAGE-TWO STUDY AND WE KNOW THAT THOSE PROCESSES ARE IN PLACE TO PROTECT WHAT COMES UP DURING THE CONSTRUCTION. SO WE HAVE BEEN TOLD STAND UP AGAINST THE STATE AND DEFEY THE LAW. FIGHT SACRAMENTO. AND I WANT TO -- THIS ONE FOR ME IS A DIFFICULT CONCEPT. YOU KNOW, I STRUGGLE WITH TRYING FIGURE OUT HOW TO SATISFY THE CONCEPT OF DO THE RIGHT THING. I DON'T STRUGGLE WITH BEING TOLD TO DEFEY LAWS. IT'S BEEN PRESENTED TO US OWE MY FOUR YEARS HERE THAT WE SHOULD STAND UP AND DEFEY LAWS, WE'VE BEEN ASKED TO DO THAT IN OTHER SITUATIONS, AND I WILL TELL YOU AS AN ELECTED OFFICIAL, THAT WOULD BE A VIOLATION OF MY DUTY, THAT WOULD BE A VIOLATION OF MY COLLEAGUES' DUTY TO JUST SAY I'M GOING TO DEFEY THIS LAW. I STOOD WITH COUNCILMEMBER HADLEY FOUR YEARS AGO IN APRIL OF 2019 AND WE RAISED OUR HAND AND SAID WE WILL UPHOLD THE CONSTITUTION OF THIS COUNTRY, WE WILL UPHOLD THE LAWS OF THE COUNTRY, THE LAWS OF THIS STATE AND THE LAWS OF

THIS CITY. IF WE'RE BEING ASKED TO JUST STAND UP TO SACRAMENTO AND DEFY THE LAW, I CAN TELL YOU THAT I WILL NOT DO THAT. THAT IS A COMPLETE DERELICTION OF MY DUTY AS YOUR ELECTED OFFICIAL. AND I DON'T WANT TO SEE ANYBODY IN THE CITY THAT I LIVE IN WHO IS GOING TO PICK AND CHOOSE WHAT LAWS THEY WANT TO FOLLOW. WE'RE LOOKING AT THE LAWS AND I KNOW THAT THAT WOULD NOT BE A WAY THAT I WOULD LEAVE THE CITY. I WOULD NEVER LEAVE THE CITY IN THAT WAY. SO THEN WE'RE LOOKING AT THE EXPOSURE TO OUR CITY. AND WE'VE BEEN HEARING ABOUT ALL OF THE POTENTIAL EXPOSURES. MAYOR PRO TEM MONTGOMERY TALKED ABOUT A LOT OF THE FINANCIAL EXPOSURES IF WE DENY THIS. WE'VE HEARD FROM THE ATTORNEY GENERAL. HE'S CLEARLY INDICATED HE'S AGAINST ABUSIVE USES OF CEQA AS A DELAY TACTIC FOR DEVELOPMENT PROJECTS. WE KNOW DENYING THIS PROJECT WOULD CAUSE AN EXPOSURE OR OUR HOUSING ELEMENT. AND WE'VE HEARD ABOUT THE SUBSEQUENT CONSEQUENCES OF THAT, OF THE STATE COMING IN AND TAKING OVER OUR PERMITTING PROCESSES AND CHANGING THE WAY WE DO REGULAR EVERYDAY BUSINESS WITH OUR COMMUNITY DEVELOPMENT AND OUR PERMITTING. WE ALREADY HAVE LAWSUITS FILED. I DON'T KNOW THAT SPECIFIC NUMBER BUT WE HAVE BEEN TOLD AND WE'VE BEEN THREATENED WITH LAWSUITS AND WE HAVE SOME THAT ARE ALREADY FILED. SO I STRUGGLE WITH WHAT IS THE RIGHT THING TO DO FOR OUR CITY. AND I DON'T THINK IT'S THE RIGHT THING TO DO FOR OUR CITY TO SAY WELL, WE DON'T HAVE THE LAW BEHIND US BUT LET'S JUST DENY THIS PROJECT. THAT'S NOT JUST ANSWER TO DOING ANYTHING THAT'S RIGHT FOR THIS CITY. THAT RESULTS IN MUCH, MUCH MORE -- MUCH GREATER CONSEQUENCES. SO, MAYOR, BEFORE I HAND THIS BACK TO YOU, I JUST, I WANT TO BE CLEAR ABOUT HOW I'VE APPROACHED THIS AND HOW I LOOK AT OUR HOUSING CRISIS. BECAUSE I DO BELIEVE IT'S OUR RESPONSIBILITY TO ADDRESS THE HOUSING CRISIS THAT IS A REAL CRISIS IN THIS CITY. AND I AM LEAVING CITY COUNCIL IN A FEW MONTHS AND ONE OF THE REGRETS THAT I WILL HAVE IS THAT THIS WASN'T SOMETHING I ADDRESSED MORE PROACTIVELY DURING MY TERM. SO WE'VE HEARD ABOUT, YOU KNOW, CONTINUING ON AND HEARD ABOUT THIS BEING AN ELECTION ISSUE. AND I HOPE THAT IT IS AN ISSUE. I HOPE THAT OUR SUBSEQUENT COUNCILS WILL LOOK AT OUR LAND USE, THAT THEY WILL ADDRESS THE CHANGES IN OUR DEMOGRAPHICS, CHANGES IN, YOU KNOW, THE ENVIRONMENT, AND THE CHANGES AND THE NEEDS FOR HOUSING AND REALLY THINK ABOUT WHAT OUR LAND USE SHOULD BE IN THE FUTURE. BECAUSE THERE ARE IMPLICATIONS FOR LAND USE THAT DIDN'T EXIST 60 YEARS AGO WHEN I WAS BORN OR 30 YEARS AGO EVEN WHEN I CAME TO CITY COUNCIL. AND WE CAN ALL SAY THINGS DO CHANGE. AND THERE'S A HOUSING CRISIS IN THIS STATE AND I HOPE THAT IT IS MORE -- I HOPE THAT WE CAN LOOK MORE PROACTIVELY. WE HAVE RESIDENTS IN OUR CITY WHO WILL TAKE -- WHO ARE EXPERTS IN THIS FIELD WHO HAVE OFFERED TO HELP US TO LOOK AT THIS. AND, YOU KNOW, I REALLY, I REALLY HOPE THAT THERE IS A BETTER USE AND A BETTER LOOK AT OUR LAND USE AND THAT WE CAN RESPOND TO SOME OF THE CONCERNS IN A BETTER WAY

IN THE FUTURE. SO, YOU KNOW, MY DECISION ON THIS WILL BE BECAUSE I DO BELIEVE THAT WE HAVE TO DO THE RIGHT THING FOR OUR CITY AND NOT EXPOSE IT TO GREATER CONSEQUENCES IF WE DON'T.

>> Mayor Napolitano: OKAY. THANK YOU. AND JUST I FEEL THE NEED TO POINT OUT AFTER A COMMENT THAT WAS MADE FROM THE AUDIENCE, YEAH, SOME OF US WILL GO ON HERE BECAUSE WE'VE RECEIVED -- WE'VE TAKEN HOURS OF INPUT FROM THE PUBLIC AND WE'VE TAKEN IN HUNDREDS OF E-MAILS AND THERE'S BEEN A LOT TO TAKE IN. AND SO IT'S REALLY A REFLECTION OF THE APPRECIATION OF ALL OF YOUR TIME IN PARTICIPATING IN THIS PROCESS AND SENDING US YOUR E-MAILS AND GIVING YOUR INPUT THAT WE WANT TO ADDRESS ALL OF THOSE POINTS. THAT'S WHAT YOU'RE HEARING. TAKE SOME TIME TO THE THAT. WE APPRECIATE YOUR PATIENCE AND INDULGENCE. IT IS A REFLECTION OF TRYING TO ADDRESS THE INPUT THAT WE'VE RECEIVED. COUNCILMEMBER FRANKLIN.

>> Councilmember Franklin: THAT'S YOUR ONLY COMMENTS?

>> Mayor Pro Tem Montgomery: MAYOR GOES LAST.

>> Mayor Napolitano: TRADITIONALLY THE MAYOR GOES LAST.

>> Councilmember Franklin: THANK YOU, MAYOR. WE DO HAVE A HOUSING CRISIS AND IT'S THE STATE'S RESPONSIBILITY TO TAKE CARE OF IT BUT THEY'RE PUSHING A LOT DOWN ON THE CITIES, QUITE UNFAIRLY, I THINK, ESPECIALLY WITH THE HARD-WORKING GOOD PEOPLE HERE IN MANHATTAN BEACH HAVING TO SUFFER AS A RESULT OF THEIR HARD-HANDED APPLICATION OF WHAT THEY SEE AS A SOLUTION. FOR EXAMPLE, I DID SOME ROUGH MATH, OKAY. THE STATE, THE STATE CONTROLS A LOT OF THINGS, LIKE FRAUD IN THE EDD SYSTEM TO THE TUNE OF ABOUT \$32 BILLION. A BULLET TRAIN TO NOWHERE, WHICH I THINK IS PRICE TAG IS UP TO \$105 BILLION. THAT TOTALS \$137 BILLION. NOW THE AVERAGE PRICE OF A MULTIFAMILY APARTMENT BUILDING IN AN APPROPRIATELY-POSITIONED WHERE IT'S MORE AFFORDABLE AND THE LIKE IS ABOUT \$200,000 TO MAYBE \$250,000 PER DOOR, PER UNIT. GUESS WHAT? THAT COMES UP TO ABOUT 600 TO 700,000 UNITS. WE CAN'T DO THE STATE'S JOB. THE ONLY STATE CAN DO THEIR JOB, AND THEY'RE DOING IT POORLY. IF THERE'S A SHORTAGE, IT'S NOT BECAUSE WE HERE IN MANHATTAN BEACH DON'T WANT GOOD, SUSTAINABLE HOUSING FOR OUR CHILDREN, FOR PEOPLE THAT WANT TO LIVE HERE, FOR PEOPLE THAT ARE WORKING HERE. IT'S THE STATE. THE STATE IS NOT DOING THEIR JOB BY BEING FISCALLY RESPONSIBLE WERE KNOWLEDGEABLE AND LETTING POLITICS GET IN THE WAY OF EVERYTHING THAT THEY DO. SIX HUNDRED TO 70,000 UNITS. WHAT WAS THE SHORTAGE? I WROTE IT DOWN. STORY, MY NOTES ARE BAD. SOMEBODY SAID IT'S 200,000 UNITS A YEAR. OKAY. SO THERE I GIVE YOU STATE. I GIVE YOU 600,000 OR I GIVE YOU THREE YEARS OF UNITS FOR YOUR POPULATION IF YOU DO YOUR JOB RIGHT. THE OTHER IRONY OF THIS IS THE COST OF THE WAY THEY WANT TO DO HOUSING IS BORNE BY THE CITIES. THERE'S NOT ONE STATE DOLLAR GOING INTO A PROJECT LIKE HIGH ROSE. WE HAVE A DEVELOPER THAT'S WILLING TO TAKE THE RISK AND DO THAT AND TAKE ON THAT RISK AND

BUILD IT SO IT'S THEIR MONEY AND THEY GO OUT TO THE MARKET AND GET FUNDING AND THINGS LIKE THAT. NOT ONE DOLLAR OF THE STATE'S MONEY IS BEING PUT AT RISK. INSTEAD, THEY WRITE A LAW. I'M GOING TO GIVE YOU DENSITY BONUSES. I'M GOING TO GIVE YOU CEQA FORGIVENESS. I'M GOING TO GIVE YOU EVERYTHING HERE. EVERYTHING THAT A RESPONSIBLE COMMUNITY WOULD DO. THEY WIPED OUT, TOOK THEIR MAGIC ERASER AND ERASED IT. THE BURDEN ON THE CITY IN TERMS OF TRAFFIC AND NOISE, POTENTIAL POLLUTION. WHAT I SEE IS A THOUSAND CUBIC YARDS THEY DO A TEST. I FORGET HOW MANY TOTAL THOUSAND CUBIC YARDS THERE ARE. I LIKE THAT. I LIKE THE FACT THAT ONCE THE CONSTRUCTION BEGINS ON A PROJECT THAT WE DID NOT DO THE PROPER ENVIRONMENTAL STUDIES FOR, WE EVENTUALLY DO GET TO TEST THOSE SAMPLES. AND IF POLLUTANTS ARE FOUND IF THERE TO THE PROPER DEGREE, THERE HAS TO BE MEDIATION. MAYOR PRO TEM MONTGOMERY, I REMEMBER METLOX, I REMEMBER THE BIG HOLE. THERE WAS A LOT OF LEAD THERE. IT WAS A POTTERY PLANT AND AT THE TIME THEY USED LEAD. LOOK AT HOW THAT PROJECT WAS BUILT. IT WAS A COLLABORATION BETWEEN THE BUILDER, THE DEVELOPER AND THE CITY. IT WENT OUT AND THERE WAS COMMUNICATION WITH THE RESIDENTS. THERE WAS INPUT FROM THE RESIDENTS. THE CITY HELD STRONG, RIGHT? MICHAEL MENTIONED IT. TO TWO STORIES. THE DEVELOPER SAID NO, IT HAS TO BE THREE STORIES. AND HE'S ABSOLUTELY RIGHT. LOOK AT IT TODAY. IT'S WILDLY SUCCESSFUL. WE'VE GOT, IN THE MIDDLE OF OUR DOWNTOWN, A DESTINATION RESORT-LIKE HOTEL WITH RESORT-LIKE AMENITIES WHICH IS OUR BEACH AND OUR STREETS AND OUR RESTAURANTS AND OUR STORES. AND GUESS WHAT? PEOPLE DON'T COME AND DRIVE THEIR CAR. THEY COME AND THEY TAKE A TAXI. THEY COME AND TAKE UBER. WHY? BECAUSE EVERYTHING IS HERE. THEY DON'T NEED, YOU KNOW, TO TAKE UP ALL OF OR PARKING SPOTS. BUT IT WAS DONE IN COLLABORATION. IT PAINED ME TO HEAR WHEN I LEARNED THAT OH, WE WERE TOLD NOT TO COMMUNICATE WITH THE RESIDENTS. WHY NOT? WHAT ARE YOU AFRAID OF? YOU HAVE GREAT RESIDENTS. WE'VE SEEN THEM. THERE'S A GREAT RESERVOIR OF TALENT AND KNOWLEDGE AND EXPERTISE THAT WE COULD BRING TO THIS PROJECT. AND MAKE IT SO YOU DON'T HAVE TO FACE THIS KIND OF VITRIOL. BUT THAT'S WHY YOU'RE FACING THE VITRIOL AND THE OBJECTION IS BECAUSE YOU DIDN'T DO THAT PROCESS. BECAUSE WE DIDN'T GET OUR INPUT. BECAUSE WE ALSO LOVE THIS CITY. AND WE'RE DISRESPECTING THE PEOPLE THAT CAME BEFORE US. WHAT MADE ME COME HERE 30 YEARS AGO. IT WAS THE BEAUTIFUL CITY THAT THE FAMILIES 30 YEARS BEFORE AND 50 YEARS BEFORE HAD MADE. AND I RESPECTED THAT. AND YOU WANT TO MAINTAIN THAT. WHY WOULD YOU GO AND RUIN WHAT YOU CAME HERE, WHAT ATTRACTED YOU IN THE FIRST PLACE. AND I UNDERSTAND, I HEARD, YOU KNOW, THE GENTLEMAN WITH THE YOUNG FAMILY. THAT WAS MY WIFE AND I. OKAY. AND WE RENTED. YEAH. IT WAS TOUGH BACK THEN, YOU KNOW, ABOUT 32 YEARS AGO. AND THEN WHEN WE WENT AND FINALLY HAD SAVED ENOUGH MONEY, YOU KNOW, TO GO AHEAD AND FIND THE HOUSE AND SURE WE WANTED TO BE AT THE BEACH BUT WE

COULDN'T AFFORD IT. WE HAD TO MOVE BACK. I THINK WE CALCULATED IT WAS \$50,000 PER BLOCK AS YOU MOVED AWAY FROM THE BEACH AND WE ENDED UP IN THE TREE SECTION. COULDN'T HAVE WORKED OUT BETTER FOR US AND OUR FAMILY. THE CLOSENESS WE HAVE IN THAT COMMUNITY, THE FRIENDS THAT WE MADE, THE PEOPLE THAT WITH THEIR KIDS. I MEAN IT WAS JUST A TERRIFIC, TERRIFIC EXPERIENCE. BUT YOU'RE NOT GOING TO GET THAT AT HIGH ROSE. YOU KNOW, WHEN WE DID A REMODEL, YOU KNOW, THE WESTERN WALL, WE HAD THIS WESTERN SOLID WALL AND I PUT IN A BIG PATIO DOOR WITH LITTLE SIDE LIGHTS WHICH ARE SCREENED IN, RIGHT? THAT'S MY AIR CONDITIONER UNIT. IF IT'S WARM OR WE HAVE COOL BREEZES, I OPEN IT UP, MAYBE ONE OR TWO, MAYBE THE WHOLE DOOR. CAN YOU IMAGINE WHAT SOMEONE IN HIGH ROSE IS GOING TO DO ABOUT OPENING UP THEIR WINDOWS WHEN THEY WANT TO GET FRESH AIR. OR HEAVEN FORBID WHEN THE STORMS COME, THE WINDS COME FROM THE NORTH. YOU MIGHT BE CLOSE TO BEING ASPHYXIATED IF YOU LEAVE YOUR WINDOWS OPEN. COMMON SENSE. IT JUST DOESN'T MAKE SENSE. YOU KNOW, TRAFFIC. IT JUST DOESN'T MAKE SENSE THAT THERE WOULDN'T BE MITIGATING, YOU KNOW, FACTORS THAT WE SHOULD PLAN FOR RIGHT NOW. SO I'M PLEASED TO HEAR THAT THEY WOULD -- THAT THE DEVELOPER WOULD GO AWE HEAD AND CONSIDER A TRAFFIC LIGHT THERE. BECAUSE THAT'S GOING TO BE MAYHEM IN THE MORNING. I UNDERSTAND THE LIABILITY THAT THE CITY IS GOING TO GO THROUGH. BUT DO WE JUST ROLL OVER? YOU KNOW, WE ALWAYS TALK ABOUT SACRAMENTO AND YET WE KEEP ELECTING THESE PEOPLE. WE HAVE TO DO SOMETHING. THEY DON'T CARE ABOUT MANHATTAN BEACH. I MEAN, I WAS THINKING HERE, BECAUSE I SAW, YOU KNOW, SOME OF THE CANDIDATES HAD ENDORSEMENTS FROM SACRAMENTO OFFICIALS AND I'M JUST TRYING TO THINK. WHAT HAVE THEY DONE FOR US? WHAT HAVE THEY DONE FOR US THAT IS FAIR, IS EQUITABLE IS, YOU KNOW -- AND WE JUST COINCIDENTALLY -- I MEAN I WAS A LATE FILER, BUT OCTOBER 17<sup>th</sup> WE PAID OUR TAXES HERE IN THE STATE. WHAT ARE WE GETTING FOR THAT MONEY? WE'RE GETTING A PROJECT THAT'S GOING TO BE SO -- IS SO OVERBUILT FOR THE LOCATION AND IT'S SO INTRUSIVE ON PEOPLE'S LIVES. PEOPLE WHO THEY SAVE THEIR MONEY, WHO THEY WANTED TO BUILD SOMETHING HERE, WHO THEY WANTED TO RAISE THEIR FAMILIES HERE. AND YOU'RE GOING TO GO AHEAD -- SOMEBODY MENTIONED, WELL, AT LEAST IT'S GOING TO BLOCK THE VIEW OF THE TANK FARMS. I DON'T KNOW IF IT'S A GREAT REFERENCE. IT'S A HOBSON'S CHOICE. YOU'RE GOING TO PUT SOMETHING UP LIKE THIS JUST SO PEOPLE DON'T HAVE TO LOOK AT THE REFINERY. SO, YOU KNOW, THE GOAL IS NOBLE TO HAVE OUR CHILDREN COME AND MOVE HERE, BUT DID YOU SEE THE -- WE ASKED ABOUT THE PROFORMA RIGHTS, THE RENTS THAT THEY'RE PLANNING ON CHARGING. FOR A THREE-BEDROOM APARTMENT IT'S GOING TO BE LIKE \$7,500. I DON'T CARE HOW MANY ROOMMATES YOU PILE IN THERE, IT'S GOINGS TO BE REALLY TOUGH FOR MY 30-SOMETHING-YEAR-OLD KIDS TO AFFORD. IN FACT, MY HOME WOULD PROBABLY RENT FOR THAT. SO LET'S COME TO THE TABLE, TALK WITH YOUR FELLOW RESIDENTS. MAKE US A PART OF THAT

DECISION. I DON'T JUST DO IT BECAUSE YOU CAN DO IT. DON'T JUST ANSWER THE QUESTION WHY ARE YOU DOING THIS TO OUR CITY. AS THE MAYOR ASKED AND SAY BECAUSE YOU CAN. DON'T RUIN THE CITY YOU YOURSELF CAME TO LIVE IN. AND RUIN IT FOR SOMEONE ELSE. THANK YOU.

>> Mayor Napolitano: HADLEY. I CAN'T SEE THAT FAR. NO COMMENTS. OKAY. DOWN TO ME. I WROTE DOWN SOME EXTEMPORANEOUS COMMENTS. THANK YOU TO SOME OF YOU FOR LAUGHING THERE. SOMEONE ASKED ME AT THE LAST MEETING IF THIS IS THE MOST CONTROVERSIAL PROJECT I'VE WEIGHED IN. NO, IT'S NOT THE BIGGEST AND NOT THE FIRST AND WON'T BE THE LAST. I FULLY BELIEVE THAT THE NATIONAL EVENTS OF THE LAST COUPLE OF YEARS HAS UNDERMINED TRUST IN EVERY LEVEL OF GOVERNMENT, EXACERBATED BY FALSE PROPHETS IN SOCIAL MEDIA TO THE FACT THAT DEBATE HAS GIVEN WAY TO US VERSUS THEM DEBATE. IF YOU'RE NOT WITH US, THEN YOU'RE WITH THEM AND CANNOT BE TRUSTED. THIS PROJECT IS SWEEPED UP IN THAT THINKING. I AND A NUMBER OF OTHERS WITH, STAFF AND SOME OF MY COLLEAGUES HAVE BEEN FALSELY ACCUSED OF DIFFERENT THINGS, OF HAVING A CONFLICT OF INTEREST. I'VE BEEN FIGHTING SACRAMENTO FOR FIVE TERMS. I GO UP THERE AND LOBBY AGAINST MANY OF THE THINGS THEY DO. MAYOR PRO TEM MONTGOMERY GOES MORE THAN I DO AND EVERY TIME WE'RE PUSHING FOR LOCAL CONTROL, LOCAL CONTROL, LOCAL CONTROL. I'VE BEEN TOLD I'M IN THE DEVELOPER'S POCKET, NOT LISTENING, OF SAYING OUR HANDS ARE TIED WHICH I HAVE NEVER SAID IN MY LIFE. I'LL PAY ANYBODY \$100 TO PROVE THAT I EVER SAY THAT. THAT'S BECAUSE PEOPLE FILLED IN THE BLANKS OF WHAT I HAVEN'T SAID, WHICH IS WHAT MY ACTUAL POSITION WAS ON THE PROJECT BECAUSE THERE WERE SERIOUS LEGAL RAMIFICATIONS IF I DID FOR BOTH MYSELF AND THE CITY. IT WAS FRUSTRATING FOR BOTH OF US. WHAT I DID DO ALONG THE WAY WAS PUSH BACK ON THE SIMPLISTIC NOTIONS OF SOME THAT WE COULD DENY THIS PROJECT SIMPLY BECAUSE A LOT OF PEOPLE DON'T LIKE IT OR IT DOESN'T FIT IN WITH THE CHARACTER OF OUR TOWN OR IT DOESN'T FIT IN WITH OUR SMALL-TOWN ATMOSPHERE AND LOW-PROFILE DEVELOPMENT. ALL OF THOSE THINGS MAY BE TRUE AND I WISH WE COULD DENY IT BASED ON THOSE THINGS, COURTS DON'T CARE ABOUT WHAT WE KNOW OR LIKE. THEY CARE ABOUT THE LAW. AND THE LAW DOESN'T ALLOW FOR THAT IN THIS CASE. IT'S ABOUT BEING SMART. AND YES, THAT MATTERS. MONEY MATTERS TO THIS CITY. WITHOUT IT WE GET LESS. LESS MONEY FOR SERVICES, LESS MONEY FOR PUBLIC SAFETY AND PROGRAMS. PEOPLE ARE LINING UP TO SUE UP. AND THAT'S FINE. SOME WILL SAY. BUT NOT IF WE DON'T HAVE A LEG TO STAND ON. TO DENY THIS PROMPT BECAUSE A LOT OF PEOPLE DON'T LIKE IT IS LIKE BRINGING A SPOON TO A KNIFE FIGHT. IT JUST DOESN'T WORK. AND ALL OF THE WISHING AND GNASHING OF TEETH WON'T CHANGE THAT. AS I HAVE SAID, WE NEED A LEGALLY DEFENSIBLE REASON TO DENY THE PROJECT. THE CITY CAN ONLY DENY THE PROJECT OR REDUCE THE DENSITY, THE PROMPT WOULD HAVE AN ADVERSE IMPACT DEFINED AS A QUANTIFIABLE, DIRECT AND UNAVOIDABLE IMPACT BASED ON OBJECTIVE



WRITTEN PUBLIC HEALTH OR SAFETY STANDARDS, POLICIES OR CONDITIONS AS THEY EXISTED ON THE DAY THE APPLICATION WAS DEEMED COMPLETE. AND THERE IS NO FEASIBLE METHOD TO MITIGATE OR AVOID SUCH ADVERSE IMPACT. MANY POINTED TO AB2011. AB2011 IS ABOUT PROCESS SAYING THAT HOUSING PROJECTS WITHIN 3200 FEET OF THE FACILITY THAT REFINES OILED WOULD BE SUBJECT TO THE LOCAL REVIEW PROCESS. OUR LOCAL REVIEW PROCESS WAS CHANGED IN 2013 TO A MINISTERIAL REVIEW AS WELL. PLUS, AB2011 WHICH DOESN'T TAKE EFFECT UNTIL NEXT YEAR CAN'T BE APPLIED RETROACTIVELY TO THIS PROJECT. WHICH REEDS US BACK TO ONLY BEING ABLE TO DENY THE PROJECT BASED ON SPECIFIC ADVERSE IMPACT, ET CETERA. AND THAT'S WHERE AB2011 IS INFORMATIVE. NOT NECESSARILY IN THE LANGUAGE OF THE LAW BUT THE BASIS OF WHICH IT WAS PUT FORWARD AND ADOPTED. IF ARE THAT REASON I INCORPORATE THE ENTIRETY OF THE LEGISLATIVE RECORD OF AB2011 FOR ANY DECISION AS WELL AS THE COURT DECISIONS AND OTHER STUDIES THAT SUPPORT THE IDEA OF ALLOWING PEOPLE TO DWELL ADJACENT TO POLLUTION IS A SPECIFIC ADVERSE IMPACT THAT MUST BE MITIGATED BY BUFFER ZONES. IT'S NO ACCIDENT THAT AB2011 DOES TALK ABOUT THE 500 FEET SETBACKS FROM FREEWAYS AND OTHER SETBACKS. THERE ARE OTHER STUDIES THAT SUPPORT THIS. CONTRARY TO THE CONCLUSION OF THE DEVELOPER'S ENVIRONMENTAL SITE ASSESSMENTS WITH, THE CHEVRON SITE DOES NOT REPRESENT A SIGNIFICANT ENVIRONMENTAL CONCERN, SUBSTANTIAL EVIDENCE HAS EXISTED FOR YEARS THAT CHEVRON IS A MAJOR POLLUTER FOR OUR REGION. I HIGHLY DOUBT THE CURRENT HOUSING EXISTS SO NEAR TO CHEVRON WOULD BE BUILT THERE TODAY GIVEN THE SPECIFIC ADVERSE IMPACTS OF THE KNOWN POLLUTION GENERATED THERE AND FOR THAT REASON ADDITIONAL HOUSING NEAR CHEVRON SHOULD BE AVOIDED AS THE RISKS CANNOT BE MITIGATED. SOMETHING WILL GO THERE SOMETIME. THERE WILL BE TRAFFIC, THERE WILL BE OTHER UM PACTS, BUT IT SHOULDN'T BE HOUSING. IT'S NOT A KNOCK AGAINST AFFORDABLE HOUSING, IT'S NOT A KNOCK AGAINST HOUSING. THERE'S PLENTY OF OTHER PLACE TO PUT IT IN MANHATTAN BEACH AND WE HAVE IDENTIFIED THOSE IN OUR HOUSING ELEMENT UPDATE. FOR THESE REASONS I FIND THAT THE PROJECT'S PROXIMITY TO CHEVRON WOULD HAVE A SPECIFIC ADVERSE IMPACT AND THE ADVERSE IMPACT IS QUANTIFIABLE, DIRECT AND UNAVOIDABLE BASED ON OBJECTIVE WRITTEN HEALTH AND SAFETY STANDARDS AND BASED ON THE SAME CONCERNS OF LEGISLATIVE RECORD OF AB2011 AND SEVERAL COURT CASES AND STUDIES THAT THESE EXISTED AT THE TIME THE DEVELOPER'S APPLICATION WAS DEEMED COMPLETE. I FIND THERE IS NO FEASIBLE METHOD TO SATISFACTORILY MITIGATE AS LONG AS CHEVRON STAYS AN ACTIVE REFINERY. I'LL BE VOTING NO ON THE PROJECT. AS YOU CAN SEE UP HERE, WE DON'T NECESSARILY AGREE BUT THAT DOESN'T MEAN WE'RE DISAGREEABLE. SO I WOULD MOVE TO DENY THE PROJECT ON THAT BASIS.

>> Councilmember Franklin: IT'S NOT SHOWING UP HERE.

>> Mayor Pro Tem Montgomery: SHE HAS NO SCREEN, YOUR HONOR.

>> Mayor Napolitano: IS THERE A SECOND? WE'LL DO IT BY VERBAL.

SECOND TO DENY THE PROJECT. OKAY. SEEING NONE, IS THERE AN ALTERNATIVE MOTION?

>> Councilmember Stern: I'LL MOVE TO ACCEPT THE PROJECT.

>> Mayor Pro Tem Montgomery: I'LL BE THE SECOND.

>> Mayor Napolitano: OKAY.

>> THERE WAS A DRAFT RESOLUTION IN THE PACKET. THAT WOULD BE TO APPROVE THE RESOLUTION?

>> Councilmember Stern: MOVE TO APPROVE THE RESOLUTION NUMBER --

>> Mayor Pro Tem Montgomery: 22-

>> Mayor Napolitano: 22-0432? I DON'T THINK THAT'S IT.

>> 0124. 220124.

>> Councilmember Stern: MOVING TO APPROVE THAT RESOLUTION.

>> Mayor Pro Tem Montgomery: 220124.

>> Mayor Napolitano: MOTION BY COUNCILMEMBER STERN, SECONDED BY MAYOR PRO TEM MONTGOMERY. ROLL CALL VOTE.

>> MAYOR NAPOLITANO.

>> Mayor Napolitano: NO.

>> MAYOR PRO TEM MONTGOMERY.

>> Mayor Pro Tem Montgomery: YES.

>> COUNTRY STERN.

>> Councilmember Stern: YES.

>> COUNCILMEMBER HADLEY.

>> Mayor Napolitano: THUMB'S UP, THUMB'S DOWN?

>> COUNCILMEMBER FRANKLIN.

>> Councilmember Franklin: NO.

>> MOTION FAILS 3-2.

>> Mayor Napolitano: IS THERE ANOTHER MOTION?

>> COUNCILMEMBER HADLEY?

>> YOU CAN DO THIS.

>> COUNCILMEMBER FRANKLIN?

>> NO.

>> MOTION FAILS 3-2.

>> Mayor Napolitano: OKAY, IS THERE ANOTHER MOTION? WE NEED AN ALTERNATIVE MOTION.

>> J. Franklin: I WAS TRYING.

>> Mayor Napolitano: TRYING WHAT? YOU CAN SPEAK IT. WE DON'T HAVE WORKING BUTTONS RIGHT NOW.

>> J. Franklin: RIGHT. WELL IT WAS VOTED DOWN. WHAT'S AN ALTERNATE TO THAT?

>> H. Stern: CAN I ASK A QUESTION OF THE CITY ATTORNEY?

>> Mayor Napolitano: WHAT DOES THAT MEAN?

>> City Attorney Q. Barrow: ONCE THERE'S A MOTION THE PLANNING COMMISSION'S DECISION IS AFFIRMED. YOU HAVE THREE OPTIONS. PROBABLY EVEN MORE. YOU HAD TWO VOTES. NOT TWO VOTES. MOTION TO DENY, THERE WAS NO SECOND. THEN A MOTION TO APPROVE THE RESOLUTION AND THAT FAILED 3-2. AT THIS TIME IF THERE'S NO DECISION BY THE CITY COUNCIL, THE PLANNING COMMISSION'S DECISION

STANDS.

>> Mayor Napolitano: SO THERE NEEDS TO BE A MOTION.

>> H. Stern: OR THE PLANNING COMMISSION'S DECISION STANDS.

>> Mayor Napolitano: MOTION? MOTION TO DENY. OKAY.

>> H. Stern: SECOND.

>> Mayor Napolitano: COUNCILMEMBER FRANKLIN SECONDS. ROLL CALL VOTE?

>> COUNCILMEMBER STERN?

>> H. Stern: NO.

>> MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: NO.

>> MAYOR NAPOLITANO?

>> Mayor Napolitano: YES.

>> COUNCILMEMBER HADLEY? COUNCILMEMBER FRANKLIN?

>> Mayor Napolitano: FOR THE RECORD --

>> IT PASSES 3-2.

>> City Attorney Q. Barrow: INITIALLY THE TWO OPTIONS WERE TO EITHER ADOPT THE RESOLUTION TO APPROVE, OR DIRECT STAFF TO COME BACK WITH THE RESOLUTION FOR DENIAL. DOES THE COUNCIL WANT A RESOLUTION FOR DENIAL COMING BACK? OR THAT COULD BE THE ACTION.

>> Mayor Napolitano: MAKER OF THE MOTION?

>> City Attorney Q. Barrow: SO INITIALLY, BACK ON AUGUST 16th, THE TWO OPTIONS PROBABLY ALSO IN THIS CURRENT STAFF REPORT THAT TWO SUGGESTED OPTIONS WOULD BE EITHER TO ADOPT THE RESOLUTION OR DIRECT STAFF TO COME BACK WITH A RESOLUTION FOR DENIAL. IT'S NOT LEGALLY REQUIRED BUT IT'S ONE OF YOUR OPTIONS.

>> H. Stern: WHAT IF THERE ISN'T A RESOLUTION?

>> Mayor Napolitano: PLEASE.

>> City Attorney Q. Barrow: OKAY, SO IF THE COUNCIL IS DONE, THE COUNCIL IS DONE WITH THIS.

>> Mayor Napolitano: OKAY.

>> Mayor Napolitano: ALL RIGHT, WE WILL TAKE A BREAK THEN. STAFF HAS ASKED FOR A 15-MINUTE BREAK SO WE CAN FIX THE TECHNICAL DIFFICULTIES WE HAVE HAD. THANK YOU, EVERYONE FOR PARTICIPATING. HAVE A GOOD NIGHT. WE WILL BE BACK. COUNCIL WILL BE BACK IN 15 MINUTES. [ BREAK ]

>> City Attorney Q. Barrow: AT THIS TIME I RECOMMEND EVERYONE MAKE A MOTION TO RECONSIDER. AND THEN THE FLOOR IS OPEN FOR OTHER MOTIONS.

>> Mayor Napolitano: OKAY, PLEASE VOTE.

>> L. Tamura: MOTION PASSES 5-0.

>> City Attorney Q. Barrow: AS WE DISCUSSED EARLIER, THE ORIGINAL RECOMMENDATION OF STAFF WAS EITHER TO ADOPT THE RESOLUTION FOR APPROVAL OR DIRECT STAFF TO COME BACK WITH A RESOLUTION TO DENY. THERE'S THE MOTION. IT'S OPEN.

>> J. Franklin: SO I MOVE THE STAFF COME BACK WITH A RESOLUTION TO DENY.

>> City Attorney Q. Barrow: YES. IF THAT'S YOUR MOTION, YES.  
>> J. Franklin: YES.  
>> City Attorney Q. Barrow: AND THERE'S A SECOND? SO TAKE A VOTE.  
>> H. Stern: SO IT'S A MOTION. CAN YOU RESTATE YOUR MOTION? CAN YOU RESTATE YOUR MOTION? YOU ARE LOOKING AT ME LIKE YOU CAN'T.  
>> J. Franklin: SECOND. CAN WE HAVE A VOTE.  
>> Mayor Napolitano: SHE IS ASKING THAT YOU RESTATE THE MOTION.  
>> J. Franklin: RESTATE THE MOTION, THAT WE DIRECT STAFF TO COME BACK WITH A RESOLUTION TO DENY THE APPLICATION.  
>> Mayor Napolitano: OKAY. SECONDED BY COUNCILMEMBER HADLEY. PLEASE VOTE. OKAY.  
>> L. Tamura: MOTION PASSES 3-2.  
>> City Attorney Q. Barrow: SO THE QUESTION FOR THE MAYOR AND THE COUNCIL, DO YOU WANT THAT RESOLUTION TO COME TONIGHT, OR AT A FUTURE MEETING?  
>> Mayor Napolitano: CAN WE DO IT TONIGHT?  
>> City Attorney Q. Barrow: YES, BASED ON YOUR FINDINGS THAT YOU MADE FOR THE RECORD. THE RESOLUTION NEEDS FINDINGS AND THEY CAN INCORPORATE YOUR STATEMENT INTO THE RECORD AS PART OF THE RESOLUTION.  
>> Mayor Napolitano: IF WE CAN DO IT TONIGHT, I DON'T SEE ANY REASON TO WAIT.  
>> City Attorney Q. Barrow: WHY DON'T YOU CONTINUE THIS ITEM UNTIL AFTER, I'M NOT SURE WHAT. WHAT TIME IS IT NOW?  
>> Mayor Napolitano: 9:30.  
>> City Attorney Q. Barrow: OKAY, WE WILL COME BACK WITH THAT DRAFT RESOLUTION FOR YOUR CONSIDERATION.  
>> Mayor Napolitano: BEFORE THE END OF THE MEETING. ALL RIGHT. GOOD. MOVING ON. WE ARE AT PUBLIC COMMENTS. THREE MINUTES PER PERSON. SPEAKERS MAY PROVIDE PUBLIC COMMENT ON ANY MATTER THAT IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL. THESE ARE THREE MINUTES PER PERSON. ANYONE HERE IN THE AUDIENCE WANT TO MAKE PUBLIC COMMENTS? SEEING NONE. TURNING -- DID YOU WANT TO DO IT FIRST? TURNING TO ZOOM. WE'VE GOT GEORGE KINGS BEST. IS THERE SOMEONE THERE? NOT THERE? OKAY.  
>> HERE I AM, HELLO.  
>> Mayor Napolitano: HELLO.  
>> HELLO. HI, I'M DR. DALE MOURNAY. I SUPPORT THE PROJECT. PARKING AND TRAFFIC WILL NOT BE A PROBLEM. HOUSING IS AN IMPORTANT NECESSITY. WORLD DISASTERS ARE LEAVING PEOPLE STRANDED. LARGE ESTATES ARE YESTERDAY'S NEWS. WE ALL NEED TO BE ACCOUNTABLE TO THE NEW AGE THAT IS CRASHING IN ALL AROUND US. FIRST AND SECOND RESPONDERS ARE REPLACING CORPORATE LEADERS AS THE MOST IMPORTANT PEOPLE IN OUR WORLD. THEIR SALARIES ARE SUSTAINABLE AND THEIR HOMES MUST BE AS WELL. HOMEOWNERSHIP HAS ALWAYS BEEN AN OXYMORON. HOMEOWNERSHIP IS ONE MISSED MORTGAGE PAYMENT AWAY FROM FORECLOSURE. THAT'S ALL ITS EVER BEEN. IT'S ALWAYS BEEN AN

ILLUSION OF SORTS. I WALKED THE STRAND IN AUGUST. HOMES BUILT AND/OR REMODELED IN THE 70'S AND 80'S ARE IN NEED OF REPAIR BY THEIR OWNERS. I SAW CRACKS, BROKEN FENCES, BROKEN WINDOWS AND SIGNS FOR DOGS NOT TO PEE. TO THE HOMEOWNERS THAT ARE OPPOSING THIS BEAUTIFUL PROJECT, I SAY DON'T MIMIC RIFFRAFF AND THREATEN TO SUE. AND DEFINITELY DON'T SUE THE CITY IF YOU LOSE TONIGHT. DONATE TO THE RED CROSS INSTEAD. TAKE YOUR BAD ENERGY, YOUR LACK OF GRATITUDE AND REPAIR YOUR OWN PROPERTIES. LET THE NORTH END HAVE THIS GORGEOUS PROJECT. YOU ARE NOT HAPPY PEOPLE BUT DRIVING PAST THIS PROJECT ONCE COMPLETED, I ASSURE YOU, WILL BRING A SMILE AND WORTHY WORKING PROFESSIONALS AND THE YOUTH, WHICH MANHATTAN BEACH SURELY MISSES. STOP COMPLAINING. START COOPERATING WITH THE WAY THE WORLD IS MOVING. THANK YOU.

>> Mayor Napolitano: THANK YOU. OKAY. ANYONE ELSE FOR PUBLIC PARTICIPATION? MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: THANK YOU, YOUR HONOR. IF YOU HAVEN'T NOTICED YOUR BALLOT SHOULD HAVE ARRIVED AT YOUR HOUSE, APARTMENT, CONDO. WE HAVE FOUR CANDIDATES HERE. IT'S CLOSE TO ELECTION, THAT MAKES SENSE. ONE HAS TO BE HERE, HE HAS NO CHOICE HE HAS TO BE HERE. BUT IMPORTANT NOTICE, IF WE BELIEVE WHAT IS GOING ON OUT THERE, THE RECESSION COMING UP, THE CITY NEEDS PEOPLE WHO A, KNOW OUR CITY AND KNOW BUDGET CONCERNS. NO MATTER WHAT THE CONCERNS, BE SURE TO VOTE. NO MATTER WHAT YOU THINK, WE NEED PEOPLE TO VOTE AND SHOW UP. AND SCHOOL BOARD ELECTIONS AND OUR OWN MEASURES WE CAN TALK ABOUT LATER. PAY ATTENTION THAT CAME TO YOUR HOUSE. ANY QUESTIONS, CITY CLERK LIZA TAMURA AND MARTHA ALVAREZ. THE HEIGHTS ON THE EAST SIDE OF TOWN, THE LIBRARY ON THE WEST SIDE OF TOWN. DROP BOXES ARE AT BOTH. I ASSUME THEY ARE ALL OPERATIONAL, ALL WORKING, NO ISSUES. THAT'S IT, THANK YOU, YOUR HONOR.

>> Mayor Napolitano: THANK YOU. WE WILL START PUSHING THROUGH SOME STUFF. ITEM #3, UPDATES AND -- WHAT'S GOING ON? #3 UPDATES AND PRESENTATION. SUPPORT OF MEASURE V. WHAT ARE WE DOING WITH THAT?

>> Mayor Pro Tem Montgomery: MR. CITY ATTORNEY, DO I NEED TO RECUSE MYSELF AGAIN?

>> City Attorney Q. Barrow: YES.

>> Mayor Pro Tem Montgomery: I HAVE NO CURRENT OR FUTURE FINANCIAL INTEREST, BUT I WILL RECUSE MYSELF AND HEAD TO THE BACK ROOM. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: THANK YOU.

>> City Attorney Q. Barrow: ALI LATRAGNA HAS A BRIEF PRESENTATION.

>> VERY BRIEF. THE ITEM BEFORE YOU IS AN UPDATE ON RESOLUTION #22-0135 IN SUPPORT OF MEASURE V AND OPPOSING MEASURE B. AS YOU KNOW, IT IS CURRENTLY PROHIBITED TO SELL CANNABIS IN MANHATTAN BEACH. MEASURE MB WOULD BE REPEALING THIS CURRENT PROHIBITION IF

IT WERE TO PASS ON NOVEMBER 8th. THERE ARE TWO MEASURES ON THE BALLOT ON NOVEMBER 8th. THE FIRST, MEASURE MB WOULD REPEAL THE PROHIBITION ON COMMERCIAL CANNABIS AND THE CITY WOULD ISSUE THREE PERMITS. THE NEXT MEASURE IS MEASURE V. THIS WOULD MAINTAIN THE CITY'S CURRENT PROHIBITION ON COMMERCIAL CANNABIS. NOW TO PASS, EACH MEASURE WOULD REQUIRE AT LEAST 50% PLUS ONE OF THE VOTES CAST BY MANHATTAN BEACH RESIDENTS. IT'S CONCEIVABLE BOTH MEASURES COULD PASS. AND IN THAT SCENARIO THE MEASURE WITH THE MOST VOTES, THE MOST NUMBER OF YES VOTES WOULD PREVAIL. AND AT THE LAST CITY COUNCIL MEETING, THE CITY COUNCIL REQUESTED THAT THE CITY ATTORNEY PROVIDE ADDITIONAL INFORMATION TO THE PUBLIC VIA OUR WEBSITE REGARDING THE RESOLUTION BE ADOPTED IN SUPPORT OF MEASURE V AND OPPOSING MEASURE MB. RIGHT NOW I'M JUST GOING TO SHARE MY SCREEN SO YOU CAN TAKE A QUICK LOOK AT THAT. AND YOU KNOW WHERE TO FIND IT ON OUR WEBSITE. SO RIGHT HERE ON THE FIRST SLIDE ON OUR WEBSITE HAS INFORMATION DIRECTING THE USER TO OUR CANNABIS PAGE. AND RIGHT HERE YOU CAN SEE WE HAVE A DESCRIPTION ABOUT THE TWO MEASURES THAT WILL APPEAR ON THE NOVEMBER 8th BALLOT. AND WE ALSO HAVE THE RESOLUTION LINKED HERE AND A DESCRIPTION ABOUT WHAT THE RESOLUTION DOES. WE ALSO HAVE YOU KNOW, SOME ANSWERS TO THOSE QUESTIONS THAT WE HAVE HEARD FROM RESIDENTS OF WHAT HAPPENS IF BOTH MEASURES PASS. IN ADDITION, CLARIFYING THEY ARE BOTH CONFLICTING MEASURES. AND THEN DOWN HERE WE HAVE ADDITIONAL INFORMATION ABOUT EACH ONE OF THE MEASURES SO YOU CAN CLICK ON THESE DROP DOWNS AND SEE THE ACTUAL BALLOT QUESTION RIGHT HERE. THE ARGUMENTS AND IMPARTIAL ANALYSIS FOR BOTH OF THE MEASURES AGAIN. AND THERE'S ADDITIONAL INFORMATION, IF YOU REALLY WANT TO GET INTO THE HISTORY OF HOW THE CITY GOT HERE AND PROPOSE MEASURE V. BUT I'M HAPPY TO ANSWER ANY ADDITIONAL QUESTIONS YOU MIGHT HAVE.

>> Mayor Napolitano: OKAY, ANY QUESTIONS? SEEING NONE. AUDIENCE PARTICIPATION? OKAY, SEEING NONE. ANYTHING TO DO ON THIS ITEM? INFORMATIONAL ONLY?

>> City Attorney Q. Barrow: INFORMATIONAL ONLY. THANK YOU.

>> Mayor Napolitano: MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: YES, SIR. DIDN'T GO TOO FAR.

>> Mayor Napolitano: ALL RIGHT, THAT TAKES US TO OUR CONSENT CALENDAR. ROUTINE MATTERS THAT WILL BE APPROVED WITH A SINGLE MOTION. THERE'S A MOTION BY COUNCILMEMBER HADLEY TO APPROVE. SECONDED BY MYSELF.

>> City Attorney Q. Barrow: MAYOR, I NEED TO READ THE TITLE OF ONE ORDINANCE.

>> Mayor Napolitano: OKAY.

>> City Attorney Q. Barrow: IF THERE WAS A SECOND. THERE WAS A SECOND, RIGHT?

>> Mayor Napolitano: I SECONDED.

>> City Attorney Q. Barrow: ORDINANCE 22-0010, ORDINANCE OF THE

CITY OF MANHATTAN BEACH ADDING CHAPTER 4.88 TO TITLE IV OF THE MANHATTAN BEACH MUNICIPAL CODE, REGULATING SHORT-TERM RENTALS AND OTHER TRANSIENT USES WITHIN THE CITY OUTSIDE THE CITY'S COASTAL ZONE. THIS IS FIRST READING. IF THIS CONSENT CALENDAR IS ADOPTED THERE WILL BE SECOND READING. IT WILL COME BACK IN TWO WEEKS.

>> Mayor Napolitano: OKAY, AND IT LOOKS LIKE WE ARE STILL HAVING TECHNICAL ISSUES? YEAH, NO?

>> H. Stern: I JUST GOT MY SCREEN.

>> Mayor Napolitano: MOTION BY COUNCILMEMBER HADLEY, I SECONDED IT. DO YOU HAVE A VOTING SCREEN?

>> H. Stern: I DO NOW.

>> Mayor Napolitano: OKAY, PLEASE VOTE.

>> L. Tamura: MOTION PASSES 5-0.

>> Mayor Napolitano: OKAY. THAT TAKES US TO OUR PUBLIC HEARINGS. WE HAVE ONE. THIS IS A PUBLIC HEARING DE NOVO TO CONSIDER PROPOSED USE PERMIT AMENDMENT TO ALLOW EXPANSION OF EXISTING 4,180 SQUARE FOOT EATING AND DRINKING ESTABLISHMENTS USE. WE HAVE MUCH LESS THAN AN HOUR AND A HALF PRESENTATION.

>> ABSOLUTELY. GOOD EVENING, AGAIN, HONORABLE MAYOR AND COUNCILMEMBERS. ASSISTANT PLANNER CHIVERA COULD NOT MAKE IT THIS EVENING, I APOLOGIZE FOR THAT BUT I WILL TRY TO GET THROUGH THIS SWIFTLY FOR YOU. IN 1984 CONDITIONAL USE PERMIT WAS APPROVED BY THE CITY TO ESTABLISH A RESTAURANT WITH ON SITE GENERAL ALCOHOL SERVICE AND LIVE ENTERTAINMENT AT 903 MANHATTAN AVENUE, THE CURRENT LOCATION OF ARTHUR J RESTAURANT. IN 1993 COMMENCED OPERATIONS PURSUANT TO THE APPROVAL IN 1984. BETWEEN 1992 AND 2021 THE SPACE WAS OCCUPIED BY A PERSONAL SERVICE USE, A DRY-CLEANER THAT HAS SINCE VACATED AND IN JULY OF 2021 WE RECEIVED AN APPLICATION FOR THE EXPANSION OF THE EXISTING ARTHUR J RESTAURANT INTO THAT SPACE AT 901. QUICK BACKGROUND ON WHAT WAS ALLOWED PURSUANT TO THAT ORIGINAL RESOLUTION. IT DID NOT ESTABLISH TIME LIMITS FOR THE RESTAURANT ITSELF. HOWEVER, BECAUSE IT DID HAVE A LIVE ENTERTAINMENT COMPONENT, WHICH AT THAT TIME WAS REGULATED BY USE PERMITS, HOWEVER, IT IS NOT ANY MORE, THE COUNCIL RESOLUTION FROM BACK IN 1984 DOES LIMIT LIVE ENTERTAINMENT TO NO LATER THAN 12:00 A.M. SUNDAY-THURSDAY AND 1:00 A.M. FRIDAY AND SATURDAY. HERE IS THE SUBJECT SITE IN THE CENTER OF THE SCREEN AND YOU WILL NOTICE IT IS SURROUNDED BY MULTI-FAMILY RESIDENTIAL TO THE WEST OF THE SUBJECT SITE AND COMMERCIAL IN THE CD ZONE. TO THE NORTH, SOUTH AND EAST. IT IS A 5,375 SQUARE FOOT PARCEL, ARTHUR J BEING THE PRIMARY TENANT OCCUPYING 4,180 SQUARE FEET TO DATE. THE VACANT TENANT SPACE THEY WOULD LIKE TO EXPAND IS 1,141 SQUARE FOOT IN SIZE AND THEY HAVE FOUR ON SITE PARKING SPACES. WE RECEIVED THE APPLICATION AGAIN ON JULY 1st TO EXPAND THE EXISTING EATING AND DRINKING ESTABLISHMENT USE WITH ALCOHOL SERVICE INTO 901 MANHATTAN AVENUE AND THAT WOULD INCLUDE PRIVATE DINING ROOMS, SERVICE STATIONS FOR STAFF USE AND A NEW RESTROOM AND STORAGE

CLOSET. SO ON THE RIGHT OF THIS PHOTO YOU SEE THE EXISTING ARTHUR J AND THE LEFT OUTLINED IN GREEN IS THE PROPOSED EXPANSION SPACE. THERE ARE NO CHANGES PROPOSED TO THE BUILDING ENVELOPE, WHICH MEANS THERE IS NO NEW SQUARE FOOTAGE BEING PROPOSED AS PART OF THIS APPLICATION. THE EXPANSION WILL BE LIMITED TO THE EXISTING BUILDING FOOTPRINT AS SHOWN IN THAT HIGHLIGHTED WHITE PORTION WHICH I WILL GO INTO FURTHER DETAIL ON THE NEXT SLIDE. ON THIS SLIDE YOU SEE SPECIFICALLY CALLED OUT THERE ARE THREE SERVICE AREAS WITH ONE OF THE SERVICE AREAS IN THE BACK HAVING DIRECT WINDOW PASS THROUGH ACCESS TO THE KITCHEN WHERE FOOD WILL BE PASSED BACK AND FORTH, AS WELL AS DRINKS. NEW RESTAURANT, NEW STORAGE AND TWO PRIVATE DINING AREAS WITH MAX SEATING FOR ABOUT 42 FOLKS. THE FACADE IMPROVEMENTS ARE LIMITED TO JUST THAT, FACADE IMPROVEMENTS. AND I THINK IT'S IMPORTANT TO CALL OUT ON THIS SLIDE THAT THERE'S CLEARLY AN EFFORT HERE TO PULL FROM THE EXISTING MID CENTURY MODERN ARCHITECTURAL STYLE AND BRING THAT ONTO THE PROPOSED EXPANDED AREA. HOWEVER, IT STILL RESPECTS THE GENERAL SENTIMENT OF DOWNTOWN, WHERE WE TRY TO PREVENT BIG BOX RETAIL AND STOREFRONTS THAT ARE TOO MONOTONOUS SO IT STILL HAS SOME LEVEL OF DISTINCTION. THE MANHATTAN BEACH GENERAL PLAN AND COASTAL PROGRAM. SPECIFICALLY WE EVALUATED THIS PROJECT APPLICATION PURSUANT TO THE FOUR REQUIRED USE PERMIT FINDINGS AND AS DEMONSTRATED IN THE STAFF REPORT, STAFF DOES FIND THAT THE PROPOSED PROJECT AS CONDITIONED COMPLIES WITH THE REQUIRED USE PERMIT FINDINGS. THE PROJECT WENT TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON AUGUST 10th. PLANNING COMMISSION CONSIDERED THE SUBJECT USE PERMIT AMENDMENT REQUEST AND UNANIMOUSLY VOTED TO APPROVE THE PROPOSED REQUEST. ON AUGUST 22, THE PLANNING COMMISSION'S DECISION WAS APPEALED BY APPELLANT DONALD MCPHERSON AND BECAUSE THE MUNICIPAL APPEAL CODE ALLOWS BE CONDUCTED AS A PUBLIC HEARING DE NOVO, WE ARE HERE BEFORE YOU CONSIDERING THIS ITEM AS A DE NOVO PUBLIC HEARING. I WILL NOW QUICKLY GO THROUGH EACH POINT THAT WAS RAISED BY THE APPELLANT. THE FIRST THAT THE CITY UNLAWFULLY CLAIMS THE PROJECT EXEMPT FROM A COASTAL PERMIT, COASTAL DEVELOPMENT PERMIT. AND THE CITY EVALUATED WHETHER THIS TRIGGERED ANY OF THE REQUIREMENTS FOR A COASTAL DEVELOPMENT PERMIT. WE DETERMINED THAT IT DID NOT. WE FILED A NOTICE OF EXEMPTION WITH THE COASTAL COMMISSION. THEY HAD TEN DAYS TO REVIEW THAT AND CONTEST OUR DECISION, HOWEVER, THEY DID NOT, SO THE EXEMPTION STANDS. THE APPELLANT CLAIMS THERE'S AN INCREASE IN OCCUPANCY FROM EXPANSION THAT WILL INCREASE PARKING DEMAND. THE LOCAL COASTAL PROGRAM CODES FOR PARKING REGULATIONS IN THE CENTRAL DISTRICT ARE UNIQUE TO THE CENTRAL DISTRICT. AND ESSENTIALLY IF YOU ARE MAINTAINING A FLOOR AREA FACTOR OF 1: 1 MEANING YOUR BUILDING SIZE DOESN'T EX SIDE YOUR LOT SQUARE FOOTAGE THEN THERE'S NONE, IT FALLS BELOW THAT THRESHOLD, THEREFORE THERE'S NO PARKING REQUIRED BY THE CODE. THEY STILL



HAVE FOUR PARKING SPACES AND THEY WILL BE MAINTAINING THOSE FOUR PARKING SPACES. THE NEXT STATEMENT FROM THE APPELLANT THERE'S A 30% INCREASE IN EAT AND DRINK AREA WHICH REQUIRES ENVIRONMENTAL REVIEW. HOWEVER, AS YOU WILL SEE ON THE UPCOMING SLIDES, STAFF DID DETERMINE THIS PROJECT QUALIFIES FOR A CLASS 3 CATEGORICAL EXEMPTION WHICH IS SPECIFICALLY FOR CONVERSIONS OF SMALL STRUCTURES, PARTICULARLY THE USE OF A SMALL STRUCTURE. ARTHUR J APPEARS TO COMMIT A MISDEMEANOR WITH EAT AND DRINK ENCROACHMENTS STATED BY THE APPELLANT. THE RESTAURANT'S OUTDOOR TEMPORARY DINING DECK IS GOVERNED AND EXISTS UNDER OUR EMERGENCY ORDERS. IT IS NOT PART OF THE SUBJECT REQUEST, IT DOESN'T HAVE TO DO WITH THIS ENTITLEMENT THAT IS BEING CONSIDERED THIS EVENING. AS PRIVATE PROPERTY ENTITLEMENTS ARE LIMITED TO GOVERNING PRIVATE PROPERTY. THEY DON'T EXTEND TO THE ADJACENT PUBLIC PROPERTY. ONCE AGAIN, THE CEQA DETERMINATION FOR THIS PROJECT WAS IT IS EXEMPT FROM CEQA, PURSUANT TO 15303, A CLASS 3 EXEMPTION FOR CONVERSION OF SMALL STRUCTURE FROM ONE USE TO ANOTHER. THERE WERE NO UNUSUAL CIRCUMSTANCES THAT WOULD CREATE DIFFERENCE BETWEEN THIS PROJECT OR ANY OTHER PROJECT IN THAT EXEMPT CLASS. THEREFORE NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY. THE HEARING FOR THIS EVENING WAS NOTICED PURSUANT TO OUR CODE REQUIREMENTS ON OCTOBER 6th IN THE PAPER AS WELL AS WITHIN THE 500 FOOT RADIUS OF THE PROPERTY. POSTED AT CITY HALL AND THE BEACH REPORTER. WE DID RELEASE THIS STAFF REPORT ON OCTOBER 12th AND WE HAVE NOT RECEIVED ANY PUBLIC COMMENTS SINCE THAT DATE. ACCORDINGLY OUR RECOMMENDATION IS TO CONDUCT THE PUBLIC HEARING AND CONSEQUENTLY DIRECT STAFF TO DRAFT A RESOLUTION MAKING AN ENVIRONMENTAL DETERMINATION UNDER CEQA AND THE CONDITIONAL USE AMENDMENT WITH CONDITIONS.

>> Mayor Napolitano: OKAY.

>> I'M AVAILABLE FOR QUESTIONS.

>> Mayor Napolitano: QUESTIONS? MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: THANK YOU, YOUR HONOR. A RESIDENT ASKED A QUESTION, I WAS TRYING TO FIND IT, READ IT AND SUMMARIZE IT BECAUSE IT'S LONG. IT SAYS ARTHUR J HAS THE OPPORTUNITY TO HAVE A COVERED BUT PROTECTED BUT OUTSIDE PATIO DINING YET NO PROPOSED PLAN TO CONSIDER SUCH AN OPTION. I WILL STOP THERE FOR A SECOND. IN LIGHT OF THE GOVERNOR'S ANNOUNCEMENT HE WILL CEASE THE EMERGENCY ORDER IN 2023. WE KNOW NOW THE GOVERNOR MADE IT CLEAR, TEMPORARY DINING GOES AWAY. LET ME REPHRASE THAT. THE ORDER GOES AWAY IN FEBRUARY. OUR CURRENT ORDINANCE SAYS UP TO 30 DAYS AFTER THAT?

>> City Attorney Q. Barrow: 30 DAYS.

>> Mayor Pro Tem Montgomery: THIS TRIGGERS MY NEXT QUESTION. IS THIS PART OF THAT -- DID WE LOOK AT THAT OPTION KNOWING THAT WILL COME FOUR MONTHS FROM NOW?

>> THANK YOU FOR YOUR QUESTION, MAYOR PRO TEM. YES, WE SAW THAT COMMENT SUBMITTED EARLIER TODAY. I BELIEVE THE COMMENTER IS

ASKING INSTEAD OF THE EXPANSION INTO THE SUITE NEXT DOOR THAT SPACE SHOULD INSTEAD BE USED FOR OUTDOOR DINING. AND THAT ISN'T THE SUBJECT REQUEST TONIGHT. THE SUBJECT REQUEST IS FOR THE RESTAURANT TO EXPAND INTO THAT SPACE NEXT DOOR. SO I WANTED TO CLARIFY THAT. AND THEN TO ANSWER YOUR QUESTION ABOUT THE RELATIONSHIP OF THE OUTDOOR DINING DECK WITH THE GOVERNOR'S ORDERS, THAT'S NOT A PART OF TONIGHT'S DISCUSSION. BUT IT WOULD BE PART OF THE CITY COUNCIL'S DISCUSSION OF THE OVERALL COVID-19 ENCROACHMENT PERMIT PROGRAM.

>> Mayor Pro Tem Montgomery: THANK YOU. ASKED AND ANSWERED. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: ANY OTHER QUESTIONS FOR STAFF? ALL RIGHT, SEEING NONE, WE WILL OPEN UP THE PUBLIC HEARING THEN. ANYONE WHO WANTS TO COME DOWN TO SPEAK ON THIS ITEM CAN.

>> GOOD EVENING, HONORABLE COUNCILMEMBERS. BRIEFLY, I THINK DOWNTOWN IS OUR CROWN JEWEL, I THINK THE LAST 10-15 YEARS WHAT MIKE SIMMS HAS DONE AND MIKE ZISLIS, HAVE MADE IT BETTER. I THANK HIM FOR DOING THIS.

>> Mayor Napolitano: ANY OTHER PARTICIPATION? ANYTHING FROM THE APPLICANT? YOU DON'T HAVE TO. OKAY, ANYTHING FROM THE APPELLANT THOUGH? I DON'T SEE THE APPELLANT HERE. ANYBODY ON ZOOM? ALL RIGHT, SEEING NONE, WE WILL CLOSE THE PUBLIC HEARING THEN. COUNCIL?

>> Mayor Pro Tem Montgomery: I HAVE NO QUESTIONS, YOUR HONOR. I WILL MAKE A MOTION TO APPROVE, HOLD ON LET ME MAKE SURE I DO THIS CORRECTLY HERE. BACK TO MY ORIGINAL STATEMENT OF NUMBERS, MAKE SURE QUINN CAN FOLLOW ALONG HERE. MOVE TO APPROVE 22-0385.

>> H. Stern: AND DIRECT RESOLUTION --

>> Mayor Pro Tem Montgomery: YES. PART II.

>> Mayor Napolitano: OKAY. IS THAT GOOD, CITY ATTORNEY?

>> City Attorney Q. Barrow: IT'S ACTUALLY TO COME BACK WITH THE RESOLUTION, THAT'S THE PLANNING COMMISSION RESOLUTION.

>> Mayor Pro Tem Montgomery: DIRECT STAFF TO DRAFT A RESOLUTION.

>> City Attorney Q. Barrow: YEAH TO DRAFT A RESOLUTION MAKING AN ENVIRONMENTAL DETERMINATION OF CATEGORICAL EXEMPTION WITH ACCORDANCE TO CEQA AND CONDITIONALLY APPROVING THE USE PERMIT.

>> Mayor Pro Tem Montgomery: GREAT, I'M GLAD YOU READ THAT. AS NOTED.

>> Mayor Napolitano: OKAY, A SECOND BY COUNCILMEMBER HADLEY. ANY FURTHER COMMENT? OKAY, SEEING NONE. PLEASE VOTE.

>> L. Tamura: MOTION PASSES 5-0.

>> Mayor Napolitano: OKAY. THAT TAKES US TO ITEM #14. ALL RIGHT. ITEM #14. CONSIDERATION OF FIRE DEPARTMENT STAFFING LEVELS AND AUTHORIZATION FOR THREE ADDITIONAL FULL-TIME EMPLOYEES. AND THE OVER HIRING OF UP TO THREE ADDITIONAL FIREFIGHTER/PARAMEDICS FOR ANTICIPATED VACANCIES.

>> City Attorney Q. Barrow: CHIEF LANG IS HERE TO DO THE

PRESENTATION.

>> GOOD EVENING, MAYOR AND COUNCIL. I'M HERE FOR YOUR CONSIDERATION FUTURE STAFFING LEVELS FOR THE FIRE DEPARTMENT. A LITTLE BACKGROUND ON DEFINITIONS. SWORN STAFF IS OUR FIREFIGHTER PARAMEDICS FROM CAPTAIN DOWN TO FIREFIGHTER PARAMEDIC. BEEN THROUGH THE ACADEMY AND THEY HAVE A PUBLIC SAFETY FOR THEIR BENEFITS. STAFF WOULD BE NON-SWORN PEOPLE AND THEY HAVE MISCELLANEOUS RETIREMENT AND BENEFITS. SUPPRESSION E.M.S. WOULD BE OUR LADIES AND GENTLEMEN ON OUR ENGINES, PARAMEDIC UNITS AND SO ON AND COMMUNITY RISK REDUCTION STAFF. OUR CIVILIAN STAFF CURRENTLY TWO OF OUR SWORN STAFF ARE IN THOSE 40 HOUR SPOTS. BY THE WAY OF COUNCIL'S PROPOSAL TO THE MBFA IMPLEMENTING ON SEPTEMBER 20th, THE COMMUNITY RISK REDUCTION BUREAU, FORMERLY FIRE PREVENTION STAFFED WITH CIVILIAN STAFF INSTEAD OF SWORN STAFF. CIVILIAN STAFF/PROFESSIONAL STAFF, THE FIRE MARSHAL AND FIRE INSPECTOR WILL BE HIRED. CURRENT ASSIGNED EMPLOYEES, CAPTAIN, PARAMEDIC, FIRE MARSHAL AND FIREFIGHTER PARAMEDIC WILL BE ON SUPPRESSION DUTIES. THERE'S AN EXAMPLE OF OUR SHIFT EXAMPLE. THERE'S A, B AND C. A WOULD BE RED, B BLUE SHIFTS AND C WOULD BE GREEN SHIFTS. THEY WOULD RETURN TO LIKE AN A AND A B SHIFT. SUBSEQUENTLY THE REQUEST TONIGHT IS TO HIRE ONE ADDITIONAL CAPTAIN PARAMEDIC AND ASSIGN HIM, HE OR SHE TO THE C SHIFT. OUR STAFFING MODEL, WE HAVE FOUR ADMINISTRATIVE PERSONNEL, THREE COMMUNITY RISK REDUCTION AND -- THE REVISED STAFF WITHOUT HIRING A SUPPORT PERSON, FOUR ADMINISTRATION, THREE IN COMMUNITY RISK REDUCTION AS WELL AND THERE'S 29 IN SUPPRESSION. SO YOU WOULD HAVE ONE ON A SHIFT AND ONE ON B SHIFT AND ONE LESS BODY ON THE C SHIFT. STAFF'S RECOMMENDATION TONIGHT WOULD BE THAT WE HIRE CIVILIAN FIRE MARSHAL, ONE ADDITIONAL CIVILIAN INSPECTOR AND ONE ADDITIONAL SUPPRESSION FIRE CAPTAIN/PARAMEDIC. WHICH WILL ROUND US OUT TO A TOTAL OF 30 PERSONNEL. THE BUDGET IMPACT FOR STAFFING THESE POSITIONS, YOU WOULD SEE INITIAL SAVINGS OF APPROXIMATELY \$58,982 FROM REDUCTION OF THE BONUSES FOR THE TWO SWORN POSITIONS RETURNING TO THE FLOOR. THEY WOULDN'T GET THE FIRE MARSHAL OR FIRE INSPECTOR BONUSES. WITH THE ADDITION OF A LITTLE OVER 138,000 FOR CIVILIAN AND FIRE INSPECTOR, A LITTLE OVER \$222,000 FOR CIVILIAN FIRE MARSHAL. ADDITION OF FIRE CAPTAIN PARAMEDIC, 285,568. AND REALLOCATE, WE WOULD TAKE THAT FIREFIGHTER INSPECTOR AND UPGRADE HIS POSITION TO FIREFIGHTER PARAMEDIC. WITH A TOTAL OF 657,631 WOULD BE THE ANTICIPATED COST FOR THIS.

>> Mayor Napolitano: OKAY, GOOD PRESENTATION.

>> STAFF IS LOOKING TONIGHT FOR A RECOMMENDATION FROM THE COUNCIL TO MOVE FORWARD WITH THIS STAFFING MODEL.

>> Mayor Napolitano: OKAY. WE DO HAVE A QUESTION BY COUNCILMEMBER HADLEY WHEN WILL OUR CURRENT FIRE PREVENTION STAFF BE ASSIGN ED TO FIRE SUPPRESSION?

>> AS SOON AS WE GO THROUGH PROCESS OF HIRING. WE HAVE COME UP

WITH A COMP STUDY SO WE ARE COMING UP WITH A FLYER. I HAVE MY FEELERS OUT IN THE INDUSTRY TO SEE WHO IS AVAILABLE. THAT WOULD BE AMOUNT OF RECRUITING TIME AND HIRING AND PROCESSING TIME. AS SOON AS WE GET POSITIONS, THE CIVILIAN STAFF, WE WOULD MOVE THOSE OVER.

>> Mayor Napolitano: OKAY, ANY OTHER QUESTIONS. SEEING NONE, WE WILL OPEN IT UP TO THE PUBLIC. ANY PUBLIC COMMENTS ON THIS ITEM?  
>> MAYOR, MEMBERS OF COUNCIL. OUR CURRENT SWORN FIRE DEPARTMENT STAFFING IS 30, AS THE CHIEF HAS SAID, THAT INCLUDES THE CHIEF. THE RECOMMENDED STAFFING CHANGES WOULD BE THE SWORN STAFFING TO 31. HOWEVER, IN THE CURRENT M.O.U. THAT YOU HAVE IMPOSED ON THE FIREFIGHTERS, I'LL STATE THAT IT SAYS THE EXISTING EMPLOYEES IN THESE ASSIGNMENTS WOULD GO BACK TO THEIR SUPPRESSION ASSIGNMENTS. THESE EMPLOYEES WOULD FILL IN ON A SUPPRESSION SHIFT FOR LONG TERM I.O.D. VACANCIES UNTIL STAFF RETURNS TO FULL-TIME COMPLEMENT OF 24 THROUGH ATTRITION. THIS MEANS IF THE DEPARTMENT'S SWORN STAFFING WOULD DROP TO 29, ONE BELOW WHAT THE CURRENT SWORN STAFFING IS. MY RECOMMENDATION WOULD BE IF YOU INCREASE SWORN STAFFING TO 33 AND DID NOT ELIMINATE ANY POSITIONS, YOU WOULD HAVE MORE STAFFING OPTIONS, SUCH AS PUTTING ON ADDITIONAL PARAMEDIC UNIT AT FIRE STATION 2. THAT COULD BE BROWNEED OUT ACCORDING TO DAILY STAFFING NEEDS OR HAVE TWO ENGINES STAFFED WITH FOUR PERSONNEL. YOUR COST COMPARISONS REPORT THAT IT ACTUALLY SHOWS A NET SAVINGS TO HIRE ADDITIONAL PERSONNEL, INSTEAD OF PAYING OVERTIME. THESE POSITIONS WOULD MOSTLY, IF NOT COMPLETELY BE FUNDED WITH OVERTIME SAVINGS AND PROVIDE A HIGHER LEVEL OF FIRE AND E.M.S. SERVICE TO OUR COMMUNITY. I WOULD LIKE -- I FEEL LIKE YOU ARE PLAYING A SHELL GAME WITH THE FIRE DEPARTMENT STAFFING BY SAYING YOU ARE INCREASING AND THEN REDUCING THROUGH THE CURRENT CONTRACT YOU HAVE IMPOSED. THANK YOU VERY MUCH.

>> Mayor Napolitano: THANK YOU. OKAY. ANYONE ELSE? PUBLIC PARTICIPATION ON THIS ITEM? OKAY, I DON'T SEE ANYONE BY ZOOM EITHER. COUNCIL, WE HAVE GOT SOME QUESTIONS?

>> J. Franklin: I WILL FOLLOW HER.

>> Mayor Napolitano: FROM COUNCILMEMBER HADLEY, CHIEF LANG, COMMENTOR SAID WE ARE REDUCING POSITIONS, IS THIS TRUE?

>> WE ARE NOT REDUCING POSITIONS. IN THE STAFF REPORT YOU WILL NOTICE THAT THE THREE POSITIONS WILL BE WITH CAPTAIN'S POSITIONS WILL BE FILLING IN FOR CURRENT I.O.D. VACANCIES IMMEDIATELY. ONCE THOSE COME BACK OR GO OFF THE BOOKS WE WOULD BE OVER STAFFED BY THOSE THREE POSITIONS. IN THERE IS AN OPTION FOR THE COUNCIL TO APPROVE THREE ADDITIONAL FIREFIGHTERS, WHICH WOULD GO ALONG WHAT HE WAS TALKING ABOUT, ADDING TO STATION 2 AS A FOURTH FIREFIGHTER AND USED SURGE WHEN NEEDED BECAUSE OF E.M.S. CALLS AND SO ON.

>> Mayor Napolitano: MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: THANK YOU, I THINK THEY ANSWERED MY

QUESTION. I REALIZE WHAT THE PLANS ARE. THEY LOOK THAT WAY, BUT ACTUALLY OUR GOAL IS TO ADD MORE FIREFIGHTERS. NOT TONIGHT. BUT THE OPTION, DIRECTOR JENKINS, WE WILL HIRE MORE. WE WILL ACTUALLY EXCEED THAT NUMBER. SO I WILL STOP THERE. THANK YOU.

>> Mayor Napolitano: ANY OTHER QUESTIONS? ALL RIGHT. THERE'S A MOTION TO APPROVE STAFF RECOMMENDATIONS BEFORE THE COUNCIL. WHICH IS APPROVED FOR STAFFING, INCREASE POSITIONS WITHIN THE DEPARTMENT AS FOLLOWS. ADDITION OF ONE FIRE MARSHAL CIVILIAN, ONE FIRE INSPECTOR CIVILIAN, ONE FIRE CAPTAIN SWORN. AND CHANGE DESIGNATION TO CAPTAIN PARAMEDIC TO BE FILLED AT THE APPROPRIATE LEVEL AT THE FIRE CHIEF'S DISCRETION. THOSE ARE THE STAFF'S RECOMMENDATIONS. MOTION BY MYSELF, SECOND BY COUNCILMEMBER HADLEY. ANY FURTHER COMMENT? OKAY, COULD WE GET A VOTING SCREEN, PLEASE?

>> L. Tamura: MOTION PASSES 5-0.

>> Mayor Napolitano: THANK YOU, ITEM #15, CONSIDERATION OF POLICE DEPARTMENT STAFFING LEVELS AND AUTHORIZATION FOR THE OVER HIRING OF FIVE ADDITIONAL POLICE OFFICERS, POLICE CHIEF JOHNSON, HUMAN RESOURCES DIRECTOR JENKINS. CHIEF?

>> GOOD EVENING, AGAIN, MR. MAYOR. MEMBERS OF THE COUNCIL. BEFORE YOU, OUR AUTHORIZED NUMBER OF SWORN POSITIONS IS CURRENTLY 65 WITH 46 AT THE POLICE OFFICER RANK. WE CREATE VACANCIES THROUGH A VARIETY OF MEANS, THROUGH PROMOTIONS, RETIREMENTS AND REZ IG VACCINATIONS. WE SEEK TO FILL BY HIRING THREE TYPES, LATERAL POLICE OFFICERS WHO HAVE SERVED IN OTHER POLICE DEPARTMENT, ACADEMY GRADUATES WHO HAVE GONE TO THE POLICE ACADEMY BUT NO LAW ENFORCEMENT EXPERIENCE, AND TRAINEES WHO NEED TO GO TO THE POLICE ACADEMY BEFORE THEY GO TO THE FIELD TRAINING PROGRAM. THE TIME IT TAKES FOR THE POLICE DEPARTMENT TO REALIZE A SOLO POLICE OFFICER VARIES GREATLY BASED ON THE TYPE OF APPLICANT. ALL APPLICANTS GO THROUGH A RIGOROUS BACKGROUND PROCESS WHICH TYPICALLY TAKES A COUPLE MONTHS. AFTER THAT THEY GO IN THE FIELD TRAINING PROGRAM. OUR ACADEMY GRADUATES ALSO GO INTO THE FIELD TRAINING BUT FULL LENGTH BECAUSE THEY HAVE NO LAW ENFORCEMENT EXPERIENCE. LASTLY, OUR POLICE OFFICER TRAINEES HAVE TO GO TO ACADEMY FOR SIX NOS AND ANOTHER SIX MONTHS IN THE FIELD TRAINING. AN OFFICER HIRED TODAY WE WOULDN'T REALIZE THEM FOR ANOTHER YEAR. ALLOWING YOUR POLICE DEPARTMENT TO INCREASE OUR OVER HIRES TO FIVE ALLOWS ME TO BETTER PLAN FOR THE FUTURE OF YOUR POLICE DEPARTMENT. HIRING EMPLOYEES SO THEY ARE MISSION READY WHEN OUR VACANCIES ACTUALLY OCCUR. AT PRESENT WE HAVE TOTE VACANCIES AND FOUR CANDIDATES IN THE BACKGROUND PROCESS. I HAVE THE POLICE DEPARTMENT IN CONCERT WITH HUMAN RESOURCES HAVE BEEN WORKING DILIGENTLY TO INCREASE OUR PIPELINE OF APPLICANTS THROUGH THE PROCESS SO WE ALWAYS HAVE A CONTINUOUS NUMBER READY TO FILL VACANCIES AS THEY OCCUR, HELP US GET TO NOT ONLY OUR AUTHORIZED NUMBER BUT OVER HIRE NUMBER. AS WE REACH THIS OF 70 SWORN POSITIONS I WILL RETURN TO THIS BODY AND

REQUEST APPROVAL AND FUNDING TO INCREASE OUR PERMANENT HIRING APPLICATION. AT THIS TIME I REQUEST AUTHORIZATION OF OVER HIRING OF FIVE.

>> Mayor Napolitano: THANK YOU. ANY QUESTIONS? SEEING NONE, WE WILL OPEN IT UP TO THE PUBLIC. ANY PUBLIC PARTICIPATION ON THIS ITEM?

>> AGAIN FRANK, AGAIN TOTALLY IN FAVOR OF THE FIVE OVER HIRE POSITIONS. I KNOW THE CHIEF WAS ALSO TALKING ABOUT HIRING OTHER POLICE OFFICER PERMANENT POSITIONS COMING DOWN THE ROAD. TOTALLY IN FAVOR OF THAT TOO. I'M HOPING THAT COUNCIL LOOKS AT BEING MUCH MORE PROACTIVE THAN REACTIVE IN WHAT WE NEED FOR OUR POLICE FORCE. AND AT ANY TIME THAT OUR CHIEF REALLY THINKS THAT IT IS NECESSARY TO HIRE MORE FULL-TIME PEOPLE, I HOPE YOU TAKE THAT INTO CONSIDERATION AND SUPPORT HER ON THAT. THANK YOU VERY MUCH.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS ON THIS ITEM? ALL RIGHT, THERE'S ONE ON ZOOM. SEEING NO MORE IN THE CHAMBER. HEATHER?

>> YES, I AM VERY MUCH -- HOLD ON A SECOND. I'M SORRY ABOUT THAT. CAN YOU HEAR ME?

>> Mayor Napolitano: WE CAN HEAR YOU.

>> SORRY, OKAY, I'M VERY MUCH IN SUPPORT OF HIRING MORE POLICE OFFICERS. I'M GOING BACK TO THAT DAY WHEN TASHA HAD THAT VERY SCARY ARMED ROBBERY. AND THERE WERE NO POLICE OFFICERS THERE AT THAT TIME. AND SO FAR IT LOOKS LIKE THOSE THUGS WERE ABLE TO GET AWAY SCOT-FREE. I KNOW THERE'S AN ACTIVE INVESTIGATION BUT THE FACT THAT THERE WAS NOT A BIG POLICE PRESENCE DOWNTOWN AT THAT TIME REALLY CONCERNS ME. AND WE JUST NEED A LOT MORE POLICE OFFICERS, PERIOD, FOR PUBLIC SAFETY. I KNOW THAT I PERSONALLY DON'T FEEL AS SAFE HERE AS I DID MANY YEARS AGO. AND I KNOW THERE ARE A LOT OF RESIDENTS WHO FEEL THE SAME WAY. ALSO AS A BUSINESS OWNER, WITHOUT MORE POLICE PRESENCE, THEY ARE THE NUMBER ONE DETERRENT OF CRIME. AND SO I AM ALL FOR HIRING AS MANY OFFICERS AS WE NEED TO NOT ONLY KEEP OUR RESIDENTS SAFE, BUT EVEN IF IT'S JUST FOR THE APPEARANCE. CSC DOESN'T DO THAT, BY THE WAY. THAT DOESN'T REALLY DO ANYTHING IN MY OPINION. SO I REALLY HOPE YOU GUYS WILL CONSIDER HIRING AS MANY MAXIMUM POLICE OFFICERS AND I DON'T KNOW OVER FILL OR HIRING. ANYWAYS, WE JUST NEED MORE POLICE OFFICERS, PERIOD. THANK YOU.

>> Mayor Napolitano: THANK YOU. OKAY. WITHOUT ANY FURTHER COMMENTS, COUNCIL ANY QUESTIONS? THERE'S A MOTION.

>> Mayor Pro Tem Montgomery: I HAVE A COMMENT YOUR HONOR.

>> Mayor Napolitano: OKAY.

>> Mayor Pro Tem Montgomery: FOR HISTORICAL RECORD THIS ISN'T THE FIRST TIME WE DID OVER HIRES. WE DID IT IN 2012, CHIEF IRVINE ASKED FOR PLUS TWO, WE ASKED IF SHE WANTED MORE. SHE SAID SHE WOULD LET US KNOW. WE HAVE BEEN SUPPORTIVE OF POLICE, IT'S NOT NEW. IF YOU NEED ANYTHING FURTHER, YOU HAVE OUR SUPPORT. NOTHING

ELSE YOUR HONOR.

>> Mayor Napolitano: SECONDED BY MAYOR PRO TEM MONTGOMERY TO APPROVE THE STAFF RECOMMENDATION, THE CITY COUNCIL APPROVE THE OVER HIRING OF UP TO FIVE ADDITIONAL POLICE OFFICERS. WE HAVE A VOTING SCREEN. PLEASE VOTE.

>> L. Tamura: MOTION PASSES 5-0.

>> Mayor Napolitano: ALL RIGHT. THAT TAKES US TO ITEM 16, DISCUSS EXISTING REGULATIONS FOR OVERHEAD STRING LIGHTS PLACED ABOVE WALK STREETS. DON'T WORRY, WHAT I HEARD FROM CITY MANAGER, ALL THIS IS GOING TO BE LOOKED INTO AND MAKE SURE IT WORKS BEFORE THE NEXT COUNCIL MEETING.

>> DIRECTOR TAI?

>> GOOD EVENING, MAYOR AND MEMBERS OF THE CITY COUNCIL. I WAS HERE WITH YOU AT THE BEGINNING, HERE AT THE LAST ITEM. SO THIS WAS A REQUEST, HOLD ON, HOLD ON. CAN I DRIVE? HERE WE ARE. THIS WAS A REQUEST FROM THE COUNCIL EARLIER THIS YEAR IN FEBRUARY. THE COUNCIL REQUESTED INFORMATION ABOUT THE REGULATIONS ON OVERHEAD STRING LIGHTS ABOVE WALK STREETS. SO THIS STAFF REPORT WE HAVE PREPARED FOR YOU TONIGHT AS WELL AS THE PRESENTATION COVERS THE FOUR FOLLOWING SUB TOPICS. NUMBER ONE THE WALK STREETS ARE IN THE PUBLIC RIGHT OF WAY. WE WILL TALK ABOUT SAFETY STANDARDS, WE WILL TALK ABOUT PERMITTING PROCESS, TALK ABOUT ENFORCEMENT AND TALK ABOUT, IT'S NOT ON THERE, BUT WHAT OPTIONS ARE AVAILABLE TO US. SO, FIRST OF ALL, MUNICIPAL CODE SECTION 7.36 GOVERNS THE PRIVATE USE OF THE PUBLIC RIGHT OF WAY. THE COUNCIL IS AWARE THERE'S A LOT OF PRIVATE USE OF THE PUBLIC RIGHT OF WAY HERE, THAT'S BECAUSE THERE'S A CHAPTER THAT SPECIFICALLY ALLOWS IT IN A WAY THAT IS FUNCTIONAL, ATTRACTIVE, AND NON OBTRUSIVE. IT HAS TO HAVE AN ENCROACHMENT PERMIT WHATEVER IT IS AND THOSE ARE DISCRETIONARY AND MAY BE DENIED OR REVOKED WITHOUT CAUSE. THE ENCROACHMENT PERMIT IS PERMISSION FOR SOMEONE TO USE PUBLIC PROPERTY AND THE CITY IS A STEWARD FOR PUBLIC PROPERTY WHICH IS JOINTLY OWNED BY THE ENTIRE COMMUNITY. THIS INCLUDES PRIVATE IMPROVEMENTS, THEY INCLUDE THINGS LIKE THE AREAS THAT LOOK LIKE FRONT YARDS ON THE WALK STREETS. THE LONG TERM COMMERCIAL USES. THE SIDEWALK DINING THAT YOU SEE. EVEN THINGS LIKE TEMPORARY ACCESS FOR CONSTRUCTION, PODS, MOVING VANS, ALL OF THOSE REQUIRE SOME KIND OF PERMIT. THEY ARE ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT. THEY ARE ALSO REVIEWED AND SOME CASES INSPECTED BY THE PUBLIC WORKS DEPARTMENT. THERE ARE STANDARDS FOR ENCROACHMENTS. OBSTRUCTING SCENIC VIEWS MUST BE AVOIDED. THERE ARE MORE. SPECIFICALLY TO WALK STREETS. I'M GOING TO SLOW DOWN HERE AND TALK ABOUT A COUPLE OF SPECIFIC STANDARDS FOR WALK STREETS. YOU WILL SEE IN THE THREE BULLETS ON THE SCREEN, THERE'S ONE CONSISTENT STANDARD, WHICH IS EVERYTHING IS A 42 INCH MAXIMUM. IT'S A CONSISTENT THEME, FENCES, RAILINGS, LANDSCAPING, ETC. SO NOW MOVING ONTO THE OVERHEAD STRING LIGHTS. THESE ARE TYPICALLY INTERCONNECTED. THEY ARE SUSPENDED ABOVE THE

GROUND USUALLY FROM SOME POINT, WHETHER A POLE, A STRUCTURE, SOMETIMES TREES. THEY ARE GENERALLY DECORATIVE, THEY RARELY SERVE AS NECESSARY SAFETY LIGHTING AND THEY INCLUDE HOLIDAY LIGHTS. I WANT TO MAKE SURE EVERYBODY HAS THE SAME IDEA AS TO WHAT WE ARE TALKING ABOUT HERE. CURRENTLY AS THE CODE IS WRITTEN THERE ARE NO SPECIFIC PROHIBITIONS FOR OVERHEAD LIGHTS EVEN THOUGH THERE'S SOMETHING FOR OVERHEAD STRUCTURES. WHEN YOU TAKE IN COMBINATION ALL THE REGULATIONS IN THE STANDARDS, YOU WILL SEE THAT ALL APPARATUS ARE LIMITED TO NO MORE THAN 42 INCHES IN HEIGHT. THE CODE ASSUMES THAT ALL STRUCTURES TALLER THAN 42 INCHES MAY IMPACT SCENIC VIEWS. THE BUILDING CODE REQUIRES BUILDING PERMITS FOR ANYTHING SIX FEET OR TALLER. ACTUALLY, IT'S TALLER THAN SIX FEET, SORRY. THERE ARE MORE STANDARDS PERTAINING TO WALK STREETS FOR CLEARANCE, SPECIFICALLY VEHICLE AND MAINTENANCE VEHICLE CLEARANCE, YOU WILL NOTICE, I MENTIONED THE SEWER TRUCK IN THE STAFF REPORT, IT'S A TALL CLEARANCE VEHICLE. SO THE CODE SAYS THERE'S A 15-FOOT HEIGHT CLEARANCE. WHEN YOU ARE SUSPENDING THINGS ABOVE THE STREETS. FURTHERMORE THERE ARE AREAS, WALK STREETS WITHIN THE UNDERGROUND UTILITY ASSESSMENT DISTRICTS. AND IN THE UAD'S NOBODY IS ALLOWED TO SUSPEND ANYTHING UP THERE BECAUSE THEY WENT TO ALL THE EFFORT TO UNDERGROUND THE APPARATUS. SO I PRESENT A COUPLE OF ALTERNATIVES. WHICH IS RIGHT NOW IF THE COUNCIL WERE TO TAKE NO ACTION, THE CODE DOES NOT HAVE A WAY FOR THE CITY TO PERMIT OVERHEAD STRING LIGHTS ABOVE WALK STREETS. THERE ARE TWO ALTERNATIVES WE COULD INTRODUCE AS WORK PLAN ITEMS. WHETHER ALTERNATIVE 2 IS AN EASIER VERSION. IT'S PRIVATE PROPERTY ONLY. BASICALLY IT WOULD BE SOME KIND OF AN APPLICATION PROCESS TO ALLOW TEMPORARY LIGHTS TO BE SUSPENDED FROM PRIVATE PROPERTY ONLY. THEY WOULD NEED TO BE SUSPENDED FROM EXISTING BUILDINGS ON PRIVATE PROPERTY. PROPERTY OWNERS WOULD BE ABLE TO SUBMIT FOR A BUILDING PERMIT FOR THAT. BUILDING PERMITS EVALUATE ATTACHMENT POINTS FOR THINGS LIKE WIND FLOW, MOVEMENT, LATERAL PULLING. IF YOU ATTACH LIGHTS ON A RAILING IT'S PULLING A CERTAIN DIRECTION. WE HAVE TO ENSURE THE SAFETY FOR NOT ONLY ANCHOR POINTS BUT WHERE THE LIGHTS ARE SUSPENDED ABOVE. AND A WORK PLAN ITEM TO TAKE A MORE COMPREHENSIVE LOOK AT ALLOWING THE TEMPORARY STRING LIGHTS, SUSPENDED ABOVE THE WALK STREETS BUT FROM EITHER PRIVATE OR PUBLIC PROPERTY. I WILL NOTE THAT ALTERNATIVE 3 DOES INVOLVE CHANGING THE MUNICIPAL CODE AND CHAPTER 7.36 IS ONE OF THE CHAPTERS THAT NEEDS TO BE CERTIFIED BY THE COASTAL COMMISSION. SO THERE'S A CERTAIN AMOUNT OF LEAD TIME IF WE WERE TO TAKE ON ALTERNATIVE 3. THOSE ARE LISTED IN SORT OF EASIEST TO HARDEST. IF THE COUNCIL WISHES TO DISCUSS IT. THAT CONCLUDES MY PRESENTATION AND I WILL TRY TO ANSWER ANY QUESTIONS YOU HAVE.

>> Mayor Napolitano: A COUPLE QUESTIONS. I'M GOING TO JUMP IN FIRST, SORRY. THEY ARE ACTUALLY NOT PROHIBITED, BUT WE ARE GOING TO LOOK AT ALL THIS STRUCTURE AND WORK PLAN ITEMS AND THINGS LIKE



THAT. WHAT IS A STRUCTURE? DO THE STRING LIGHTS MEET THE DEFINITION OF A STRUCTURE?

>> ANYTHING THAT THE STRING LIGHTS WOULD NEED TO BE ATTACHED TO, EXCEPT A TREE, MEETS THE DEFINITION OF A STRUCTURE.

>> Mayor Napolitano: THE STRUCTURE HAS TO BE 15 FEET ABOVE. THAT DOESN'T MEAN THE STRING LIGHTS HAVE TO BE 15 FEET ABOVE?

>> IT DOES, ACTUALLY. THE SUSPENSION. ANYTHING ABOVE THE WALK STREET HAS TO HAVE 15-FOOT HEIGHT CLEARANCE.

>> Mayor Napolitano: I JUST ASKED IF THE STRING LIGHTS ARE A STRUCTURE.

>> THE STRING LIGHTS IN AND OF THEMSELVES ARE NOT. BUT THEY MUST BE ATTACHED TO SOMETHING.

>> Mayor Napolitano: RIGHT. BUT THAT THING THAT'S ATTACHED DOESN'T MEAN THAT THING GOES OVER THE WALK STREET.

>> IF THE LIGHTS GO OVER THE WALK STREET THEY COULD BE ATTACHED TO SOMETHING ON EITHER SIDE BUT THEY WOULD SPAN.

>> Mayor Napolitano: BUT THEY HAVE TO BE 15-FEET HIGH?

>> CORRECT.

>> Mayor Napolitano: OKAY. I'M NOT BUYING THIS. COUNCILMEMBER STERN?

>> H. Stern: OKAY, I'M CONFUSED BECAUSE I SEE 42 INCHES. WE PREVENT STRUCTURES OVER 42 INCHES IN THE WALK STREET ENCROACHMENT AREA AND THEN STRUCTURES OVER WALK STREETS ARE REQUIRED TO BE OVER 15 FEET TALL FOR HEIGHT CLEARANCE, SO I'M NOT SURE HOW I UNDERSTAND HOW THOSE TWO THINGS WORK.

>> RIGHT, THAT'S WHY THERE'S NO CLEAR PATH TO ANY KIND OF APPROVAL. IF WE WERE TO CREATE A CODE CHANGE TO ALLOW FOR SOMETHING LIKE THIS, THE EXISTING PARAMETERS RIGHT NOW ARE THAT NOTHING COULD BE TALLER THAN 42 INCHES FOR VIEW PURPOSES AND EVERYTHING HAS TO BE TALLER THAN 15 FEET FOR TALL VEHICLE CLEARANCE. THOSE ARE YOUR EXISTING PARAMETERS. IF THE COUNCIL WANTED TO DIRECT STAFF TO WORK THROUGH A PROGRAM, I WANTED YOU TO KNOW THERE WOULD BE STARTING PARAMETERS CURRENTLY IN THE MUNICIPAL CODE.

>> H. Stern: THAT ARE INCONSISTENT.

>> INCONSISTENT OR FLOOR TO CEILING. I THINK THE FUNDAMENTAL QUESTION IS, IS IT SOMETHING THAT, IS IT SOMETHING THAT THE CITY WANTS TO TAKE ON. BECAUSE THERE ARE VIEW IMPLICATIONS. THERE ARE, IN THE COASTAL ZONE THERE WOULD BE COASTAL IMPLICATIONS. THERE ARE HEIGHT LIMITS RELATED TO THE VIEW AND FUNCTIONAL CLEARANCE REQUIREMENTS THAT WOULD HAVE TO BE CONSIDERED.

>> H. Stern: BUT WE CURRENTLY DO HAVE PEOPLE USING STRING LIGHTS OVER WALK STREETS.

>> THAT'S RIGHT AND WE HAVE COMPLAINTS, THE CITY DOES TAKEN REINFORCEMENT ACTIONS BECAUSE THERE'S NO PATH IN THE REGULATIONS TO ALLOW FOR THEM.

>> H. Stern: THANK YOU.

>> Mayor Napolitano: COUNCILMEMBER FRANKLIN?  
>> J. Franklin: YEAH, THANK YOU. SO I WOULD ASSUME -- FIRST OF ALL COULD YOU GIVE US SOME PERSPECTIVE. I WAS TRYING TO LOOK AT THE CEILING, DOES ANYONE HAVE ANY IDEA HOW HIGH THIS WOULD BE? HIGHER THAN A STANDARD CEILING.  
>> Mayor Napolitano: LOOKS LIKE ABOUT 15 FEET.  
>> J. Franklin: SO THAT'S PRETTY HIGH.  
>> [ OFF MIC ].  
>> J. Franklin: THANK YOU, THE EXPERT THERE, 18. SO THAT'S PRETTY HIGH.  
>> H. Stern: FROM DOWN THERE.  
>> J. Franklin: OH, FROM DOWN THERE. DO NEIGHBORS HAVE TO COOPERATE IN TERMS OF STRINGING FROM ONE SIDE TO THE OTHER?  
>> YES. IN A SCENARIO, FOR EXAMPLE, UNDER ALTERNATIVE 2, IF LIGHTS COULD ONLY BE SUSPENDED FROM PRIVATE PROPERTY ONLY, YES. LIGHTS WOULD HAVE TO, THEY WOULD HAVE TO COOPERATE. YOU CERTAINLY WOULD HAVE TO GO FROM ONE STRUCTURE TO A SECOND STRUCTURE TO A THIRD STRUCTURE, AND I'M ASSUMING ALL OF THOSE ARE OWNED BY SOMEBODY DIFFERENT.  
>> Mayor  
>> J. Franklin: YOU HAVE TO MAKE SURE IT DOESN'T BOUGH DOWN IN THE MIDDLE BELOW 15 FEET.  
>> CORRECT.  
>> J. Franklin: OKAY. OH BOY. SAY THEY DON'T HAVE THAT 15-FOOT POSTING POSITION. AND THEY WANT TO PUT UP, YOU KNOW, A POLE OR SOMETHING LIKE THAT. THAT'S GOING TO VIOLATE THE 42 INCHES.  
>> CORRECT. IF ANYTHING GOING IN THE ENCROACHMENT AREA.  
>> Mayor Napolitano: ENCROACHMENT AREA IS WHAT, 5-10 FEET MAXIMUM?  
>> THEY ARE DIFFERENT DIMENSIONS. ANYTHING, IF THAT'S THE ENCROACHMENT AREA, CURRENTLY WOULD NOT BE ABLE TO HAVE A POLE. IF YOU WERE TO, SIMILAR TO SOMETHING SOMEBODY WOULD ATTACH TO THEIR HOUSE FOR FLAGPOLE, FOR EXAMPLE, OR ANY KIND OF ANCHOR POINT YOU WOULD NEED TO OBTAIN A PERMIT FOR THAT, IN ORDER TO ENSURE THE WEIGHT OF THE LIGHTS, ESPECIALLY IN TIMES OF MOVEMENT AND ALSO SUSPENDED DISTANCE THAT ANCHOR POINT IS STRUCTURALLY SOUND TO HOLD THOSE LIGHTS. THE REASON FOR THAT, THE LIGHTS ARE SUSPENDED OVER THE PUBLIC RIGHT OF WAY, AND THAT SAFETY IS PART OF THE WAY THE CITY WOULD ENSURE THAT ANYONE WHO IS PASSING BY, OR ANYONE USING THE WALK STREET AT THE MOMENT WOULD BE SAFE IF THERE WAS SOMETHING OVERHEAD.  
>> J. Franklin: DID I HEAR YOU SAY SOMETHING ABOUT FIRE DEPARTMENT MIGHT HAVE AN ISSUE WITH THIS, A WHOLE BLOCK OF STRUNG LIGHTS?  
>> WELL, GENERALLY, IT'S THE MAINTENANCE VEHICLES THAT PUBLIC WORKS USES. BUT THERE COULD ALSO BE OTHER UTILITY VEHICLES LIKE SOUTHERN CALIFORNIA EDISON OR ANYTHING THAT IS A HIGH-CLEARANCE

VEHICLE. YOU HAVE SEEN THEM, THAT PERFORM MAINTENANCE.

>> J. Franklin: AND DO YOU ANTICIPATE SPECIFICATION OF BULB BRIGHTNESS AND COLOR?

>> IF WE WERE TO DEVELOP EITHER A POLICY OR A CODE CHANGE, THOSE WOULD BE PARAMETERS THAT WE WOULD BE PRESENTED FOR REVIEW. YOU KNOW, AGAIN, THE EXISTING MUNICIPAL CODE CONSIDERATION FOR OBSTRUCTING OF VIEWS, I THINK IS A SERIOUS CONSIDERATION. BECAUSE THAT'S A VERY SUBJECTIVE STANDARD AND WHAT MIGHT BE ENJOYABLE TO ONE PERSON, NOT BE TO THE ENTIRE PERSON. WE HAVE A CIRCUMSTANCE, IF WE ARE LOOKING AT A PROGRAM, LET'S SAY SIMPLER ONE, NUMBER 2 SUSPENSION FROM PRIVATE PROPERTY ONLY. YEAH, WE MIGHT WANT TO GET THE BUY-IN, CONCURRENCE OF ONE BLOCK TO ENSURE THAT EVERYBODY AGREES THAT'S WHAT THEY WANT TO BE LOOKING AT FOR HOWEVER, WHATEVER THE DURATION IS FOR THAT INSTALLATION.

>> J. Franklin: ONE FINAL QUESTION. IN THE GASLIGHT AREA WE GOT THE GASLIGHT POLES. AND THEY GET DECORATED AND THINGS, YOU KNOW DURING DIFFERENT SEASONS AND DIFFERENT EVENTS. SO THERE'S NOTHING THAT THE CITY IS INVOLVED WITH THAT? THAT'S MOSTLY JUST AN AGREEMENT AMONGST THE NEIGHBORS? THERE'S NOTHING FORMALIZED?

>> I DON'T BELIEVE THERE'S A CITY PROGRAM FOR THAT. YEAH, LIKELY SOMETHING THE RESIDENTS DO. I DON'T THINK I EVER RECEIVED A COMPLAINT FOR IT THOUGH.

>> J. Franklin: OKAY, I WAS JUST LOOKING FOR SIMILARITY HOW WE MANAGE THAT TO MANAGING SOMETHING LIKE THIS. THANK YOU.

>> SURE.

>> Mayor Napolitano: OTHER QUESTIONS? OKAY, OPEN IT UP TO THE PUBLIC.

>> GOOD EVENING, STEFAN K, RESIDENT ON FOURTH STREET. THE LIGHTS ARE A TRADITION ON FOURTH STREET. THAT'S WHAT WE DO, THAT IS WHAT PULLS OUR COMMUNITY TOGETHER. IT'S INTERESTING THIS IS EVEN COMING UP, THERE'S NEVER BEEN AN ISSUE ANYONE ON BERNARD STREET HAS EVER HEARD OF. WE NEVER HEARD AN ISSUE WITH AN EDISON TRUCK COMING UP AND DOWN FOURTH STREET. I DON'T EVEN THINK THEY ARE ALLOWED BECAUSE IT'S NOT MADE FOR THOSE KINDS OF TRUCKS. THIS IS WHAT TIES US TOGETHER. IF THERE'S GUIDELINES, GREAT, GIVE US SOME GUIDELINES OF THINGS TO DO. BUT TAKING IT AWAY, IT'S REGULATION, THAT'S NOT SOMETHING WE NEED. WE NEED THIS TO PULL OUR COMMUNITY TOGETHER. WE HAVE RESIDENTS WHO HAVE BEEN THERE 40 PLUS YEARS. THIS IS WHAT WE GET TOGETHER AND DO AT CHRISTMAS TIMES OR THE HOLIDAYS TO BE CORRECT HERE. IT PULLS US TOGETHER AS A COMMUNITY. IF THERE'S ISSUES AND CONCERNS OF SOMEONE COMPLAINING LET US KNOW. WE ARE VERY OPEN, VERY FAMILY ORIENTED. IT JUST HELPS US PULL IT TOGETHER. I DON'T SEE WHY WE NEED TO OVER REGULATE, GIVE US GUIDELINES IF THAT'S WHAT YOU NEED. WE HAVE BEEN SUCCESSFUL, THERE'S NO ISSUES AND WE ARE PROUD TO SHOW OFF OUR WALK STREETS TO THE REST OF THE COMMUNITY. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS? ALL RIGHT. ANYONE

BY ZOOM?

>> VERY QUICK. WE ARE LATE. I JUST WANT TO SAY WE HAVE NEVER HAD AN ISSUE. I'VE HEARD OF OTHER BLOCKS WHERE RESIDENTS HAVE COMMUNICATED WITH EACH OTHER AND THEY HAVE LIMITED EITHER THE SITE OR THE LINE OR THE HEIGHT AND IT SEEMS LIKE THINGS HAVE GOTTEN TOGETHER. I WOULD LIKE TO ENCOURAGE COMMUNITY MEMBERS TO SPEAK WITH EACH OTHER AS OPPOSED TO MAKING REGULATIONS. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS? SEEING NONE. MAYOR PRO TEM MONTGOMERY?

>> Mayor Pro Tem Montgomery: THANK YOU, YOUR HONOR. AGAIN HISTORICAL PRECEDENT HERE. NOT ALL THE NEIGHBORS ARE AS NICE AS FOURTH STREET. OTHER NEIGHBORS DON'T LIKE IT. THEY COMPLAINED ABOUT IT. IT'S AGAINST CITY RULES. THE FIRST TIME LIGHTS FALL GUESS WHO WILL CALL? NOT THE PEOPLE LIVING NEXT DOOR, US THE CITY. WE NEED REGULATION OF SOME SORT THAT LAYS OUT WHAT IT IS. AND NOT ALL NEIGHBORS VIEW HANGING LIGHTS THE SAME WAY. DIRECTOR TAI IS RIGHT ON. THIS ISN'T ABOUT WHO LIKES LIGHTS AND WHO DOESN'T. MAYBE THEY CAN BE AS NICE AS FOURTH STREET BUT NOT ALL STREETS IN THE CITY ARE AS NICE WE HAVE PROOF AND EMAILS TO THAT EFFECT. THAT'S MY COMMENT, YOUR HONOR.

>> Mayor Napolitano: THANK YOU. FOR MYSELF, I WOULD SAY YEAH, THERE SHOULD NOT BE, WHAT WAS IT, GOVERNOR BROWN'S STATEMENT? THERE'S NOT A LAW FOR EVERYTHING THAT PEOPLE WANT TO DO, THERE SHOULDN'T BE A LAW FOR EVERYTHING. I HAVE ZERO INTEREST IN CREATING AN ENCROACHMENT PERMIT PROCESS. GUIDELINES I WOULD BE FINE WITH. I BELIEVE WE CAME UP WITH SOMETHING FOR THE STRAND GARDENS. I WOULD DO THAT HERE. WE ENFORCE ON A COMPLAINT BASIS. I CAN SEE THAT HERE. BUT THOSE ARE ALSO ANONYMOUS, SO WE ARE NOT GOING TO SHARE THAT. BUT AS FAR AS 15 FEET AND STANDARDS AND GETTING WORK PLAN ITEMS THAT GO ON WITH COMMITTEES FOR MONTHS, I DON'T SEE THE NEED FOR THAT HERE. THIS IS JUST A SIMPLE THING THAT SOME NEIGHBORS WANT TO DO. THERE'S ACTUALLY NO PROHIBITION OF IT IN THE CODE. SO WE'RE NOT THUMBING OUR NOSE AT THE LAW. I DON'T SEE THEM AS STRUCTURES. I DON'T SEE HOW THEY MEET THE DEFINITION OF STRUCTURES. I JUST, THERE ARE SOME THINGS WE DON'T NEED TO GET INVOLVED AND GOVERNMENT SHOULD NOT GET INVOLVED IN EVERYTHING. AND I DON'T SEE THE REASON TO DO THAT HERE. OTHERS? COUNCILMEMBER FRANKLIN?

>> J. Franklin: IT'S A VERY INTERESTING ISSUE. I LOVE THE FACT THAT IT BRINGS TOGETHER THE COMMUNITY. WE DO IT IN SO MANY DIFFERENT WAYS ON OUR STREET. YOU JUST LOVE THE LIGHTS. IT JUST EVOKES SO MUCH. EVOKES THIS SENSE OF COMMUNITY IF YOU ARE HAVING DINNER OUT THERE AND THINGS LIKE THAT, IT'S LIKE YOU ARE WALKING THROUGH AN ITALIAN STREET. AND I MEAN, I HAVE NEVER HEARD OF ANYTHING BUBBLING UP TO REALLY CREATE A PROBLEM. I AGREE WITH MAYOR NAPOLITANO THAT GOVERNMENT SHOULD JUST NOT HAVE TO BE

TURNED TO. I THINK NEIGHBORS CAN GO AHEAD AND TALK TO EACH OTHER AND WORK THINGS OUT. PLEASE RESPECT SOMEBODY WHO DOESN'T LIKE IT. YOU KNOW, ENJOY IT, BECAUSE OTHER PEOPLE WANT TO DO IT. IT ADDS A LOT OF CHARACTER TO A NEIGHBORHOOD. IT'S A SPECIAL THING. I DON'T SEE ANY REASON TO DO ANYTHING ABOUT IT.

>> Mayor Napolitano: ANYBODY ELSE? I COULD MOVE TO CONTINUE THIS TO 2025. [LAUGHTER]

>> Mayor Pro Tem Montgomery: OR UNTIL WE GET SUED FOR LIABILITY ISSUES, SURE.

>> Mayor Napolitano: THEY WOULD HAVE TO GET IN LINE TO SUE US AFTER TONIGHT.

>> Mayor Pro Tem Montgomery: IT WOULD BE A LONG LINE.

>> Mayor Napolitano: ANYBODY ELSE? ANY ACTION ON THIS ITEM? COUNCILMEMBER STERN?

>> H. Stern: YEAH, THIS WAS A SUGGESTION TO HAVE GUIDELINES, OR SOME KIND OF A POLICY OR SOMETHING. SHOULD WE BRING THIS BACK FOR SUGGESTED GUIDELINES OR POLICY? SO THAT IF WE HAVE A COMMUNITY COMPLAINT WE CAN HAVE SOMETHING TO REFERENCE.

>> Mayor Napolitano: GUIDELINES ARE FINE WITH ME.

>> Mayor Pro Tem Montgomery: GET A MOTION FOR THAT, YOUR HONOR?

>> Mayor Napolitano: SURE. I MOVE THAT WE ESTABLISH, OR SEND BACK TO STAFF TO COME UP WITH SOME GUIDELINES WE WOULD LOVE TO PUT IN PLACE FOR 2023.

>> Mayor Pro Tem Montgomery: SECOND.

>> J. Franklin: COULD I ASK A QUESTION?

>> Mayor Napolitano: YEAH.

>> J. Franklin: ARE THEY ENFORCEABLE? OR JUST THAT GUIDELINES?

>> Mayor Napolitano: WE WILL DETERMINE WHEN THEY COME BACK. GUIDELINES ARE TYPICALLY JUST GUIDELINES.

>> J. Franklin: OKAY.

>> Mayor Napolitano: ALL RIGHT. PLEASE VOTE.

>> L. Tamura: MOTION PASSES 5-0.

>> Mayor Napolitano: THE GRINCH GREW A HEART THREE SIZES. ALL RIGHT. THAT TAKES US TO, WE NEED A MOTION TO EXTEND THE MEETING. CAN I ASK FOR A MOTION TO 11:30, WHICH I GUARANTY WE WON'T GO TO.

>> Mayor Pro Tem Montgomery: 11:30?

>> Mayor Napolitano: JUST IN CASE. WE GOT TO DO THE RESOLUTION.

>> Mayor Pro Tem Montgomery: AT THE MAYOR'S REQUEST I WILL DO IT ONE TIME EVER TO 11:30.

>> J. Franklin: I WILL SECOND IT.

>> Mayor Napolitano: WE WILL GET DONE BY 11:00. LET'S COME BACK TO OUR RESOLUTION, MR. CITY ATTORNEY? DO WE HAVE A RESOLUTION?

>> City Attorney Q. Barrow: EARLIER THIS EVENING THIS MATTER WAS CONTINUED, AT THE TIME THE APPLICANT WAS STILL PRESENT IN THE CHAMBERS. AND NOW THAT WE ARE BACK ON THIS MATTER, JUST FOR THE RECORD, I RECOMMEND THAT THE CITY COUNCIL ENTER ALL THE DOCUMENTS THAT HAVE BEEN SUBMITTED IN CONNECTION WITH THIS MATTER INTO THE

RECORD.

>> Mayor Napolitano: OKAY, DO WE NEED A MOTION FOR THIS RESOLUTION?

>> City Attorney Q. Barrow: YES. IS THERE A MOTION TO ADOPT RESOLUTION 22-0124. IT'S THE SAME NUMBER AS THE EARLIER ONE THAT WAS NOT ADOPTED.

>> Mayor Napolitano: OKAY. WE HAVE A MOTION BY COUNCILMEMBER HADLEY, SECOND BY COUNCILMEMBER FRANKLIN. PUBLIC PARTICIPATION ON THIS ITEM? OKAY, SEEING NONE. COUNCIL? ANY COMMENTS?

>> H. Stern: I WANT TO FINISH READING.

>> Mayor Napolitano: OKAY.

>> City Attorney Q. Barrow: THE KEY PARAGRAPH IS SECTION 6.

>> J. Franklin: DO WE MOVE TO ACCEPT IT?

>> Mayor Napolitano: WE MOVED IT, WE SECONDED IT. WE WERE WAITING FOR COUNCILMEMBER STERN. HAVE YOU -- WHERE ARE YOU? OKAY, QUESTIONS, COMMENTS, COUNCILMEMBER STERN, READY TO VOTE?

>> H. Stern: YEAH.

>> Mayor Napolitano: OKAY. VOTING SCREEN, PLEASE. FIRST WAS COUNCILMEMBER HADLEY, SECOND WAS COUNCILMEMBER FRANKLIN. OKAY, PLEASE VOTE.

>> L. Tamura: MOTION PASSES 3-2.

>> Mayor Napolitano: OKAY. THAT TAKES US TO CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS. ARE THERE ANY AB 1234 REPORTS?

>> Mayor Pro Tem Montgomery: NO, YOUR HONOR.

>> Mayor Napolitano: WE WILL MOVE ONTO FUTURE AGENDA ITEMS.

>> J. Franklin: YES, IF I MAY READ THIS FOR COUNCILMEMBER HADLEY.

>> Mayor Napolitano: OH, OKAY.

>> J. Franklin: HER REQUEST. I WOULD LIKE TO STOP OUR FORMERLY APPROVED POLICY ON COYOTES TO COLLECT MORE DATA ON PREDATION AND CONDUCT AN E.I.R. RECENT INCIDENTS PROVE THERE'S AN IMMEDIATE THREAT TO OUR COMMUNITY'S SAFETY AND SECURITY. WE NEED TO START TRAPPING IMMEDIATELY TO REMOVE DANGEROUS WILD ANIMALS BEFORE A CHILD OR SENIOR IS HURT.

>> Mayor Napolitano: OKAY, IS THERE FUTURE AGENDA ITEMS. SO THIS NEEDS A SECOND TO BE BROUGHT BACK.

>> J. Franklin: SO I'LL SECOND THAT.

>> Mayor Napolitano: ALL RIGHT. THAT ISSUE WILL COME BACK. ANY OTHER FUTURE AGENDA ITEMS?

>> Mayor Pro Tem Montgomery: NO.

>> Mayor Napolitano: OKAY, CITY MANAGER REPORT?

>> City Manager B. Moe: NO REPORT THIS EVENING.

>> Mayor Napolitano: CITY ATTORNEY REPORT?

>> City Attorney Q. Barrow: NOTHING TONIGHT.

>> Mayor Napolitano: FUTURE AGENDA ITEMS. FORECAST. CLOSED SESSION, WE CONTINUE THAT TO TOMORROW AT 5:00. THAT TAKES US TO ADJOURNMENT. SO, WE ARE ADJOURNED AND IT'S 10:34, I THINK IT IS.

ALL RIGHT, THANK YOU, ALL.  
>> Mayor Pro Tem Montgomery: WELL DONE.