

ROUGHLY EDITED COPY

MANHATTAN BEACH CITY COUNCIL  
REGULAR MEETING  
REMOTE BROADCAST CAPTIONING  
TUESDAY, August 16, 2022

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>> Mayor Napolitano: GOOD EVENING, EVERYONE. LET ME ADJUST MY TECH HERE. WELCOME TO YOUR CITY COUNCIL MEETING TUESDAY, AUGUST 16<sup>th</sup>, 2022. WE'RE GOING TO START WITH THE PLEDGE TO THE FLAG AND WE'RE GOING TO -- IF YOU HAVEN'T MET, EVERYONE'S EYES TURN OVER HERE, THIS SMILING YOUNG LADY IS OUR NEW POLICE CHIEF RACHEL JOHNSON. GIVE HER A BIG ROUND OF APPLAUSE. [APPLAUSE]

>> Mayor Napolitano: SHE'S GOING TO LEAD US IN THE PLEDGE TO THE FLAG.

>> HAND OVER YOUR HEART AND BEGIN.

>> I PLEDGE ALLEGIANCE TO THING FROM 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: SWEAR IN TOMORROW. OKAY. THAT TAKES US TO ROLL CALL.

>> COUNCILMEMBER FRANK.

>> Councilmember Franklin: HERE.

>> COUNCILMEMBER HADLEY.

>> Councilmember Hadley: HERE.

>> COUNCILMEMBER STERN.

>> Councilmember Stern: HERE.

>> MAYOR PRO TEM MONTGOMERY.

>> Mayor Pro Tem Montgomery: HERE.

>> MAYOR NAPOLITANO.

>> Mayor Napolitano: HERE.

>> ITEM NUMBER ONE IS INTRODUCTION TO POLICE CHIEF RACHEL JOHNSON. SINCE YOU STOLE MY THUNDER LAST TIME...

>> ALL RIGHT. CHIEF JOHNSON, WELCOME TO THE CITY OF MANHATTAN BEACH. CHIEF JOHNSON COMES TO US MOST RECENTLY FROM THE CITY OF LAGUNA BEACH AS A CAPTAIN THERE, PRIOR TO THAT AT NEW PORT BEACH AND BEFORE THAT SHE WAS AT THE ORANGE COUNTY SHERIFF'S DEPARTMENT WORK IN THE WOMEN'S JAIL WHERE YOU LEARNED A LOT ABOUT TALKING WITH PRISONERS AND INTERACTING WITH THEM AND HOW TO GET INFORMATION FROM THEM. AND OF COURSE BEFORE THAT I'M SURE WE'RE ALL PROUD THAT SHE SERVED IN THE UNITED STATES MARINE CORPS FOR FOUR YEARS. SO WE ARE HAVING A FORMAL SWEAR IN TOMORROW AT 4:30 P.M. OUT HERE AT THE CIVIC CENTER PLAZA. WE VEAL THE SWEARING AND THE BADGE PINNING AND A MEET AND GREET AND SOME REFRESHMENTS. IF YOU WANT TO COME GET TO KNOW THE CHIEF A LITTLE BETTER, PLEASE JOIN US. PLEASE EXPECT A BIG CROWD, A LOT OF FACES AND NAMES TO REMEMBER. WELCOME. YOU'VE GOT BIG SHOES TO FILL BUT YOU'RE KNOCKING THEM OUT OF THE FIELD RIGHT NOW RIGHT OFF THE BAT. WELCOME ABOARD. THANK YOU.

>> Mayor Napolitano: WE'RE GOING TO PIN ANOTHER BADGE ON YOU TOMORROW BUT FOR NOW I WANT TO PRESENT YOU WITH YOUR FIRST CITY OF MANHATTAN BEACH PIN AND JUST REMIND EVERYBODY IT'S BETTER TO

BE SWORN THIS THAN SWORN AT WHICH WE'LL EXPERIENCE A LITTLE LATER. THANK YOU, CHIEF. ALL RIGHT. AND THAT TAKES US TO OUR CEREMONIAL CALENDAR. FIRST, WE HAVE A COUPLE ON THE CEREMONIAL CALENDAR AND THE FIRST IS THE FIREFIGHTER AND THE POLICE OFFICER OF THE YEAR. I'M GOING THE CALL CHIEF LANG DOWN WHO IS GOING TO PRESENT TO FIREFIGHTER STEVE FAIRBROTHER ON ZOOM. THE WONDERS OF TECHNOLOGY RIGHT THERE. CHIEF, YOU WANT TO COME UP HERE OR DO IT FROM THERE. OKAY.

>> CAN YOU GUYS HEAR ME. GOOD EVENING, EVERYONE. OUR FIREFIGHTER OF THE YEAR THIS YEAR IS A 25-YEAR VETERAN OF THE DEPARTMENT, 14 YEARS AS AN ENGINEER, 14 YEARS AS AN ACTING CAPTAIN, 12 YEARS AS AN ARSON INVESTIGATOR. HE'S BEEN INVOLVED IN NUMEROUS PROJECTS AND WE VENTS OVER THE YEAR. SOME INVOLVE OUR PAYROLL PROCESS, CVA GRANT COORDINATOR, FOUNDER AND PRESIDENT OF THE NONPROFIT [INAUDIBLE] CHARITY. HE MANAGES MULTIPLE CHARITY DINNERS AND OTHER FUNDRAISERS THROUGHOUT THE DEPARTMENT. HE'S CURRENTLY A RESIDENT OF THE SOUTH BAY. HIS WIFE OF 13 YEARS AND HIS TWO KIDS. I WOULD LIKE TO PRESENT YOUR FIREFIGHTER OF THE YEAR, STEVE FAIRBROTHER. [APPLAUSE]

>> [ NO AUDIO ]

>> Mayor Napolitano: STEVE IT LOOKS LIKE YOU'RE ON YOUR DAY OFF AND HOPEFULLY PULLED OFF ON THE SIDE OF THE ROAD. WE HAVE A CERTIFICATE HERE FOR YOU WHEN YOU COME BACK. HERE'S OUR VIRTUAL PRESENTATION TO YOU. AND IF YOU WANT TO SAY ANYTHING, IF YOU CAN SAY ANYTHING.

>> [ NO AUDIO ]

>> Mayor Napolitano: ON MUTE. I THINK YOUR VOLUME IS A LITTLE LOW. WE CAN'T HEAR YOU, STEVE. [LAUGHTER]

>> Mayor Napolitano: SORRY, STEVE, WE STILL CAN'T HEAR YOU. IS THAT US? DO WE HAVE ANY ABILITY TO TURN UP THE VOLUME? [INAUDIBLE]

>> Mayor Napolitano: FOR SOME REASON WE CAN'T HEAR YOU, STEVE. >> THANK YOU.

>> Mayor Napolitano: SO WE WANT TO SAY THANK YOU. LET'S GIVE HIM ANOTHER ROUND OF APPLAUSE. HOW ABOUT THAT. [APPLAUSE] THAT WORKS. ALL RIGHT. HAVE A GOOD TIME. ALL RIGHT. THAT TAKES US THEN TO OUR POLICE CHIEF. WE'RE GOING TO CALL DOWN CHIEF JOHNSON AGAIN TO PRESENT BOTH THE CHIEF AND SERGEANT MICHAEL LYNCH WILL PRESENT IN CITY COUNCIL CHAMBERS.

>> I'D LIKE TO PRESENT TO YOU OUR 2022 OFFICER OF THE YEAR, MICHAEL LYNCH. HE'S BEEN WITH THE DEPARTMENT SINCE GRADUATION FROM THE ACADEMY IN 2007. SERGEANT LYNCH WAS SELECTED AS A MEMBER OF THE DEPARTMENT'S SOUTH BAY PLATOON IN 2009 AND JOINED THE S.W.A.T. TEAM IN 2010. SERGEANT LYNCH HAS SERVED 0 AS A FIELD TRAINING OFFICER PRIOR TO HIS PROMOTION TO SERGEANT IN

JANUARY OF THIS YEAR. THIS IS THE SECOND YEAR IN A ROW THAT SERGEANT LYNCH WAS SELECTED AS OFFICER OF THE YEAR. THIS IS NOT ONLY BECAUSE OF HIS GREAT WORK BUT THE RECOGNITION OF IT BY HIS PEERS. NOMINATIONS OF THE OFFICER OF THE YEAR ARE SUBMITTED BY DEPARTMENT MEMBERS AND VOTED ON BY A COMMITTEE OF DEPARTMENT PERSONNEL FROM ALL LEVELS OF THE ORGANIZATION. TO RECEIVE THIS HONOR TWO YEARS IN A ROW SPEAK TO SERGEANT LYNCH'S LEADERSHIP AND COMMITMENT TO EXCELLENCE. PLEASE JOIN ME IN CONGRATULATING SERGEANT LYNCH.

>> Mayor Napolitano: YOU ARE CHOSEN BY YOUR PEERS. THAT'S AN AMAZING THING. I'M NOT SURE MY CHEERS WOULD CHOOSE ME. I'M JOKING. BUT TO BE CHOSEN NOT JUST ONCE BUT TWICE IN TWO YEARS. THAT'S AMAZING. IT SEEKS TO YOUR DEDICATION AND SERVICE 0 TO THE COMMUNITY. I WANT TO PRESENT YOU WITH THIS CERTIFICATE RECOGNIZING YOUR GREAT WORK AND THE FACT THAT YOU'RE RECOGNIZED BY YOUR PEERS AND ALL THAT YOU DO FOR THE CITY OF MANHATTAN BEACH. THANK YOU VERY MUCH. [APPLAUSE]

>> ARE WE DOING PICTURES?

>> Mayor Napolitano: YOU NEED SOMETHING FOR THE HOLIDAY CARD. COME ON.

>> PICTURES? THANK YOU.

>> Mayor Napolitano: FIRE CHIEF, DON'T GO ANYWHERE. WE'VE GOT [INAUDIBLE] COME BACK UP FOR THAT. AND THIS IS ALSO [INAUDIBLE] AND POLICE OFFICER WHITE.

>> ALL RIGHT. YOU WON'T ACTUALLY SEE ME THIS OFTEN AT EVERY COUNCIL MEETING. IT'S A ONE TIME ONLY, DEAL. BEFORE I BEGIN, WHEN I WAS READING THE WRITE-UP THAT SUPPORT THIS MEDAL OF VALOR, THE THANKLESS WORK, DOING THE EXTRA STEP, LISTENING TO THEMSELVES, IT HELPS SAVE LIVES. THIS IS WHAT WE DO. AND IT'S MY HONOR TO TELL YOU ABOUT THE CIRCUMSTANCES SURROUNDING THEIR MEDAL OF VALOR AWARD. ON WEDNESDAY, AUGUST 25<sup>th</sup>, 2022, 3:30 IN THE MORNING, WE RECEIVED A 911 CALL OF SUSPICIOUS CIRCUMSTANCES IN THE 200 BLOCK OF EL PORTO STREET IN OUR CITY. OFFICERS RESPONDED TO A CALL FOR SERVICE. THE CITIZEN CALLING 911 REPORTED THAT THEY SAW A MALE SUBJECT RUNNING FROM A NEARBY BACK YARD AND THEN HEARD A FEMALE SCREAMING WHICH IS VERY UNUSUAL FOR THIS QUIET PART OF TIME. OFFICER LYNCH WAS THE FIRST TO ARRIVE AT THE LOCATION AND BEGAN CHECKING THE AREA FOR ANYTHING SUSPICIOUS. AFTER HE AND THE OTHER OFFICERS DID NOT SEE ANYTHING OR HEAR ANYTHING, HE COULD HAVE CLEARED THE CALL AND SAID I WASN'T ABLE TO LOCATE ANYTHING SUSPICIOUS IN THE AREA. BUT HE DIDN'T. IN THE END IT SAVED A YOUNG WOMAN'S LIFE. OFFICER LYNCH CONTINUED INVESTIGATING THE CALL FOR SERVICE AND CONTACTED THE REPORTING PARTY. HE REVIEWED SURVEILLANCE VIDEO WITH THE ORIGINAL REPORTING PARTY. HE THEN LOCATED ANOTHER POTENTIAL

WITNESS WITH VIDEO CAMERAS AT HIS HOME. THE NEW WITNESS PROVIDED ADDITIONAL SURVEILLANCE VIDEO FOOTAGE WHICH SHOWED A MALE IN HIS 30s ENTERING THE PARTNER. THE WITNESS TOLD OFFICER LYNCH THE YOUNG FEMALE LIVED ALONE AT THE APARTMENT. AFTER KNOCKING ON THE DOOR HE HEARD A MALE INSIDE THREATENING TO HARM HIMSELF WITH A KNIFE. THE MALE WAS LATER IDENTIFIED THROUGH VIDEO SURVEILLANCE. OFFICER LYNCH WAS DEALING WITH SOMEONE WHO IS ARMED WITH A KNIFE, POSSIBLY UNSTABLE AND THERE MAY BE A HOSTAGE IN THE APARTMENT. OFFICER LYNCH REMAINED A DIALOGUE WITH HIM INSIDE THE DOOR. OFFICER LYNCH CONTINUED TO TALK WITH THE SUSPECT AND CONVINCED HIM TO UNLOCK AND OPEN THE FRONT DOOR. HE WAS ABLE TO GET THE SUSPECT TO PUT THE KNIFE DOWN. AT THE SAME TIME HE PERSUADED HIM TO STEP OUT OF THE APARTMENT INTO THE WALKWAY WHERE OFFICER WHITE WAS STANDING NEXT TO THE DOOR AND PUT THEM IN HANDCUFFS WITHOUT USING FORCE. OFFICERS LYNCH AND TRANI QUICKLY CONDUCTED A SAFETY SWEEP OF THE APARTMENT. INSIDE THE MASTER BEDROOM THE OFFICERS LOCATED A FEMALE UNDER THE BED. SHE WAS STRUGGLING TO BREATHE, A VICTIM OF STRANGULATION. ULTIMATELY OFFICERS LYNCH AND TRANI STAYED WITH THE VICTIM MONITORING HER VITAL SIGNS, REASSURING HER HE WOULD BE OKAY. AFTER BEING TREATED BY THE PARAMEDICS SHE WAS TRANSPORTED TO THE HOSPITAL IN CRITICAL CONDITION. SHE HAD FLUID IN HER LUNGS MAKING IT DIFFICULT TO BREATHE. HE WAS TREATED FOR HER INJURIES AND SPENT SEVERAL DAYS RECOVERING FROM THE BRUTAL ATTACK. WHAT WE LATER LEARNED WAS THAT THE SUSPECT HADN'T REALLY PLANNED TO DO ANYTHING THAT NIGHT BUT HE FOUND A DOOR OPEN AND TOOK ADVANTAGE OF THE SITUATION WITHOUT SERGEANT LYNCH'S QUICK THINKING AND ACTION, A CRIME -- A MORE BRUTAL CRIME WOULD HAVE BEEN COMMITTED THAT DAY. AND IT IS WITH HONOR THAT WE RECOGNIZE SERGEANT LYNCH, SERGEANT TRANI AND OFFICER WHITE FOR THEIR ACTIONS ON THAT DAY. [APPLAUSE]

>> Mayor Napolitano: I KNOW A LOT OF YOU ARE HERE FOR OTHER REASONS TONIGHT BUT I'M GLAD YOU ARE. THESE FOLKS DESERVE RECOGNITION. I HOPE IT SINKS IN, THE DUTY THAT THESE FOLKS DO ABOVE AND BEYOND THE CALL OF DUTY. JUST THE DEDICATION TO THE CITY, THE DEDICATION TO THE PEOPLE HERE, THE DEDICATION TO THE SAFETY IS AMAZING. THIS IS NO SMALL THING. THE SOUTH BAY POLICE AND FIRE MEMORIAL ORGANIZATION IS A GREAT ORGANIZATION THAT RAISES FUNDS TO HELP FAMILIES OF FIRST RESPONDERS IN NEED IF THEY'RE DISABLED OR KILLED IN ACTION, THEN THE SOUTH BAY POLICE/FIRE MEMORIAL STEPS IN AND HELPS THE FAMILIES, PROVIDES FOR THE KIDS, PROVIDES FOR THE SPOUSES OF WHOEVER IS SURVIVING. AND TO BE RECOGNIZED BY THEM, THERE'S A BIG LYNCH HELD EVERY YEAR. IT'S A FUNDRAISER FOR THE POLICE/FIRE MEMORIAL BUT IT'S TO RECOGNIZE THESE FOLKS AND THE GREAT THINGS THEY DO. AND IF

YOU'VE EVER SEEN ONE OF THESE CERTIFICATES BEFORE, THIS IS THE MOST WHEREAS' I'VE EVER SEEN. THAT MEANS THEY'VE DONE A LOT OF GOOD. I WON'T READ EVERY ONE OF THEM. YOU HEARD WHAT THEY DID TO GET HERE TONIGHT. BUT THEY'RE OUT THERE KEEPING US SAFE AND FOR THAT WE'RE ALWAYS, ALWAYS THANKFUL. SO ON BEHALF OF MY COLLEAGUES IN THE COMMUNITY, I WANT TO PRESENT YOU WITH THESE CERTIFICATES OF COMMENDATION, SERGEANT LYNCH, ONCE AGAIN, CONGRATULATIONS. THANK YOU. SERGEANT WHITE. WE'RE RECOGNIZING OFFICER MICHAEL TRANI AS WELL AND WE'LL GET THIS TO HIM AFTER TONIGHT. THANK YOU VERY MUCH. [APPLAUSE]

>> Mayor Napolitano: LET'S TAKE ANOTHER PICTURE.

>> Mayor Napolitano: SO THAT TAKES US TO APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES. COUNCIL, ANY PULLS FROM THE CONSENT CALENDAR? I HAVE GOT ONE. I'M GOING TO PULL NO. 8. ANYBODY ELSE?

>> Councilmember Stern: I MOVE TO APPROVE.

>> Mayor Napolitano: IS THERE A MOTION? USE YOUR BUTTONS, FOLKS. THERE YOU GO.

>> Mayor Pro Tem Montgomery: LOOKING FOR A MOTION.

>> Mayor Napolitano: NO MOTIONS?

>> Mayor Pro Tem Montgomery: IT WON'T LET US DO THE -- THERE YOU GO. WAITING FOR IT.

>> Mayor Napolitano: USE YOUR BUTTON. THERE'S NO BUTTON?

>> Councilmember Hadley: BE A VOICE VOTE.

>> Mayor Napolitano: WE NEED TO GET THIS FIXED.

>> Mayor Pro Tem Montgomery: THERE WE GO.

>> Mayor Napolitano: THERE'S A MOTION. WHO IS MOVING. COUNCILMEMBER STERN, SECONDED BY MAYOR PRO TEM MONTGOMERY. PLEASE VOTE. THIS IS FOR WAIVER OF FULL READING AND ADOPTION EXCEPT FOR ITEM 8.

>> MOTION PASSES 5-0.

>> Mayor Napolitano: ALL RIGHT. THAT TAKES US TO OUR COMMUNITY ANNOUNCEMENTS. THESE ARE ONE MINUTE COMMUNITY ANNOUNCEMENTS WHICH IS NOT IN THE AGENDA.

>> Councilmember Stern: IT IS.

>> Mayor Pro Tem Montgomery: IT'S UNDER ITEM G.

>> Mayor Napolitano: CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS. ONE MINUTE.

>> GOOD EVENING, MAYOR AND MEMBERS OF THE COUNCIL. I'M JOSH MURRAY HERE ON BEHALF OF MANHATTAN BEACH LIBRARY. I'D LIKE TO INVITE THE COMMUNITY TO ATTEND A PROGRAM NEXT THURSDAY, AUGUST 25<sup>th</sup>, FROM 11 TO 12:15. YOU'LL LEARN THE BASICS OF COMBINING PHOTOS, AUDIO AND VIDEO CLIPS. THIS PROGRAM IS FOR ADULTS AND REGISTRATION IS AVAILABLE ON OUR WEBSITE. LACOUNTYLIBRARY.ORG. I'LL ALSO LIKE TO INSIGHT THE COMMUNITY TO

OUR EVENING BOOK CLUB MEETING ON SEPTEMBER 12<sup>th</sup> AT 6:30 P.M. IN THE MANHATTAN BEACH LIBRARY MEETING ROOM TO DISCUSS "STRANGER IN THE LIFEBOAT." ANYONE INTERESTED IN RESERVING A COPY OF THE BOOK CAN CALL THE LIBRARY AT (310)545-8595 OR VISIT OUR WEBSITE LACOUNTYLIBRARY.ORG. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU, JOSH. OTHER COMMUNITY ANNOUNCEMENTS?

>> YES. THIS IS FRANK FROM THE COMMUNITY EMERGENCY RESPONSE TEAM. WE'RE SPONSORING A STATION THIS WEEKEND ON THE MB OPENING ON THE PIER. THIS MIGHT BE A GREAT OPPORTUNITY FOR THE RESIDENTS TO VISIT THE VOLUNTEERS WORKING THIS WEEKEND, SIGN UP FOR C.E.R.T., FIRST-AID AND MAP YOUR NEIGHBORHOOD PROGRAMS. WITH THAT THE COMMUNITY IS INVITED AND WE HOPE TO SEE YOU THERE THIS WEEKEND. THANK YOU.

>> Mayor Napolitano: HOW COME WE'RE NOT MAKING AN ANNOUNCEMENT ABOUT MANHATTAN HOPE.

>> I'M HERE TO ANNOUNCE THAT THE METROPOLITAN WATER DISTRICT LET US KNOW THEY'RE SHUTTING DOWN A SECTION OF PIPE TO MAKE AN EMERGENCY REPAIR. THE SHUTDOWN WILL LAST FOR 15 DAYS STARTING SEPTEMBER 6<sup>th</sup> THROUGH THE 20<sup>th</sup> AND THE REPAIR WILL IMPACT THE CITY'S WATER SUPPLIER WEST BASIN. THEREFORE THE CITY WILL BE REQUIRED TO PARTICIPATE IN A 15-DAY NO OUTDOOR WATERING BAN. THE PROJECT IS EXPECTED TO TAKE TWO WEEKS AND NWD AGAIN IS REQUESTING THAT NO OUTDOOR IRRIGATION IS TAKING PLACE BETWEEN SEPTEMBER 6<sup>th</sup> AND SEPTEMBER 20<sup>th</sup>. JUST AS EVERYBODY KNOWS, THE VAST MAJORITY OF THE CITY'S PUBLIC SPACES ARE IRRIGATED BY RECYCLED WATER COMING FROM A DIFFERENT SOURCE AND THAT WILL NOT BE AFFECTED DURING THE SHUTDOWN. MORE INFORMATION TO FOLLOW IN THE NEXT FEW WEEKS WITH THE CITY RELEASING A PRESS RELEASE ON THE CITY'S WATER CONSERVATION EFFORTS.

>> Mayor Napolitano: QUESTION?

>> Councilmember Franklin: MAY I ASK A QUESTION, PLEASE. SO IF A HOMEOWNER IS HAVING DIFFICULTY WITH THEIR AUTOMATIC SPRINKLER SYSTEM, IS THERE ANYBODY AT THE CITY TO CALL TO GET HELP TO ADJUST THAT?

>> WHAT WE RECOMMEND IS OFTENTIMES IT'S REACHING OUT TO A LANDSCAPER AND GETTING THAT INFORMATION FROM THEM. BUT IF THEY NEED TO CALL US, WE CAN SEE WHAT TO FIGURE OUT TO MAKE SURE THAT THE WATER IS TURNED OFF.

>> Councilmember Franklin: WHAT NUMBER CAN THEY CALL.

>> THE (310)802-5304.

>> Councilmember Franklin: GREAT. THANK YOU. I'LL BE CALLING.

[LAUGHTER]

>> Mayor Pro Tem Montgomery: TO HELP SET YOUR VCR, TOO.

>> Councilmember Franklin: ISN'T IT SUPPOSED TO BRINK ZERO?

>> Mayor Napolitano: OTHER COMMUNITY ANNOUNCEMENTS. NO? ANYBODY ON ZOOM?

>> ACTUALLY I HAVE A QUICK ONE, MR. MAYOR. JUST WANTED TO LET THE COMMUNITY KNOW THAT STARTING THIS LAST FRIDAY WE ARE STARTING A PILOT PROGRAM DOWN IN THE PIER PARKING LOTS DOWNTOWN FROM 9 P.M. TO 2 A.M. TO MONITOR THE PARKING LOTS TO MAKE SURE THAT THEY'RE SAFE AND QUIET AND OF COURSE KEEPING BAR PATRONS WHO MAY BE LET OUT AT 2:00 IN THE MORNING TO KEEP THEM ON THEIR BEST BEHAVIOR AND POLICE PRESENCE AS WELL. IT'S ALL IN OUR EFFORT TO REASSURE THE PUBLIC THAT IT'S SAFE DOWN THERE, WE'RE MONITORING. IT'S A PILOT PROGRAM, WE SEAL SEE HOW IT GOES AND TAKE IT FROM THERE. THEY STARTED LAST WEEKEND, HAPPENING EVERY WEEKEND THROUGH THE END OF SUMMER AT LEAST.

>> Mayor Napolitano: I GUESS I'LL HAVE TO STAY OUT UNTIL 2 A.M. TO FIND OUT. ANYBODY ELSE, COMMUNITY ANNOUNCEMENTS? COUNCIL.

>> Mayor Pro Tem Montgomery: YES, YOUR HONOR. JUST A SHOUT OUT TO THE PARKS AND REC. MANHATTAN BEACH WAS THE HOST FOR THE FESTIVAL TWO WEEKS AGO AND PARKS AND REC TAKES THE LEAD ON THAT. THERE'S A LOT OF THINGS HAPPENING, BUT WE'RE THE LEAD. SO A SHOUT OUT TO OUR PARKS DIRECTOR MARK LEYMAN AND OF COURSE OUR MAYOR HAS BEEN DOWN THERE PLAYING SIX MAN, NO ISSUES WITH THAT THIS YEAR WHICH IS GOOD. SHOUT OUT TO THEM. THANKFULLY, NEXT YEAR SOMEONE ELSE IS THE HOST.

>> Mayor Napolitano: WE LOST IF THAT'S AN ISSUE BUT THANK YOU FOR THE SHOUT OUT. ALL RIGHT. THAT TAKES US TO PUBLIC COMMENTS. TONIGHT THE PUBLIC COMMENTS ARE TWO MINUTES PER PERSON. WE UNDERSTAND THERE'S GOING TO BE LOTS OF FOLKS HERE. AND JUST WE ASK A COUPLE OF THINGS. FIRST OF ALL, SET YOUR CELL PHONES TO STUN. OKAY. LET'S NOT HAVE CELL PHONES GOING OFF WHILE PEOPLE ARE SPEAKING. AND THE OTHER IS WE ASK YOU NOT TO APPLAUD. I KNOW THAT SOUNDS HARSH AND MEAN BUT IT'S NOT MEANT TO BE. THE REALITY IS THAT WE DON'T WANT ANYONE TO FEEL INTIMIDATED ON EITHER SIDE OF AN ISSUE AND WE WANT EVERYONE TO BE TREATED WITH RESPECT AND FEEL WELCOME TO GIVE THEIR INPUT, WHATEVER THAT IS. SO WE ASKED THAT YOU NOT APPLAUD. IT'S NOT A GAME SHOW. NOBODY GETS EXTRA POINTS FOR LOUDEST APPLAUSE. IT TAKES AWAY FROM THE MEETING AND TAKES TIME. WE EXPECT A LOT OF TESTIMONY HERE TONIGHT IN CHAMBERS AND ALSO ON ZOOM. SO WE ASK THAT YOU RESPECT THE PROCESS AND RESPECT EACH OTHER. SO THIS IS TWO MINUTES PARTICIPATION. YOU CAN SPEAK NOW ON ANY ITEM ON THE AGENDA OR ANY ITEM WITHIN THE JURISDICTION OF THE CITY COUNCIL OR YOU CAN SPEAK LATER WHEN THE AGENDA ITEM IS BEING HEARD. IT'S UP TO YOU. BUT WE'RE GOING TO START HERE IN THE AUDIENCE FIRST, ANYONE WHO WANTS TO COME DOWN TO SPEAK NOW.

>> Councilmember Hadley: ONE OR THE OTHER.



>> Mayor Napolitano: YOU'RE NOT GOING TO BE ALLOWED TO SPEAK TWICE. IF YOU SPEAK NOW ON SOMETHING LATER ON THE AGENDA, THEN YOU'RE NOT GOING TO BE ALLOWED TO SPEAK THEN. NO TWO BITES AT THE APPLE. GO AHEAD.

>> THANK YOU SO MUCH. KIMBERLY MACK, HONORABLE MAYOR NAPOLITANO, SAID IT RIGHT, COUNCILMEMBERS THANK YOU FOR ALLOWING ME TO SPEAK. I'M SPEAKING ON ITEM 16. CDFW DOES SO WELL WITH THEIR [INAUDIBLE] OF COYOTES. BE HONEST. WHEN A LETHAL COYOTE PLAN IS ISSUED BY A CITY, IT REQUIRES A PLAN. THE POPULATION IS NOT THE ISSUE. BY TAKING THE ADULTS WHO EXPOSE THEMSELVES NEAR HUMAN ACTIVITY, THE HABITUATED COYOTES ARE CULLED. TORRANCE CITY COUNCILMAN [INAUDIBLE] SAYS, I DISAGREE, THE NUMBERS DON'T LIE. SINCE WE STARTED TRAPPING COYOTES IN 2021, TORRANCE HAS SEEN AN ABSENCE IN SIGHT OF 10%. THEY'RE LESS LIKELY TO ATTACK YOU AND YOUR PETS AND REPRODUCE. WE MUST REDUCE THEIR POPULATION AND ENCOURAGE OTHER CITY TO DO THE SAME. THERE IS NO CYCLE IN FEMALE COYOTES OCCURRING WHEN A COYOTE DIES OFF. A COYOTE WILL NOT BREED MORE BECAUSE OF THAT. CDFW WOULD RATHER HAVE A CHILD MAULED THAN TO TELL THE TRUTH ABOUT THE PREDATORS. IT DOESN'T SURPRISE ME THAT THE MISSION WITH WILDLIFE IS TO PROTECT AND CONSERVE. BUT YOU CAN'T DO THAT WITH URBAN PREDATOR COYOTE BECAUSE THEY HAVE NO NATURAL PREDATOR TO KEEP THEIR NUMBERS IN BALANCE. IF REBECCA CAN'T DOCUMENT THAT THE NUMBER OF COYOTES IN THE AREA HAS GONE UP, SHE FAILED TO DOCUMENT IT, PERIOD. WHAT EDUCATIONAL CREDENTIALS DOES SHE HAVE REGARDING COYOTES. THANK YOU SO MUCH.

>> Mayor Napolitano: THANK YOU.

>> MY NAME IS JOAN, A RESIDENT OF MANHATTAN BEACH FOR OVER 55 YEARS. AND HERE GOES AGAIN ABOUT COYOTES. I'M SPEAKING TO YOU IN RESPONSE TO THE INVESTIGATION CONDUCTED BY THE HUMAN WILDLIFE CONTROL COMPANY HIRED BY THE CITY OF MANHATTAN BEACH TO INVESTIGATE THE COYOTE PROBLEM. I BEG TO DIFFER WITH THEIR CONCLUSION THAT THERE ARE NO COYOTES CURRENTLY RESIDING WITHIN THE LIMITS OF MANHATTAN BEACH. COUPLE OF WEEKS AGO A NEIGHBOR TOLD ME THAT SHE SAW TWO COYOTES IN MY FRONT YARD ONE MORNING. A FEW MONTHS AGO I SAW A COYOTE IN THE MIRA COASTA PARKING LOT. ANOTHER NEIGHBOR ASKED ME IF I HAD SEEN HIS MISSING CAT. A SIGN POSTED ON THE TELEPHONE POLE NEXT TO MY HOME REGARDING A MISSING CAT. TWO OF MY CATS ARE MISSING. THERE ARE COYOTES LIVING IN MANHATTAN BEACH. THEY RECOMMEND THE REMOVAL OF A COYOTE SHOULD BE CONSIDERED IN ONLY AN UNPROVOKED ATTACK ON A PERSON. SO IF I'M TAKING OUT THE TRASH ONE EVENING AND A COYOTE BITES ME, THEN YOU'LL DO SOMETHING? I'M SORRY, BUT THAT'S TOO LATE. IF A COYOTE HURTS ONE OF OUR SCHOOL CHILDREN, IT IS ALSO WELL TOO LATE. WHY DOES SOMEONE HAVE TO BE ATTACKED BEFORE SOMETHING IS DONE. IF

NOTHING IS DONE TO CONTROL THE COYOTE POPULATION AND SOMEONE GETS HURT, I FEEL THAT THE CITY SHOULD BE HELD RESPONSIBLE FOR NOT CONTROLLING THESE PREDATORS. THE RECOMMENDATION THAT FOOD SOURCES BE REMOVED IS FINE. HOWEVER, SADLY, THAT LEAVES COYOTES TO FEED EXCLUSIVELY ON OUR PETS. THE COMPANY SUGGESTS THAT WE HAVE WORKSHOPS ON LIVING WITH COYOTES. I WILL SEE IF MY CATS [ BEEPING ] WANT TO ATTEND. [LAUGHTER]

>> Mayor Napolitano: THANK YOU.

>> THEIR SIMPLISTIC RECOMMENDATIONS ARE LIKE PUTTING A BAND AID ON A SERIOUS PROBLEM.

>> Mayor Napolitano: THANK YOU, JOAN. WE NEED TO MOVE ON TO THE NEXT. APPRECIATE YOUR INPUT.

>> THANK YOU.

>> Mayor Napolitano: NEXT SPEAKER, PLEASE. NEXT SPEAKER.

>> NERVE-RACKING.

>> Mayor Napolitano: COME ON DOWN. [INAUDIBLE]

>> Mayor Napolitano: IF ANYONE ELSE IS GOING TO SPEAK, IF YOU CAN LINE UP IN THE CHAIRS IN FRONT UP HERE.

>> Councilmember Hadley: A LOT FASTER.

>> Mayor Napolitano: HELPS THINGS OUT, WEAPON A FULL HOUSE. GO AHEAD.

>> THANK YOU FOR HAVING ME. I AM SPEAKING ON NO. 15, PROJECT BRANDIS I TRAVELED 165 MILES ONE WAY TO GET HERE AND I KNEW ABSOLUTELY NOBODY ON THIS PROJECT WHEN IT CAME THROUGH MY FEED SEVERAL MONTHS AGO. I WAS -- I MOVED -- THIS IS NERVE-RACKING.

>> Councilmember Franklin: WE DON'T BITE.

>> I MOVED TO MANHATTAN BEACH AS A 22-YEAR-OLD DENTAL HYGIENIST. I PAID \$200 IN RENT IN 1976. MY IMMEDIATE CIRCLE, YOU CAN THINK THE CIRCUMFERENCE, PILOTS, FLIGHT ATTENDANTS, PROPERTY MANAGER, DENTAL MANAGERS, CPA, MUSICIANS, HAIRDRESSERS, SMALL BUSINESS OWNERS, THIS IS WHO WE ALL WERE. AND JUST THINK "FRIENDS" SITCOM. WE ALL HAD A GREAT TIME. WE BUILT THIS TOWN AS THE COOLEST, HIPPEST, SOUTHERN CALIFORNIA BEACH TOWN. WE LOVED IT. IN 1988 -- I SCRIBBLED NOTES. IN 1988 THE CONSTRUCTION OF THE -- WE CALLED THEM THEN CONCRETE TOWERS BEGAN. WHEN THEY GOT APPROVAL TO GO 3 FEET HIGH. AND ALL OF THE SUDDEN OUR ECLECTIC NEIGHBORHOODS WERE BREAKING DOWN. OUR NEIGHBORS WERE NOW COMING THROUGH THEIR GARAGE DOORS THAT WOULD LIFT WHILE THEIR CAR WAS 50 FEET AWAY FROM THEIR DRIVEWAY. THEY WOULD SLIDE IN, THE DOOR WOULD GO DOWN, WE WOULDN'T SEE THEM AGAIN. THAT BECAME HOW SANTA BARBARA NEIGHBORHOODS BROKE DOWN. THEY CLIMBED TO THE THIRD FLOOR, FOR THEIR KITCHEN AND LIVING ROOM THAT WAS ALL SUNNY AND WINDY. I BELIEVE IN THIS PROJECT. I'M HERE FOR THE CITY, THE HEART AND SOUL OF THE CITY OF MANHATTAN BEACH. THE FIRST RESPONDERS, THE SECOND RESPONDERS, THE PILOTS, THEY NEED LITTLE

PLACES THAT THEY CAN TURNKEY, REST UP. WE SHOULDN'T BE PUNISHED  
[ BEEPING ] WE SHOULDN'T BE PUNISHED BECAUSE WE HAVE NOT TAKEN A  
PATH OF MATERIALISTIC ACQUISITION. I FAULT NO ONE WHO HAS. WE  
TOOK A PATH OF SERVICE --

>> Mayor Napolitano: THANK YOU.

>> AND WE BELONG HERE.

>> Mayor Napolitano: JUST TO CLARIFY, YOU'RE FOR IT, RIGHT?

>> I'M FOR IT.

>> Mayor Napolitano: THANK YOU.

>> DID I NOT PRESENT THAT WELL ENOUGH FOR YOU TO KNOW?

>> Mayor Napolitano: IT WAS WAVERING. NOT FOR THE LEFT, NOT. FOR  
THE RIGHT, THE CITY, THE SOUL OF THE CITY.

>> Mayor Napolitano: WE NEED TO LET THE NEXT SPEAKER UP.

>> PLEASE BRING IT BACK. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> I HATE SPEAKING IN PUBLIC. I'M A LIFELONG RESIDENT OF  
MANHATTAN BEACH. I DIDN'T HAVE TO DRIVE 160 MILES TO GET HERE. I  
LIVE ABOUT EIGHT BLOCKS AWAY. I'M HERE SPEAKING IN OPPOSITION TO  
THE HIGH ROSE APARTMENT COMPLEX. YOU'LL HEAR MUCH MORE ORGANIZED  
APPEALS TONIGHT AND I HOPE THEY'RE SUCCESSFUL. BUT I WOULD LIKE  
TO TOUCH ON WHAT'S IMPORTANT AND THAT'S THE WILL OF THE PEOPLE.  
I LIVE ACROSS THE STREET FROM THE PROPOSED SITE. I'M HERE  
REPRESENTING MY NEIGHBORS TO BE VERY CLEAR IN SAYING WE DON'T  
WANT THIS. NOBODY DOES. I READ THROUGH ALMOST 300 E-MAILS ON THE  
CITY COUNCIL WEBSITE AVAILABLE FOR PUBLIC VIEWING AND THERE IS  
ONLY ONE PERSON IN FAVOR OF THE PROJECT. SHE DOESN'T EVEN LIVE  
IN MANHATTAN BEACH, OKAY. MAYOR STEVE AND THE COUNCIL SEEM THAT  
THEY AREN'T EVEN INTERESTED IN THE FIGHT. WE ARE. SEVERAL PEOPLE  
IN THE CITY OFFERED TO COVER LEGAL COSTS THAT'S HOW MUCH WE'RE  
AGAINST THIS. YOUR JOB IS TO REPRESENT THE PEOPLE OF MANHATTAN  
BEACH, NOT TO GIVE IN TO THE GREED OF DEVELOPERS. SACK UP, DO  
YOUR JOB. [APPLAUSE]

>> Mayor Napolitano: AGAIN, APPRECIATE THE APPLAUSE. IT DOESN'T  
GET YOU ANYTHING.

>> I DON'T KNOW IF I CAN FOLLOW THAT. I'M NERVOUS. HELLO. THANK  
YOU FOR HAVING US TODAY. MY NAME IS DANIELLE MATTHEWS, I AM THE  
TORRANCE REPRESENTATIVE FOR THE UNION MEMBERS FOR THE  
PRESERVATION OF WILDLIFE INTERNATIONAL. I RIDE HORSES IN  
COMPETITION. I'M A RANCH HAND AND A PUBLIC INSURANCE ADJUSTOR  
LICENSED BY THE CALIFORNIA DEPARTMENT OF INSURANCE. I AM HERE TO  
GIVE MY INPUT TODAY ON ITEM 16. I AM APPALLED THAT MANHATTAN  
BEACH IS CONSIDERING SPENDING TAX DOLLARS ON THE TRAPPING OF  
COYOTES. IT IS A WASTE OF MONEY AND IT DOES NOT WORK. IN FACT,  
CONTRARY TO WHAT OTHER PEOPLE SAY, MAJORITY OF THE TIME THE  
COYOTES, THE POPULATION WILL ACTUALLY INCREASE, WHICH IS COUNTER

PRODUCTIVE. THE TRAPPING COMPANIES WILL NOT TELL YOU THAT OBVIOUSLY. TRAPPING COMPANIES PREY ON THE IGNORANCE AND FEAR OF THE PUBLIC. HOWEVER, THERE ARE OTHER SOLUTIONS THAT ACTUALLY DO WORK AND COST EFFECTIVE. FOR INSTANCE, THE NIGHT GUARD IS A DEVICE THAT RANCHERS USE TO DETOUR WILDLIFE LIKE COYOTES AND BOBCATS FROM COMING ONTO THEIR PROPERTY AND KILLING THEIR LIVESTOCK. I KNOW THIS FIRSTHAND. I BELIEVE THE BEST SOLUTION IS EDUCATING THE PEOPLE. MOST PEOPLE DON'T UNDERSTAND THAT IT'S OUR ACTS THAT BRING COYOTES INTO THESE URBAN AREAS. THINGS LIKE FEEDING STRAY CATS, LEAVING FOOD OUT, TRASH CANS OPEN ARE SOME OF THE THINGS THAT BRING THEM INTO OUR NEIGHBORHOODS. COYOTES HAVE BEEN HERE FAR LONGER THAN US. IN FACT, WE INVADED THEIR TERRITORY NOT THE OTHER WAY AROUND. COYOTES ARE SACRED AND CONSIDERED MESSENGERS IN THE NATIVE AMERICAN CULTURE. THEY SHOULD NOT BE HARMED AND DESERVE TO LIVE. I KNOW THERE ARE BETTER MORE EFFECTIVE SOLUTIONS THAN TRAPPING. THANK YOU FOR YOUR TIME TONIGHT AND I HOPE I SHEDS SOME LIGHT ON THE ISSUE AT HAND.

>> Mayor Napolitano: THANK YOU.

>> HELLO, MY NAME IS RAY JOSEPH. I'M A RESIDENT HERE IN MANHATTAN BEACH FOR -- IS THIS BETTER NOW? I'VE BEEN A RESIDENT HERE FOR ABOUT 30 YEARS. I SAW THE HIGH ROSE PROJECT AND AT FIRST, YOU KNOW, I WAS A LITTLE CONCERNED ABOUT IT. AS I LOOKED AT IT A LITTLE CLOSER, ONE OBSERVATION ABOUT REAL ESTATE HERE, IF YOU CAN SEE THE REFINERY, THAT HURTS PROPERTY VALUES. THE ADVANTAGE OF THE HIGH ROSE PROJECT IS IT BLOCKS THE REFINERY. I MEAN IT'S AN ODD PERSPECTIVE BUT IT'S THERE. SO ACTUALLY HAVING A COMMUNITY OVER THERE CAN HELP OUT. CONSTRUCTION COSTS ARE GOING THROUGH THE ROOF. WHAT IT COST TO DO -- SHORING IN A FOUNDATION LAST YEAR TO THIS YEAR HAS DOUBLED. I WAS TALKING TOO SEVERAL DEVELOPERS AND THEIR BUDGETS WERE A QUARTER MILLION LAST YEAR AND NOW HALF A MILLION. THIS PROJECT IS GETTING MORE AND MORE EXPENSIVE FOR THE DEVELOPER. MY CONCERN IS SHOULD THIS PROJECT NOT GO THROUGH, WHO COMES IN TO THAT LAND AND WHAT DO THEY DO? BECAUSE IT SEEMS LIKE IT'S A SEMI -- IT'S A BIG PROJECT BUT IT'S NOT OVER THE TOP. BUT IF SOMEONE CAME IN THERE AND REALLY PUSHED THE ENVELOPE THAT KNOWS HOW TO DO THE BIG HIGH-RISES, WHAT COULD THEY PUT IN THERE THAT WOULD REALLY BE DETRIMENTAL TO OUR CITY. I AM ACTUALLY IN FAVOR OF THIS ONE, GOOD FOR EL PORTO, GOOD FOR THE BUSINESSES AND THE COMMUNITY OVER THERE. IT'S A LITTLE CONTRARY TO WHAT I WOULD NORMALLY BE THINKING BUT I THINK BECAUSE OF THE UNIQUE LOCATION OF IT AND PEOPLE COMMENT ABOUT THE FOUR STORY, THE FOUR STORY. EVERY PROPERTY BETWEEN MANHATTAN AVENUE AND BAY VIEW IS A FOUR-STORY PROPERTY. EVERY SINGLE ONE. BECAUSE USUALLY BUILD THEM --

>> THAT'S NOT TRUE.

>> Mayor Napolitano: OKAY. SORRY. PAUSE FOR A SECOND. WE'RE NOT GOING TO HAVE ANY INTERRUPTIONS OR CALLING OUT FROM THE AUDIENCE. IF YOU CAN'T MAINTAIN, PLEASE LEAVE. YOU'RE INTERPRETING THE MEETING AND INTERPRETING HIM. HE DIDN'T TALK TO YOUR TALK.

>> I DIDN'T LIE DURING MINE.

>> Mayor Napolitano: HE'S ENTITLED TO HIS OPINION, WHATEVER IT IS.

>> [INAUDIBLE]

>> Mayor Napolitano: WE'RE GOING TO RECESS IN A MINUTE IF YOU CAN'T CONTROL YOURSELVES AND YOU'LL BE ASKED TO LEAVE. IS THAT WHAT YOU WANT?

>> NO.

>> Mayor Napolitano: PLEASE BE QUIET. MR. JOSEPH, CONTINUE.

>> IF YOU NOTICE THE FRONT UNITS ON THOSE PROPERTIES IS THREE STORIES AND THERE'S A THREE-STORY APARTMENT WITH ONE STORY BEHIND. IF YOU EXTEND IT OUT IT'S FOUR STORIES. BUT THE DEVELOPERS TYPICALLY CHOOSE NOT TO DO SO. YOU'LL SEE SOME PROPERTIES WHERE THEY'RE ONE UNIT AND THEY COME OUT FOUR STORIES. HAPPENS ALL OF THE TIME. JUST TO GIVE YOU GUYS PERSPECTIVE. BUT I THINK THAT THIS PROJECT COULD ACTUALLY BE GOOD FOR MANHATTAN BEACH. SO THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER.

>> HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL, WITH ALL DUE RESPECT, I'M OVERWHELMED WITH THE LACK OF CONCERN SHOWN OUR COMMUNITY AND OUR RESIDENTS. I FEEL YOU'VE TURNED A DEAF EAR TO THE VERY PEOPLE WHO ELECTED YOU TO REPRESENT THEM. EACH OF YOU RAN ON PUBLIC SAFETY BEING A TOP PRIORITY AS WELL AS A TRANSPARENT GOVERNMENT. YET OUR MANHATTAN BEACH FIRE DEPARTMENT IS LITERALLY GOING UP IN SMOKE. YOU SAY YOU DON'T WANT TO GO COUNTY, HOWEVER, ACCORDING TO A FORMER MEMBER OF THE HERMOSA BEACH FIRE DEPARTMENT, YOU'RE FOLLOWING THE SAME STEPS THAT FORCED THEIR MOVE TO COUNTY. A DEPARTMENT THAT IS UNDERSTAFFED, FORCED OVER TIME, MISMANAGEMENT, MULTIPLE FIRE CHIEFS, ET CETERA. YOU HAVE AN OPPORTUNITY NOW TO LISTEN TO THE RESIDENTS AGAIN. IT'S UNSAFE TO BUILD THE 79-UNIT MULTIFAMILY BUILDING NEXT TO A 100-PLUS-YEAR-OLD REFINERY SITUATED AT AN ALREADY OVERSATURATED INTERSECTION IN OUR CITY. NO ONE REJECTS THE IDEA OF OFFERING MORE AFFORDABLE HOUSING IN OUR COMMUNITY. WE JUST DON'T WANT IT TO BE ON A SITE WHERE IT JEOPARDIZES THE HEALTH AND WELL-BEING OF OUR RESIDENTS, OCEANS AND COASTLINE. COME UP WITH A PLAN LIKE THE CITY OF REDONDO BEACH HAS DONE. THEY'VE DESIGNATED LOCATIONS FOR THEIR ALMOST 2500-REQUIRED UNITS. WHY PIECEMEAL OUR CITY WITH A FEW UNITS HERE AND A FEW UNITS THERE.

THERE'S BEEN TALK TO REDEVELOP THE SEPULVEDA CORRIDOR FOR DECADES. BUILD THE HOUSING UNIT THERE WHERE IT WILL BE SAFE FOR OUR COMMUNITY AND THE PEOPLE THAT LIVE THERE ON. A STREET THAT HAS BEEN RECENTLY EXPANDED TO ACCEPT AN INCREASED FLOW IN TRAFFIC OR UTILIZE THE PROPERTIES ALONGSIDE THE SENIOR VILLAS. OTHER CITIES HAVE SAID NO AND WON THEIR BATTLES IN COURT. I PERSONALLY WOULD FAR RATHER SEE A LAWSUIT THAN THE MONSTROSITY THAT'S PROPOSED. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING, HONORABLE COUNCILMEMBERS AND AWESOME MANHATTAN BEACH RESIDENTS. MY NAME IS DOREEN. I'VE NEVER SPOKEN AT A COUNCIL MEETING BEFORE BUT I REALIZE THAT IF ONE DOES NOT STAND UP AND GIVE VOICE TO ONE'S CONCERN, COMPLAINING IS A USELESS PAST TIME. WHILE I'M NOT AN EXPERT ON THE LAW OR BUILDING PROJECTS IN MANHATTAN BEACH, COMMON SENSE MAKES ME WANT TO VOICE MY OPINION ON THE MASSIVE STRUCTURE YOU'RE TRYING TO BUILD IN EL PORTO. I READ THE E-MAIL COMMENTS SENT TO THE COUNCIL. LAST TIME I LOOKED I ONLY SAW 202 COMMENTS AND THERE WERE TWO COMMENTS FOR. THIS SPEAKS FOR ITSELF OF WHAT THE COMMUNITY THINKS OF THIS COMMUNITY. I'M INTERESTED IN HOW THE CITY COUNCIL WILL RESPOND TO SUCH STRONG OPPOSITION. THERE WERE GOODS POINTS AS TO WHY IT SHOULD NOT BE BUILT. I CONCUR WITH THESE GOOD PEOPLE WHO HAVE LEGITIMATE CONCERNS. IT SEEMS TO ME DUE DILIGENCE HAS NOT BEEN DONE BY THE COUNCIL IN RESEARCHING THESE. SOME SAY THOSE OF US WHO ARE AGAINST THE BUILDING ARE AGAINST TAKING CARE OF THE HOMELESS AND LESS FORTUNATE. THAT IS UNFAIR AND NOT REALISTIC. WE ARE A LOVING COMMUNITY THAT UNDERSTANDS THE NEED TO HELP THE LESS FORTUNATE IN A PRODUCTIVE WAY, NOT A WAY THAT WILL CAUSE DANGER TO OTHERS. WHY IS THERE A RUSH TO PUSH IT THROUGH. WHY IS THE COUNCIL AFRAID TO TAKE ON SACRAMENTO. OTHER CITIES ARE IN THE PROCESS OF DOING THIS. WHAT MAKES YOU COUNCILMEMBERS TAKE THE STAND THAT IT IS TOO LATE AND WE HAVE TO DO THIS. OUR LAWS SAY WE DON'T HAVE TO. IF WE DON'T STAND UP TO SACRAMENTO NOW, HOW MUCH MORE WILL THEY REQUIRE OF US. SACRAMENTO DOES NOT CARE ABOUT MANHATTAN BEACH BUT YOU SHOULD. WHEN A LARGE PORTION OF YOUR CONSTITUENTS SAY NO TO THIS, YOU'RE DUTY BOUND TO LISTEN AND ACT ON OUR BEHALF. I URGE YOU TO DO SO NOW, TAKE THE TIME TO DO PROPER RESEARCH WHICH MIGHT INCLUDE ANOTHER AREA TO BUILD IN AND STAND UP TO THE BULLIES IN SACRAMENTO. YOU ALL HAVE IT IN YOU TO BE AN EXAMPLE OF GOOD GOVERNMENT. I HOPE YOU FOLLOW THROUGH. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING. THANK YOU FOR HOLDING THIS MEETING AND LISTENING TO EVERYONE. MY NAME IS PATRICIA ZIEGLER AND I LIVE ON 32<sup>nd</sup> PLACE BETWEEN OCEAN AND MANHATTAN. OUR NEIGHBORHOOD HAS BEEN

A HOT ZONE FOR CONSTRUCTION FOR YEARS. SO MY CONCERNS ARE, IN ADDITION TO THE TRAFFIC, IT'S WHAT IS THE DEMO AND CONSTRUCTION GOING TO DO FOR AT LEAST THREE YEARS. RIGHT NOW THEY CLOSE OUR STREET FOR DAYS, YOU KNOW, A SINGLE DAY AT A TIME SO THAT THEY CAN BRING DELIVERIES IN AND BRING CONCRETE IN WHICH WE ALL HAVE TO SCOOT OUT OUR CARS FOR THE DAY, AND WE ALREADY DON'T HAVE VERY MANY PLACES TO GO TO PARK OUR CARS. SO I'M CONCERNED ABOUT THAT. WE ALSO HAD HOUSE DAMAGE FROM THE DEMO BECAUSE IT WAS LIKE A 4.5 EARTHQUAKE FOR A WEEK WHILE THEY DUG UP ALL OF THAT CONCRETE. I DON'T KNOW WHAT THEY'RE GOING TO FIND THERE, BUT IT COULD SHAKE THE NEIGHBORHOOD AND THERE WILL BE SOME POTENTIAL DAMAGE TO OTHER HOMES. AND LASTLY, I DON'T UNDERSTAND -- AND I APPRECIATE ALL OF THE WORK THAT YOU DID TO GIVE US MORE INFORMATION. SO THANK YOU FOR THAT. THAT WAS REALLY HELPFUL. I DON'T UNDERSTAND HOW 79 UNITS IS GOING TO INCREASE OUR SAFETY AND SECURITY IN THE NEIGHBORHOOD WHERE WE ALREADY HAVE -- WE HAD A BREAK-IN ON A SUNDAY AFTERNOON AT 1:30 IN THE AFTERNOON. SO, YOU KNOW, WE'RE ALL LIVING WITH THEFT AND VIOLATION. SO THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> HELLO. THANK YOU FOR LETTING ME SPEAK. MY NAME IS [INAUDIBLE] AND I'VE BEEN RESIDENT OF MANHATTAN BEACH SINCE 2008. I LOVE BEING HERE LIKE EVERYBODY ELSE, I'M SURE. I HAVE TWO TEENAGE BOYS. THEY ATTEND MANHATTAN BEACH UNIFIED DISTRICT. AND THE REASON I WANTED TO SPEAK IS THAT WE WOULD ALL LIKE TO KEEP OUR BEAUTIFUL TOWN VIBRANT AND YOUNG AND HAPPENING AND FUN. IT'S EVIDENT OVER THE LAST FIVE TO TEN YEARS IS THE DECREASE OF THE ENROLLMENT IN [INAUDIBLE] SINCE LAST FIVE YEARS, IT'S BEEN ABOUT 12.5% DECREASE OF ENROLLMENT. THE REASON FOR THAT IS OBVIOUSLY THE PRICE, EVER-RISING PRICE OF REAL ESTATE IN MANHATTAN BEACH IS BECOMING INCREASINGLY UNAFFORDABLE FOR MAJORITY OF YOUNG FAMILY WITH KIDS. SO I THINK THE PROJECT LIKE VERANDAS IS ONE ANSWER TO THAT AND ADDRESSES THE ISSUE OF AFFORDABLE HOUSING, ALLOWING YOUNGER FAMILIES TO COME IN AND BECOME PART OF OUR COMMUNITY, ALLOWING US TO STAY VIBRANT AND ALIVE AS OPPOSED TO BECOMING AN OLD CITY LIKE CAMEL OR SOME OF THESE CITIES I WOULDN'T WANT TO BE IN A PLACE LIKE THAT. I'M REALLY ALL UP FOR THE PROJECTS LIKE VERANDAS. I THINK IT'S REAL IMPORTANT AND IT'S REALLY GOOD FOR OUR COMMUNITY AND THE FUTURE OF MANHATTAN BEACH.

>> Mayor Napolitano: THANK YOU.

>> THANK YOU.

>> Mayor Napolitano: WHOSE PHONE IS THAT? WE TALKED ABOUT TURNING OFF THE PHONES AT THE BEGINNING OF THE MEETING. IF EVERYONE CAN COOPERATE, THAT WOULD BE GREAT. AGAIN, WE WANT TO RESPECT EACH SPEAKER, WHATEVER THEY SAY, IT'S THEIR RIGHT TO SAY

IT.

>> HELLO. MY NAME IS BUTTER FULLER I LIVE IN EL PORTO ON CREST BETWEEN 41<sup>st</sup> AND 42<sup>nd</sup>. KIND OF RIGHT IN THE HEART OF THE AREA THAT THIS STUFF IS GOING TO HAPPEN WITH THE HIGH ROSE PROJECT. COUPLE OF THINGS THAT WE THINK ABOUT, MY WIFE AND I WHEN WE'RE UP THERE, IF THIS IS THE NEW PRECEDENT. THERE ARE THREE PROPERTIES RIGHT ON HIGHLAND THAT ARE READY TO FALL DOWN AND PROBABLY BE SNATCHED UP BY DEVELOPERS. THE OLD GYM, IF YOU'RE FAMILIAR, THE MANHATTAN HOTEL THAT LOOKS LIKE IT'S GOING DOWN IN A STIFF WIND AND ACROSS THE STREET FROM THAT IS THE OLD LIQUOR STORE AND NAIL SHOP. THAT PLACE SUPPOSEDLY HAS BEEN TRYING TO BE SOLD FOR YEARS. IF WE HAVE THOSE THREE PROPERTIES AND THE HIGH ROSE PROJECT GOING IN, DOES THAT SET A PRECEDENT THAT OTHER DEVELOPERS ARE GOING TO COME IN, SNATCH UP THOSE PROPERTIES, BUILD A FOUR-STORY UNIT, PUT ONE OR TWO LOW-INCOME RESIDENTS IN THERE AND THE HIGHLAND QUARTER IS GOING TO LOOK LIKE MIAMI BEACH. AND PEOPLE LIVING IN THAT AREA WE DON'T WANT, OBVIOUSLY, WE DON'T WANT TO LOOK AT THOSE TALL BUILDINGS. AND FOR THE GENTLEMAN THAT SAID BLOCK OFF THE VIEW TO THE REFINERY AND THAT'S GOING TO HELP VALUES, WHAT HELPS VALUES IS BEING ABLE TO SEE THE WATER. THAT'S AN INVESTMENT FOR US AS WELL. BUT THE AMOUNT OF BUILDING THAT'S GOING TO HAPPEN, IF THIS IS THE PRECEDENT IN THAT CORRIDOR IS GOING TO BE RIDICULOUS. AND YOU, MR. MAYOR, SAID IN YOUR WELCOME, I'M COMMITTED TO CONTINUING TRADITION, BLAH BLAH BLAH BLAH BLAH AND LOW DEVELOPMENT. LOW-PROFILE DEVELOPMENT, RIGHT. IT'S NOT MINE. SO YOU WROTE IT. YOU'RE GOING TO HAVE TO CHANGE THAT IF YOU DON'T [ BEEPING ] IF YOU DON'T FIND A WAY TO DEAL WITH THIS PROJECT.

>> Mayor Napolitano: THANK YOU.

>> THANKS FOR LISTENING.

>> HELLO MR. MAYOR AND FELLOW COUNCILMEMBERS. I'M ALSO A RESIDENT OF EL PORTO. I'VE BEEN THERE FOR 12 YEARS. I LIVE AT 444 ROSECRANS, DIRECTLY ACROSS THE STREET FROM THE PROPOSED PROJECTS. THERE HAVE BEEN A LOT OF COMMENTS AND THE ONE I FOUND MOST EDUCATIONAL IS MANHATTAN BEACH HAS GOTTEN EXPENSIVE, NOT JUST BECAUSE IT'S A GREAT AREA BUT IT'S LIMITING ON WHERE YOU CAN LIVE. THERE'S ONLY SO MANY HOMES AND RESIDENTS. I THINK ADDING 79 UNITS WILL ACTUALLY MAKE IT A LITTLE EASIER FOR SOME PEOPLE WHO CAN'T AFFORD TO LIVE HERE AND WHO ARE YOUNG AND WANT TO DEVELOP THEIR KIDS AND THEIR FAMILIES AND LIVES AHEAD OF TIME. MY SECOND QUESTION IS, WHAT DO WE DO WITH THE LAND IF WE DON'T BUILD. RIGHT NOW THERE'S A BAR THAT BRINGS IN A LOT OF NONRESIDENTS THAT DOESN'T ADD VALUE, PROBABLY DETRACTS VALUE FROM THE AREA WE LIVE IN. THERE'S A PRACTICE THAT'S ONLY OPEN THREE DAYS A WEEK. IT'S JUST NOT A GREAT USE OF LAND. YOU'RE



RIGHT, IF WE DON'T PUT ANYTHING THERE, WE CAN LOOK PAST IT. BUT THE WAY IT'S SHAPED, IT'S SHAPED DOWN TOWARDS THE WATER. TWO OF THE STORIES WOULD BE UNDER GROUND. I DON'T THINK IT WOULD BE AN EYESORE. I THINK IT MIGHT IMPROVE THE NEIGHBORHOOD. AND YES, IT WOULD GIVE US MUCH NEEDED COMMERCE IN THE COMMUNITY AS WELL AS SOME ADDITIONAL JOBS. I'M IN FAVOR OF THE PROJECT AND I JUST -- I THINK WE SHOULD TAKE A REAL DEEP THOUGHT ABOUT IT. BECAUSE IF WE DON'T BUILD, WHAT ELSE ARE WE GOING TO DO WITH THE LAND. IT'S A GOOD USE OF IT AND I'M IN FAVOR OF IT. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU.

>> MY NAME IS AARON, I'M A LOCAL RESIDENT AND BUSINESS OWNER. MY BUSINESS IS ACTUALLY LOCATED AT THE INTERSECTION IN QUESTION AND I'M HERE TO SUPPORT THE VERANDA PROJECT. I GREW UP HERE. AM VERY FAMILIAR WITH THE CITY. PORTO HAS ALWAYS BEEN A STEPCHILD OF MANHATTAN BEACH. IT'S NEVER SHARED THE SAME CACHE THAT THE REST OF MANHATTAN BEACH GETS. AND AS MUCH AS I GET THE LARGE BUILDING THING, THIS IS A BEAUTIFUL PIECE OF ARCHITECTURE IN MY MIND. I THINK THE TRAFFIC OPPOSITION THAT'S BEEN MENTIONED, THE TRAFFIC COMES FROM SOUTHBOUND OF THAT INTERSECTION IN THE MORNING AND NORTHBOUND OF THAT INTERSECTION IN THE EVENING. NEITHER OF WHICH WOULD REALLY BE AFFECTED BY THE PEOPLE LEAVING THAT BUILDING AND GOING MOST LIKELY NORTH OR -- THERE'S NOT A LOT PROBABLY GOING SOUTH OR COMING IN FROM ROSECRANS. SO I DON'T SEE THE TRAFFIC THING. I THINK IT'S A REALLY BEAUTIFUL PIECE OF ARCHITECTURE THAT'S BEEN PROPOSED. AND AT THE END OF THE DAY, LIKE WAS JUST MENTIONED BY A FEW OTHER PEOPLE, THERE'S A WHOLE BUNCH OF OLD BUILDINGS IN PORTO AND IT NEEDS A SHOT IN THE ARM. IT NEEDS TO JUMP UP AND JOIN THE REST OF MANHATTAN BEACH IN THESE BEAUTIFUL ARCHITECTURE. RESIDENTS COME IN A LITTLE YOUNGER. THIS IS A WELCOME THING TO THE COMMUNITY. FOR MY BUSINESS, I'M NOT IN RETAIL. I DON'T HAVE ANY BENEFIT FROM THESE PEOPLE BUYING MY PRODUCTS IN ANY WAY, SHAPE OR FORM. VERY SIMPLY LOOKING AT THIS AS FAR AS THE BEAUTIFICATION OF PORTO GOES AND TRYING TO BRING PORTO UP TO MANHATTAN BEACH. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> MEMBERS OF CITY COUNCIL, MANHATTAN BEACH AND SPECIFICALLY EL PORTO COMMUNITIES ARE UNIQUE AND SPECIAL. AS A 15-YEAR RESIDENT MYSELF I WILL BE RAISING MY CHILDREN HERE IN THE SUN, SURF AND SAND. WE HAVE BUILDING RESTRICTIONS THAT MAIN TIN THE OCEAN VIEWS FOR ALL, A BEACH COMMUNITY RESTRICTING BUILDING HIGH RESTRICTIONS AND CONTROL POPULATION DENSITY. THE HIGH ROSE SURPASSES HEIGHT RESTRICTIONS THAT DAMAGE UNIQUE CONDITIONS THAT KEEP MANHATTAN BEACH A SPECIFIC AND SPECIAL PLACE, RATHER THAN THE HIGH-RISE BUILDINGS OF SANTA MONICA AND REDONDO AND MIAMI

BEACH. APPROVAL OF THIS PROJECT WILL SET A PRECEDENT TO THE NEXT FIVE-STORY, SIX-STORY, SEVEN-STORY BUILDING AND CONTINUE LOOPHOLES. A GATEWAY DRUG TO A COLLAPSED COMMUNITY. JUST AS WE WOULD NOT DOCK A CARNIVAL CRUISE SHIP AT THE END OF THE PIER, WE WOULD NOT BUILD A CRUISE SHIP BUILDING IN THE EL PORTO COMMUNITY. WE STRONGLY OPPOSE THE VERANDA ROSE PROJECT.

>> Mayor Napolitano: THANK YOU.

>> HI, MY NAME IS FRED SHAVER. I'M A 25-YEAR RESIDENT OF MANHATTAN BEACH. JUST HAD MY TWO CHILDREN GRADUATE FROM MIRA COASTA HIGH SCHOOL. I'M HERE TO EXPRESS MY SUPPORT FOR THE PROPOSED HIGH ROSE PROJECT AT ROSECRANS AND HIGH LANDS. WE HAVE A HOUSING SHORTAGE IN SOUTHERN CALIFORNIA ONE INCLUDING HERE IN MANHATTAN BEACH. THE MOST OBVIOUS ILLUSTRATION OF THIS IS THE FACT THAT THE MEDIAN HOME PRICE IN MANHATTAN BEACH WHEN I MOVED HERE IN 1997 WAS ABOUT \$800,000 AND THOUSAND IT IS OVER \$3 MILLION. THAT'S WONDERFUL FOR THOSE OF US FORTUNATE ENOUGH TO OWN HOMES DURING THAT TIME, BUT HAVE YOU EVER SAID, GEE, I CAN'T AFFORD TO LIVE HERE NOW, AND WHAT ABOUT OUR KIDS. I DON'T KNOW ABOUT YOU, BUT I'M CONCERNED THAT WHERE MY KIDS AS ADULTS ARE GOING TO LIVE AND WHETHER THEY'RE GOING TO BE ABLE TO AFFORD TO LIVE MANY MANHATTAN BEACH. LACK OF SUPPLY IN HOUSING HAS A LOT TO DO WITH THE LEVEL OF UNAFFORDABILITY HERE. THE HIGH ROSE PROJECT IS THE ONLY LARGE APARTMENT PROJECT I CAN RECALL BEING PROPOSED IN MANHATTAN BEACH IN THE TIME THAT I'VE LIVED HERE. I RECALL THE DEBATE OVER THE DEVELOPMENT OF THE METLOX SITE MANY YEARS AGO BUT METLOX HAS PROVED TO BE A GREAT SUCCESS THAT WOULD HAVE BEEN BETTER IF HIT HAD STAYED THREE STORIES THAT IT WAS ORIGINALLY PROPOSED TO BE. IN SUMMARY I SUPPORT THE HIGH ROSE PROJECT AS PROPOSED.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS IN THE AUDIENCE FOR NOW. SEEING NONE, ZOOM? OH, ONE MORE.

>> HI. [INAUDIBLE] 50-YEAR RESIDENT. THE MAIN PROBLEM I HAVE WITH THE HIGH ROSE PROJECT IS THERE SEEMS TO BE A LITTLE TOO MUCH SPEED GOING INTO THIS PROJECT. I MEAN IT'S NOT LIKE THESE FELLOWS ARE GOING TO GO AWAY. AND BEING THAT WE HAVEN'T HAD OUR HOUSING ELEMENT APPROVED BY THE STATE OF CALIFORNIA, YOU MAY NEED MORE ADDITIONAL UNITS OUT OF THAT 79 TO REALLY MAKE UP FOR WHAT YOU'RE GOING TO BE REQUIRED FOR THE STATE OF CALIFORNIA. SO I DON'T SEE WHY EVERYBODY IS IN SUCH A HURRY TO PUT THIS PROJECT ON LIKE IT'S GONE ON THE FAST TRACK I'VE EVER SEEN. I DON'T THINK WE COULD BUILD A SINGLE-FAMILY HOUSE THIS FAST. YOU KNOW, FINE. TAKE A LOOK AT THE PROJECT. LOOK AT ALL OF THE THINGS THAT ARE INVOLVED IN IT. I DON'T THINK THE TRAFFIC STUDY IS VERY GOOD. I THINK THAT CORNER AT THIS TIME RIGHT NOW IS TOTALLY PACKED, OR A LITTLE EARLIER IT WAS TOTALLY PACKED. I DON'T THINK

THE INGRESS AND EGRESS IS GOING TO BE PROPER ENOUGH. I HAVEN'T LOOKED AT THAT CLOSELY BUT I KNOW THE CORNER. AND THE BIGGEST THING IS YOU MAY NEED TO HAVE MORE LOW-INCOME UNITS TO MEET THE HOUSING ELEMENT. I DON'T KNOW, WHERE ARE WE AT THE HOUSING ELEMENT. HAVE WE GOT ANYWHERE NEED GETTING IT APPROVED. I TRIED TO ASK RECENTLY. I COULDN'T GET AN ANSWER. BUT I THINK TAKE A LITTLE MORE TIME TO GO ON THIS PROJECT. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> MY NAME IS KATIE MARTIN AND I DID NOT PLAN ON SPEAKING TO NIGHT. I LIVE AT 3413 BAY VIEW; I'VE LIVED THERE FOR 10 YEARS. I LIVE IN A 196-SQUARE FOOT STUDIO. I'M ALSO A FIREFIGHTER AND PARAMEDIC WITH THE LOS ANGELES COUNTY FIRE DEPARTMENT. I AM ONE OF THOSE PEOPLE THAT SUSPECT YOUR TYPICAL SUPER WEALTHY -- I LOVE Y'ALL BUT I'M NOT SUPER WEALTHY. I DON'T HAVE A TON OF MONEY. I WILL NEVER BE ABLE TO BUY HERE. I'M NOT AGAINST BUILDING SOMETHING THERE ON THAT CORNER WHERE THE HIGH ROSE PROJECT IS BUT I'M AGAINST BUILDING THAT PROJECT THERE. THERE HAVEN'T BEEN ENOUGH ENVIRONMENTAL STUDIES DONE THOROUGHLY, TWO LEVELS OF SUBTERRANEAN PARKING THERE RIGHT BY THE REFINERY? FOUR STORIES? 79 UNITS? I DON'T HAVE PARKING. I'M ONE OF THOSE PEOPLE THAT LIKE TRY TO BEAT THE METER MAID WHEN I'M NOT WORKING. I LOOK AT 79 UNITS, THE TRAFFIC THAT'S GOING TO GO THROUGH THERE. AND IF FACT THAT BECAUSE THERE ARE LOW-INCOME UNITS IN THERE, THE REGULAR REGULATIONS ARE ABLE TO BE SKIRTED AROUND AND BYPASSED. AND NO ONE IN THIS ROOM IS AGAINST LOW-INCOME HOUSING, BUT I WORK IN LANCASTER. WE HAVE A LOT OF LOW-INCOME FOLKS THERE. AND THEY SHOULD NOT BE USED FOR THE BENEFIT OF OTHERS BECAUSE OF THEIR STATUS. SO BETWEEN THE ENVIRONMENTAL ISSUES THAT I DON'T THINK HAVE BEEN THOROUGHLY DEALT WITH, IT SOUNDS LIKE IT WOULD BE A GREAT PLACE FOR ME TO RENT SOME DAY BUT I DON'T WANT TO RENT IN THAT BUILDING THAT COULD CAUSE A MASSIVE ENVIRONMENTAL IMPACT TO THIS BEAUTIFUL COMMUNITY THAT I LOVE.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS? COME ON DOWN, LINE UP THE CHAIRS HERE IF YOU WANT TO SPEAK.

>> HELLO. I'M ZACK. I'M A RESIDENT IN MANHATTAN BEACH. I LIVE NEAR POLLIWOG PARK. AND I AM HERE TODAY -- FIRST OF ALL, I WANT TO THANK YOU, MAYOR NAPOLITANO, THANK YOU, COUNCIL, FOR GIVING ME AN OPPORTUNITY TO SPEAK IN FAVOR OF THIS PROJECT. THIS IS A HEARING ABOUT A NONDISCRETIONARY PERMIT AND IT'S ALREADY BEEN APPROVED BY BOTH THE CITY STAFF AND BY THE PLANNING COMMISSION. SO I'M PRETTY SURE THEY'VE ADDRESSED A LOT OF THE ENVIRONMENTAL ISSUES, A LOT OF THE LEGAL ISSUES WITH THAT. I'M NOT GOING TO REHASH A LOT OF THOSE ISSUES. AS A MATTER OF LEGAL RECOURSE, I BELIEVE IT'S PRETTY CLEAR WHAT THE CITY COUNCIL SHOULD DO HERE. MORE THAN THAT, THIS WILL ABSOLUTELY BE A NET BENEFIT FOR THE

CITY. A LOT OF US HAVE BEEN TOUCHED BY HOUSING ISSUES, WHETHER THAT'S SEEING FRIENDS OR FAMILY MOVE AWAY, GRANDKIDS MOVE AWAY BECAUSE THERE'S NOT ENOUGH HOUSING OPTIONS, THE COST OF HOUSING IS TOO HIGH AND THAT HAS A REAL MATERIAL IMPACT ON THE QUALITY OF OUR LIFE. AND YOU CAN SEE THAT IN THE ACTUAL DATA. IT'S NOT JUST ABOUT ANECDOTES. IN THE PAST TEN YEARS, MIRA COASTA HIGH SCHOOL GRADUATED MORE THAN 6,000 STUDENTS AND IN THAT SAME TIME PERIOD THE CITY PERMITTED 220 HOMES. AND MOST OF THOSE HOMES WERE REPLACING AN EXPENSIVE HOME WITH A MORE EXPENSIVE HOME. AS A CITY WE CAN DO A LOT BETTER THAN THAT. I BELIEVE THAT THE CITY STAFF MADE THE RIGHT DECISION WHEN THEY APPROVED THIS PROJECT. THE PLANNING COMMISSION ALSO MADE THE RIGHT DECISION WHEN THEY UNANIMOUSLY CONCURRED WITH THE DECISION OF THE PLANNING STAFF. SO TODAY I'M HERE AS A RESIDENT TO ASK YOU, CITY COUNCIL, TO ALSO MAKE THE RIGHT DECISION AND APPROVE THIS PROJECT AND THE STAFF REPORT. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> I DON'T KNOW IF THIS THING IS GOING TO FALL OVER.

>> Councilmember Franklin: YOU CAN PAY FOR THAT [INAUDIBLE]

>> GOOD EVENING, MAYOR, COUNCILMEMBERS. THANK YOU FOR LETTING ME RISE IN FAVOR OF THIS PROJECT. MY NAME IS MATTHEW. I'M A REAL ESTATE BROKER HERE IN MANHATTAN BEACH. FOR 34 YEARS. AND MANHATTAN HAS ALWAYS BEEN MY MARKET TARGET, SOLD HUNDREDS OF PROPERTIES HERE. A FAIR PORTION OF THOSE IS MULTIFAMILY, RANGING FROM TWO TO 20 UNITS. I CURRENTLY MANAGE ABOUT A HUNDRED OF THE UNITS. THE NEED FOR REASONABLY PRICE RENTALS IS EVIDENT. MANHATTAN BEACH HAS BEEN A SOUGHT-AFTER ADDRESS AND INVENTORY HAS ALWAYS LAGGED DEMAND. VERY RECENTLY I CAN ONLY GO BY MY EXPERIENCE. I JUST LEASED A PLACE OVER ON 36<sup>th</sup> STREET THAT I'VE MANAGED FOR 25 YEARS TO THREE WELL-EDUCATED YOUNG FOLKS AND THEIR AVERAGE INCOME IS ABOUT \$8,000 A PIECE. AS ALWAYS, THERE'S STRONG COMPETITION FOR THE UNITS. EVERYONE THAT WANTED IT BID ON IT AND PUSHED THE PRICE ABOVE WHAT WE WERE ASKING AND IT WAS REASONABLY PRICED AT 4750 A MONTH. SEVERAL PERSPECTIVE TENANTS, INCLUDING THE ONES I LEASED IT TO SAID TO ME, YOU KNOW, WE JUST -- WE DON'T KNOW WHAT TO DO WITH OURSELVES. WE WANT TO LIVE IN MANHATTAN BEACH BUT WE'RE JUST GETTING BLOWN OUT OF THE WATER. I THINK THAT THE KIND OF PROJECT THAT HIGH ROSE IS, I THINK IT'S GOING TO GIVE A LOT OF YOUNG, BRIGHT PEOPLE WITH, YOU KNOW, LIMITED INCOME -- AND I SAY LIMITED. \$8,000 A MONTH IS GOOD, BUT IF THEY WANTED TO BUY THAT TRIPLEX, THEY WOULD HAVE TO PAY \$4 MILLION FOR IT. THEY'D HAVE TO PUT A MILLION DOWN. AND EVEN IF THEY DID PUT IT DOWN, IT WOULD BE 15K A MONTH IN MONTHLY PAYMENTS. THEY SEE THAT IT'S ALMOST IMPOSSIBLE. AS A REAL ESTATE AGENT HERE IN THE AREA, I JUST SEE THAT THAT -- I THINK THAT'S A

REALLY BRILLIANT PROJECT. I LIKE THE LOOKS OF IT MYSELF BUT I'M A REALTOR. ANYBODY IN THE ROOM CAN DECIDE WHETHER OR NOT, YOU KNOW, WHAT THAT MEANS. BUT THANK YOU FOR LETTING ME RISE IN FAVOR OF IT.

>> Mayor Napolitano: THANK YOU.

>> HI, MY NAME IS MICHAEL. I'M A 51-YEAR RESIDENT OF MANHATTAN BEACH. AND I FOUND OUT THIS MORNING I WAS GOING TO BE LIMITED TO TWO MINUTES. SO I'M GOING TO JUST MAKE SOME BULLET POINTS ABOUT THE HIGH ROSE PROJECT. THE FIRST BULLET POINT IS I THINK THE MANHATTAN BEACH CITY COUNCIL NEEDS TO COUNTER THE STATE VOIDING LOCAL BUILDING CONTROL THROUGH CEQA AND THE CALIFORNIA ACT. YOU CAN LOOK UP THE PRECEDENT WHERE THIS HAPPENS IN VENICE, CALIFORNIA, VERY RECENTLY. I'M GOING TO FOCUS BECAUSE A LOT OF PEOPLE ARE GOING TO TALK ABOUT THE HUGE SIZE AND THE DENSITY BONUSES AND ALL OF THAT. I'M GOING TO FOCUS ON THE ENVIRONMENTAL. HIGH ROSE PROJECT IS CONTIGUOUS TO THE CHEVRON REFINERY WHICH HAS BEEN LIST AS A SUPERFUND SITE AND EMITTER OF NITROS-OXIDE. THIS IS WHY CHEVRON INSISTED ON COVENANTS ON THE PROPERTY BEING SOLD TO BUYERS AND THE PROPERTY IMMEDIATELY EAST OF THE REFINERY PROHIBITING OVERNIGHT RESIDENCY, HOTELS, MOTELS, APARTMENTS, HOUSING ET CETERA. THAT IS EAST OF THE REFINERY. ALSO, DEPENDING UPON NORTHWEST TO SOUTHEAST WIND THAT PREVAILS, THE AIR POLLUTION CAN ALSO IMPACT THE NEIGHBORHOODS IMMEDIATELY SOUTH OF THE REFINERY BETWEEN ROSECRANS AND MARINA AVENUE IN MANHATTAN BEACH. IF THERE'S A LENDER ON THE PROJECT, THEY'LL PROBABLY SUGGEST A -- LUST, I ALWAYS LIKED THAT, LEAKING UNDERGROUND STORAGE TANK. THE MANHATTAN BEACH CITY COUNCIL SHOULD INSIST THAT THE SUBJECT DEVELOPER PROVIDE [ BEEPING ] ENVIRONMENTAL LIABILITY INSURANCE POLICY NAMING THE CITY OF MANHATTAN BEACH AS AN ADDITIONAL INSURER. ALSO WHEN REAL ESTATE LICENSEES --

>> Mayor Napolitano: THANKS, MIKE.

>> -- KEEP YOUR WINDOWS CLOSED AT ALL TIMES.

>> Mayor Napolitano: THANK YOU.

>> THANK YOU.

>> HI, MY NAME IS KATE HERSCH. I'M HERE TO SPEAK IN SUPPORT OF THE PROJECT VERANDAS. I THINK THE PROJECT IS BEAUTIFULLY DESIGNED AND THOUGHTFULLY SET BACK FROM THE ROSECRANS CORRIDOR TO ADDRESS SOME OF THE CONCERNS THAT OTHER PEOPLE HAVE BROUGHT UP TONIGHT ABOUT SCALE ON THE BOULEVARD. I ALSO CAME HERE 20 YEARS AGO AND LIVED AS A RENTER IN A COUPLE OF UNITS RIGHT AROUND THE PROJECT. AND I KNOW HOW HARD AND COMPETITIVE THE RENTAL MARKET HAS BECOME TODAY AND THERE'S A LOT OF LACK OF INVESTMENT IN RENTAL PROJECTS IN MANHATTAN BEACH AND THE SURROUNDING COMMUNITY. I WAS VERY FORTUNATE TO BE ABLE TO MOVE

HERE AND CONTINUE TO LIVE HERE AND NOW I'M A HOMEOWNER HERE. AND I HOPE THAT YOU GUYS SUPPORT THIS PROJECT AND THESE NEW UNITS COME TO MARKET SO PEOPLE THAT COME HERE TODAY HAVE A PATH THAT I WAS VERY FORTUNATE TO BE ABLE TO HAVE AND NOW BE A SOUTH BAY RESIDENT. SO THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING. I'M HERE TO SPEAK ON BEHALF OF THE VERANDAS PROJECT. MY COMPANY, WE WORK WITH A LOT OF DEVELOPMENT COMPANIES IN THE L.A. AREA AND I'VE SEEN THIS IN THE VENICE AIR AND THE REDONDO BEACH AREA AND I UNDERSTAND THE CONCERNS OF THE RESIDENTS. I THINK THERE ARE SOME VALID POINTS MADE HERE TONIGHT ABOUT THE SCHOOL SYSTEM AND THE SEPARATION OF THE HAVES AND HAVE NOTS WITH THE DIFFERENT CHOICES THEY MAKE ON THEIR OCCUPATION AND LIFESTYLE. I WOULD LIKE TO SAY EVERYONE IS IN FAVOR OF PROGRESS, BUT THAT INVOLVES A LOT OF CHANGE. AND PEOPLE DON'T THINK ABOUT THAT WHEN THEY'RE GOING FORWARD MAKING THESE DECISIONS. THANK YOU.

>> Mayor Napolitano: THANK YOU. [INAUDIBLE]

>> Mayor Napolitano: OTHER SPEAKERS? OKAY. SEEING NONE IN THE AUDIENCE, WE'LL GO TO ZOOM. RANDY?

>> GOOD EVENING. GOOD EVENING, MAYOR NAPOLITANO AND CITY COUNCIL MEMBERS. CAN YOU HEAR ME?

>> Mayor Napolitano: YES.

>> OKAY. THANK YOU. MY NAME IS RANDI AND I'M A HUMAN POLICY VOLUNTEER WITH THE HUMAN SOCIETY UNITED STATES. I'M SPEAKING ON AGENDA ITEM 16. I SUPPORT THE CITY OF MANHATTAN BEACH'S ANIMAL CONTROL AND POLICE DEPARTMENT'S COYOTE MANAGEMENT PLAN AND RECOMMENDATION FOR A MORE HUMANE EFFECTIVE AND ECOLOGICALLY SOUND APPROACH THAT EMPHASIZES PUBLIC SAFETY, EDUCATION AND THE REDUCTION OF COYOTE WILDLIFE ATTRACTANTS. ONE MODIFICATION I WOULD KINDLY SUGGEST IS OMITTING THE LEG HOLE TRAP METHOD REFERENCED IN THE PLAN. LEG HOLE TRAPS ARE ILLEGAL IN THE STATE OF CALIFORNIA AND WERE BANNED A LITTLE MORE THAN TWO DECADES AGO. I ALSO APPLAUD THE CITY FOR THE IN-DEPTH CITY-WIDE SURVEY YOU COMMISSIONED. IT WAS PROFESSIONALLY DONE AND VERY DETAILED. I AM HOPEFUL THAT THIS SURVEY WILL SERVE AS A PRECEDENT AND A MODEL FOR OTHER CITIES TO EMULATE AND COMMISSION. IN ADDITION, THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DOES OFFER A WILDLIFE WATCH PROGRAM THAT EMPOWERS RESIDENTS AND CITIES TO ADDRESS AND RESOLVE HUMAN WILDLIFE CONFLICTS IN THEIR OWN COMMUNITIES. COMMUNITIES ARE PROVIDED WITH THE SUPPORT AND TRAINING NEEDED BY CALIFORNIA FISH AND WILDLIFE TO DEVELOP INTEGRATED WILDLIFE MANAGEMENT PLANS SPECIFIC TO THEIR CONSTITUENT NEEDS. THIS WOULD BE AN EXCELLENT RESOURCE FOR THE CITY OF MANHATTAN BEACH SHOULD YOU NEED IT. I ALSO WANTED TO

MAKE REFERENCE TO ONE OF THE FIRST SPEAKERS WHO TALKED ABOUT THE CITY OF TORRANCE. PLEASE BE REMINDED THAT THE MAYOR, PAT FURRY FROM THE CITY OF TORRANCE, HAS NOW SAID THAT HE BELIEVES THEIR TRAPPING DOES NOT WORK. IT HAS NOT REDUCED COYOTE POPULATIONS AND HE BELIEVES -- AND YOU CAN LOOK IT UP ON YOUTUBE -- THAT HE DOES NOT BELIEVE THAT IT IS NOT WORTHWHILE TO TRAP. AND WE ALL KNOW THAT SCIENCE SAYS THAT [ BEEPING ] COYOTE POPULATIONS. THANK YOU SO MUCH FOR YOUR TIME AND HAVE A GOOD EVENING.

>> Mayor Napolitano: THANK YOU, RANDI. HELENA.

>> GOOD EVENING. CAN YOU HEAR ME?

>> Mayor Napolitano: YES.

>> MY NAME IS HELENA BURKE; I LIVE A BLOCK AWAY FROM THE WATER TOWER AND I'M OPPOSED TO THE PROJECT. I'VE LIVED IN MANHATTAN BEACH SINCE 1965 AND I DON'T PLAN ON LEAVING ANYTIME SOON. THE POPULATION OF OUR LITTLE MANHATTAN BEACH TOWN HASN'T CHANGED MUCH SINCE THEN. WE HAVE ABOUT 35,000 RESIDENTS CALLING MANHATTAN BEACH HOME NOW AND WE HAD JUST SLIGHTLY LESS IN THE 1960s. TODAY EVERY HOUSE IN MANHATTAN BEACH HAS TWO OR THREE OR MORE CARS. WHEREAS IN THE '60s, IT WAS USUALLY JUST ONE AND SOMETIMES TWO. AND WE HAVE ALWAYS HAD A PARKING PROBLEM. I REMEMBER DRIVING AROUND FOR WHAT SEEMED LIKE HOURS TO ME AS A CHILD JUST LOOKING FOR SOMEWHERE TO PARK TO GET TO THE BEACH. THE PARKING PROBLEM IS MUCH WORSE NOW, WITH PEOPLE FROM L.A. COMING OVER CLOGGING OUR STREETS AND MAKING A TRAFFIC NIGHTMARE AT THE BEACH. IT TOOK ME 20 MINUTES TO GET FROM THE CHEVRON STREET TO PONCHO ON HIGHLANDS DUE TO BUMPER-TO-BUMPER TRAFFIC. THE 405 MOVES FASTER THAN THAT. AND YOU WANT TO ADD A 79-UNIT BUILDING, ADDING ANOTHER 100 TO 150 CARS OR MORE ASSUMING THAT MOST OF THESE UNITS WILL HAVE TWO ADULTS AND TWO CARS TO THIS CORRIDOR. I SAY ABSOLUTELY NOT. THE PROPOSED BUILDING IS WAY TOO BIG FOR OUR LITTLE TOWN AND WILL CERTAINLY TAKE AWAY FROM THE QUAINTESS OF OUR BEACH COMMUNITY. WE ARE ALREADY LIVING ON TOP OF EACH OTHER AND WE DON'T NEED TO ADD MORE CONGESTION AND MORE TRAFFIC TO THIS AREA. I SAY NO TO THIS BUILDING. I WOULD MUCH RATHER SEE THIS TYPE OF BUILDING ON SEPULVEDA AND NOT ON HIGH LAND AND ROSECRANS. THANK YOU.

>> Mayor Napolitano: THANK YOU. TERESA. WE'RE GOING WITH ZOOM NOW. IF YOU WANT TO TAKE A SEAT, WE'LL GET BACK TO YOU.

>> HI. CAN YOU HEAR ME?

>> Mayor Napolitano: YES.

>> GOOD EVENING CITY COUNCIL AND MAYOR. MY NAME IS TERESA LANG AND I AM A 15-YEAR RESIDENT OF MANHATTAN BEACH AND I AM A REPRESENTER AND HAVE BEEN THIS WHOLE TIME. I AM SPEAKING IN OPPOSITION OF THE HIGH ROSE PROJECT. AS A RENTER I CAN ABSOLUTELY ATTEST TO THE LACK OF HOUSING STOCK, THE RISING RENT

PRICES ET CETERA THAT A NUMBER OF OTHER SPEAKERS HAVE SPOKEN TO TODAY BUT I AM ABSOLUTELY IN OPPOSITION TO THIS PARTICULAR PROJECT FOR A NUMBER OF REASONS. FOR ONE, THE SPEED AS A NUMBER OF OTHER SPEAKERS HAVE COMMENTED, THE SPEED OF THIS PROJECT IS ABSOLUTELY OUTRAGEOUS. WE SHOULD NOT BE CIRCUMVENTING CEQA AND IGNORING SOME OF THE DENSITY AND ZONING LAWS THAT WE HAVE FOR THIS AREA OF THE CITY. IT'S ABSOLUTELY OUT OF CHARACTER FOR THIS CITY AND AS A LONG-TIME PORTO RESIDENT, THE LOW BUILDING PROFILE IS PART OF WHAT MAKES THIS TOWN AND THIS SLEEPY CHARACTER OF THAT TOWN SO ATTRACTIVE TO SO MANY RESIDENTS. THE PROXIMITY TO THE OIL REFINERY REALLY MAKES ME VERY CONCERNED THAT WE'RE NOT PLANNING TO DO A FULL CEQA ANALYSIS OF THIS PROJECT. GOD ONLY KNOWS HOW MANY ISSUES THERE MAY BE WHEN WE ACTUALLY BEGIN TO DEVELOP THIS PROJECT, IF IT WERE TO MOVE FORWARD. AND THOSE EXISTING RESIDENTS WILL BE THE ONES HAVING TO SUFFER THE CONSEQUENCES. IN ADDITION, AS MANY HAVE ALSO SPOKEN TO, THE PARKING AND TRAFFIC IN EL PORTO IS ALREADY A CONCERN FOR THOSE RESIDENTS THERE NOW. I BELIEVE THIS DEVELOPMENT HAS PROPOSED 1.6 PARKING SPACES PER APARTMENT, WHICH IS ABSOLUTELY OUTRAGEOUS IN THE CONTEXT WHERE I THINK MANY OF THEM ARE THREE TO FOUR BEDROOMS. THIS WILL FURTHER INCREASE WHAT IS ALREADY A VERY DIFFICULT AREA TO PARK, WHERE THERE IS EXCESSIVE TRAFFIC AT RUSH HOUR EVERY SINGLE DAY. AND WE NEED TO HAVE BETTER STUDIES, SUCH AS A BETTER MORE APPROPRIATE TRAFFIC STUDY TO UNDERSTAND THE IMPACT OF THIS DEVELOPMENT ON THE AREA. AGAIN, I'M NOT AGAINST [ BEEPING ] BUT WE NEED TO HAVE SOMETHING THAT FITS THE CHARACTER OF OUR COMMUNITY AND SHOULD NOT BE --

>> Mayor Napolitano: THANK YOU, TERESA. THANK YOU. DEBBIE.

>> OKAY. SORRY. HI. MY NAME IS DEBBIE AND I LIVE IN THE SECTION NEAR THE PROPOSED SITE FOR THE PROJECT. I AM VERY MUCH OPPOSED TO THIS PROJECT FOR A LOT OF THE REASONS PEOPLE HAVE ALREADY STATED, PARKING AND TRAFFIC. TRAFFIC COMING AND GOING ON VISTA DELMAR HAS BEEN GETTING WORSE WITH EACH PASSING YEAR, HAVING ALL THOSE RESIDENTIAL UNITS IS ONLY GOING TO MAKE IT WORSE. I MARVEL SOMETIMES WHEN I GO TO THE WEST SIDE AND SEE ALL OF THE DEVELOPMENTS GO UP. WHILE I'M SITTING THERE GRID LOCKED IN TRAFFIC THINKING, WHERE ARE ALL OF THESE GOING TO -- HOW ARE THEY GOING TO GET TO WHERE THEY HAVE TO BE AFTER THEY LEAVE THEIR APARTMENTS. AND I'M AFRAID THAT'S GOING TO DO THE SAME THING HERE. THE STREETS UP HERE, WITHOUT SOME KIND OF MITIGATING -- ESPECIALLY WITHOUT SOME KIND OF MITIGATING PARKING SOLUTIONS, LIKE MAYBE PERMANENT PARKING OR SOMETHING, PEOPLE HAVE SO MANY MORE CARS NOW. THERE'S NEVER ANY PLACE TO PARK. AND LASTLY, THE ENVIRONMENTAL CONCERNS. IT'S RIGHT NEXT DOOR TO AGING OIL TANKS AND REFINERY. AND, YOU KNOW, WHAT'S GOING TO BE



DISCOVERED WHEN YOU START DIGGING THERE. HOW DANGEROUS IS THAT GOING TO BE? NOBODY KNOWS BECAUSE THE EIR IS NOT REQUIRED. I READ SOMEWHERE TODAY THAT THE REASON THEY DIDN'T DIG BUILDING MANHATTAN VILLAGE IS BECAUSE THE SOIL IS CONTAMINATED. WHAT MAKES US THINK THAT'S NOT GOING TO BE THE SAME SITUATION THERE. I THINK IT'S THE GATEWAY DRUG HERE TO BUILDING MORE THINGS LIKE THIS IN OUR COMMUNITY. WE ARE A SMALL COMMUNITY. LAND IS FINITE. AND HOW ARE WE GOING TO GET ALL OF THESE PEOPLE AND CARS AND TRAFFIC -- AND WE COULDN'T MAKE THE ROADS BIGGER IF WE WANTED TO. THERE'S SIMPLY NOT ENOUGH SPACE. IS THIS WHAT WE WANT? DO WE WANT, YOU KNOW, MORE DENSITY? DO WE WANT MORE TIGHTLY-PACKED UNITS? DO WE WANT MORE PARKING AND TRAFFIC ISSUES? I DON'T THINK SO. I REALLY HOPE THAT THE CITY WILL TAKE ON SACRAMENTO ON THIS ONE AND FIGHT FOR US OVER HERE. ABSOLUTELY NO FOR ME. THANK YOU.

>> Mayor Napolitano: THANK YOU. DREW, YOU'VE GOT TWO MINUTES.

>> THANK YOU SO MUCH, COUNCILMEMBERS. I'M GOING TO PASS IT OVER TO MY GIRLFRIEND. SHE ACTUALLY IS GOING TO BE SPEAKING.

>> Mayor Napolitano: OKAY.

>> GOOD EVENING, COUNCILMEMBERS. MY NAME IS ADIAN SIRES. I'VE LIVED IN MANHATTAN BEACH FOR ABOUT TWO, THREE YEARS NOW. I BELIEVE THAT SOME OF THE THINGS THAT OTHER PEOPLE HAVE SAID TONIGHT REGARDING PARKING AND TRAFFIC ARE VALID COMPLAINTS. THE STREET THAT I CURRENTLY LIVE ON IS HIGHLY CONGESTED EXIT FROM ONE OF THE PARKING LOTS. SO I WOULD ASK THAT -- OR I WOULD -- I'M WONDERING IF THERE ARE GOING TO BE STUDIES DONE ON THE AIR QUALITY RESULTING FROM TIN CREASE POPULATION DENSITY THAT WOULD BE CAUSED FROM THE HIGH-RISE OF THE UNITS. ALREADY WE BASICALLY WASH DOWN ALL OF THE SURFACES OUTDOORS IN FRONT OF OUR HOUSE LIKE EVERY TWO DAYS. SO I CAN PROMISE YOU THAT THERE'S GOING TO BE AN INCREASE IN THE SOOT. SOME OF THE OTHER -- MY OTHER CONCERN IS THAT THERE MIGHT BE A DECREASE IN THE TOURISM TO SOME OF THE LOCAL SHOPS IN THE AREA. MY FAMILY OWNS A PROPERTY DEVELOPMENT COMPANY IN NORTH CAROLINA AND THAT WAS ONE OF THE THINGS THAT THE DEVELOPMENT -- THAT THE DEVELOPER DIDN'T REALLY ACCOUNT FOR. THEY USED SOME OF THE PARK IN THE AREA AND IT ACTUALLY DECREASED THE AREAS THAT OTHER PEOPLE COULD COME AND VISIT. SO IT KILLED A LOT OF THE BUSINESSES IN THE AREA AND PEOPLE WOULD HAVE TO UBER FROM ALL OVER THE CITY TO GET THERE. OTHER HIGH-RISES ENDED UP COMING IN RIGHT AFTER THAT BUILDING WAS INSTALLED FROM ONE OF OUR PROPERTIES AND NOW WE HAVE MULTIPLE HIGH-RISES IN THIS ONE AREA. AND THE SMALL CHARM OF THE AREA IS COMPLETELY DEAD. SO JUST OTHER POINTS TO THINK ABOUT. THIS IS SUCH A BEAUTIFUL GEM OF AN AREA AND I'M SO GRATEFUL TO LIVE HERE. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU. SO MUCH FOR OUR WATER SAVING.

LARRY.

>> YES. HI. CAN YOU HEAR ME?

>> Mayor Napolitano: YEAH, LAYER, YOU GOT TWO MINUTES.

>> OKAY. THANK YOU, COUNCILMEMBERS, FOR LETTING ME SPEAK. I'M LARRY, LIVED ON THE 400 BLOCK OF 33<sup>rd</sup> STREET SINCE 1990. I'M SPEAKING AGAINST THE HIGH ROSE PROJECT. FOUR-STORY BUILDING I THINK IS OUT OF KEEPING WITH THE CHARACTER OF THE SAND SECTION AND EL PORTO. AND I MIGHT BE IN FAVOR OF A LESS AMBITIOUS, LOWER PROFILE PROJECT BUT NOT THIS. I THINK I'M CORRECT IN SAYING THIS WOULD BE THE VERY FIRST FOUR-STORY STRUCTURE WEST OF SEPULVEDA. I HAVE TWO QUESTIONS FOR THE COUNCIL. FIRST IS A SLIPPERY SLOPE. WOULDN'T ALLOWING THIS TO GO FORWARD OPEN THE DOOR TO MORE FOUR-STORY BUILDINGS IN THIS AREA AND HOW WOULD YOU STOP THAT? SECOND, I DON'T REALLY GETS WHO BENEFITS FROM THIS PROJECT GOING FORWARD. WHERE'S THE BENEFIT. I DON'T UNDERSTAND WHY THE COUNCIL ISN'T STANDING UP TO THE STATE AND RESISTING IT AND JUST GOING TO ROLL OTHER AND ACCEPT IT. IT SEEMS TO ME THAT MOST OF THE RESIDENTS THAT ARE IMPACTED MOST DIRECTLY BY IT ARE AGAINST IT. AND I THINK YOU NEED TO LISTEN TO THAT. THAT'S MY, THAT'S MY STATEMENT. THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT. DENNIS.

>> CAN YOU HEAR ME?

>> Mayor Napolitano: YEAH, DENNIS. YOU GOT TWO MINUTES.

>> GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M SPEAKING ACTUALLY IN FAVOR OF THE PROJECT VERANDAS. ALTHOUGH WE DON'T LIVE IN MANHATTAN BEACH, WE DO HAVE A FAMILY-RUN SMALL BUSINESS IN MANHATTAN BEACH. AND I THINK WE'D LIKE TO SHED SOME LIGHT ON THE FACT THAT MANY OF THE HOMES IN BOTH HERMOSA BEACH AND MANHATTAN BEACH ARE BEING BOUGHT AS VACATION HOMES. NOW, IT'S NOT GOOD FOR SMALL BUSINESSES LIKE OURS AND OTHERS ESPECIALLY IN NORTH MANHATTAN. THE PREVIOUS GUEST STATED THEY WOULD BE LOSING THE PARKING. I COULD AGREE WITH THAT. BUT I THINK THAT THE AFFORDABLE HOUSING IS GOING TO BE OCCUPIED BY THE FOLKS THAT ACTUALLY LIVE THERE AND THEY'LL BE SPENDING THEIR MONEY AND TIME SUPPORTING SMALL BUSINESSES LIKE OURS AND OTHERS IN NORTH MANHATTAN. I THINK IT'S A GREAT OPPORTUNITY FOR THE CITY AND IT HELPS SMALL BUSINESSES. THAT'S KIND OF IT. I MEAN, WE WITNESSED IN THE WINTERTIME, YOU KNOW, DOWNTOWN MANHATTAN KIND OF BECOME AS GHOST TOWN. WE DON'T GET THE WALK-BY TRAFFIC THAT WE USED TO WHEN I WAS A KID AND I LEARNED HOW TO SURF DOWN THERE IN MANHATTAN. AND WE'VE ALSO KNOWN MANY PEOPLE THAT LIVE ON THE WALK STREETS AND THE WHOLE STREET IS EMPTY BECAUSE THEY'RE BOUGHT BY WEALTHY INDIVIDUALS THAT ONLY STAY HERE ON A PARTIAL TIME. I THINK WE NEED YEAR-ROUND, YOU KNOW, PEOPLE LIVING HERE TO HELP SUPPORT THE SMALL BUSINESSES. THAT'S ALL.

>> Mayor Napolitano: OKAY. THANK YOU. LISA.

>> HI. THANK YOU SO VERY MUCH. I'M LISA, CAMPAIGN DIRECTOR FOR INDEFENSIVE ANIMALS AND INTERNATIONAL ANIMAL PROTECTION NONPROFIT WITH 250,000 SUPPORTERS WHO CARE ABOUT ANIMALS, INCLUDING COYOTES. I ALSO LIVE LOCALLY. DOZENS OF OUR LOCAL SUPPORTERS SUBMITTED WRITTEN COMMENTS TODAY AND YESTERDAY TO OPPOSE LETHAL MEASURE TO RESOLVE CONFLICTS WITH COYOTES. PLEASE ACT ON RECOMMENDATIONS MADE BY HUMANE WILDLIFE CONTROL INCORPORATED TO REDUCE COYOTE ACTIVITY IN MANHATTAN BEACH, INCLUDING THE ADOPTION OF A COYOTE RESPONSE PLAN THAT PRIORITIZES NONLETHAL MEASURES. LETHAL CONTROL AS A MEANS OF MANAGING COYOTES IN URBAN AREAS HAS NEVER BEEN EFFECTIVE. WHERE REDUCING ATTRACTANTS ALONG WITH PUBLIC EDUCATION HAS PROVEN SUCCESSFUL IN MANY COMMUNITIES. THANK YOU FOR CONSIDERING COMPASSION AND COEXISTENCE OVER CRUELTY AND KILLING.

>> Mayor Napolitano: THANK YOU. ASHLEY.

>> HELLO. GOOD EVENING. MY NAME IS ASHLEY BURN AND I'M A DIRECTOR FOR PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS AND I'M SPEAKING ON BEHALF OF PET A'S MANY MEMBERS AND SUPPORTERS IN MANHATTAN BEACH. WE WANT TO VIGOROUSLY OPPOSE THE USE OF LETHAL METHODS TO DEAL WITH COYOTES IN THE AREA. AND ENCOURAGE YOU TO FOLLOW THE COMMONSENSE RECOMMENDATIONS LAID OUT BY THE RECENT REPORT TO USE NONLETHAL METHODS WHICH ARE NOT ONLY MORE EFFECTIVE BUT THEY'RE HUMANE. KILLING COYOTES IS A WASTE OF MONEY AND RESOURCES BECAUSE IT ULTIMATELY IS NOT EFFECTIVE. IT'S NOT A LONG-TERM EFFECTIVE SOLUTION BECAUSE SURVIVORS WILL BREED IN ORDER TO REPLACE LOST PACK MEMBERS AND COYOTES WILL MOVE IN FROM NEIGHBORING AREAS TO MAKE USE OF AVAILABLE RESOURCES. IT'S ALSO VERY CRUEL. ANIMALS CAUGHT IN THESE TRAPS CAN SUSTAIN INJURIES IN THEIR FRANTIC ATTEMPTS TO ESCAPE. IT CAN CATCH NONTARGET WILDLIFE INCLUDING PROTECT THE SPECIES. COYOTES ARE REALLY NOT THAT DIFFERENT FROM OUR DOGS AT HOME. THEY'RE LOYAL, SENSITIVE ANIMALS. THEY'RE MERELY TRYING TO SURVIVE. AND THERE ARE HUMANE WAYS OF WORKING TO COEXIST WITH THEM AND DEAL WITH ANY PROBLEMS THAT MIGHT ARISE. SO AGAIN, WE ENCOURAGE YOU TO FOLLOW THE NONLETHAL METHODS RECOMMENDED BY THE REPORT AND THANK YOU VERY MUCH FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU. ALL RIGHT. MRS. HARDING.

>> HELLO. CAN YOU HEAR ME? I HAVEN'T USED THE COMPUTER YET TO DO ZOOM.

>> Mayor Napolitano: YES.

>> I DIDN'T PLAN TO CALL IN SO LET ME TRY TO GET ME THOUGHTS IN LINE. I AM FIRST OF ALL 100% IN SYNC WITH THE COMMENTS FROM DEBBIE VANNESS AND HELENA BURKE. I'M A 20-YEAR RESIDENT IN MANHATTAN BEACH AND WE FEEL LIKE WE HIT THE LOTTERY WHEN WE

MANAGED TO BUY HERE. WE MOVED HERE FROM REDONDO BEACH WHICH IS ALSO VERY NICE. BUT I'M A REAL ESTATE INVESTOR AND I FELT LIKE HEY, IF WE CAN JUST JUMP, SOMEHOW JUMP OVER THE BORDER I KNOW THAT TOWN IS GOING TO GO UP IN VALUE SO MUCH FASTER -- THAN SOME OF THE NEIGHBORS TOWNS. I'VE BEEN STUDYING REAL ESTATE ALL OF MY LIFE AND INVESTING AND BEEN A LANDLORD FOR 40 YEARS. BUT AS A REAL ESTATE INVESTOR -- FIRST OF ALL, ONE THOUGHT IS WE FEEL LIKE WE HIT THE LOTTERY WHEN WE GOT INTO THIS TOWN. BUT IT DOESN'T MEAN -- AND THIS TOWN IS ONE OF THE TOUGHEST TOWNS -- IT'S ONE OF THE MOST BEAUTIFUL, MOST AWESOME TOWNS IN THE WHOLE WORLD. AND I MEAN, IT'S ON THE BEACH. ONE OF THE MOST WONDERFUL BEACH TOWNS, WONDERFUL PEOPLE, LAID-BACK COMMUNITY, JUST -- I CAN'T -- YOU KNOW, I COULD GO ON AND ON AND LIST HOW AWESOME THIS TOWN IS. THE WEATHER. IT'S LIKE 72 DEGREES EVERY DAY OF THE YEAR. MIGHT BE AN HOUR SOME DAYS AND FIVE HOURS OTHER DAYS. BUT IT'S JUST PERFECTION. BUT WE ALL KNOW THAT. AS A REAL ESTATE INVESTOR, THOUGH, THE ENVIRONMENTAL CONCERNS ARE MY BIGGEST CONCERN. DEVELOPING JUST A NEW HOME IN THIS TOWN TAKES A YEAR'S LONG WAIT IN PERMITS AND STUDIES. I DON'T UNDERSTAND THE SPEED OF THIS PROJECT THAT IS SO CLOSE TO A REFINERY. SOMETHING REALLY IS FISHY ABOUT THIS PROJECT. BUT I WANT TO GO ON RECORD THAT I OPPOSE THE PROJECT.

>> Mayor Napolitano: THANK YOU. TAKE THAT REDONDO BEACH.

[LAUGHTER] JAN.

>> HI, GOOD EVENING, MY NAME IS JAN CARL. I HAVE BEEN A HOMEOWNER HERE IN THE NORTH PART OF TOWN OVER 30 YEARS. I'VE SEEN A LOT OF CHANGE IN MANHATTAN BEACH. AND ONE OF THE CHANGES I'VE SEEN IS THE DIFFICULTY FOR ME TO NOW EVER HAVE ANYONE VISIT MY HOME BECAUSE THERE IS ABSOLUTELY NO PARKING EVER. AND THE REASON FOR IT IS SOMEHOW PEOPLE TELL ME THE POPULATION HAS NOT GROWN BUT THE AMOUNT OF CARS HAVE DEFINITELY GROWN. OUR TREATS ARE TINY. IT'S ALREADY A HAZARD DRIVING AROUND THE NEIGHBORHOOD WITH PEOPLE SKIRTING ABOUT. HOW THIS DEVELOPMENT EVER WAS CONCEIVED AS A GOOD IDEA IS BEYOND MY SCOPE OF REALITY. I'M IN THE COMMERCIAL DEVELOPMENT BUILDING. IT TYPICALLY TAKES YEARS AND YEARS AND YEARS TO EVER GET A PROJECT LIKE THIS APPROVED. SOMETHING DOESN'T MAKE SENSE THAT THIS WAS SWEEPED UNDER THE RUG AND APPROVED SO QUICKLY OR PUSHED FORWARD SO QUICKLY. I SEE NO ADVANTAGE TO OUR TOWN. WHEN IT COMES TO PARKING ALONE, ABSOLUTELY NOT. A THREE-BEDROOM APARTMENT IN THIS TOWN MEANS RENTALS, WHICH WOULD BE FIVE, SIX PEOPLE. I MEAN, CARS EVERYWHERE. THERE'S DEFINITELY NOT ADEQUATE PARKING FOR THIS PROJECT. ASIDE FROM THAT, WE DON'T NEED THE DENSITY. IT HAS ALREADY BECOME TOO DENSE IN THE TOWN. THE McMANSION PROBLEM ALREADY STARTED WITH MAKING THINGS DENSER AND NOW WE HAVE THAT

PROBLEM THAT WE CAN'T CHANGE. WE CAN'T ROLL THAT BACK ANYMORE. WHAT WE CAN DO IS PROTECT THE SIZE OF THE TOWN THAT WE HAVE FROM GETTING WAY OVERBUILT. SO I VEHEMENTLY OPPOSE THIS PROJECT. I HAVE LISTENED TO WHAT OTHER PEOPLE HAVE SAID. I UNDERSCORE ALL OF THOSE. I'M TRYING TO MAKE MY COMMENTS A LITTLE BIT DIFFERENT. I UNDERSCORE WHAT'S BEEN SAID ALREADY BY OTHERS WHO OPPOSE THIS PROJECT. IT MAKES NO SENSE FOR MANHATTAN BEACH. THANK YOU.

>> Mayor Napolitano: THANK YOU. KIMBERLY.

>> HI THERE. THANK YOU SO MUCH FOR LISTENING TO US ALL TONIGHT ON CLEARLY THE PASSIONATE TOPIC WHICH IS THE HIGH ROSE DEVELOPMENT. JUST TO CLARIFY, I'M A RESIDENT OF EL PORTO AND HAVE BEEN FOR SEVERAL YEARS AND I AM AGAINST THE HIGH ROSE DEVELOPMENT. I DO WANT TO SAY THAT I UNDERSTAND SOME OF THE COMMENTS FOR IT. THE AFFORDABLE HOUSING, DON'T GET ME WRONG, I'M ALL FOR AFFORDABLE HOUSING. BUT THE WAY THE DEVELOPMENTS WORK, AND I MAY BE WRONG IN THIS, ONLY SIX OF THE UNITS ARE ACTUALLY FOR AFFORDABLE, QUOTE, QUOTE. AND AFFORDABLE IS BASED ON A MEDIAN INCOME PERCENTAGE. IN OUR AREA, THAT'S NOT THAT AFFORDABLE. I'M NOT SURE THAT'S WHAT'S GOING TO HAPPEN HERE. AND I THINK THE OTHER THING TOO IN TERMS OF FUTURE FORWARD. I'M OKAY WITH THAT. THERE ARE SOME BUILDINGS THAT NEED TO BE RENOVATED A BUT I'M NOT SURE THIS AREA IS GOING TO BE LEFT BEHIND. DO WE REALLY WANT TO BE SANTA MONICA. JUST TO CLARIFY AGAIN MANY MY OPPOSITION, THE TRAFFIC. WE'VE TALKED ABOUT IT. THAT STUDY IS NOT GREAT. AND IF YOU'VE EVER WALKED THE HIGH LAND AND ROSECRANS INTERSECTION, DO IT A COUPLE MORE TIMES A DAY. AND IF YOU'RE NOT SCARED, YOU ARE WAY STRONGER THAN ME. THE ENVIRONMENTAL CONSIDERATION. REFINERY IS RIGHT THERE. THE PARKING IS TRUE. THE INFRASTRUCTURE, PLUMBING, POWER, REALLY, DO WE THINK THAT WE CAN ACTUALLY TAKE THAT ON. AND IN GENERAL I WANT TO COMMUNICATE THAT OUR CITY COUNCIL, WE TRUST YOU GUYS TO MAKE THE RIGHT DECISION BUT I ENCOURAGE AND BEG YOU THINK ABOUT DO WE WANT TO BE THE NEXT ASHEVILLE, NORTH CAROLINA, THAT HAD ALL OF THIS CHARM AND WE LET THE DEVELOPERS COME IN AND MAKE MONEY OFF OF THE PEOPLE THAT BUILT THIS BEAUTIFUL PLACE FOR IT WHAT IS. THANK YOU.

>> Mayor Napolitano: THANK YOU. NICOLE.

>> GOOD EVENING, EVERYONE. I ALSO WAS NOT PLANNING ON SPEAKING TO NIGHT BUT FIGURED I WOULD CHIME IN WITH A DIFFERENT PERSPECTIVE HERE. I AM OPPOSED TO THE HIGH ROSE BUILDING AT VERANDA. I AM NOT A RESIDENT THAT'S BEEN HERE FOR 20, 30-PLUS YEARS. ACTUALLY SPEAKING ON THE PERSPECTIVE OF ONE OF THE YOUNGER PEOPLE THAT HAS MOVED HERE IN HOPES OF FINDING AN OPEN PROPERTY IN CALIFORNIA AND LOS ANGELES SPECIFICALLY. I CAME FROM NEW YORK CITY TO ESCAPE THE HIGH-RISES, TO ESCAPE THE CROWDEDNESS, THE ESCAPE THE POLLUTION. BUT HERE I FIND MYSELF IN

THE SMALLEST TOWN IN CALIFORNIA FINDING IT'S COMING TO FOLLOW ME. I'M ALL FOR DIFFERENT PEOPLE IN THE NEIGHBORHOOD WITH DIFFERENT PERSPECTIVES AND DIVERSITY. WE NEED A SHAKEUP IN MANHATTAN BEACH. BUT BUILDING A HIGH-RISE WHERE WE HAVE CONGESTION ISSUES, LIKE THIS SPEAK TO, INTERSECTIONS THAT ARE NOT SAFE. WHEN I WALK MY DOG, I'M CONSTANTLY FEARFUL THAT PEOPLE ARE GOING TO HIT US. RESIDENTS NOT BEING EDUCATED AND KNOWN TO WHAT OPPORTUNITIES WILL HAPPEN WITH THE ENVIRONMENT. I THINK THAT THERE SHOULD BE SOME DEVELOPMENT IN THAT AREA. DO I THINK WHAT'S CURRENTLY THERE BEAUTIFUL. BY ANY MEANS, NO. BUT THERE ARE SO MANY OTHER OPPORTUNITIES TO BUILD. MY RUSHING A PROJECT AND CALLING IT AFFORDABLE HOUSING WHEN THERE'S ONLY SIX OUT OF 79 UNITS THAT WOULD BE FOR THESE AFFORDABLE, IT'S JUST A RUSH AND A WAY FOR PEOPLE TO POCKET MONEY. AGAIN, I AM IN FAVOR OF BUILDING SOMETHING IN THAT REGION BUT SOMETHING THAT IS UNDER THE LIMITATIONS OF HEIGHT, SOMETHING THAT HAS PROPER ENVIRONMENTAL AND TRAFFIC STUDIES AND SOMETHING THAT IS IN FAVOR OF THE RESIDENTS THAT ACTUALLY LIVE HERE TODAY AND ARE THE ONES THAT WOULD POTENTIALLY BE LIVING HERE IN THE FUTURE. THANK YOU SO MUCH FOR HEARING ME SPEAK AND I HOPE YOU'LL TAKE INTO ACCOUNT THE ACTUAL RESIDENTS THAT LIVE HERE AND NOT PEOPLE THAT LIVED HERE YEARS AGO AND SPEAKING ON BEHALF OF THE FUTURE. THANK YOU.

>> Mayor Napolitano: THANK YOU. HEATHER.

>> HI. I LIVE IN FRONT OF MEADOWS ELEMENTARY SCHOOL AND THERE IS NO STREET PARKING ON MEADOWS DURING SCHOOL HOURS. AND DURING THE SCHOOL YEAR. AND THAT IS ACTUALLY WHEN I FEEL LIKE WE REALLY NEED IT THE MOST. VOLUNTEERS REALLY HAVE NOWHERE TO GO. PARENTS HAVE NOWHERE TO GO. NO PARKING FOR RESIDENTS OR VISITORS. I HAVE FRIENDS TEXTING ME ASKING IF THEY CAN PARK IN MY DRIVEWAY ALL OF THE TIME. RECENTLY I WALKED THE NEIGHBORHOOD, TALKED TO MANY IN THE AREA AND I'VE LEARNED HOW STRAINED THE RELATIONSHIP IS BETWEEN SOME RESIDENTS AND THEY PLACE THE BLAME ON THE SCHOOL. AND I THINK A LOT OF THIS ANGST CAN BE ALLEVIATED BY CREATING MORE PARKING BETWEEN 12<sup>th</sup> STREET AND 17<sup>th</sup> STREET. IT'S WIDER THAN ALL OF THE OTHER STREETS ON MEADOWS ON BOTH SIDES AND YET IT'S CLOSED OFF. MY NEXT-DOOR NEIGHBOR CAN BARELY GET OUT OF HER DRIVEWAY WHEN THERE'S A CAR PARKED DIRECTLY ACROSS FROM HER HOUSE DURING SCHOOL LOADING TIMES. ALSO, THERE SHOULD BE A FOUR-WAY STOP SIGN AROUND EVERY SINGLE SCHOOL. I DON'T KNOW IF IT'S PRONOUNCED ROWELL OR ROWELL, ANYWAY THAT STREET AT 12<sup>th</sup> HAS A CROSSWALK BUT NO STOP SIGN. I'VE SEEN SEVERAL NEAR MISSES INVOLVING CHILDREN WALKING TO AND FROM SCHOOL. LET'S NOT WAIT FOR ONE OF OUR CHILDREN TO BE A VICTIM BEFORE WE DO SOMETHING ABOUT THAT INTERSECTION. WHILE I'M SPEAKING ABOUT TRAFFIC ISSUES, MAYBE A LANE CAN BE REPAINTED FOR A DEDICATED RIGHT-TURN

LANE IN FRONT OF MANHATTAN BEACH CREAMERY. PEOPLE WHO KNOW USE THAT INVISIBLE LANE TO MAKE A RIGHT. OTHERWISE TRAFFIC IS BACKED UP FOR, SEEMS LIKE MILES. I KNOW IT'S ONLY BLOCKS [ BEEPING ] THANK YOU.

>> Mayor Napolitano: THANK YOU. ANYONE ELSE BY ZOOM? WE HAVE A COUPLE MORE HERE IN THE AUDIENCE.

>> GOOD EVENING HONORABLE MAYOR, COUNCILMEMBERS. I'M RICK McNEILL. I GREW UP IN MANHATTAN BEACH, HERMOSA BEACH. BECAUSE OF WORK I GOT EXILED TO ORANGE COUNTY FOR A LITTLE WHILE. BUT THIS IS HOME FOR ME. I ALSO HAPPEN TO BE FOR OVER 30 YEARS A LAND USE ENVIRONMENTAL LAWYER. I'M NOT FOR THE PROJECT OR AGAINST THE PROJECT. BUT I HAVE THROUGH KIND OF SOME MUTUAL FRIENDS AGREED TO COME HERE IF YOU'LL GIVE ME A LITTLE BIT OF INDULGENCE FOR THE GRASSROOTS. WE HAVE SOME [INAUDIBLE] THERE'S ONE THING I JUST WANT TO STRESS. AND I DO WORK FOR A BIG FIRM BUT I DO A LOT OF PRO BONO WORK FOR DISADVANTAGED POPULATIONS. AND SO, YOU KNOW, I REALLY HAVE A STRONG FEELING ABOUT THIS. AND I KNOW I HAVE VERY LITTLE TIME. SO I HAVE THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL AND IT CITES A CERTAIN CODE SECTION IN THE DENSITY BONUS LAW. IT DOESN'T CITE SUBSECTION D1-2. D1-2 MAKES THE PROJECT INELIGIBLE FOR THESE CONCESSIONS AND WAIVERS IF THERE IS A SPECIFIC IDENTIFIABLE, QUANTIFIABLE ADVERSE IMPACT. AND THERE IS. ALL YOU HAVE IS THE CITADEL REPORT. CITADEL REPORT TOOK SHALLOW SOIL BORINGS. THEY'RE WAY ABOVE THE GROUND WATER. THEY'RE GOING TO BE [INAUDIBLE]. YOU DON'T HAVE -- WHAT YOU DON'T HAVE -- AND IT'S SOMEBODY'S DECISION, BUT REALLY IT SHOULD BE YOUR DECISION. WHAT YOU DON'T HAVE IS FEDERAL EPA, CAL EPA, LOS ANGELES WATER BOARD WHICH HAS JURISDICTION HERE, VAPOR INTRUSION PROTOCOLS. THEY WEREN'T DONE.

>> Mayor Napolitano: OKAY. WE'RE PAST THE TWO MINUTES NOW. SO YOU MIGHT WANT TO TALK TO ONE OF THE APPELLANTS IF THEY WANT TO SHARE THEIR TIME WITH YOU IF YOU HAVE ANY TESTIMONY. I CAN TELL YOU THAT GIVEN THE TIME WE'RE PROBABLY GOING TO TAKE A LITTLE BREAK AFTER WE HAVE ALL OF OUR PUBLIC PARTICIPATION FOR ABOUT FIVE MINUTES. YOU CAN TALK TO SOMEBODY --

>> I MEAN I JUST WANT YOU GUYS TO KNOW SOME OF THE STUFF THAT'S REALLY IN THE RECORD. YOU SHOULD BE MAKING THIS DECISION. THAT'S --

>> Mayor Napolitano: WE'LL HAVE TO. THANK YOU.

>> WELL, AN INFORMED DECISION.

>> Mayor Napolitano: APPRECIATE THAT. SIR.

>> MY NAME IS MATTHEW DUNCAN. I APOLOGIZE FOR BEING LATE. MY CAR BROKE DOWN ON MANHATTAN BEACH --

>> Mayor Napolitano: YOU'RE NOT LATE.

>> OKAY.

>> Mayor Napolitano: NO ONE IS GOING TO DOCK YOUR PAY.  
>> THANK YOU FOR LETTING ME IN. ANYWAY, I'M SWEATING BECAUSE I RAN FROM THE 405 OVER HERE. SO I GOT MY EXERCISE FOR THE DAY. ANYWAY, AGAIN MY NAME IS MATTHEW DUNCAN AND MY PETS AND I HAVE COEXISTED WITH COYOTE FOR MORE THAN 50 YEARS. TRAPPING AND KILLING COYOTE IS INHUMAN AND INEFFECTIVE. I KNOW YOU HAVE CONSULTED WITH TORRANCE OFFICIALS. YOU MIGHT WANT TO TALK ABOUT THE RACCOON THAT STRANGLERED AND DIED. CITY OFFICIALS DENIED THAT ANY RACCOON DIED UNTIL I GET A PUBLIC RECORDS REQUEST AND GOT E-MAILS BETWEEN CITY OFFICIALS AND THE TRAPPER ACKNOWLEDGING WITH PHOTOS THAT THE RACCOON DID STRANGLE ITSELF IN A TRAPPER'S SNARE IN A NATURE PRESERVE. SO AGAIN, I ASK YOU TO PLEASE IGNORE THE EVICT COYOTE'S CROWD. PLEASE RECOMMEND LAST MONTH'S RECOMMENDATION FROM CALIFORNIA FISH AND WILDLIFE. WE COULD LISTEN TO THE LONG-TIME TORRANCE MAYOR WHO RECENTLY RELEASED HIS OP IS I GUESS SO TO TRAPPING COYOTE WHO PREVIOUSLY SUPPORTED IT. QUOTE, I AM TOTALLY OPPOSED TO THE COYOTE PROGRAM. EDUCATION WILL GO A LONGER WAY IN ELIMINATING THE PROBLEMS WE'VE HAD. THANK YOU.

>> Mayor Napolitano: THANK YOU. SPEAKERS.

>> GOOD EVENING COUNCIL. NICE TO SEE YOU AGAIN. MY NAME IS PETER KIM. I OWN [INAUDIBLE] CAFE IN NORTH MANHATTAN BEACH WHERE THIS HIGH ROSE PROJECT WILL BE PRETTY MUCH CATTY-CORNERED TO MY BUSINESS. I'M COMPLETELY OPPOSED TO THE PROJECT. AND THE REASON IS THIS. IN THE 30 YEARS I'VE HAD CUSTOMERS COME BY THAT WORKED IN THE CHEVRON PLANT WHICH IN THE '60s WAS AN AMMUNITIONS PLANT. THEY WERE DEVELOPING BOMBS FOR THE VIETNAM WAR AT THE CHEVRON PLANT. NOW IN THOSE TIMES THERE WAS NO ENVIRONMENTAL IMPACT STUDIES, NO ENVIRONMENTAL STUFF GOING ON. PEOPLE ARE BURYING THINGS IN THAT CHEVRON PLANT THAT WE HAVE NO IDEA WHAT THEY WERE BURYING. AND TO START DIGGING UP IN THAT PLACE WHERE THERE COULD BE A LAKE MEAD SCENARIO, DEAD BODIES, WHO KNOWS WHAT'S DOWN THERE. THE ENVIRONMENTAL IMPACT OF THIS WILL BE TREMENDOUS TO THE RESIDENTS, TO THE BUSINESSES. AND I HEARD ONE OF THE SPEAKERS SAY THEY OWN A SMALL BUSINESS IN NORTH MANHATTAN BEACH. WELL NORTH MANHATTAN BEACH HAS BEEN -- EVER SINCE -- I'M THE CHAIR ALSO OF THE BUSINESS ASSOCIATION FOR THE BUSINESS DISTRICT. WE'VE INCREASED THE VISIBILITY AND WE WILL KEEP CONTINUING TO INCREASE THE VISIBILITY IN THE NORTH MANHATTAN BEACH DISTRICT. AND I DON'T THINK PUTTING A 79-UNIT BUILDING IS GOING TO HELP. YES, IT MAY HELP THE BUSINESSES BUT IN THE LONG RUN I THINK IT WILL HURT. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> HI, CITY COUNCIL. MY NAME IS EVAN. I'M A 25-PLUS-YEAR RESIDENT OF MANHATTAN BEACH. I JUST WANT TO TOUCH ON WHAT OUR



COLLEAGUE HERE JUST SAID IN THAT VERY POPULAR MYTH WAY. DO YOU GUYS REMEMBER THE MOVIE POLTERGEIST IN THE 1980s, THE STORY OF THE GREEDY DEVELOPER WHO MOVED THE TOMB STONES AWAY AND BUILT ON TOP OF IT? THE BOTTOM LINE IS WE DON'T KNOW WHAT'S UNDER THERE AND THERE IS A CATCH 22 AND YOU GUYS HAVE AN OBLIGATION TO KEEP US SAFE. AND WHAT WE'RE ASKING YOU TO DO IS DO YOUR DUE DILIGENCE, FIGURE OUT WHAT'S GOING ON SO IT'S NOT AFTER THE FACT WHEN SOMETHING IS LEAKING, SOME KIND OF PETROLEUM IS ROLL DOWN THE HILL AND IMPACTING EVERYBODY. THAT'S WHAT WE'RE ASKING YOU FOR. I THINK THAT'S PUBLIC SAFETY. A LOT OF YOU HAVE THE PUBLIC SERVICE. THAT'S WHAT THE FEDERAL CONSTITUTION DEMANDS. THAT'S THE TENTH AMENDMENT, RESERVING THE POLICE POWER TO THE STATE AND THE PEOPLE. YOU'RE THE PEOPLE. IF YOU FOLLOW WHAT THESE PEOPLE ARE SAYING WITH YOUR COMMITTEE, YOU'RE EVISCERATED THE CITY'S ABILITY TO POLICE AND KEEP EVERYBODY SAFE. THAT'S WHAT THIS IS ABOUT. SO I REALLY WISH YOU WILL CONSIDER THIS IN YOUR DECISION. THANK YOU.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS? YES, NO, MAYBE SO?

>> GOOD EVENING COUNCIL, MAYOR, RESIDENTS. I STAND HERE THIS EVENING NOT IN OPPOSITION OF A TASTEFUL HOUSING PROJECT THAT COMPLIES WITH MANHATTAN BEACH REGULATIONS, I STAND HERE NOT OPPOSING LOW-INCOME HOUSING. SADLY, HIGH ROSE PROJECT IS NONE OF THAT. I STAND HERE IN STAUNCH OPPOSITION OF A CITY STANDING IDLY BY, A COUNCIL UNDER THE GUIDANCE OF AN ATTORNEY WHO HASN'T LISTENED TO ANYTHING FRANKLY OUT OF RESPECT WHO HAVE THROWN HIS HANDS IN THE AIR ADMITTING DEFEAT. HOW CAN YOU BE DEFEATED IF YOU'VE NOT SHOWN UP FOR BATTLE. I STAND HERE ASKING WITH SIMPLE HUMILITY, MR. MAYOR, WHY HAVE YOU NOT SPOKEN TO THE RESIDENTS. WHY DOES COUNCIL CONTINUE TO GIVE US CANNED RESPONSES LIKE CALL SACRAMENTO. I WAS TOLD AS A KID, YOU POINT ONE FINGER AT SOMEONE ELSE, THERE'S THREE POINTING BACK AT YOU. IS THERE SOMETHING WEIRD AFOOT GOING ON HERE? I STAND HERE AND ASK COUNCIL, ARE YOU GOING TO WATCH AS CONTAMINANTS GET UPROOTED FROM A KNOWN CONTAMINATED SOIL BASE BY A COMPANY THAT'S ALLEGEDLY ADMITTED AS MUCH. DO WE TRULY WANT THE EPA TO FILE A LAWSUIT AGAINST MANHATTAN BEACH FOR CONTAMINATING OUR BEAUTIFUL OCEAN? THIS HAS HAPPENED BEFORE. THIS PRECEDENT. WE WILL GET SUED. THERE'S MORE AT PLAY THAN A SIMPLE SACRAMENTO DECREE TO PROVIDE HOUSING. THERE'S HUGE ENVIRONMENTAL ISSUES, HUGE HEALTH IMPLICATIONS, TRAFFIC ISSUES, PARKING ISSUES. I'M A SCIENTIST, I'M A DOCTOR, MY NEW BEST FRIEND. I KNOW SCIENCE. THE BOGUS TRAFFIC PARKING STUDIES THAT WERE DONE BY THE DEVELOPER ARE A JOKE. DO YOUR JOBS, PAUSE THIS PROCESS, DO APPROPRIATE TRAFFIC, PARKING AND ENVIRONMENTAL STUDIES AND ENFORCE THE LAWS OF MANHATTAN BEACH.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS.

>> HI. I JUST WANT TO SAY ABOUT THE COYOTE, YOU KNOW, I DON'T UNDERSTAND PET'S APPROACH ON HOW THEY'RE PROTECTING THE COYOTES OVER ALL OF THE OTHER ANIMALS BEING KILLED IN THIS CITY. OTHER CITIES ARE SEEING IMPROVEMENT IN THEIR ATTACKS CONTRARY TO WHAT IS BEING STATED. COYOTES ARE DIFFERENT THAN DOGS. WE HAVE TO LICENSE AND LEASH THE DOGS AND THEY'RE NOT ALLOWED TO ROAM FREE AND KILL. WHAT IS THE PREDATOR FOR THE URBAN COYOTE. THERE IS NOT ONE. WHAT IS THE CONTROL FACTOR FOR THE COYOTE POPULATION. ARE THEY ALLOWED TO KEEP MULTIPLYING? THOSE ARE MY QUESTIONS. THANK YOU.

>> Mayor Napolitano: THANK YOU. ANYBODY ELSE? SEEING NONE, NONE BY ZOOM, WE'LL TAKE A RECESS FOR FIVE MINUTES AND COME BACK AFTER THAT FOR THE REST OF THE AGENDA. [ RECESS ] [ NO AUDIO ] [ INAUDIBLE ] [ NO AUDIO ] [ NO AUDIO ]

>> Mayor Napolitano: THE DOWNTOWN BID, AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DOWNTOWN MANHATTAN BEACH BUSINESS AND PROFESSIONAL AUTHORIZATION TO DISBURSE ASSESSMENTS COLLECTED THROUGH JUNE 30<sup>th</sup>, 2022. WE'RE GOING TO CONDUCT THE PUBLIC HEARING, ADOPT THE RESOLUTION, RATIFY THE BOARD, AUTHORIZE ASSESSMENTS. DIRECTOR.

>> TONIGHT WE HAVE AN ANNUAL APPROVAL. I WILL ASK FINANCIAL SERVICES MANAGER LIBBY BRETTHAUER TO PROVIDE A BRIEF PRESENTATION FOR YOU.

>> TONIGHT WE'RE PLEASED TO PRESENT FOR YOUR CONSIDERATION RENEWAL OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2022/2023. THE ANNUAL RENEWAL IS A PROCESS REQUIRED BY STATE LAW. THIS BEGAN DURING THE JULY 19<sup>th</sup> CITY COUNCIL MEETING WITH RENEWAL. THE NEXT STEP IS TO HOLD A PUBLIC HEARING TONIGHT. PROTESTS BY BUSINESSES PAYING 50% OR MORE OF THE TOTAL ASSESSMENT. ASSESSMENTS FOR THE DISTRICT REMAIN UNCHANGED AND A DOWNTOWN BUSINESS IMPROVEMENT DISTRICT IS FUNDED THROUGH A 80% SURCHARGE ON THE ANNUAL BUSINESS TAX FOR ITS MEMBERS UP TO A MAXIMUM OF \$600 PER BUSINESS. ALL LEGAL REQUIREMENTS FOR TONIGHT'S PUBLIC HEARING HAVE BEEN MET, INCLUDING MAILING COPIES OF THE RESOLUTION TO MEMBERS AND PUBLISHED IN THE BEACH REPORTER. SEVERAL STEPS NEED TO BE TAKEN TO NIGHT. ONE, HOLD A PUBLIC HEARING TO RECEIVE TESTIMONY. PLEASE ADOPT RESOLUTION NO. 22-120 AUTHORIZING THE DIRECTION OF THE ASSESSMENT. TWO, PLEASE RATIFY THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD MEMBERS. THREE, ADOPT RESOLUTION 22-121 AUTHORIZING THE CITY MANAGER AND BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD CHAIRPERSON TO ENTER INTO AN AGREEMENT WITH THE DOWNTOWN MANHATTAN BEACH BUSINESS AND PROFESSIONAL ASSOCIATION FOR SERVICES OUTLINED IN THE ACTIVITY PLAN IN THE BUDGET WHICH ARE INCLUDED IN THE AGENDA

PACKET. AND LASTLY, PLEASE AUTHORIZE THE DISBURSEMENT OF B.I.D. FUNDS DIRECTED THROUGH THE 2022/2022 FISCAL YEAR. THE EXECUTIVE DIRECTOR OF THE DOWNTOWN BUSINESS AND PROFESSIONAL ASSOCIATION IS ONLINE TONIGHT IN THE ZOOM AND AVAILABLE TO ANSWER ANY QUESTIONS AS WELL AS STAFF. IF THERE ARE NO QUESTIONS, WE RECOMMEND THE PUBLIC HEARING IS OPENED AT THIS TIME. THANK YOU.

>> Mayor Napolitano: COUNCIL, ANY QUESTIONS? SEEING NONE, WE'LL OPEN UP TO PUBLIC HEARING. ANYONE WANTING TO SPEAK TO THIS ITEM, COME ON DOWN. OKAY. ANYONE BY ZOOM? OKAY. SEEING NONE, COUNCIL DISCUSSION. WE'LL CLOSE THE PUBLIC HEARING. COUNCIL, DISCUSSION?

>> Mayor Pro Tem Montgomery: MAKE A MOTION, YOUR HONOR.

>> Mayor Napolitano: MOVED BY COUNCILMEMBER HADLEY AND SECONDED BY MAYOR PRO TEM MONTGOMERY. PLEASE VOTE.

>> AND SO MAYOR THAT MOTION IS B, C AND D, IT'S THE TWO RESOLUTIONS, IT'S RATIFYING THE BOARD AND AUTHORIZING THE DISBURSEMENT OF ASSESSMENTS.

>> Councilmember Hadley: CORRECT.

>> Mayor Pro Tem Montgomery: AS NOTED.

>> Mayor Napolitano: THAT'S APPROVED.

>> MOTION PASSES 5-0.

>> Mayor Napolitano: ITEM 141 CONDUCT PUBLIC HEARING REGARDING THE TRIENNIAL WATER SYSTEM REPORT ON PUBLIC HEALTH GOALS. AND WE HAVE A FIVE-MINUTE PRESENTATION BY DIRECTOR LEE.

>> HELLO AGAIN, HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL. IT'S NIKKI AGAIN. I'M HERE TO TALK ABOUT THE PUBLIC HEARING REGARDING THE TRIENNIAL WATER SYSTEM REPORT ON PUBLIC HEALTH GOALS. CALIFORNIA HEALTH AND SAFETY CODE REQUIRES THAT THE CITY PREPARES THIS REPORT ON PUBLIC HEALTH GOALS EVERY THREE YEARS AND HOLD A PUBLIC HEARING TO ACCEPT, RESPOND TO PUBLIC COMMENTS ON THE REPORT. THE REPORT IS A TECHNICAL DOCUMENT THAT DESCRIBES WATER QUALITY CHEMISTRY. THE WAY THAT THEY ARE DEFINED IN THE STAFF REPORT, AS YOU'VE SEEN, PHG, PUBLIC HEALTH GOALS OR MAXIMUM CONTAMINATE GOALS ARE NOT WATER QUALITY STANDARDS. THEY ARE JUST GOALS. THEREFORE, THEY ARE USUALLY AT OR AROUND ZERO. THE CONCLUSION FOUND IN THIS REPORT HAS IDENTIFIED THAT THE DRINKING WATER QUALITY IN MANHATTAN BEACH HAS MET ALL STATE AND FEDERAL STANDARDS. THERE ARE NO QUESTIONS I RECOMMEND THAT YOU OPEN THE PUBLIC HEARING.

>> Mayor Napolitano: QUESTIONS FROM COUNCIL. SEEING NONE WE'LL OPEN THE PUB LEIGH HEARING. ANYONE WANTING TO SPEAK TO THE WATER QUALITY IN MANHATTAN BEACH, COME ON DOWN. ANYBODY BY ZOOM? SEEING NONE, WE'LL CLOSE THE PUBLIC HEARING. COUNCIL, DISCUSSION? IS THERE A MOTION? COUNCILMEMBER HADLEY, SECONDED BY COUNCILMEMBER FRANKLIN AND THIS IS TO RECEIVE AND FILE.

>> MOTION PASSES 5-0.

>> Mayor Napolitano: THAT TAKES US TO ITEM 15. ITEM 15 IS CONSIDERATION OF FIVE APPEALS OF THE PLANNING COMMISSION'S DECISION TO AFFIRM THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF A PRECISE DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT AND TENTATIVE PARCEL MAP FOR THE DEVELOPMENT OF A 96,217 SQUARE FOOT MULTIFAMILY RESIDENTIAL BUILDING KNOWN AS THE HIGH ROSE PROJECT. ALL RIGHT. SO I HAVE A SCRIPT. I USUALLY DON'T GO BY A SCRIPT. BUT GIVEN THE POTENTIAL RAMIFICATIONS OF THIS PROJECT WE'RE ALL GOING TO GO BY A SCRIPT. I DON'T SEE THE GENTLEMAN WHO WAS HERE EARLIER WHO WAS ASKING -- NO, NOT HIM. NOPE, NOT YOU EITHER.

>> Councilmember Hadley: SORRY, RICK.

>> Mayor Napolitano: THE GENTLEMAN WHO ASKED WHY WE WEREN'T SPEAKING OUT ON THIS AND WHY CANNED ANSWERS WERE GIVEN, I'M GOING TO TURN TO THE CITY ATTORNEY TO EXPLAIN A FEW PROCESS COMMENTS.

>> THANK YOU, MAYOR. AND AS THE MAYOR NOTED AT THE LAST MEETING AND SOME OF YOU WERE AT THIS LAST MEETING, THESE TYPE OF DECISIONS, THE CITY COUNCIL HAS TO MAINTAIN AN OPEN MIND, BE UNBIASED AND WAIT TO GET EVIDENCE TONIGHT. THERE ARE NUMEROUS E-MAILS THAT WERE SENT BY THE CITY -- TO THE CITY IN FAVOR AND AGAINST THE PROJECT. THEY'RE ALL GOING TO BE CAREFULLY CONSIDERED. JUST IF THE COUNCIL WERE TO RESPOND TO THOSE E-MAIL LAST, YOU KNOW, DURING THIS PERIOD, DURING THE APPEAL, THERE COULD BE CLAIMS THAT THEY HAD PREJUDGED THE APPLICATION. ONCE AGAIN, THE COUNCILMEMBERS ARE KEEPING AN OPEN MIND, NUMBER ONE. AND NUMBER TWO, ALL OF YOUR E-MAILS WILL BE CAREFULLY CONSIDERED AND ARE PART OF THE RECORD. AND SO AT THAT POINT I THINK INDIVIDUAL COUNCILMEMBERS --

>> Mayor Napolitano: AND IF WE HAD GIVEN AN OPINION OF WHAT WE FELT ABOUT THIS PROJECT OR ANYTHING, THAT COULD BE -- WHAT ARE THE RAMIFICATIONS OF THAT?

>> THIS HAPPENED IN HERMOSA BEACH. ONE OF THE COUNCILMEMBERS WAS FOUND BY THE JUDGE TO BE BIASED AND THEY THREW OUT THE -- THE COURT REVERSED THE DECISION OF THE CITY COUNCIL BECAUSE THAT PARTICULAR COUNCILMEMBER GOT EMBROILED IN A CONTROVERSY OVER -- IT WAS ACTUALLY A GYM. AND THE COURT LOOKED AT HER ACTIONS AND SAW THAT SHE WAS BIASED BEFORE THE HEARING.

>> Mayor Napolitano: SO TO PRESERVE OUR ABILITY TO HEAR THIS TONIGHT, THAT'S WHY WE DIDN'T MAKE COMMENTS ON IT.

>> EXACTLY.

>> Mayor Napolitano: AND WE ALSO HAVE A COUNCIL EX PARTE COMMENTS.

>> Councilmember Franklin: YES, YOUR HONOR, MAY I GO FIRST?

>> Mayor Napolitano: YES.

>> Councilmember Franklin: SO FIRST I'D LIKE TO DISCLOSE THAT I

BRIEFLY MET WITH THE DEVELOPER AT THE PROJECT SITE. THE PURPOSE OF THE MEETING WAS TO LEARN INFORMATION ABOUT THE PROJECT. THE INFORMATION I LEARNED FROM THIS MEETING IS ALREADY CONTAINED IN THE STAFF REPORT. THE RESOLUTION, COMMUNICATIONS FROM THE PUBLIC ABOUT THE PROJECT. I DO NOT HAVE ANY PREDETERMINED BIAS WHETHER AGAINST OR FOR THE PROJECT BEFORE THE CITY COUNCIL TONIGHT. MY MIND -- MY MIND IS NOT MADE UP ON THE PROJECT. I INTEND TO LISTEN OBJECTIVELY TO ALL PARTIES AND THE PUBLIC BEFORE MAKING UP MY MIND AND MAKING ANY DETERMINATION, ONLY AFTER WE RECEIVE TONIGHT'S INPUT. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: OKAY. COUNCILMEMBER HADLEY.

>> Councilmember Hadley: I TOO WOULD LIKE TO DISCLOSE THAT I BRIEFLY MET WITH THE DEVELOPER AT THE PROJECT SITE. THE PURPOSE OF THE MEETING WAS TO LEARN INFORMATION ABOUT THE PROJECT. THE INFORMATION THAT I LEARNED FROM THIS MEETING WAS ALREADY -- IS ALREADY CONTAINED IN THE STAFF REPORT, THE RESOLUTION, THE LETTERS AND COMMUNICATIONS FROM THE PUBLIC ABOUT THE PROJECT. AS POINTED OUT BY THE CITY ATTORNEY, ALL OF THE COUNCILMEMBERS HAVE AN OBLIGATION TO MAINTAIN AN OPEN MIND AND BASE OUR DECISIONS ON THE EVIDENCE AND INFORMATION WE RECEIVE TONIGHT. WE HAVE RECEIVED HUNDREDS AND HUNDREDS OF E-MAILS BOTH IN FAVOR OF AND AGAINST THE PROJECT. AND THEY WERE ALL PART OF THE RECORD AND I HAVE AND WILL CAREFULLY CONSIDER ALL OF THEM. AT THE TIME THE CITY COUNCIL WAS CONSIDERING THE HOUSING ELEMENT UPDATE AND THE IMPACTS OF STATE HOUSING LAWS ON THE CITY -- AND THIS WAS MONTHS AGO -- SEVERAL RESIDENTS EXPRESSED CONCERNS TO ME ABOUT THE HOUSING ELEMENT. SOMETIMES THE RESIDENTS ADDED CONCERNS ABOUT THIS PROJECTS WE'LL BE TALKING ABOUT TONIGHT. I EXPRESSED MY CONCERN ABOUT THE HOUSING ELEMENT AND STATE OVERREACH. I WAS CON DID ABOUT THE RESIDENT'S QUALITY OF LIFE CREATED BY PROJECTS SUCH AS THIS AS? A CROWDED CONGESTED CITY SUCH AS MANHATTAN BEACH. BUT I REPEATEDLY EMPHASIZED THAT THE STAFF'S PRESENTATION WAS ONGOING. AND MY COMMENTS THEN MADE MONTHS AGO WERE INTENDED TO PROVIDE INFORMATION TO THE COMMUNITY AND CONTRIBUTE TO THE BROADER DISCUSSION OF STATE HOUSING LAW, EROSION OF LOCAL CONTROL AND ITS CONSEQUENCES FOR LOCAL COMMUNITIES. I ALSO DO NOT HAVE A PREDETERMINED BIAS WHETHER AGAINST OR FOR THIS PROJECT BEFORE THE CITY COUNCIL TONIGHT. I HAVE NOT MADE UP MY MIND ON THE PROJECT. I INTEND TO LISTEN OBJECTIVELY TO ALL PARTIES AND THE PUBLIC BEFORE MAKING UP MY MIND AND MAKING MY DETERMINATION ONLY AFTER WE RECEIVE TONIGHT'S INPUT. THANK YOU, MAYOR.

>> Mayor Napolitano: COUNCILMEMBER STERN.

>> Councilmember Stern: THANK YOU, YOUR HONOR. I TOO WOULD LIKE TO DISCLOSE THAT I BRIEFLY HAD A REMOTE MEETING OVER ZOOM WITH

THE DEVELOPER, WITH THE DEVELOPERS. THE PURPOSE OF THE MEETING WAS TO LEARN INFORMATION ABOUT THE PROJECT. THE INFORMATION I LEARNED FROM THIS MEETING WAS ALREADY CONTAINED IN THE STAFF REPORT, THE RESOLUTION, THE LETTERS AND COMMUNICATIONS FROM THE PUBLIC ABOUT THE PROJECT. I DO NOT HAVE A PREDETERMINED BIAS WHETHER AGAINST OR FOR THE PROJECT BEFORE OUR CITY COUNCIL TONIGHT. I HAVE NOT MADE UP MY MIND ON THE PROJECT AND I INTEND TO LISTEN OBJECTIVELY TO ALL OF THE PARTIES AND THE PUBLIC BEFORE MAKING UP MY MIND. AND MAKING ANY DETERMINATION ONLY AFTER RECEIVING TONIGHT'S INPUT. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: OKAY.

>> Mayor Pro Tem Montgomery: FOR ME, YOUR HONOR AS WELL, LET ME DISCLOSE THAT I MET WITH THE DEVELOPER AND HIS PARTNER VIA ZOOM. THE PURPOSE OF THIS MEETING WAS TO LEARN INFORMATION ABOUT THE PROJECT. IT WAS CONTAINED IN THE STAFF REPORT, RESOLUTION, LETTERS AND COMMUNICATIONS FROM THE PUBLIC ABOUT THE PROJECT ITSELF. I DO NOT HAVE A PREDETERMINED BIAS DETERMINED BIAS AGAINST OR FOR THE PROJECT BEFORE THE CITY COUNCIL TONIGHT. I HAVE NOT MADE UP MY MIND ABOUT THE PROJECT. I INTEND TO LISTEN OBJECTIVELY TO ALL PARTIES AND THE PUBLIC BEFORE MAKING UP MY MIND AND MAKE A DETERMINATION ONLY AFTER RECEIVING TONIGHT'S INPUT. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: THAT TAKES US TO STAFF PRESENTATIONS. DIRECTOR TAI.

>> GOOD EVENING, MAYOR AND MEMBERS OF THE CITY COUNCIL. FOR THE BENEFIT OF THE PUBLIC, MY NAME IS CARRIE TAI, THE CITY'S COMMUNITY DEVELOPMENT DIRECTOR. TONIGHT'S STAFF REPORT WILL BE GIVEN BY MR. TED FATURIS AND THE PLANNING MANAGER TALYN MIZAKHANIAN WILL BE AVAILABLE FOR QUESTIONS AFTERWARD.

>> GOOD EVENING, MAYOR AND MEMBERS OF THE CITY COUNCIL. MY NAME IS TED FATURIS AND I'M HERE TO PRESENT TO YOU THE DEVELOPMENT PLAN AND ASSOCIATED ENTITLEMENTS FOR A PROPOSED 79-UNIT RESIDENTIAL BUILDING. I'D LIKE TO START OFF WITH THE TIMELINE OF THE PROJECT. IN MARCH OF 2022 THE APPLICANT APPLIED FOR THE PRECISE DEVELOPMENT PLAN AND ASSOCIATED ENTITLEMENTS. OVER THE COURSE OF TEN MONTHS, STAFF SPENT SEVERAL ROUNDS GOING BACK AND FORTH WITH THE DEVELOPER AND THOROUGHLY VETTED THE PROJECT. IN JANUARY OF THIS YEAR THE PROJECT APPLICATION WAS DEEMED COMPLETE. AND THEN IN LATE MARCH OF THIS YEAR THE COMMUNITY DEVELOPMENT DIRECTOR ISSUED AN APPROVAL DECISION. STAFF RECEIVED FOUR INDEPENDENT APPEALS OF THE DIRECTOR'S DECISION AND THOSE APPEALS WERE HEARD IN JUNE BY THE PLANNING COMMISSION. AT THE PLANNING COMMISSION MEETING IN JUNE, THE PLANNING COMMISSION UNANIMOUSLY AFFIRMED THE DIRECTOR'S DECISION. ALSO IN JUNE, FIVE INDEPENDENT APPEALS WERE FILED OF THE PLANNING COMMISSION'S

DECISION WHICH BRINGS US TO TODAY, THE CITY COUNCIL MEETING TO CONSIDER THOSE APPEALS. MOVING ON TO THE SITE, THE CURRENT SITE RIGHT NOW IS COMPOSED OF TWO LOTS WHICH ARE, WHEN TOGETHER, ARE OVER 43,000 SQUARE FEET. THE SITE IS LOCATED IN THE CNE ZONE, THAT'S NORTH END COMMERCIAL ZONE IN AREA DISTRICT 3 AND IN THE NONAPPEALABLE COASTAL ZONE WHICH MEANS THE PROJECT CANNOT BE APPEALED TO THE CALIFORNIA COASTAL COMMISSION. THE CITY COUNCIL WILL HAVE THE FINAL SAY. USES ARE A FORMER BANQUET FACILITY AND TRADEWINDS VILLAGE AT 377 HIGHLAND AVENUE. THESE IMAGES SHOW THE SITE AND ITS LOCATION. SO TO THE NORTH OF ROSECRANS IS THE SITE AND THE SITE IS ALSO EAST OF HIGHLAND AVENUE BEHIND THE CITY'S PARKING STRUCTURE. AND AS YOU CAN SEE IN THE ZONING MAP, THE PROJECT IS SURROUNDED BY SEVERAL DIFFERENT USES, INCLUDING A PUBLIC PARKING FACILITY, HIGH-DENSITY RESIDENTIAL HOUSING, COMMERCIAL USES AND ALSO THE CITY OF EL SEGUNDO TO THE NORTH. THE PROJECT WAS REVIEWED FOR COMPLIANCE WITH SEVERAL APPLICABLE REGULATIONS. THESE INCLUDE THE GENERAL PLAN INCLUDING THE FIFTH CYCLE HOUSING ELEMENT, STATE DENSITY BONUS LAW, THE MANHATTAN BEACH LOCAL COASTAL PROGRAM, SUBDIVISION MAP ACT AND CHAPTER 11 OF THE MUNICIPAL CODE. TAKING THESE REGULATIONS ONE BY ONE, THE PROJECT IS SUBJECT TO BEING IN COMPLIANCE WITH THE GENERAL PLAN AND THE NORTH END COMMERCIAL LAND USE CATEGORY. I WANT TO EMPHASIZE THAT HIGH DENSITY RESIDENTIAL USES ARE ALLOWED IN THE GENERAL PLAN FOR THE NORTH END COMMERCIAL USE. AND WE LOOKED IN THE ARCHIVES AND THIS POLICY OF ALLOWING RESIDENTIAL USES IN COMMERCIAL ZONES IN THE SAND SECTION AND IN EL PORTO HAS BEEN AROUND SINCE 1941. THE PROJECT IS ALSO SUBJECT TO THE FIFTH CYCLE HOUSING ELEMENT. AND THE GOALS AND POLICIES OF THAT ELEMENT, WHICH, AGAIN, EMPHASIZE ALLOWING MULTIFAMILY RESIDENTIAL USE IN THE CNE ZONE AND ALSO FOR INCENTIVIZING THE PRODUCTION OF AFFORDABLE HOUSING. ANOTHER CRITICAL COMPONENT OF THE PROJECT AND THE REGULATIONS THAT SURROUND IT IS THE STATE DENSITY BONUS LAW. SO THE BASIC PREMISE OF THE STATE DENSITY BONUS LAW IS THAT IF A DEVELOPER SETS ASIDE A PERCENTAGE OF THE UNITS FOR AFFORDABLE HOUSING, THEY ARE ALLOWED TO BUILD MORE UNITS THAN WHAT THE BASE DENSITY WOULD ALLOW. AND IN ORDER TO DO THIS THE DEVELOPER OR THE STATE DENSITY BONUS LAW ALLOWS THE DEVELOPER TO ASK FOR WAIVERS AND CONCESSIONS FROM DEVELOPMENT STANDARDS, LIKE HEIGHT REQUIREMENTS, SETBACK REQUIREMENTS, IS ET CETERA. AND THE STATE DENSITY BONUS LAW IS VERY CLEAR THAT THE LAW SUPERCEDES LOCAL REGULATIONS WHEN IT COMES TO THESE DEVELOPMENT STANDARDS.

>> Mayor Napolitano: WHAT DOES THAT MEAN? FOR THE AUDIENCE.

>> I THINK I'LL ANSWER THAT QUESTION THROUGH THE PRESENTATION, IF I MAY CONTINUE. AND THIS ACTUALLY IS A GREAT EXAMPLE, TO

ANSWER YOUR QUESTION, MR. MAYOR. UNDER THE CURRENT CODE -- THIS SAN EXAMPLE -- THE DEVELOPMENT STANDARDS MIGHT ALLOW FOR 32 UNITS TO BE BUILT ON A SITE. BUT IF THE DEVELOPER ASKS FOR A DENSITY BONUS AND MEETS ALL OF THE REQUIREMENTS, THEY MIGHT BE ABLE TO BUILD 40 UNITS ON THE SITE. BUT IN ORDER TO BUILD THE 40 UNITS WITHIN THE BUILDABLE ENVELOPE UNDER THE CODE, THE CURRENT CODE, IT'S OFTEN IMPOSSIBLE. SO WHAT THE STATE DENSITY BONUS ALLOWS IS FOR WAIVERS AND CONCESSIONS FROM DEVELOPMENT STANDARDS IN ORDER TO MAKE THE PROJECT VIABLE. AND ACTUALLY IF I COULD JUST GO BACK FOR A SECOND. WAIVERS ARE SPECIFICALLY DESIGNED AND MENTIONED IN STATE LAW THAT WAIVERS CAN BE GRANTED WHEN A DEVELOPMENT STANDARD HEIGHT REQUIREMENT WOULD PHYSICALLY PRECLUDE THE CONSTRUCTION OF A PROJECT. AND CONCESSIONS ARE USED WHEN THE COST OF A DEVELOPMENT STANDARD WOULD HAVE A FINANCIAL IMPACT ON THE PROJECT AND MAKE IT FINANCIALLY UNBUILDABLE. ANOTHER APPLICABLE REGULATION IS THE CITY'S LOCAL COASTAL PROGRAM. CONTAINED WITHIN THE LOCAL COASTAL PROGRAM IS CHAPTER 8.94 WHICH IS THE LOCAL COASTAL'S PROGRAM VERSION OF DENSITY BONUS RULES AND REGULATIONS. SO EMBEDDED IN THE CITY'S CURRENT REGULATIONS ARE AN ENTIRE PROGRAM TO PROMOTE AFFORDABLE HOUSING, INCLUDING WAIVERS, CONCESSIONS, ET CETERA. HOWEVER, THE CHAPTER 8.94 IS OUT OF DATE AND IS NOT CONGRUENT WITH STATE LAW. BUT WHAT THE LCP SAYS IS THAT ANY DIFFERENCE BETWEEN STATE LAW AND THE LOCAL AFFORDABLE HOUSING DENSITY PROGRAM, THE STATE LAW WILL ALWAYS SUPERSEDE AND BE THE LAW. SO STAYING ON THE LCP FOR A MOMENT, THE LCP STATES -- I'D LIKE TO READ THIS -- PRECISE DEVELOPMENT PLANS ARE INTENDED TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING THROUGH A STREAMLINED PERMITTING PROCESS. PROJECTS THAT QUALIFY FOR A DENSITY BONUS PURSUANT TO CHAPTER 8.94 SHALL BE ELIGIBLE FOR AN ADMINISTRATIVE NONDISCRETIONARY PRECISE DEVELOPMENT PLAN. WE'RE GOING TO CIRCLE BACK TO THE CONCEPT OF WHAT ADMINISTRATIVE NONDISCRETIONARY MEANS, BUT IT IS A UNIQUE -- A UNIQUE REQUIREMENT THAT IS ASSOCIATED WITH AFFORDABLE HOUSING PROJECTS IN THE CITY. SO THE APPLICANT HAS REQUESTED A PRECISE DEVELOPMENT PLAN TO BUILD THIS PROJECT. PART OF THOSE RELATED ENTITLEMENTS INCLUDE THE COASTAL DEVELOPMENT AND THE TENTATIVE PARCEL MAP. THE PROJECT WOULD INCLUDE THE DEMOLITION OF THE EXISTING STRUCTURES, MERGE ARE OF TWO LOTS AND THE CONSTRUCTION OF A NEW 96,217 SQUARE FOOT MULTIFAMILY STRUCTURE. MOVING ON TO WHAT THE SITE LOOKS LIKE, THE ONLY VEHICULAR ACCESS IS OFF OF ROSECRANS. YOU CAN SEE THE DRIVEWAY IN THE MIDDLE OF THE SITE. TO THE WEST OF THE PROJECT IS THE CITY'S PARKING STRUCTURE LOT 4. AND KIND OF WEST AND SOUTH OF PART OF THE PROPOSED LOT WHERE THE TRADEWINDS BUILDING IS A COMMERCIAL STRUCTURE AND A RESIDENTIAL STRUCTURE. NONE OF THOSE



BUILDINGS ARE PART OF THE PROJECT. YOU'LL ALSO NOTICE THAT IN THE MIDDLE NORTHERN PART OF THE SITE THE BUILDING IS PUSHED BACK FROM ROSECRANS. THAT MEANS A LOT OF THE BUILD'S BULK IS NOT ON ROSECRANS. IT'S ON THE NORTHERN EDGE OF THE SITE. THE DEVELOPER IS PROPOSING 79 UNITS, SIX OF WHICH ARE SET ASIDE FOR VERY LOW-INCOME HOUSEHOLDS. THE PROJECT IS FOUR STORIES AT ITS TALLEST POINT. AND BETWEEN 37 AND 50 FEET IN HEIGHT WITH HEIGHT BEING PER THE CODE'S REQUIREMENTS MEASURED FROM THE AVERAGE GRADE, WHICH IS DETERMINED BY AVERAGING THE PROPERTY CORNERS. THE DEVELOPER IS PROPOSING A MIX OF STUDIO, ONE, TWO AND THREE-BEDROOM UNITS. THE PROJECT IS PROPOSING 114 STANDARD-SIZE PARKING SPACES, 48 OF WHICH ARE TANDEM PARKING SPACES, 13 COMPACT-SIZE PARKING SPACES, SEVEN MOTORCYCLE PARKING SPACES AND 27 BICYCLE PARKING SPACES. THE PROJECT EXCEEDS THE STATE DENSITY BONUS LAW REQUIREMENTS FOR PARKING SPACES. STATE LAW REQUIRES 103 PARKING SPACES FOR THIS SITE WITH NO BICYCLE PARKING OR MOTORCYCLE PARKING SO THE APPLICANT IS EXCEEDING THE REQUIREMENTS. ALSO BOTH LOCAL REGULATIONS AND STATE LAW ARE EXPLICIT ABOUT ALLOWING TANDEM SPACE TO COUNT AND BEING REQUIRED TO COUNT ADDS REQUIRED PARKING. TANDEM SPACES ARE ACTUALLY VERY COMMON IN NEW RESIDENTIALS IN THE CITY. WE SEE THEM QUITE FREQUENTLY ON NEW DEVELOPMENTS. SO TO LOOK AT SOME ELEVATIONS HERE OF THE PROJECT, THIS IS AN ELEVATION LOOKING NORTHWEST FROM ROSECRANS. AS YOU CAN SEE, THE GRADE SLOPES DOWN GOING EAST TO WEST AND THAT HELPS THE BUILDING KIND OF EMERGE OUT. THERE IS A COURTYARD AS WELL AS -- I THINK THE PROJECT ILLUSTRATES AGAIN THAT A LOT OF THE BULK OF THE PROJECT IS NOT ON ROSECRANS AVENUE, IT'S PUSHED TO THE NORTHERN BOUNDARY OF THE SITE. AND ALSO NOT ALL OF THE BUILDING IS FOUR STORIES TALL. FOR INSTANCE, ON THIS EASTERN EDGE HERE YOU HAVE A PROJECT THAT'S THREE TO TWO STORIES TALL. AND WE'LL SEE THAT MORE IN THE COMING ELEVATIONS. THIS IS A SITE FROM THE NORTH, SLIGHTLY NORTHEAST LOOKING IN THE CENTER. THAT IS THE ENTRANCE FROM ROSECRANS AVENUE TO THE UNDERGROUND PARKING STRUCTURE. SO HERE I'D LIKE TO SHOW SOME THINGS ABOUT HEIGHT. SO WE'RE GOING TO ZOOM IN TO THE WESTERN PORTION OF THE BUILDING. THAT KIND OF LIGHT GRAY OR THE FUZZINESS OF THE BUILDING IS INTENDED TO SHOW THAT THERE ARE STRUCTURES IN FRONT OF THAT PART OF THE BUILDING NOW. THERE'S A RESIDENTIAL STRUCTURE THERE AND A COMMERCIAL STRUCTURE THERE. BUT WHEN WE SAY IN THE STAFF REPORT THAT THE PROJECT IS 50 FEET TALL, THAT 50-FOOT DIMENSION IS COMING FROM THE AVERAGE GRADE TO THE VERY TOP OF THE BUILDING WHICH IS AN ELEVATOR SHAFT THAT EXCEEDS THE MAX -- OR EXCEEDS THE ROOF LINE. AS YOU CAN SEE FROM THE TOP PORTION, THE TOP PICTURE AND EVEN THE BOTTOM PORTION, A LOT OF THE WESTERN PORTION OF THE STRUCTURE IS NOT ALIGNED WITH

THE REAR PORTION. IT'S SIGNIFICANTLY BELOW THAT EASTERN AND MIDDLE ROOF LINE. AND LOOKING HERE ON THE EASTERN PART OF THE PROPERTY, AGAIN, WHAT YOU SEE IS THAT THE BUILDING IS THREE STORIES TALL WHEN LOOKED AT FROM ROSECRANS AVENUE OR SMALLER AS YOU MOVE FURTHER EAST. THIS ELEVATION IS FROM THE -- LOOKING NORTHEAST FROM HIGH LAND. NOW KEEP IN MIND THAT THERE ARE NOT THE BUILDINGS THAT EXIST, BOTH THE CITY PARKING STRUCTURE AND THE EXISTING COMMERCIAL AND RESIDENTIAL BUILDING THAT ARE THERE. THIS GIVES YOU A SENSE OF WHAT THE MASSING WOULD BE IN TERMS -- YEAH, WHAT THE MASSING WOULD BE FROM THAT VANTAGE POINT. BUT THOSE EXISTING STRUCTURES WOULD HELP OBSCURE THIS PROPOSED STRUCTURE. SO THE APPLICANT HAS REQUESTED FIVE WAIVERS AND ONE CONCESSION FROM THE DEVELOPMENT STANDARDS. AS A REMINDER, A WAIVER IS REQUESTED WHEN A DEVELOPMENT STANDARD WOULD PHYSICALLY PRECLUDE THE CONSTRUCTION OF THE PROJECT. SO THE APPLICANT IS REQUESTING A WAIVER FROM THE BUILDABLE FLOOR AREA, HEIGHT REQUIREMENTS, NUMBER OF STORIES, SIDE YARD SETBACK AND A SETBACK REQUIREMENT FOR BUILDING WALLS OVER 24 FEET. THE APPLICANT IS ASKING FOR A CONCESSION OF MAXIMUM WALL/FENCE HEIGHT IN SETBACKS. THIS IS SOMETHING THAT WOULD HAVE A COST UM PACT ON THE PROJECT AND MAKE THE PROJECT FINANCIALLY UNFEASIBLE. THE DEVELOPER IS ALLOWED TO ASK FOR TWO COST CONCESSIONS BUT THEY'RE ONLY ASKING FOR ONE. SO AS MENTIONED PREVIOUSLY, THIS PROJECT HAS A SPECIFIC CRITERIA FOR REVIEW. AND THAT IS THAT THE PROJECT REQUIRES AN ADMINISTRATIVE NONDISCRETIONARY VIEW. WHICH MEANS THAT THE COUNCIL IS SUPPOSED TO REVIEW THE PROJECT BASED ON COMPLIANCE WITH OBJECTIVE AND APPLICABLE DEVELOPMENT STANDARDS. NOW THE QUESTION ARISES, WHAT DOES OBJECTIVE MEAN. STATE LAW ANSWERS THAT QUESTION AND DEFINES OBJECTIVE AS OBJECTIVE MEANS INVOLVING IN PERSONAL OR SUBJECTIVE JUDGMENT BY A PUBLIC OFFICIAL AND BEING UNIFORMLY VERIFIABLE BY REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK OR CRITERION AVAILABLE AND KNOWABLE BY THE APPLICANT AND PUBLIC OFFICIAL. STAFF REVIEWED THE PROJECT FOR COMPLIANCE WITH THESE OBJECTIVE STANDARDS AND CONCLUDES THAT THE PROJECT COMPLIES WITH ALL OF THESE STANDARDS. SO AGAIN, THESE UNIFORM BENCHMARK CRITERIA THAT THE CITY COUNCIL SHOULD BE LOOKING AT ARE THE CITY'S YEN PLAN AND FIFTH CYCLE HOUSING ELEMENT, STATE DENSITY BONUS LAW, BOTH THE LOCAL COASTAL PROGRAM AND THE MUNICIPAL CODE AND THE SUBDIVISION MAP ACT. SO WE HEARD THE TERM EARLIER NONDISCRETIONARY. AND AGAIN, ONE MIGHT ASK WHAT DOES DISCRETIONARY MEAN. STATE LAW ANSWERS THAT QUESTION AND DEFINES AS FOLLOWS. DISCRETIONARY PROJECT MEANS A PROJECT WHICH REQUIRES THE EXERCISE OF JUDGMENT WHEN THE PUBLIC AGENCY DECIDES TO APPROVE OR DISAPPROVE A PARTICULAR ACTIVITY, AS DISTINGUISHED FROM SITUATION WHERE THE PUBLIC AGENCY MERELY

HAS TO DETERMINE WHETHER THERE HAS BEEN CONFORMITY WITH APPLICABLE STATUTES, ORDINANCES, REGULATIONS OR OTHER FIXED STANDARDS. AS MENTIONED AGAIN, THIS PROJECT IS NOT SUPPOSED TO BE REVIEWED IN A DISCRETIONARY MANNER. IT SHOULD BE REVIEWED AS A NONDISCRETIONARY -- MINISTERIAL ACTION. MINISTERIAL IS DEFINED AGAIN IN STATE LAW AS FOLLOWS. MINISTERIAL DESCRIBES A GOVERNMENTAL DECISION INVOLVING LITTLE OR NO PERSONAL JUDGMENT BY THE PUBLIC OFFICIAL. THE PUBLIC OFFICIAL MERELY APPLIES THE LAW TO THE FACTS AS PRESENTED BUT USE TO SPECIAL DISCRETION IN REACHING A DECISION. THE PUBLIC OFFICIAL CANNOT USE PERSONAL OR SUBJECTIVE JUDGMENT? DECIDING WHETHER OR HOW THE PROJECT SHOULD BE CARRIED OUT. I WANT TO PAUSE ON THIS. MOST OF THE PROJECTS IF NOT ALL OF THE PROJECTS THAT THE PLANNING COMMISSION TAKES TO THE CITY COUNCIL, THOSE ARE DISCRETIONARY APPLICATIONS WHERE THE COUNCIL CAN IMPOSE CONDITIONS AND ASK FOR THINGS IN'S A NEXUS BETWEEN THE REQUEST AND THE PROJECT. BECAUSE THIS PROJECT IS MINISTERIAL AND IT'S UNIQUE IN THAT AS FAR AS I'M AWARE, THERE HASN'T BEEN A MINISTERIAL PROJECT BROUGHT TO THE COUNCIL, AT LEAST IN A LONG TIME. SO AN EXAMPLE OF A MINISTERIAL PROJECT WOULD BE LIKE A PLAN CHECK ON A NEW HOUSE OR A POOL, SOMETHING THAT IF A PROJECT -- IF THE PROPOSAL MEETS THE CODE REQUIREMENTS, THE CITY IS OBLIGATED TO APPROVE IT. STAFF ALSO EVALUATED WHETHER THE PROJECT WAS COMPLIANT WITH THE GENERAL PLAN. AGAIN, THE GENERAL PLAN IS VERY CLEAR THAT HIGH DENSITY RESIDENTIAL DEVELOPMENT IS ALLOWED IN THE NORTH END COMMERCIAL ZONE AND THAT THE PROJECT IS COMPATIBLE WITH THE SURROUNDING PROPERTIES, MANY OF WHICH ARE ALREADY MULTIFAMILY, MULTI-STORY RESIDENTIAL STRUCTURES. THE NEXT TWO SLIDES DISCUSS OR OUTLINE, RATHER, THE POLICIES AND GOALS IN THE GENERAL PLAN THAT THE PROJECT COMPLIES WITH. TO KIND OF SUM UP ALL OF THESE POLICIES AND GOALS, THERE'S NUMEROUS GOALS AND POLICIES THAT SERVE TO INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE HOUSING IN THE CNE DISTRICT. AND ALSO A LOT OF THESE GOALS AND POLICIES ARE SUPPOSED TO PROVIDE A VEHICLE FOR AFFORDABLE HOUSING TO BE REVIEWED IN A STREAMLINED MANNER. THE STAFF ALSO MADE SURE THAT THE PROJECT MET APPLICABLE DEVELOPMENT STANDARDS SHOWN IN THIS TABLE. AGAIN, BECAUSE THE DEVELOPER HAS ASKED FOR WAIVERS AND CONCESSIONS FROM SOME DEVELOPMENT STANDARDS, THEY ARE IN CONFORMANCE WITH THESE DEVELOPMENT STANDARDS BECAUSE THEY OBTAINED A WAIVER AND A CONCESSION -- I'M SORRY, WAIVERS AND A CONCESSION. AS ALLOWED UNDER STATE DENSITY BONUS LAW. AND THE PROJECT IS COMPLIANCE WITH THE SUBDIVISION REQUIREMENTS BOTH IN THE STATE LAW AND LOCAL SUBDIVISION REQUIREMENTS. THE PROJECT IS ALSO IN CONFORMANCE WITH THE LOCAL COASTAL PROGRAM. AGAIN, THE NORTH END COMMERCIAL DISTRICT LAND USE DESIGNATION DOES ALLOW

FOR HIGH DENSITY RESIDENTIAL DEVELOPMENT IN THAT ZONE. AND ALSO KNOWN, THE PROJECT DOESN'T CREATE COASTAL ACCESS ISSUES. ALL OF THE ACCESS TO THE BEACH IS MAINTAINED. THE PROJECT DOES NOT IMPACT -- IN FACT, IT EVEN ENHANCES IT ON 38<sup>th</sup> STREET BY INITIATING A SIDEWALK THERE. THE PLANNING COMMISSION HEARD THE FOUR APPEALS OF THE DIRECTOR'S MARCH DECISION AND AT THEIR MEETING THEY UNANIMOUSLY AFFIRMED THE DIRECTOR'S APPROVAL OF THE PROJECT, WHICH BRINGS US TO THE FIVE APPEALS. FIVE APPEALS WERE FILED FOR THE PROJECT FROM DONALD MCPHEARSON, RONALD SCHENDEL, GEORGE BORDOKAS AND MARK BURTON. THE CITY COUNCIL HAS JURISDICTION TO REVIEW THE APPEALS OF A PLANNING COMMISSION DECISION. I'M GOING TO GO THROUGH THE APPELLANTS ARGUMENTS AND STAFF'S REBUTTAL TO THEM. THE FIRST APPELLATE, DON MCPHERSON STATES THAT WHEN A PROJECT IS -- WHEN A PROJECT IS -- A MINISTERIAL PROJECT IS APPEALED TO THE PLANNING COMMISSION OR THE CITY COUNCIL, THAT THAT ACTION MAKES A PROJECT DISCRETIONARY AND SUBJECT TO CEQA. HOWEVER, MINISTERIAL DECISIONS DO NOT BECOME DISCRETIONARY ONCE THEY ARE REVIEWED BY THE PLANNING COMMISSION OR CITY COUNCIL AND THEREFORE THE PROJECT IS NOT SUBJECT TO CEQA. THE APPELLANT IS SAYING THAT A SINGLE PROGRAM EIR IS REQUIRED FOR THE PROJECT THAT ACCOUNTS FOR 406 AFFORDABLE HOUSING UNITS AS REQUIRED BY THE SIXTH CYCLE HOUSING ELEMENT. REGARDLESS OF THE ENVIRONMENTAL REVIEW THAT'S REQUIRED OR NOT REQUIRED FOR THE SIXTH CYCLE HOUSING ELEMENT, THE SIXTH CYCLE HOUSING ELEMENT IS NOT THIS PROJECT. THE PROJECT IS UNDER THE FIFTH CYCLE HOUSING ELEMENT BECAUSE THAT IS WHEN -- THAT WAS THE GOVERNING HOUSING ELEMENT WHEN THE PROJECT WAS APPROVED -- WAS DEEMED COMPLETE. DID I DO SOMETHING?

>> GO BACK ONE.

>> THERE WE GO. YEAH. WE DID NOT SKIP ANY SLIDES. THIS IS THE CORRECT SLIDE. THERE WAS A SECOND APPEAL FILED BY RONALD SCHENDEL. ONE OF HIS POINTS IS THAT THE PROJECT IS FEASIBLE WITHOUT A HEIGHT WAIVER IF THE PROJECT IS 100% STUDIO UNITS. NEITHER THE MUNICIPAL CODE NOR THE LOCAL COASTAL PROGRAM HAVE ANY REGULATIONS DICTATING UNIT MIX AND THEREFORE THE CITY HAS NO AUTHORITY TO REQUIRE A CERTAIN MIX OF UNITS. THE APPELLANT SAYS HEIGHT WAIVER COULD NOT BE GRANTED BECAUSE ADDITIONAL UNITS WOULD BRING HEALTH, SAFETY AND ENVIRONMENTAL PROBLEMS. THE PHRASE, HEALTH, SAFETY ENVIRONMENTAL PROBLEMS IS PART OF WHAT'S CALLED AN ADVERSE PROBLEM, AND WE'LL GET INTO THAT. THERE'S STRICT THRESHOLDS ON WHEN AND HOW A WAIVER FROM A DEVELOPMENT STANDARD CAN BE DENIED AND THE APPELLANT HAS NOT MET THE STATUTORY REQUIREMENTS FOR DEMONSTRATING AN ADVERSE IMPACT WHICH INCLUDES AN IMPACT ON HEALTH, SAFETY AND ENVIRONMENTAL PROBLEMS. THE APPELLANT ALSO SAYS THERE WAS A -- THAT THE -- I'M SORRY,

THE APPELLANT SAYS THAT THE APPLICANT'S CALCULATION HAS ERRORS. THAT ASSUMED UNITIZATION RATE, THE 72%, AND THE PROJECT USES 76%. AND THAT OPEN SPACE SHOULD BE SUBTRACTED BY THE UNITIZATION RATE, NOT AFTER AS PROPOSED. THIS POINT IS REFERRING TO THE STUDY THAT APPELLANT DID ON WHAT WOULD BE BUILDABLE ENVELOPE BE IF NO WAIVERS OR CONCESSIONS WERE DONE. IN THAT STUDY WHICH I BELIEVE IS 05-02 OF THE PLANS, A 75.8 IS THE PROPOSED UNITIZATION RATE. THAT'S THE SQUARE FOOTAGE OF THE LIVING AREA, NOT COUNTING LOBBY AREA, TRASH ROOMS, CORRIDORS, OTHER ENCLOSED AREAS THAT DOES NOT CONTAIN HABITABLE LIVING SPACE. WHEN WE DIVIDE THE AREA BY THE NUMBER OF UNITS, 79, THE AVERAGE UNIT COMES OUT TO 528 SQUARE FEET WHICH IS BELOW THE AVERAGE STUDIO SIZE IN A MARKET STUDY THE APPLICANT PROVIDED THE STUDY WHICH IS 666 SQUARE FEET. THE APPELLANT POINTS OUT THAT THE MARKET STUDY INCLUDES BOTH MANHATTAN BEACH AND OTHER COASTAL COMMUNITIES AND THAT THE MANHATTAN BEACH AVERAGE STUDIO IS LESS THAN 666 SQUARE FEET. HOWEVER, THERE WERE ONLY TWO APARTMENTS USED IN THAT STUDY FOR THE MANHATTAN BEACH AND THEREFORE THERE'S A VERY SMALL SAMPLE SIZE WHICH IS WHY STAFF ASKED THE DEVELOPER TO PROVIDE MORE APARTMENTS IN OTHER SOUTHERN CALIFORNIA COASTAL MARKETS. FINALLY ON THIS POINT, OPEN SPACE IS SUBTRACTED AFTER THE UNITIZATION RATE BECAUSE OPEN SPACE IS BASED ON EACH UNIT'S LIVING AREA. SO OPEN SPACE IS NOT BASED ON COMMON AREA, SUCH AS LOBBY AREAS, TRASH AREAS, ET CETERA, WHICH IS WHY THAT'S HOW THAT STUDY WAS DONE IN THE PLANS. A THIRD APPEAL WAS FILED BY GEORGE BORDOKAS. HE SAYS THAT STAFF SHOULD ASK FOR MORE AND BETTER REASONABLE DOCUMENTATION TO JUSTIFY THE HEIGHT WAIVER. THE APPLICANT PROVIDED EVIDENCE TO SHOW THAT THE 30-FOOT HEIGHT LIMIT PHYSICALLY PRECLUDES THE BUILDING OF HOUSING AND ALSO THE APPLICANT PROVIDED BETWEEN THE PLANNING COMMISSION AND THE CITY COUNCIL MEETING A REVISED MARKET STUDY WITH A LOT MORE DATA TO SHOW HOW THEY ARRIVED AT THE AVERAGE UNIT SIZE IN THE SOUTHERN CALIFORNIA COASTAL RENTAL MARKET. THERE WAS A FOURTH APPEAL FILED BY MARK BURTON. ONE OF THE POINTS THAT THE APPELLANT MAKES IS THAT THE PROJECT VIOLATES THE GENERAL PLAN BY NOT PRESERVING SMALL-TOWN COMMUNITY FEEL. AND THE GENERAL PLAN SPECIFICALLY STATES THAT THERE NEEDS TO BE A BALANCE BETWEEN INTERRELATED FACTORS AND THAT ALL OF THE HOUSING -- EXCUSE ME. ALL OF THE GOALS AND POLICIES OF THE GENERAL PLAN ARE INTERRELATED AND WORK TOGETHER AND THERE HAS TO BE A BALANCE BETWEEN DEVELOPMENT WITH BROADER COMMUNITY AIMS. SO AGAIN, IT'S ABOUT BALANCING DEVELOPMENT WITH THOSE BROADER AIMS. ANOTHER POINT THE APPELLANT MAKES IS THAT THE PROJECT DOES NOT MAINTAIN VIBRANT COMMERCIAL AREAS. AND THAT DOESN'T -- THAT VIOLATES THE GENERAL PLAN. THE PROJECT AS SAID BEFORE, THE GENERAL PLAN SPECIFICALLY ALLOWS

RESIDENTIAL PROJECTS IN THE CNE COMMERCIAL ZONE THAT HOUSING IS ALLOWED IN THAT ZONE. AND THAT -- AND PERHAPS BECAUSE THERE WILL BE A NET GAIN OF RESIDENTS IN THE AREA, THAT THOSE RESIDENTS MIGHT PATRONIZE THE SURROUNDING COMMERCIAL AREA SINCE THEY'RE IN WALKING DISTANCE BETWEEN COFFEE SHOPS, HAIR SALONS, ET CETERA. THE APPELLANT ALSO STATES THAT THE PROJECT DOES NOT SAFEGUARD PICTURESQUE VISTAS WHICH WOULD VIOLATE THE GENERAL PLAN. HOWEVER, THE IMPLEMENTATION OF THIS POLICY IN THE GENERAL PLAN IS IMPLEMENTED WITH HEIGHT REGULATIONS. AS THE CITY DOES NOT HAVE A VIEW ORDINANCE. SO THE HEIGHT REGULATIONS IMPLEMENT THIS GOAL AND, AS STATED EARLIER, THE HOUSING ELEMENT AND STATE DENSITY BONUS LAW ALLOW FOR A WAIVER AND CONCESSIONS TO SUPERSEDE THE HEIGHT LIMIT SUBJECT TO STAFF REVIEW. AND THIS PROJECT HAS OBTAINED THAT WAIVER. THE PROJECT -- THE APPELLANT ALSO SAYS THAT THE PROJECT DOES NOT PRESERVE THE SCALE OF EXISTING RESIDENTIAL LOW-PROFILE NEIGHBORHOODS. THE APPELLANT HAS APPLIED FOR A WAIVER FROM THE HEIGHT REQUIREMENT AND THE APPELLANT PROVIDED SUBSTANTIAL EVIDENCE TO JUSTIFY THAT WAIVER REQUEST. THE FIFTH AND FINAL APPELLANT IS ANDREW RYAN. THE APPELLANT SAYS THAT THE PROJECT'S PHASE ONE ENVIRONMENTAL STUDY INCLUDES ASBESTOS, LEAD PAINT, ET CETERA IS ON THE SITE AND REQUIRES PROPER DISPOSAL AND THIS REPRESENTS AN ADVERSE IMPACT. STATE LAW IS VERY CLEAR AND VERY STRICT ABOUT ASBESTOS ABATEMENT THAT'S REQUIRED ON ALL PROJECTS, NOT JUST THIS PROJECT BUT ALL PROJECTS, WHETHER IT'S DEMOING A LARGE BUILDING OR A SMALL 700 SQUARE FOOT HOME. AND THE AQMD, AIR QUALITY RESOURCES -- CARE QUALITY -- THANK YOU, CARE QUALITY MANAGEMENT DISTRICT HAS A SPECIFIC RULE 1403 THAT TALKS ABOUT ASBESTOS AND HOW CONTRACTORS ARE TO DISPOSE OF ASBESTOS DEBRIS AND ALL PROJECTS ARE REQUIRED TO FOLLOW THAT RULE. AND COUNTY AND STATE AGENCIES REGULATE THE DISPOSAL OF LED-BASED PAINTS AND THIS PROJECT WOULD BE SUBJECT TO THESE RULES. THE APPELLANT ALSO SAYS THAT THE PROJECT'S PROXIMITY TO THE CHEVRON SITE IS AN ADVERSE IMPACT ON PUBLIC HEALTH. ADVERSE IMPACT IS SPECIFICALLY DEFINED IN THE STATE CODE AS HAVING A SIGNIFICANT, QUANTIFIABLE, DIRECT AND UNAVOIDABLE IMPACT BASED ON OBJECTIVE, IDENTIFIED WRITTEN PUBLIC HEALTH OR SAFETY STANDARDS, POLICIES OR CONDITIONS AS THEY EXISTED ON THE DATE THE APPLICATION WAS DEEMED COMPLETE. THERE'S A LOT OF STATUTORY REQUIREMENTS TO DEMONSTRATE ADVERSE IMPACT AND THE APPELLANT HAS NOT ENTERED DATA INTO THE RECORD THAT DEMONSTRATES AN ADVERSE IMPACT. ALSO, THE INITIAL STUDY OF THE CHEVRON SITE THAT THE APPELLANT CITES DOES NOT ANALYZE THE PROJECT SITE AND CANNOT BE USED TO DETERMINE THE PROPERTY'S ENVIRONMENTAL IMPACTS. THE PROJECT CONDUCTED A PHASE 1 AND PHASE 2 ENVIRONMENTAL SITE ASSESSMENT AND IT WAS CONCLUDED THAT NOTHING

POSES A THREAT TO THE ENVIRONMENT AND HUMAN HEALTH. THE APPELLANT SAYS THAT THE CITY CANNOT GRANT AN INCENTIVE TO ALLOW A BUILDING HEIGHT TO EXCEED 20% OF THE 30-FOOT MAXIMUM. THE APPELLANT IS REQUESTING A WAIVER FROM THE BUILDING HEIGHT AND WAIVERS DIFFER FROM INCENTIVES OR CONCESSIONS. AND THERE IS NO CAP ON THE -- HOW MUCH HIGHER THE BUILDING CAN GO OVER THE HEIGHT LIMIT WHEN A WAIVER IS USED. THE APPELLANT ALSO STATES THAT A CITY-WIDE ELECTION IS REQUIRED FOR PROJECTS THAT EXCEED THE MAXIMUM HEIGHT LIMIT. A REFERENDUM IS REQUIRED FOR CHANGES TO DEVELOPMENT STANDARDS THAT AFFECT AN ENTIRE ZONING DISTRICT. THIS -- A REFERENDUM DOES NOT APPLY WHEN STATE AND LOCAL LAW EXPLICITLY ALLOWS FOR INCREASES IN DEVELOPMENT STANDARDS FOR PROJECTS IN DENSITY BONUSES OR VARIANCES. THE CITY IS NOT PROPOSING THE CHANGE AND THEREFORE NO REFERENDUM IS REQUIRED. THE APPELLANT ALSO STATES THAT STAFF INCORRECTLY CALCULATED THE DENSITY BONUS. AND THE NUMBER OF UNITS THAT ARE ALLOWED TO BE BUILT WITH THE DENSITY BONUS. THIS SHOWS THE MATH OF HOW WE ARRIVE AT 79 UNITS. IF YOU LOOK AT THE STATE DENSITY BONUS LAW, IT'S VERY CLEAR IF YOU PROVIDE X PERCENTAGE OF UNITS OF AFFORDABLE HOUSING, YOU'VE GOT A WIDE PERCENTAGE OF DENSITY BONUS. AND HERE WITH THE BASE DENSITY, YOU WERE ALLOWED TO BUILD 52 UNITS WITHOUT ANY INCENTIVES OR WAIVERS OR DENSITY BONUS INCENTIVES, AND 11% OF THAT BASE DENSITY IS SIX UNITS AND THAT ENTITLES TO DEVELOPER TO 35% DENSITY BONUS. THE APPELLANT ALSO STATES THAT THE CODE ONLY ALLOWS FOR A SINGLE INCENTIVE, NOT MULTIPLE INCENTIVES. AGAIN, THE EPA IS CONFUSING INCENTIVES AND WAIVERS. THE APPLICANT HAS ONLY REQUESTED ONE CONCESSION WHICH IS ALSO KNOWN AS AN INCENTIVE UNDER STATE DENSITY BONUS LAW. BUT HAS ASKED FOR SEVERAL WAIVERS. SO, YES. ALSO, THE DEVELOP -- I'M SORRY, THE APPELLANT STATES THAT THE TWO-STORY DEEP EXCAVATION PRESENTS A HAZARD AND POSES AN ADVERSE IMPACT ON PUBLIC SAFETY. ALL PROJECTS, INCLUDING THIS ONE, IF APPROVED WILL GO INTO PLAN CHECK WHERE THE BUILDING AND SAFETY DIVISION WOULD LOOK AT THE SHORING, MAKE SURE THEY APPLY FOR A SHORING PERMIT, THAT THE SHORING PERMIT WOULD ENSURE THE SAFETY OF THE CONSTRUCTION AND THE BUILDING. AND AGAIN, THE APPLICANT HAS NOT MET THAT STATUTORY REQUIREMENT FOR DEMONSTRATING ADVERSE IMPACT. SO THAT CONCLUDES THE APPELLANTS' POINTS. I WOULD LIKE TO TALK ABOUT THE PUBLIC NOTIFICATION AND OUTREACH FOR THE PROJECT. A NOTICE WAS MAILED TO SURROUNDING RESIDENTS AND PROPERTY OWNERS ON AUGUST 4<sup>th</sup> FOR THE MEETING AND A COURTESY AD WAS PLACED IN THE "BEACH REPORTER." THROUGHOUT THE PROJECTS' HISTORY, STARTING IN JANUARY OF THIS YEAR UNTIL NOW, THE CITY MAINTAINED A DEDICATED PAGE ON OUR WEBSITE THAT HAS TIMELINE, ALL OF THE PUBLIC COMMENTS MADE ON THE PROJECT, A VERY LONG FREQUENTLY-ASKED

QUESTIONS. AND WE'VE MAINTAINED A PARTIES INTERESTED E LIST THAT IS WELL OVER 500 E-MAILS AS OF THIS MORNING WHERE WE TELL THE PUBLIC OF THE PROJECTS GOING ON, AND THE PROJECT'S APPROVAL PROCESS AND OTHER INFORMATION AS IT'S MADE AVAILABLE. SO AS YOU ALL MENTIONED EARLIER, THERE'S BEEN A TREMENDOUS AMOUNT OF PUBLIC COMMENT RECEIVED, BOTH BETWEEN THE PLANNING COMMISSION'S DECISION AND THE DAY THE NOTICE WENT OUT. OVER 180 E-MAILS WERE RECEIVED, MOSTLY AGAINST, SOME IN FAVOR. BETWEEN THE NOTICE GOING OUT AND WHEN THE PACKET WAS PUBLISHED ON THE WEBSITE, WE RECEIVED 16 PUBLIC COMMENTS ALL OPPOSED. AND SINCE THAT PACKET WENT OUT LAST WEEK, WE HAVE RECEIVED SEVERAL DOZEN E-MAILS, MOSTLY OPPOSED, SOME IN FAVOR OF THE PROJECT. CEQA IS VERY CLEAR ABOUT WHEN A PROJECT IS AND IS NOT SUBJECT TO CEQA AND WHAT CEQA STATES IS THAT CEQA DOES NOT APPLY TO MINISTERIAL PROJECTS. AS WE MENTIONED EARLIER, THE PROJECT IS A MINISTERIAL AND IS NOT DISCRETIONARY. AND THEREFORE, NO ENVIRONMENTAL REVIEW IS REQUIRED OF THE PROJECT UNDER CEQA. SO THAT STAFF RECOMMENDS THAT THE CITY COUNCIL REVIEW THE PROJECT FOR COMPLIANCE WITH APPLICABLE OBJECTIVE STATE AND LOCAL REGULATIONS AND ADOPT THE RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE PROJECT. AND I AM AVAILABLE IF YOU HAVE ANY QUESTIONS.

>> Mayor Napolitano: OKAY. I DO HAVE SOME QUESTIONS. I'M GOING TO JUMP AROUND TO VARIOUS PEOPLE. I'M GOING TO ASK THE FIFTH CYCLE HOUSING ELEMENT, WHEN WAS THAT APPROVED?

>> I BELIEVE IT WAS 2013. YES, I'M GETTING A NOD FROM THE PLANNING MANAGER THAT THAT IS CORRECT.

>> Mayor Napolitano: AND THIS PROJECT IS UNDER THE FIFTH CYCLE?

>> IT IS UNDER THE FIFTH, CORRECT, BECAUSE THE SIXTH CYCLE HOUSING ELEMENT WAS APPROVED AFTER THE PROJECT WAS COMPLETED.

>> Mayor Napolitano: WHEN THAT WAS APPROVED IN 2013, WHAT DOES IT CHANGE? MY UNDERSTANDING IS IT CHANGED PROJECTS LIKE THESE FROM DISCRETIONARY TO MINISTERIAL, IS THAT CORRECT?

>> GOOD EVENING, HONORABLE MAYOR, COUNCILMEMBERS, AND MEMBERS OF THE PUBLIC. I'M THE PLANNING MANAGER. I'LL TAKE THAT QUESTION. SO IN 2013 WITH THE ADOPTION OF THE FIFTH CYCLE HOUSING ELEMENT, THE HOUSING ELEMENT INTRODUCED WHAT TED REFERRED TO IN HIS PRESENTATION AS THE PRECISE DEVELOPMENT PLAN. THE PRECISE DEVELOPMENT PLAN WAS SPECIFICALLY DESIGNED TO INCENTIVIZE PRODUCTION OF HOUSING THAT INCLUDED AN AFFORDABLE HOUSING COMPONENT, ALSO KNOWN AS DENSITY BONUS PROJECTS. AND SO THE LOCAL COASTAL PROGRAM, WHICH WAS AMENDED SHORTLY AFTER TO IMPLEMENT THAT POLICY INTRODUCED THIS CONCEPT OF THE PRECISE DEVELOPMENT PLAN WHICH WOULD ESSENTIALLY SERVE AS THE VEHICLE FOR PROJECTS THAT WERE UTILIZING DENSITY BONUS TO GO FORWARD



THROUGH A STREAMLINED NONDISCRETIONARY PROCESS. A LOT OF FOLKS HAVE CONFLATED ISSUES WITH SB-9 SAYING CITIES ARE FIGHTING, SUING. IS THIS AN SB-9 PROJECT?

>> IT'S NOT AN SB-9 PROJECT.

>> Mayor Napolitano: IT'S DENSITY BONUS?

>> THAT'S CORRECT.

>> Mayor Napolitano: AND THEN, MR. CITY ATTORNEY, DENSITY BONUS LAW, AND WHAT OUR CODE CHANGE WAS FROM DISCRETIONARY TO NON-DISCRETIONARY, WHY IS THIS BEFORE US THEN? WHY IS OUR CONTROL TAKEN AWAY AND WE ARE SUPPOSED TO BE A RUBBER STAMP, WHY IS THAT?

>> City Attorney Q. Barrow: I WOULDN'T CALL IT A RUBBER STAMP, IT'S HERE BECAUSE IT'S ON AN APPEAL. BY A DIRECTOR, A NON-DISCRETIONARY PERMIT, AND APPEALED FIRST TO THE PLANNING COMMISSION AND THEN TO THE CITY COUNCIL. SO THAT'S WHY IT'S HERE.

>> Mayor Napolitano: WHY IS IT NOT DISCRETIONARY, THEN?

>> City Attorney Q. Barrow: UNDER THE HOUSING ELEMENT AND LCP, THEY WERE BOTH AMENDED IN 2013, AND I THINK CERTIFIED BY THE COASTAL COMMISSION IN 2014, ALLOWED FOR THIS NON-DISCRETIONARY APPLICATION TO STREAMLINE THE PROCESS TO ALLOW AFFORDABLE HOUSING.

>> Mayor Napolitano: THE WAIVER FOR THE HEIGHT. WHY DOES THAT ALLOW A LOUNGE AND ROOFTOP DECK WHEN IT'S NOT NEEDED TO PROVIDE THE UNITS?

>> City Attorney Q. Barrow: I DON'T THINK THAT'S PART OF THEIR LABOR'S CONCESSION.

>> Mayor Napolitano: THE HEIGHT.

>> City Attorney Q. Barrow: THE HEIGHT IS CLEARLY UNDER THE DENSITY UNDER THE STATE DENSITY LAWS.

>> Mayor Napolitano: RIGHT, BUT IT'S INCLUDED IN THE ADDITIONAL HEIGHT, THE ROOFTOP DECK.

>> City Attorney Q. Barrow: THAT'S SOMETHING YOU SHOULD ASK THE APPLICANT ABOUT. THE NOT THEIR CONCESSION, OR THEIR WAIVERS FOR THE --

>> Mayor Napolitano: AND THEN, MR. CITY MANAGER? SINCE YOU HAVE BEEN HERE FOR A WHILE. YOU WOULD HAVE KNOWLEDGE THAT, WOULD YOU SAY PARKING IS A PREMIUM IN THE NORTH END. IT'S BEEN A SUBJECT TO EXPAND UPON THAT PARKING?

>> City Manager B. Moe: THAT'S CORRECT.

>> Mayor Napolitano: HAS THAT BEEN IN THEIR ANNUAL BID FOR RENEWAL EVERY YEAR?

>> City Manager B. Moe: I BELIEVE IT HAS BEEN.

>> Mayor Napolitano: HAVE THEY COLLECTED MONEY TO EXPAND UPON THE PARKING?

>> City Manager B. Moe: YES.

>> Mayor Napolitano: AND HOW HIGH CAN WE BUILD THE CURRENT PARKING STRUCTURE THERE? HOW HIGH IS THE PARKING STRUCTURE THERE NOW? DIRECTOR LI, DO WE KNOW? ROSECRANS AND HIGHLAND.

>> IT'S TWO STORIES.

>> Mayor Napolitano: I KNOW IT'S TWO STORIES, THANK YOU. I LIVE HERE. I'M ASKING THE DIRECTOR HOW HIGH IT IS.

>> IT IS TWO STORIES; I DON'T HAVE AN EXACT HEIGHT.

>> Mayor Napolitano: WHAT WOULD YOU ESTIMATE FROM THE GROUND TO THE CEMENT PAD UP TOP?

>> 18 ON THE HIGH END.

>> Mayor Napolitano: THAT SEEMS KIND OF HIGH, ACTUALLY. SO WE COULD BUILD HOW MANY STORIES OUT THERE?

>> I THINK WE ARE LIMITED TO 30 FEET.

>> Mayor Napolitano: 30 FEET. SO WE CAN BUILD 30 FEET FROM GRADE. THE AVERAGE OF THE FOUR CORNERS?

>> CORRECT.

>> Mayor Napolitano: SO WHERE WOULD THAT REACH? ON THE WESTERN EDGE OF THE CURRENT PROPOSED PROJECT? WHAT WOULD THAT BE BLOCKING?

>> SO, THAT WOULD BE DIFFICULT TO ASSESS WITHOUT A SURVEY. WE ASK ANYONE IN THE BUILDING ANYTHING NEW IS REQUIRED TO GET A SURVEY OR THE SURVEYOR IDENTIFIES THE FOUR CORNERS AND WE GO UP FROM THERE.

>> Mayor Napolitano: WHAT IS THE SETBACK PROPOSED FROM THE PROJECT AND PARKING STRUCTURE?

>> I BELIEVE IT'S TEN FEET.

>> Mayor Napolitano: SO THIS COULD GO 30 FEET. AND IF THE CITY WANTED TO PUT A DENSITY BONUS PROJECT ON TOP OF A PARKING STRUCTURE, IT COULD SEEK ITS OWN WAIVERS AND CONCESSIONS THEMSELVES, IS THAT CORRECT?

>> YES.

>> Mayor Napolitano: OKAY.

>> WAS THAT ANSWER YES?

>> IT WAS, YES.

>> Mayor Napolitano: SO THAT COULD GO EVEN HIGHER THAN 30 FEET THEN, IF THE CITY WERE TO DO DENSITY BONUS HOUSING ON TOP OF THE PARKING STRUCTURE?

>> IF THE PROPOSED PROJECT MET THE CRITERIA FOR THE STATE DENSITY BONUS REGULATIONS AND LOCAL REGULATIONS, THEN YES, THE ANSWER IS YES.

>> Mayor Napolitano: THANK YOU. ALL RIGHT, ANYONE ELSE WITH QUESTIONS?

>> IS IT THE DEVELOPER?

>> FOR THE STAFF.

>> IS THE DEVELOPER GOING TO MAKE A PRESENTATION?  
>> Mayor Napolitano: THIS IS JUST QUESTIONS OF STAFF.  
>> I HAVE TO APOLOGIZE IN ADVANCE, I DID ASK SOME OF THESE QUESTIONS IN ADVANCE AND I GOT DELAYED TO REVIEWING THESE THIS AFTERNOON. CAN THE APPLICANT AT ANY TIME APPLY FOR A PERMIT ZONE SURROUNDING THE PROPERTY WHERE THEY WOULD APPLY FOR AND GET A RESIDENTIAL PARKING PERMIT?  
>> GOOD EVENING, AGAIN. THANK YOU FOR YOUR QUESTION, COUNCILMEMBER FRANKLIN. THERE ARE CURRENTLY -- THIS IS, THERE'S NO RESIDENTIAL PARKING PROGRAM IN THAT IMMEDIATE AREA, BUT ANYONE IN THE CITY COULD APPLY FOR ANY RESIDENTIAL PARKING PERMIT WHERE THERE IS A PROGRAM. SO THERE'S NOT ONE DIRECTLY ON THE BOUNDARY RIGHT NOW.  
>> J. Franklin: OKAY. AND WE CAN'T PUT ONE THERE, RIGHT?  
>> THE COASTAL -- THE COASTAL COMMISSION HAS NOT BEEN SUPPORTIVE OF RESIDENTIAL PARKING PERMIT AREAS IN THE COASTAL ZONE. THERE WAS AN ATTEMPT TO EXPAND ONE THAT PRE-DATED THE COASTAL COMMISSION AND THAT WAS NOT APPROVED. SO I DON'T THINK THERE WOULD BE MUCH LUCK.  
>> J. Franklin: OKAY, SO THERE WILL BE SIX VERY LOW-INCOME RENTALS. WHO MANAGES THAT? WHO DETERMINES WHO GETS TO WIN THE LOTTERY AND MANAGES IT, MAKING SURE THE PAPERWORK AND THAT THE ORIGINAL TENANT IS STILL IN THERE AND THINGS LIKE THAT.  
>> SURE, THE CITY'S LOCAL COASTAL PROGRAM MAKES SURE THESE DENSITY BONUS AFFORDABLE PROJECTS ENTER INTO AN AFFORDABLE HOUSING AGREEMENT. THE APPLICANT INDICATED THEY WILL BE USING A PROPERTY MANAGEMENT COMPANY AND THAT PROPERTY MANAGEMENT COMPANY IN MANAGING THE TENANTS FOR THE UNITS WOULD HAVE TO ABIDE BY THE TERMS OF THE AFFORDABLE HOUSING AGREEMENT IN THE TENANT SELECTION. AND THEY WOULD MANAGE THAT. THEY WOULD HAVE ANNUAL REPORTING, FOR EXAMPLE, TO THE CITY, AND THAT'S TYPICAL. THAT'S HOW THE CITY WOULD ENSURE THAT THE AFFORDABLE HOUSING AGREEMENT WAS BEING FOLLOWED.  
>> J. Franklin: OKAY, WHO IS OVERSEEING THE PROPERTY MANAGEMENT COMPANY? IS THE CITY ULTIMATELY RESPONSIBLE FOR ENSURING THERE'S VERY LOW INCOME PEOPLE, FAMILIES?  
>> IT'S EVERYBODY WHO IS A PARTY TO THE AGREEMENT. THE PROPERTY OWNER, THE CITY, THE PROPERTY MANAGEMENT COMPANY, EVERYONE INVOLVED IN ADMINISTERING THAT, YES. THAT IS ALSO IN ADDITION TO, YOU KNOW, I DON'T KNOW THE INTRICACIES OF THE FINANCING, THAT WOULD BE UP TO THE APPLICANT. BUT TYPICALLY, IF THERE ARE VARIOUS SOURCES OF FINANCING THERE ALSO MAY BE SOME REPORTING AND MONITORING OBLIGATIONS TO THOSE ENTITIES AS WELL.  
>> J. Franklin: OKAY. IN ONE OF THE SLIDES, IT TALKED ABOUT COMPARING IT TO SIMILAR BUILDINGS WITHIN THE AREA. COMPATIBLE

TYPE BUILDINGS. MULTI-FAMILY BUILDINGS. YOU MENTIONED SEVERAL IN THE AREA ARE COMPATIBLE. ARE THERE ANY THAT ARE 79 UNITS? OR ARE THEY DUPLEXES AND TRIPLEXES AND -- ?

>> SO LET ME BRING UP THE SLIDE. MOST OF THE -- NO, THERE ARE NO OTHER BUILDINGS THAT ARE 79. AS YOU CAN SEE FROM THE SLIDE HERE, THE PROJECT SITE IS FAR LARGER THAN ANY OTHER LOT IN THE AREA. THE NUMBER OF UNITS YOU ARE ALLOWED TO BUILD ON A SITE IS DETERMINED BY THE LOT SIZE. THE BIGGER THE LOT, THE MORE YOU CAN BUILD. THERE ARE SURROUNDING DUPLEXES, TRIPLEXES IN THIS AREA. AND BIGGER LOTS, FOR INSTANCE, I THINK THERE'S AN EIGHT-UNIT PROPERTY ON THE STRAND THAT IS --

>> I CAN SHARE SOME STATISTICS ON DATA ON PROJECTS IN THE CITY. OTHER MULTIFAMILY PROJECTS AND I THINK TED DID A GOOD JOB EXPLAINING DENSITY REQUIREMENTS, THE LARGER THE LOT, THE HIGHER NUMBER OF UNIT THAT COULD BE BUILT. THAT WOULD PUT THE DENSITY OF 100 DWELLING UNITS PER ACRE. AND AS YOU KNOW, BASELINE WHILE WE ARE HAVING THIS DISCUSSION, THE DENSITY PER ACRE IS 78.8. THERE'S ANOTHER PROPERTY 177 FEET FROM THE PROJECT SITE, 8 UNITS ON 0.8 ACRES, DENSITY OF 100 DWELLING UNITS PER ACRE. IF WE GO A LITTLE FURTHER FROM THAT, WE HAVE A PROJECT ON THE STRAND WITH 11 UNITS AT 2.1 ACRES THAT'S ABOUT 52.3. THE LARGEST MULTI-FAMILY PROJECT IN THE CITY, PRETTY FAR FROM THIS, ABOUT 7,000 PLUS FEET FROM THIS PROJECT IS ON PARK VIEW AND THAT'S THE MANHATTAN SENIOR VILLAS, THAT'S 104 UNITS ON 3.7 ACRES.

>> J. Franklin: OKAY. THANK YOU. SO, JUST THINKING TO THE FUTURE. SOMETIMES APARTMENT BUILDINGS GET CONVERTED TO CONDOMINIUMS. AND THEY GET SOLD AS INDIVIDUAL UNITS. IS THERE A PROVISION OR, WHAT WOULD NEED TO TAKE PLACE TO CONVERT THE PARKING BUILDING TO A CONDO-TYPE BUILDING?

>> BOTH HAVE DETAILED REQUIREMENTS FOR CONDO CONVERSIONS. THAT INCLUDES NOTICING TENANTS. THERE'S A WHOLE SERIES OF STEPS THAT I THINK MOST WOULD SAY ARE PRETTY, NOT DIFFICULT BUT LABOR INTENSIVE. WE HAVEN'T HAD A CONDO CONVERSION APPLIED IN THE CITY IN ABOUT 40 YEARS. THE POSSIBLE THERE'S A STEP-BY-STEP PROGRAM LAID OUT IN THE COASTAL PROGRAM. STAFF HASN'T SEEN ONE IN A VERY LONG TIME. AND I AM REMINDED A USE PERMIT IS REQUIRED TO CONVERT THE PROJECT TO -- I'M SORRY, THE STRUCTURE TO CONDOS. AS WELL AS TENTATIVE TRACK MAP.

>> J. Franklin: SO IN YOUR OPINION, COULD THAT HAPPEN? COULD IT POSSIBLY BE ALLOWED FOR THIS PROJECT? SAY 10-20 YEARS DOWN THE ROAD? I UNDERSTAND IT'S LABOR-INTENSIVE AND EVERYTHING. BUT WOULD CITY ALLOW IT?

>> STAFF WOULD JUST SAY THERE'S AN OPPORTUNITY BUILT IN THE CODE IF THE APPLICANT WANTED TO PURSUE THAT AND IF THEY COULD MEET THE REQUIREMENTS OF THE USE PERMIT, THE FINDINGS THAT ARE

REQUIRED, ALL THE SPECIFIC CONDO CONVERSION STEPS INVOLVED AS WELL AS THE TENTATIVE TRACK MAP REQUIREMENTS. THAT WOULD BE DISCRETIONARY.

>> J. Franklin: ALL RIGHT. THAT'S ALL THE QUESTIONS I HAVE RIGHT NOW.

>> Mayor Napolitano: OKAY. COUNCILMEMBER STERN?

>> H. Stern: THANK YOU. AND THANK YOU FOR THIS PRESENTATION. I WANTED TO ASK YOU ABOUT THE CONCESSION WITH RESPECT TO THE WALL. WHERE IS THE WALL THAT IS PART OF THIS CONCESSION?

>> SURE, LET ME BRING BACK THAT ELEVATION. SO IT'S MAINLY IN THE FRONT SETBACK AND THE REAR SETBACK. SO I THINK THE FRONT SETBACK IS THE EASIEST THING TO SEE HERE. THAT COURTYARD IS FLAT, BUT THE GRADE ON ROSECRANS GOES UP.

>> Mayor Napolitano: ARE YOU TALKING ABOUT THE SOUTH?

>> CORRECT. THE SOUTHERN PORTION OF THE BUILDING ALONG ROSECRANS AVENUE. SO WHAT THE CODE SAYS, YOU CAN'T HAVE A FENCE OR WALL IN THE SOUTHERN SETBACK OVER 42 INCHES. AS THE GRADE GOES UP, THE APPLICANT EXCEEDS THAT 42 INCHES. WHEN SEEN FROM THE COURTYARD GRADE, NOT FROM THE ROSECRANS GRADE, THE FENCE AT ROSECRANS IS ALWAYS 42 INCHES BUT WHEN YOU ARE ON THE COURTYARD SIDE IT'S MORE THAN 42 INCHES. AS A REMINDER, CONCESSIONS ARE GIVEN FOR WHEN NOT FOLLOWING THE CONCESSION WOULD REQUIRE -- WOULD MAKE A PROJECT FINANCIALLY INFEASIBLE. WHAT THE DEVELOPER STATED, THE REASON THEY NEED TO DO THIS IS BECAUSE IT HELPS WITH THE SHORING OF THE PROJECT. IF THEY GO WITH THIS DESIGN, IT DECREASES THE SHORING COST BY 16-18%. SO THAT'S THE MAIN THRUST OF THE CONCESSION.

>> H. Stern: SO IF I'M UNDERSTANDING THIS CORRECTLY, THERE WOULD BE 42-INCH WALL?

>> CORRECT.

>> H. Stern: RUNNING ALONG ROSECRANS THAT WE ARE NOT SEEING IN THIS PICTURE, IS THAT RIGHT?

>> THAT LITTLE GREEN STRIP NEXT TO THE SIDE WALL, THAT'S LIKE LANDSCAPING. AND THE WALL RIGHT BEHIND IT. RIGHT HERE, THAT'S WHERE THIS WALL IS. AND THE WALL IS BASICALLY COVERED BY THE LANDSCAPING. IF YOU WERE A PEDESTRIAN WALKING DOWN YOU WOULD BE NEXT TO A 42-INCH WALL.

>> H. Stern: THANK YOU FOR THAT. I ALSO WANT TO ASK YOU, YOU WERE MENTIONING THE ADVERSE IMPACTS. THAT'S BEEN RAISED SEVERAL TIMES, IT'S OF GREAT CONCERN TO OUR RESIDENTS. YOU MENTIONED WITH RESPECT TO IDENTIFYING ADVERSE IMPACTS, I THOUGHT I HEARD YOU SAY IT'S ON THE APPELLANT'S BURDEN TO ESTABLISH THE ADVERSE IMPACTS. IS THAT CORRECT?

>> THAT IS CORRECT. I CAN BRING UP THE DEFINITION AGAIN. BUT IT'S DEFINED RIGHT THERE. SIGNIFICANT QUANTIFIABLE DIRECT AND

UNAVOIDABLE IMPACT IDENTIFIED WITHIN PUBLIC -- IT GOES ON. QUANTIFIABLE MEANS THERE HAS TO BE SOME STUDIES MEASURING WHAT THE IMPACT IS FROM EXISTING CONDITIONS TO WHAT THEY WOULD BE. DIRECT AND UNAVOIDABLE, PERHAPS THERE'S MITIGATION MEASURES, WHAT WOULD THEY BE? HOW HAVE THEY BEEN STUDIED? IT'S A VERY HIGH THRESHOLD SOMEONE CLAIMING ADVERSE IMPACT MUST SHOW IN ORDER TO PROVE THERE IS ADVERSE IMPACT AND THE APPELLANTS HAVEN'T SUBMITTED ALL THAT DOCUMENTATION.

>> H. Stern: I JUST WANTED TO CONFIRM. WE HEARD ALL THIS TALK ABOUT THERE NEEDS TO BE ANOTHER E.I.R. STUDY BUT FROM WHAT I AM UNDERSTANDING YOU SAYING NOW, THESE ADVERSE IMPACTS WOULD ACTUALLY HAVE TO BE PROVEN BY THE APPELLANT TO PROVE THERE'S ARE THESE ADVERSE NEGATIVE IMPACTS, CORRECT?

>> TO CLARIFY, IF I COULD SHED SOME LIGHT ON THAT. THAT'S A VERY GOOD QUESTION. THE PROJECT COULD BE DENIED BY THE DECISION MAKERS IF AN ADVERSE IMPACT, IF A SIGNIFICANT QUANTIFIABLE DIRECT AND UNAVOIDABLE IMPACT WERE INTRODUCED INTO THE RECORD. OR IF THE APPELLANTS WERE TO INTRODUCE THAT SIGNIFICANT QUANTIFIABLE, UNAVOIDABLE IMPACT. THE SAME WHETHER IT'S THE DECISION MAKER OR APPELLANT.

>> City Attorney Q. Barrow: THE ONLY THING I WOULD ADD TO THAT, THE DAY IT'S DEEMED COMPLETE. SO THERE HAD TO BE A PUBLIC HEALTH OR WRITTEN SAFETY STANDARD ETC., THAT WAS IDENTIFIED IN WRITING BACK IN JANUARY OF 2022. AND SO FAR NO ONE HAS BEEN ABLE TO PRESENT THAT AS PART OF THE EVIDENCE. BUT YOU WILL HEAR FROM THE APPELLANTS, SO THEY WILL BE ADDRESSING THAT ISSUE.

>> H. Stern: OKAY.

>> ONE LAST POINT, IF I UNDERSTOOD YOUR QUESTION CORRECTLY TOO, DEMONSTRATING OR NOT DEMONSTRATING ADVERSE IMPACT IS SEPARATE FROM CEQA, WHETHER THE PROJECT IS SUBJECT TO CEQA, ETC. SO THEY ARE INDEPENDENT OF ONE ANOTHER.

>> H. Stern: I UNDERSTAND THAT, YEP. THANK YOU. I THINK THOSE ARE MY QUESTIONS AT THIS TIME, THANK YOU, YOUR HONOR.

>> YOUR HONOR?

>> Mayor Pro Tem Montgomery: I HAVE QUESTIONS FOR TED FIRST AND FOLLOW-UP WITH THE CITY ATTORNEY SECOND. ANY IDEA WHAT THE PROJECT SIDE WAS DEVELOPED WITH OR WHEN?

>> I BELIEVE --

>> Mayor Pro Tem Montgomery: ANY PRIOR USE --

>> AS FAR AS PRIOR USE, IF I RECALL -- PHASE ONE AND TWO SAY THERE WAS NOTHING CONSTRUCTIVE ON THE SITE BEFORE. AS WE GET THAT INFORMATION, WE ALSO ASK WHAT YEAR -- I WILL LOOK THAT UP. I THINK IT'S IN THE STAFF REPORT.

>> Mayor Pro Tem Montgomery: NO WORRIES. I WON'T BE GOING ANYWHERE FOR A WHILE. [ CHUCKLES ]

>> MAYOR PRO TEM MONTGOMERY, THANK YOU FOR YOUR QUESTION. THE APPLICANT DID SUBMIT AN ENVIRONMENTAL ASSESSMENT PHASE ONE AND TWO. AND JUST FOR THE BENEFIT OF THE PUBLIC, THOSE STUDIES GO OVER THE HISTORY OF THE SITE, AS A WAY OF INFORMING WHETHER IT'S A BUYER OR SELLER OR ANY INTERESTED PERSON OF WHAT WAS ON THE SITE BEFORE. SO ACCORDING TO THE APPLICANT'S PHASE ONE, WHICH IS INCLUDED AS, INCORPORATED BY REFERENCED IN YOUR STAFF REPORT THERE WERE SMALL STRUCTURES ON THE SITE GOING BACK AS EARLY AS 1928 AND THEN GRADUALLY THE ADDITION OF OTHER SMALL STRUCTURES, LIKELY SINGLE-FAMILY RESIDENTS IN 1938, 1947 AND THEN THERE DIDN'T SEEM TO BE TOO MANY CHANGES UNTIL THE EARLY 70'S WHEN THOSE SMALL STRUCTURES STARTED THE PROCESS OF DEMOLITION AND THEN THE SITE, AS YOU SEE IT TODAY, BEGAN TO MANIFEST. WHAT YOU SEE TODAY HAS EXISTED SINCE THE EARLY 70'S BUT BEFORE THAT A VARIETY OF SINGLE STRUCTURES, LIKELY SINGLE-FAMILY HOMES BEFORE THAT.

>> Mayor Pro Tem Montgomery: THANK YOU. DO THE PROPOSED IMPROVEMENTS RECEIVE A PARKING RATIO, I DON'T WANT TO CALL IT A DISCOUNT, ALLOWANCE? LET ME REPHRASE THE QUESTION. IF SOMEONE ELSE BUILT 79 UNITS SOMEWHERE ELSE IN MANHATTAN BEACH, WOULD THE SAME RATIO 127 PARKING SPACES TANDEM OR NOT BE THE SAME?

>> SO A DENSITY BONUS PROJECT HAS A DIFFERENT PARKING REQUIREMENT PER STATE LAW THAN A NON-DENSITY BONUS PROJECT. IF YOU WERE BUILDING A NON-DENSITY BONUS PROJECT, DEPENDING IF IT WERE IN OR OUT OF THE COASTAL ZONE YOU WOULD BE REQUIRED TO HAVE TWO UNITS PER UNIT -- SORRY, TWO SPACES PER UNIT REGARDLESS OF THE SIZE. IF IT'S OUT OF THE COASTAL ZONE AND THE UNIT IS 550 SQUARE FEET OR LESS YOU WOULD NEED ONE PARKING SPACE. YES.

>> Mayor Pro Tem Montgomery: THANK YOU FOR THAT. MY NEXT QUESTION IS FOR THE CITY ATTORNEY. I'VE HEARD A COMMENT EARLIER THAT SOMEONE SAID OTHER CITIES IN CALIFORNIA ARE SUCCESSFUL IN SUING THE STATE ON MULTI-FAMILY ISSUES LIKE THIS. ARE WE AWARE OF ANYONE WHO HAS WON AGAINST THE STATE ON ANY ISSUE LIKE THIS?

>> City Attorney Q. Barrow: I'M NOT AWARE OF ANY CASES WHERE THE STATE HAS LOST A CASE. I'M NOT REALLY AWARE OF ANY CASES WHERE THEY SUED THE STATE ON THE DENSITY BONUS LAWS. WE KNOW THERE'S BEEN LAWSUITS FILED AGAINST SB-9. THIS IS NOT AN SB-9 PROJECT. THERE'S BEEN OTHER LAWSUITS. I'M NOT AWARE OF ANY CASES WHERE THEY HAVE SUED THE CITY -- NOT THE CITY, THE STATE. UNDER DENSITY BONUS LAWS.

>> Mayor Pro Tem Montgomery: ONE WE READ ABOUT CITY OF SAN DIEGO WAS SUED FOR SINGLE FAMILY.

>> City Attorney Q. Barrow: YES, BASED ON THE DENSITY LAWS, A GROUP OF HOMEOWNERS OR RESIDENTS SUED THE CITY OF SAN DIEGO AND LOST THAT CASE. SAN DIEGO HAD APPROVED THE PROJECT. AND THEY

SUED ON A NUMBER OF DIFFERENT GROUNDS INCLUDING CEQA. AND THEY LOST BOTH AT THE TRIAL COURT AND ALSO THE COURT OF APPEAL. AND THAT'S A REPORTED DECISION.

>> Mayor Pro Tem Montgomery: THANK YOU. NO FURTHER QUESTIONS, YOUR HONOR.

>> Mayor Napolitano: OKAY, ANY OTHER QUESTIONS?

>> J. Franklin: ACTUALLY, THERE WAS A COUPLE I NEEDED TO FOLLOW-UP ON, PLEASE. THANK YOU. WHAT ARE THE SHORT-TERM RENTAL RULES FOR THAT AREA OF THE CITY?

>> SHORT-TERM BECAUSE OF THE RECENT COURT CASE SHORT-TERM RENTALS ARE ALLOWED IN THE COASTAL ZONE ONLY WITH A BUSINESS LICENSE AND THE PERSON RUNNING THE SHORT-TERM RENTAL IS SUPPOSED TO COLLECT T.O.T. TAX AND SUBMIT THAT BACK TO THE CITY.

>> J. Franklin: OKAY. IS THERE ANYTHING THAT YOU, THAT WOULD, WELL I GUESS I WILL COME OUT AND ASK, WILL THE APPLICANT BE ABLE TO RENT OUT THE APARTMENT UNITS AS SHORT-TERM RENTALS. THERE'S A LOT OF TALK ABOUT HOW THE VERY LOW-INCOME UNITS HAVE TO BE RENTED AND THE LIKE. BUT HOW ABOUT, BECAUSE THERE'S MANY EXAMPLES OF THAT, OF APARTMENT BUILDINGS BEING USED FOR SHORT-TERM RENTALS.

>> GIVEN THAT THE CITY DOESN'T HAVE ANY REGULATIONS FOR SHORT-TERM RENTALS IN THE COASTAL ZONE, I WOULD SUGGEST ASKING THE -- POSING THE QUESTION TO THE APPLICANT TO SEE IF THEY HAVE ANY FEEDBACK ON THAT MATTER.

>> City Attorney Q. Barrow: AND I WOULD JUST ADD IF CLEAR AND RECENT STATE LEGISLATION, BECAUSE THERE'S -- INTERNALLY THERE'S A CONFLICT IN THE STATE BETWEEN HOUSING ARM AND THE COASTAL COMMISSION, AND THE HOUSING ARM HAS WON ON THAT ISSUE OF SHORT-TERM RENTALS. FOR EXAMPLE, A.D.U.'S CANNOT BE, THE STATE GAVE THE CITY POWER TO PROHIBIT, CHARGE RENTAL OF A.D.U.'S. THAT'S IN OUR COVENANT. THAT'S IN THE COASTAL ZONE TOO. NUMBER TWO, MOST RECENTLY ON SOME OF THE HOUSING LAWS, IT ACTUALLY PROHIBITED SHORT-TERM RENTALS AND PROJECTS LIKE THIS, AND I'M SURE THIS IS SOMETHING WE CAN PROBABLY PUT INTO THE AFFORDABLE COVENANT, THE AGREEMENT. BECAUSE ONCE AGAIN, THE STATE RECOGNIZES THAT THIS IS FOR RENTERS. THIS IS FOR PEOPLE TO ACTUALLY LIVE IN. THIS IS NOT, YOU DON'T GET A DENSITY BONUS TO, YOU KNOW, RUN A HOTEL, IN OTHER WORDS. SO UNDER STATE LAW, COMPELLING INTEREST IS TO PRESERVE THIS FOR RENTERS. THAT ARE THERE FOR LONGER THAN 30 DAYS.

>> J. Franklin: YOU MENTIONED A COVENANT, SO WE CAN PUT A COVENANT?

>> City Attorney Q. Barrow: WE HAVE IT AFFORDABLE.

>> J. Franklin: IF IT GOES ACROSS THE WESTBOUND LANES TO GET INTO A SOUTHBOUND TURN LANE OR CROSS-OVER ROSECRANS TO HEAD



EAST, THERE'S A LOT OF TRAFFIC THERE. I'VE HAD IT DESCRIBED BY A RESIDENT AS THE BERMUDA TRIANGLE. CARS AND PEOPLE HAVE DISAPPEARED AND HAVEN'T SHOWN UP YET. TRYING TO NAVIGATE THAT AREA. ALL KIDDING ASIDE IT WOULD PROBABLY REQUIRE A STOP LIGHT. IS THAT SOMETHING THE DEVELOPER WOULD NEED TO PAY FOR? WHAT WOULD BE THE PROCESS THAT WOULD BE GONE THROUGH?

>> IN THE FUTURE, IF THE CITY WERE TO DETERMINE THERE WERE CIRCUMSTANCES THAT REQUIRED US TO STUDY THE INTERSECTION OR, I SHOULD SAY THE STREET AND THE IMPACT ON THE MEDIAN, WE ABSOLUTELY COULD DO THAT AT ANY POINT IN TIME, REGARDLESS OF WHERE THE PROJECT IS IN THE PROCESS IF IT'S CONSTRUCTED OR MID CONSTRUCTION, POST CONSTRUCTION AND WE WOULD ASSESS THE SITUATION AND IF THERE WAS A NEED DEMONSTRATED, BASED ON TECHNICAL STUDIES THAT SOME SORT OF MITIGATION WOULD BE REQUIRED THEN THE CITY COULD MAKE THAT DECISION AT THAT TIME. BUT THAT COST WOULD NOT BE UPON THE DEVELOPER AT THAT TIME. THE COST WOULD NOT BE ON THE DEVELOPER AT THAT TIME.

>> J. Franklin: SO IT WOULD BE A CITY COST?

>> Director Tai: COUNCILMEMBER FRANKLIN JUST TO ADD ON, THE CITY ALWAYS HAS THAT ABILITY. BUT AS PART OF THE REVIEW, THE CITY TRAFFIC ENGINEER DOES LOOK AT ALL DEVELOPMENT REVIEW, NOT JUST THIS ONE. BUT DEFINITELY INCLUDED THIS ONE. THERE ARE SIGHT LINE DISTANCES THAT ARE REQUIRED FOR EXISTING DRIVEWAYS IN BOTH DIRECTIONS. AND CURRENTLY, WELL NOT CURRENTLY, THE GEOMETRY OF ROSECRANS AND THE PROPOSED PROJECT, THE PROJECT EXCEEDS THE MINIMUM SIGHT LINES FOR EXITING. FROM A SAFETY STANDPOINT THIS WAS DEFINITELY REVIEWED BY THE TRAFFIC ENGINEER. AND ALSO IN TERMS OF REQUIRING TRAFFIC SIGNALS, THOSE HAVE A WARRANT PROCESS. IN OTHER WORDS THERE IS CERTAIN CRITERIA, UNDER WHICH YOU CAN REQUIRE TRAFFIC SIGNALS AND THIS ONE, AT THE TIME THIS WAS REVIEWED DID NOT MEET THAT WARRANT. SO I WANTED TO ADD THAT INFORMATION AS WELL.

>> Mayor

>> J. Franklin: THAT WAS A CITY STAFF DETERMINATION?

>> Director Tai: THAT'S CORRECT. OUR CITY TRAFFIC ENGINEER, YES.

>> Mayor Napolitano: COUNCILMEMBER HADLEY?

>> S. Hadley: YES, I HAD ONE QUESTION, MAYBE FOR TED. LET'S SAY THIS PROJECT IS APPROVED, IT GETS BUILT, I MOVE IN, I WANT ALL THE INGRESS AND EGRESS YOU SAID IS FROM ROSECRANS. I'M LEAVING IN THE MORNING AND I WANT TO GO EAST ON ROSECRANS TO GET TO, YOU KNOW, THE 405. HOW DO I EXIT --

>> LET ME GO BACK TO THE SITE PLAN SO I CAN SHOW.

>> SO YOU CAN KIND OF SEE IN THIS FEINT AREA HERE, I KNOW IT'S HARD TO SEE. THERE'S A SPACE IN THE MEDIAN ON ROSECRANS THAT WOULD ALLOW CARS HERE TO TURN LEFT. THERE'S ALREADY AN EXISTING

CURB CUT THERE. THE PARKING LOT, AS WELL AS THIS PARKING LOT IN THE CITY OF EL SEGUNDO WHERE THE BUILDING IS, ALL ANYONE WHO HAS EVER PARKED HERE WHO WANTS TO GO EAST, RIGHT NOW TODAY, REGARDLESS IF THIS PROJECT IS BUILT OR NOT CAN TURN LEFT HERE ON TO ROSECRANS. THAT'S AN EXISTING CONDITION.

>> S. Hadley: WHAT ABOUT VERANDA'S? WHERE ARE VERANDAS CURRENTLY. I HAVE BEEN TO EVENTS THERE. BUT I DON'T REMEMBER EXITING FROM THERE AND GOING EAST ON ROSECRANS. IS THAT FARTHER EAST?

>> WHERE THE PROPOSED CURB CUT IS, THE EXISTING BUILDING.

>> S. Hadley: SO IT'S THE SAME DRIVEWAY?

>> APPROXIMATELY, NOT THE EXACT SAME CURB CUT. ALSO ONE MORE THING ABOUT TRAFFIC AND SAFETY AND THAT STUFF, SOMETHING MENTIONED IN THE STAFF REPORT IS THE APPLICANT HAS AGREED TO WIDEN THIS TURN HERE. IT'S CALLED THE KNUCKLE. IT'S THE FOURTH OR FIFTH PAGE IN THE PLANS. AT THE REQUEST OF THE PUBLIC WORKS DEPARTMENT TO ALLOW A FIRE TRUCK TO MORE EASILY MAKE THAT TURN. SO THEY ARE GIVING THE CITY A 99 SQUARE FOOT EASEMENT TO ALLOW A WIDER CIRCLE TO MAKE THAT TURN FOR FIRST RESPONDERS.

>> S. Hadley: THANK YOU.

>> Mayor Napolitano: COUNCILMEMBER STERN?

>> H. Stern: TED, I HAVE ONE MORE QUESTION. YOU NOTED THE APPLICANT FIRST FILED THIS WITH THE CITY ON MARCH 21st, I THINK OF 2021?

>> TED: YES, 2021.

>> H. Stern: AND SEVEN ROUNDS OF VETTING THE PROJECT. WHEN IT WAS FILED DID IT LOOK SIGNIFICANTLY LIKE IT DOES NOW? HAVE THERE BEEN SIGNIFICANT CHANGES TO THE MASSING, THE AMOUNT OF SPACE THE COVERING? WAS ANY OF THAT PART OF THE SEVEN ROUNDS OF VETTING?

>> TO BE HONEST, THAT WAS QUITE A LONG TIME AGO. I DON'T RECALL IT BEING RADICALLY DIFFERENT. THE NOT LIKE THERE WAS ALWAYS A SUBTERRANEAN GARAGE. I DON'T REMEMBER IF THE NUMBER OF UNITS CHANGED OVER TIME OR THINGS LIKE THAT. THE MAIN POINT OR THE MAIN CORRECTIONS IN THOSE REVIEWS WERE ABOUT NOTATIONS, ASKING THE DEVELOPER TO JUSTIFY THE CONCESSION AND THE WAIVERS, PUTTING DIMENSIONS ON PLANS, FIGURING OUT WHAT THE EXACT SQUARE FOOTAGE IS. LABELING EACH PARKING SPOT TO EASILY COUNT THEM. THAT'S WHAT WAS GOING BACK AND FORTH OVER SEVERAL ROUNDS OF REVIEW FOR TEN MONTHS.

>> H. Stern: THE BUILDING IS PROPOSED, THE MAINTAINED THAT SAME HEIGHT?

>> I BELIEVE SO BUT I HONESTLY CAN'T RECALL EXACTLY WHAT WAS DONE IN THAT FIRST ROUND. BECAUSE IT WAS ALMOST 18 MONTHS AGO.

>> H. Stern: OKAY, ALL RIGHT, THANK YOU.

>> SURE.

>> Mayor Napolitano: ANY OTHER QUESTIONS FROM COUNCIL?  
>> J. Franklin: SORRY.  
>> Mayor Napolitano: IF YOU HAVE QUESTIONS, GO AHEAD.  
>> J. Franklin: THERE'S A LOT OF DETAILS. SO IN THE PARKING SPACE COUNT THERE'S 48 TANDEM PARKING SPACES?  
>> CORRECT.  
>> J. Franklin: I WANT TO CLARIFY, IS THAT PROVIDING PARKING SPACES FOR TIMES TWO THAT?  
>> THERE'S 24.  
>> J. Franklin: THEY ARE ASSIGNED HOW?  
>> I BELIEVE THE APPLICANT WILL BE ABLE TO ANSWER THAT QUESTION.  
>> J. Franklin: AND DO WE, AS PLANNERS, I KNOW HOMES HAVE TANDEM PARKING AND THINGS LIKE THAT. YOU MENTIONED SOMETHING ABOUT --  
>> WE WOULDN'T ALLOW TANDEM TO BE USED BY TWO, THE COORDINATION OF PEOPLE SHARING DOESN'T WORK. THEY HAVE TO BE PART OF THE SAME HOUSEHOLD. AS LONG AS THEY ARE PART OF THE SAME UNIT, THAT'S THE CITY'S ONLY REQUIREMENT AND THE DIMENSIONS.  
>> J. Franklin: A HOUSEHOLD COULD ALSO BE TWO ROOMMATES. THEY HAVE TWO WORKING SCHEDULES AND THINGS LIKE THAT. IT'S NOT AS EASY AS HAVING YOUR OWN SINGLE SPACE. IT'S IN THE 40% ARE GOING TO BE THESE TANDEM SPACES.  
>> AGAIN, BECAUSE TANDEM SPACES ARE EXPLICITLY ALLOWED UNDER THE CODE AND ALSO STATE LAW, STAFF DOESN'T GET INTO QUESTIONS LIKE THAT. THEY ARE ALLOWED, THE APPLICANT HAS PROVIDED THE REQUIRED PARKING AND THAT'S WHERE STAFF'S REVIEW OF THE TANDEM SPACE ENDS.  
>> J. Franklin: AS WE EXPERIENCE, DO PEOPLE END UP PARKING ON THE STREET, FOR EXAMPLE, BECAUSE SOMEBODY HAS TO LEAVE EARLIER AND THE OTHER PERSON WHO COMES IN AFTER THAT PERSON PARKED. DO WE EXPERIENCE THAT AS A CITY WITH OTHER TANDEM PARKING SPACES?  
>> STAFF HASN'T COLLECTED DATA, ASKED RESIDENTS ABOUT, IF YOU HAVE A TANDEM PARKING SPOT HOW DO YOU COORDINATE WITH YOUR ROOMMATE OR SPOUSE OR ANYTHING LIKE THAT. SO I CAN'T REALLY ANSWER THAT QUESTION.  
>> J. Franklin: ALL RIGHT. THANK YOU.  
>> Mayor Napolitano: ANYTHING ELSE?  
>> J. Franklin: I THINK THAT'S IT.  
>> Mayor Napolitano: OKAY. ANY OTHER QUESTIONS FROM COUNCIL? OKAY, THEN WE ARE GOING TO MOVE ONTO THE APPLICANT AND THE APPELLANTS. THE APPLICANT WILL GO FIRST. APPLICANT HAS SEVEN MINUTES. AND FOLLOWING THE APPLICANT, WILL BE THE APPELLANTS, DONALD MCPHERSON FOLLOWED BY RON SCHENDEL, GEORGE BORDOKAS AND MARK BURTON. THEN ANDREW RYAN. EACH WILL HAVE FIVE MINUTES EACH.  
>> HONORABLE MAYOR AND CITY COUNCIL MEMBERS, THANK YOU FOR HEARING ME OUT TONIGHT.

I'M GOING TO BE PRESENTING TONIGHT WITH LAND USE COUNSEL MICHAEL SHANAFELT BUT I WILL TAKE THE FIRST FIVE MINUTES.

>> Mayor Napolitano: AND YOU ARE?

>> I'M FRANK BUCKLEY AND I'M THE APPLICANT.  
IT'S GOING TO BE A LONG NIGHT, A LOT OF SPEAKERS, SO I'M GOING TO GET RIGHT INTO IT.  
THIS SITE IS CURRENTLY UNDER-UTILIZED, I THINK WE CAN ALL AGREE ON THAT.  
IT HAS BEEN EARMARKED FOR HIGH DENSITY RESIDENTIAL,  
AS EVIDENCED BY BEING ON THE FIFTH CYCLE HOUSING ELEMENT.

THAT SAID, WE CONDUCTED AN EXHAUSTIVE ANALYSIS OF EVERY POSSIBLE USE CASE BEFORE CONCLUDING THAT MULTI-FAMILY IS INDEED THE HIGHEST AND BEST USE.

WE HAVE MET WITH DOZENS OF INTERESTED PARTIES TO SHARE DETAILS RELATED TO THE PROJECT.

PARKING, TRAFFIC, ENVIRONMENTAL AND HEIGHT HAVE BEEN THE PRIMARY CONCERNS.

WE WILL ADDRESS ALL THOSE TONIGHT.

WE HAVE OUR ARCHITECT TRAFFIC ENGINEERS, ENVIRONMENTAL CONSULTANTS ALL ON HAND AND PREPARED TO ANSWER ALL QUESTIONS AND REMAIN CONFIDENT THEY WILL ADDRESS YOUR CONCERNS.

BY WAY OF BACKGROUND WE EVALUATED DOZENS OF USE CASES FROM HOTEL, MIXED USE, RETAIL AND OFFICE, INCLUDING JOINT VENTURE WITH THE CITY TO CREATE AN OVER THE CITY GARAGE.

WE ANALYZED THE COMPETING RETAIL AND RESTAURANTS AT THE POINTS IN THE VILLAGE MALL ONLY 1.3 MILES AWAY, AS WELL AS NORTH END RESTAURANTS AND RETAILERS.

WE REVIEWED THE PROGRESS OF THE FIFTH CYCLE HOUSING ELEMENT AND OBJECTIVES OF THE SIXTH CYCLE HOUSING ELEMENT.

WE EVALUATED EVERY USE CASE AND BASED ON DAILY TRIPS AND REQUIRED PARKING, OUR CHOICE BECAME OBVIOUS.

IF YOU LOOK AT THE TOP LINE, THAT'S THE PROPOSED PROJECT.

OVER SIZED AT 90,000 FEET GENERATES 578 DAILY TRIPS.

IF YOU COMPARE THAT WITH AS OF RIGHT, COMMERCIAL MIXED USE, WHERE THERE'S OFFICE, EXISTING USE, SHOPPING CENTER, MEDICAL OFFICE OR RESTAURANT THE WELL BELOW WHAT THE COMPETING USE CASES WOULD BE.

NOT TO MENTION THE PARKING REQUIRED, WOULD REQUIRE DIGGING MUCH LOWER THAN WHAT WE ARE PROPOSING.

SO JUST TO REITERATE, IF WE BUILT A 30,000 PROJECT LIKE METLOX THAT HAPPENED TO BE RESTAURANTS, IT WOULD BE 2500 TRIPS A DAY

VERSUS 578 AND REQUIRE 600 PARKING SPACES WITHIN AN 8-LEVEL SUBTERRANEAN GARAGE.  
IN CONCLUSION WE DETERMINED RESIDENTIAL IS INDEED THE HIGHEST AND BEST USE.  
IT HELPS THE CITY REACH IT'S HOUSING GOALS.  
OPTIMIZES SUSTAINABILITY.  
COMPLEMENTS RESTAURANTS AND LOCAL RETAILERS AND BY FAR THE LEAST TRAFFIC -- LEAST IMPACT ON TRAFFIC AND IT INCREASES AVAILABLE PUBLIC PARKING AND I WILL ILLUSTRATE THAT IN A MINUTE.  
IT ALSO PUTS EYES ON THE STREET, IN THAT YOU HAVE 24/7 RESIDENTS OCCUPYING THE

SPACE, AS OPPOSED TO AN OFFICE BUILDING.  
WE ARE TAKING ADVANTAGE OF THE STATE DENSITY BONUS LAW.  
SB1818 THE STATE DENSITY BONUS LEGISLATION ENACTED IN 1979, 42 YEARS AGO PROVIDES FOR A 35% DENSITY BONUS IN EXCHANGE FOR SETTING ASIDE 11% OF THE BASE CASE UNITS TO AFFORDABLE.  
THIS IS NOT EXACTLY A SLIPPERY SLOPE.  
THIS HAS BEEN AVAILABLE FOR DEVELOPERS FOR 42 YEARS.  
THIS IS THE FIRST TIME THIS COUNCIL HAS HEARD A STATE DENSITY BONUS APPLICATION.

TO FURTHER INCENTIVIZE DEVELOPERS SB-18 18 WAS AMENDED WITH AB2345 IN JANUARY 2021, IT PROVIDES FOR A 50% DENSITY BONUS IN EXCHANGE FOR 15% SET ASIDE.  
THIS PROJECT DOES NOT UTILIZE THIS ADDITIONAL DENSITY BONUS.  
LET'S TALK ABOUT PARKING.

TRADEWINDS HAS NO PARKING.  
IT UTILIZES THE CITY'S 48 PARKING SPOTS FOR ITS CUSTOMERS AS WELL AS FOR THEMSELVES.  
VERANDAS EXCLUSIVELY OCCUPIED THE CHEVRON PARKING LOT WHEN IT WAS OPERATIONAL.

OUR PROJECT DEVELOPED, THEREFORE TAKES AWAY THE DEMAND ON THE CITY GARAGE AND FREES UP THE CHEVRON LOT WHICH MAKES UP 198 SPACES AVAILABLE TO THE PUBLIC, WHICH GENERALLY, ARE NOT AVAILABLE TODAY.

VERANDA'S WENT B.K. DURING THE PANDEMIC, UNFORTUNATELY.  
WHICH ALLOWED US TO MAKE THE SPACES AVAILABLE TO THE PUBLIC, TEMPORARILY.

THIS PROPOSED DEVELOPMENT WILL ELIMINATE CHEVRON PARKING LOT INGRESS AND EGRESS OFF OF ROSECRANS.

WHAT HAPPENS WHEN SOMEONE SHOUTS FIRE IN A CROWDED THEATER? CHAOS ENSUES AND IT'S A VERY STRATEGIC STRATEGY, IF YOU ARE OPPOSING A PROJECT.

BY WAY OF BACKGROUND, EARLY NEWSPAPER ARTICLES REPORTED THIS BUILDING TO BE 50 FEET TALL DEVELOPING OVER THE CITY PARKING

GARAGE.  
DEVELOPING OVER THE CHEVRON PARKING LOT.  
THEY NEVER INTERVIEWED ME.  
IT TRIGGERED A KNEE-JERK REACTION AND A PETITION.  
I MADE BEST EFFORTS TO CLARIFY THIS MISINFORMATION BY CREATING A  
PROJECT WEBSITE AND EITHER HAVE MET, OR ATTEMPTED TO MEET WITH  
INTERESTED PARTIES WHO WROTE LETTERS TO THE CITY.  
ALL THE APPELLANTS, ROTARY CLUB CHAMBER, NORTH END BUSINESS  
DISTRICT DECLINED GETTING TOGETHER WITH ME.  
THIS RESULTED IN THE MOST VOCAL OPPONENTS DEVELOPING AN  
OPPOSITION WEBSITE CALLED CHILL THE BUILD WITH VERY NICE HATS  
AND T-SHIRTS, BY THE WAY.  
FEATURING AN EMAIL BUTTON THAT AUTO LAUNCHES A PRE-WRITTEN  
OPPOSITION EMAIL TO THE CITY COUNCIL.  
REPETITIVE SOCIAL MEDIA POSTINGS CITING FALSE CLAIMS AND PERHAPS  
MOST NOTABLY MARK BURTON TAKEN OUT A FULL PAGE ADVERTISEMENT IN  
THE BEACH REPORTER LAST THURSDAY CITING MULTIPLE KNOWN FALSE  
CLAIMS.  
BY WAY OF EXAMPLE, HERE IS JUST SOME OF THE QUOTES IN VARIOUS  
SOCIAL MEDIA CHANNELS.  
I WILL JUST READ THE FIRST ONE FOR YOU BECAUSE WE ARE RUNNING  
OUT OF TIME.  
THE SECOND ONE, RATHER.  
THE PROJECT SITE IS LOCATED ON THE OLD CHEVRON REFINERY SITE  
PREVIOUSLY LEASED FOR OIL AND GAS DRILLING.  
ABSOLUTELY FALSE.  
I WON'T GO THROUGH ALL OF THESE BUT HAPPY TO SHARE THE SLIDES  
WITH YOU LATER.  
LET'S TALK NOW ABOUT HEIGHT.  
THERE ARE MULTIPLE EXAMPLES OF FOUR-STORY BUILDINGS IN MANHATTAN  
BEACH AND COUNTLESS EXAMPLES OF WHAT ARE FOUR STORY BUILDINGS.  
WHEN MEASURED FROM STREET GRADE DUE TO SLOPE ACCENTUATED WITH  
TOWNHOMES OR TWO ON A LOT YOU CAN SEE HERE EVERY ONE OF THESE  
PROPERTIES WHEN YOU DRIVE DOWN ALMA, VISTA, HIGHLAND, BAYVIEW,  
MANHATTAN BEACH BOULEVARD, ALL EFFECTIVELY ARE FOUR STORIES.  
OUR PROJECTS LIKE THESE HAVE DELIBERATELY RECESSED THE FOURTH  
FLOOR, NOT JUST THE FOURTH FLOOR BUT ENTIRE MASSING  
TO THE NORTH END OF THE SITE.  
THE AREAS THAT DO FRONT ROW LIMIT THESE TO THREE STORIES.  
IN CONCLUSION, WE ARE VERY FOCUSED ON A PROJECT THAT FITS THE  
CHARACTER OF MANHATTAN BEACH.  
WE ESTABLISHED THIS PROJECT IS THE HIGHEST AND BEST USE FOR  
RELATIVE PARKING AND TRAFFIC.  
ENVIRONMENTAL CONCERNS ARE UNFOUNDED AND BASED ON FALSE  
NARRATIVE.

SCALE, CHARACTER, DESIGN AND AESTHETIC WILL COMPLEMENT THE NEIGHBORHOOD AND BE CONSISTENT WITH THE LOOK AND FEEL OF MANHATTAN BEACH.

I WILL TURN IT OVER TO MICHAEL SHANAFELT.

>> Mayor Napolitano: IS THAT THE SEVEN MINUTES?

>> IT'S SIX.

>> Mayor Napolitano: THE APPLICANT DOES HAVE THE ABILITY TO PROVIDE A REBUTTAL AFTER THE APPELLANTS.

>> WITH TEN SECONDS REMAINING, MR. MAYOR, I'M GOING TO CUT MY, SAVE MY STUFF FOR REBUTTAL.

I WILL SAY WE HAVE TIM WOOD, OUR HYDROLOGIST HERE WHO WILL ANSWER WHAT SEEMS TO BE A PREPONDERANCE OF CONCERNS ABOUT THE REFINERY, ETC.

HE IS HERE AS WELL AND HAS A POWERPOINT.

>> Mayor Napolitano: HE CAN HAVE FINAL REBUTTAL.

>> THANK YOU.

>> Mayor Napolitano: WE WILL CALL UP THE OPPONENTS NOW, STARTING WITH MR. MCPHERSON.

>> I DO HAVE MY --

>> Mayor Napolitano: WE WON'T START THE TIME UNTIL HE COMES UP.

>> City Attorney Q. Barrow: BEFORE WE BEGIN, I JUST WANT TO NOTE FOR THE RECORD, THIS IS NOT THE APPEAL.

THIS IS A DOCUMENT HE SUBMITTED IN AUGUST.

MAYBE ON FRIDAY.

>> Mayor Napolitano: OKAY.

>> City Attorney Q. Barrow: IT'S NOT THE ACTUAL APPEAL THAT HE FILED.

IT'S JUST COMMENTS FROM THE PUBLIC.

>> OKAY.

DON MCPHERSON.

1014 1st STREET REPRESENTING MB NORTH CALIFORNIA NONPROFIT CORPORATION.

REQUEST CITY COUNCIL REQUIRES ENVIRONMENTAL IMPACT REPORT IN THE E.I. R. FOR THE HIGH ROSE PROJECT, FOR THE CALIFORNIA ENVIRONMENT QUALITY ACT CEQA, THE COUNCIL HAS THAT DISCRETIONARY AUTHORITY.

PER CHART ITEM ONE, THE HIGH ROSE DEVIATION ZONING CODE IS AS FOLLOWS: FOUR STORIES INSTEAD OF THREE, IN A 50-FOOT HEIGHT VERSUS 30.

B, 79 UNITS VERSUS 51 PERMITTED.

C. 47% IN FLOOR AREA.

D, 51 PARKING SPACE REDUCTION, 29% OF THE TOTAL, 178 REQUIRED BY THE CITY CODE.

ALL OF THESE CODE DEVIATIONS PROVIDE ONLY SIX AFFORDABLE UNITS. AT THAT RATE IT WILL TAKE NEARLY 70 PROJECTS LIKE HIGH ROSE FOR THE CITY TO MEET ITS 406 AFFORDABLE UNIT QUOTED THE STATE MANDATES.

DEVELOPERS WILL BUILD THOSE OVER HEIGHT UNDER PARKED BUILDINGS IN THE COASTAL ZONE FOR OCEAN VIEWS.

IN 1997 I MANAGED A SUCCESSFUL VOTER INITIATIVE THAT RESTRICTS RESIDENTIAL HEIGHTS IN THE CITY, A 30-FOOT LIMIT IN THE COASTAL ZONE.

IF HIGH ROSE IS APPROVED, COMMERCIAL HEIGHTS EVERYWHERE IN THE CITY WILL INCREASE, BUT NOT RESIDENTIAL HEIGHTS.

THE CITY IS DELINQUENT ON AN APPROVED E.I.R. FOR THE SIXTH HOUSING ELEMENT UPDATE.

THE H.E.U. WHICH RUNS FROM 2021-2029.

THEREFORE FOR HIGH ROSE, FOR CHART ITEM 3, CEQA REQUIRES A SINGLE PROGRAM E.I.R. THAT ENCOMPASSES THE TOTAL DEVELOPMENT FOR 406 UNITS.

THIS E.I.R. MUST CONSIDER CUMULATIVE EFFECTS FROM ALL 70 PROJECTS WITH IMPACTS SUCH AS TRAFFIC, PARKING, BULK AND HAZARDOUS MATERIALS.

IN VIOLATION, HOWEVER, THE CITY FOLLOWS AN UNLAWFUL MINISTERIAL PROCESS TO AVOID ENVIRONMENTAL REVIEW AND PUBLIC HEARINGS.

THE 2017 SENATE BILL 35 THAT AUTHORIZES MINISTERIAL APPROVAL FOR AFFORDABLE HOUSING CLEARLY PROHIBITS SUCH PROJECTS IN THE COASTAL ZONE WHERE THE HIGH ROSE IS LOCATED.

AS A RESULT, THIS AGENDA BUSINESS ITEM UNQUESTIONABLY UNLAWFUL IF THE CITY COUNCIL APPROVES HIGH ROSE TONIGHT.

CEQA REQUIRED ALTERNATIVES, REQUIRES ALTERNATIVES IN A SINGLE PROGRAM E.I.R.

SUCH AS TWO IDENTIFIED IN ITEM 5.

A LARGE 100% AFFORDABLE PROJECT ON TWO CITY-OWNED PARCELS ADJOINING MANHATTAN MALL, AND B, 100% AFFORDABLE HIGH ROSE PROJECT THAT COMPLIES WITH THE MUNICIPAL CODE.

I SHOULD HAVE GONE SOONER.



OKAY.

SO.

I THINK THIS IS THE FIRST ALTERNATIVE.

FOCUS ON THE FIRST ALTERNATIVE SHOWN IN THE CHART.

THE CITY OWNS THE TWO PARCELS IN THE MIDDLE WITH THE MANHATTAN MALL ON THE LEFT AND MARRIOTT WEST DRIFT FAR RIGHT GOLF COURSE AND HAZARD POND SOUTH.

THE NEXT SLIDE SHOWS THAT THE CITY'S 5.4 ACRE LOT ESSENTIALLY UNUSED.

PRESUMABLY THE CARS ARE OVERFLOW FROM MANHATTAN VILLAGE.

THESE PARCELS CAN ACCOMMODATE THE 406 AFFORDABLE UNITS MANDATED BY THE STATE, RESULTING IN A CODE COMPLIANT DEVELOPMENT.

WITH OPEN SPACE AND LOW-PROFILE REQUIRED BY THE GENERAL PLAN.

AT ITS CLOSED MEETING YESTERDAY, PRESUMABLY THE CITY COUNCIL

DISCUSSED HIGH ROSE, PERHAPS THE COUNCIL CONSIDERED

POSTPONING HIGH ROSE UNTIL THE SIXTH CYCLE H.E.U. APPROVED IN OCTOBER.

IF SO, THE COUNCIL MAY NOT CONSIDER HIGH ROSE AGAIN UNTIL

CONDUCTING A VALID SINGLE PROGRAM E.I.R. IN CONTRAST TO THE

PIECEMEALING TRAVESTY OF THE H.E.U. E.I.R. DENIED IN FEBRUARY.

DO I HAVE ANY TIME LEFT?

24 SECONDS?

OKAY.

I BELIEVE THAT WITH A NON-AFFORDABLE UNITS FOR HIGH ROSE, I BELIEVE IF THE LAW PERMITS THOSE TO BE RENTED OUT FOR SHORT-TERM VACATION.

I HEARD SOME KIND OF COMMENT, IT WASN'T CLEAR, TO ME, WHAT THE CITY ATTORNEY SAID.

BUT I THINK THOSE NON-AFFORDABLE UNITS CAN BE RENTED OUT FOR SHORT-TERM VACATIONS.

>> Mayor Napolitano: THANK YOU MR. MCPHERSON.

NEXT UP IS RONALD SCHENDEL.

>> MR. MAYOR, HE IS VIA ZOOM.

>> Mayor Napolitano: OKAY.

I DON'T SEE HIM ON THERE.

>> CAN YOU HEAR ME NOW

>> Mayor Napolitano: YEAH, THERE YOU GO.

I WOULD LIKE TO SHARE MY SCREEN, IF I CAN BRING THIS UP.

OKAY, HOLD ON.

I'M TRYING TO MAKE THIS WORK.

>> Mayor Napolitano: YEAH, GO AHEAD.

>> EXCEPT WHEN I DO THAT, IT BLOCKS THINGS OUT.

>> Mayor Napolitano: THERE IT GOES.

>> WHY ISN'T IT COMING UP?

>> Mayor Napolitano: THAT'S A GOOD QUESTION.

>> Mayor Napolitano: THERE IT GOES.

>> ARE YOU SEEING THE WHOLE THING, OR?

>> Mayor Napolitano: WE SEE SLIDES ON THE LEFT AND THEN A MAIN,  
THERE YOU GO.  
MAIN PAGE.

>> I WENT BACKWARDS, BUT ANYWAYS.  
THE FIRST THING IS, SO, IS A HEIGHT WAIVER REQUIRED?  
THAT'S THE KEY ISSUE HERE.  
TO MY MIND, I HOPE WE CAN CONVINCE YOU THAT ACTUALLY IT IS NOT.  
THAT WOULD MAKE IT DISCRETIONARY, NOT MINISTERIAL.  
THE LAW THAT'S CITED SAYS IN ORDER TO QUALIFY FOR THE WAIVER, IT  
HAS TO PHYSICALLY PRECLUDE THE CONSTRUCTION OF A NEW ELEMENT,  
MEETING THE CRITERIA AND SO ON.  
IF YOU GO THROUGH, BASICALLY, THERE'S NO MENTION AT ALL WHETHER  
IT SHOULD BE FEASIBLE, DESIRABLE, SPECIFICALLY NOTHING ABOUT  
UNIT SIZE OR UNIT MIX.  
I GOT AHEAD OF MYSELF THERE, I GUESS, A LITTLE BIT. THE  
APPLICANT'S JUSTIFICATION SAYING HE DESERVES IT, IS AN AVERAGE  
UNIT SIZE IS 512 SQUARE FEET. ACTUALLY, THE CITY'S OWN  
CALCULATION COMES UP WITH 528 SQUARE FEET. THE BOTTOM LINE, THE  
UNIT SIZE WOULD RELEGATE THE ENTIRE PROJECT TO STUDIOS. THAT IN  
FACT IS AN ADMISSION BY THE DEVELOPER THE PROJECT IS IN FACT  
POSSIBLE. MAYBE HE DOESN'T WANT 79 SINGLES, MAYBE HE WANTS  
SOMETHING DIFFERENT. BUT THAT'S NOT HOW THE LAW READS. THE LAW  
SAYS IF YOU CAN DO IT, IF YOU CAN FIT 79 UNITS INTO THE BOX  
CONFINED BY THE CODES, THEN YOU DON'T DESERVE A WAIVER, OR AT  
LEAST DISCRETIONARY, YOU CAN STILL GIVE IT TO THEM BUT THE NOT A  
REQUIREMENT. SO, INTERESTING CALCULATION. I WON'T GO THROUGH IT  
BECAUSE I ONLY HAVE FIVE MINUTES BUT IF YOU TAKE THE EXACT PLAN  
AND REMOVE THE THIRD FLOOR WITH THE HIGHEST UNIT AREA OF ANY OF  
THE FLOORS AND JUST LOOK AT WHAT'S LEFT, WHICH WOULD LOWER IT BY

A FULL FLOOR, THE RESULT IS LIKE 664 SQUARE FEET. BUT REGARDLESS, IT DOESN'T MATTER. THE STAFF IN THEIR COMMENTS REBUTTING MY APPEAL STATE THEMSELVES THEY COME OUT WITH 528 SQUARE FEET. AND THEIR OWN CALCULATIONS SHOW THAT 79 UNITS WITH 512 SQUARE FEET OR GREATER ARE POSSIBLE. WHY 512? THAT'S WHAT THE DEVELOPER IS USING. THEY HAVE 21 STUDIO UNITS IN THE PLAN, ALL ARE 512 SQUARE FEET. THE STAFF REPORT, ALL OF THE SUDDEN INTRODUCE THE MARKET STUDY, WHICH BASICALLY HAS NO RELEVANCE IN THE DISCUSSION AT ALL. 666 IS BOGUS. IT'S VERY NEAR THE 528 THEY CALCULATE WOULD BE AVAILABLE. IF YOU SEE HOW THEY BOOSTED IT TO 666, THEY USE CITIES NOT NEAR US. PLAYA VISTA AND MARINA DEL REY. WHAT ABOUT HERMOSA BEACH? I THINK THEY WOULD COME UP WITH A SIMILAR NUMBER. STAFF POINTS OUT THERE'S NOTHING IN THE MANHATTAN BEACH CODE OR REGULATIONS REGARDING UNIT SIZE OR UNIT MIX. THEY PRESENT IT HERE AS THEY CAN'T TELL THE DEVELOPER WHAT TO DO. NO ONE IS SAYING THEY SHOULD TELL THE TELLER DEVELOPER TO DO. IT'S UP TO THE DEVELOPER TO FIT IT IN THE BOX WHATEVER HE CAN. WE JUST SHOWED IT'S POSSIBLE. 669 FIT IN THERE NICELY, IT'S POSSIBLE. REMOVING THE THIRD FLOOR YOU HAVE EVEN MORE SQUARE FOOTAGE AND ACTUALLY HAVE A MIX OF 1-2 BEDROOMS AND STUDIOS. SO THE QUESTION IS, BASED ON THE EVIDENCE, INCLUDING THE STAFF'S OWN CALCULATION, THAT THE ALLOWABLE HEIGHT PLUS BONUS OF 36 FEET DOES NOT PRECLUDE CONSTRUCTION OF 79 SINGLE UNITS AND MANHATTAN BEACH HAS NO REGULATION FOR UNIT SIZE OR UNIT MIX, IS A HEIGHT WAIVER REQUIRED UNDER THE LAW CITED? THE ANSWER HAS TO BE A DEFINITE NO. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU. OKAY. GEORGE BORDOKAS.

>> MR. MAYOR, FOR THE RECORD, WE DID RECEIVE AN EMAIL AT 3:15 FROM MR. BORDOKAS HE WOULDN'T BE ABLE TO ATTEND, HE SENT HIS EMAIL AND THAT'S PART OF THE PUBLIC RECORD.

>> Mayor Napolitano: ALL RIGHT. THEN MARK BURTON?

>> GOOD EVENING, HONORABLE COUNCILMEMBERS. THIS IS A BEHEMOTH OF A BUILDING. FOUR STORY 79 UNIT LUXURY APARTMENT BUILDING THAT WOULD LITERALLY DWARF ALL OTHER RESIDENTIAL BUILDINGS IN THE AREA. IT'S COMPLETELY OUT OF CHARACTER AND REPUGNANT TO THE LOW-PROFILE THEME THROUGHOUT OUR GENERAL PLAN AND LOCAL COASTAL PROGRAM. IT DEFINES US AS A COMMUNITY. SUCH A GREAT COMMUNITY. IT'S WORTH FIGHTING FOR. PRIOR CITY COUNCIL THOUGHT IT WAS IMPORTANT TO BAN THE USE OF PLASTIC BAGS TO PROTECT OUR ENVIRONMENT. MORE IMPORTANTLY THEY HAVE THE RESOLVE TO DEFEND THAT ALL THE WAY TO THE SUPREME COURT WHERE THEY WON. IN THAT SPIRIT, OUR RESIDENTS EXPECT YOU TO DENY THE PROJECT. ALL THE WAY TO SUPREME COURT IF NECESSARY. WHY NOT INVEST IN PROTECTING OUR PROFILE AND CHARACTER. YOU WILL WIN IN COURT, HERE IS WHY. SHOCKINGLY THIS ISN'T ELIGIBLE. THE STATUTE AND GUIDELINES ARE

CRYSTAL CLEAR A SITE LOCATED IN A COASTAL ZONE IS NOT ELIGIBLE. NO ARCH SITES IN WETLANDS, HAZARDOUS WASTE SITES AND SO ON AND SO FORTH. MAYBE A DISCRETIONARY. IT'S IN NORTH COASTAL ZONE IT MAY NOT BE ELIGIBLE, AT LEAST TWO PARCELS ARE NOT. IT IS VITALLY IMPORTANT TO OUR EL PORTO RESIDENTS AND NORTH MANHATTAN BEACH RESIDENTS THESE ARE FOR COMMERCIAL USES ONLY. SB-35 DENSITY BONUS PACKAGE WAS PART OF 15 LOW INCOME HOUSING BILLS. IN SERVING THE LEGISLATIVE INTENT AND MEANING OF THESE BILLS WHAT WAS THE PROBLEM THE LEGISLATURE WAS TRYING TO FIX AND HOW DID THE LEGISLATION FIX THE PROBLEM? HERE IS THE PROBLEM IT WAS TRYING TO FIX. AFTER APPLICATION FOR A LOW-INCOME HOUSING PROJECT WAS PROCESSED BY STAFF AND E.I.R. COMPLETED THAT NEEDED TO GO THROUGH A PURELY DISCRETIONARY PERMIT PROCESS FOR APPROVAL BEFORE PLANNING COMMISSION AND CITY COUNCIL. THIS CAUSED SUBSTANTIAL DELAYS MAKING MANY WORTHWHILE LOW INCOME HOUSING PROJECTS TO BE DENIED. HERE IS HOW THE LEGISLATION WAS ABLE TO FIX THE PROBLEM. THE LEGISLATIVE COUNCIL'S DIGEST, SB-35 AND STATUTE WOULD VIED THIS BILL WOULD AUTHORIZE SUBJECT TO A STREAMLINE MINISTERIAL APPROVAL PROCESS AND NOT SUBJECT TO THE CONDITIONAL USE PERMIT. THE FIX WAS SIMPLE. THE LEGISLATURE SCUTTLED THE DISCRETIONARY CONDITIONAL USE PROCESS AND SUBSTITUTED STREAMLINED MINISTERIAL PROCESS TO ALLEVIATE THE DELAYS CAUSED BY THE CITY COUNCIL. IN PACKAGE OF 35 LOW-INCOME HOUSING BILLS DID NOT ESTABLISH AN EXEMPTION FROM CEQA OR THE E.I.R. FOR LOW INCOME HOUSING PROJECTS. IF YOU EXERCISE GOOD COMMON-SENSE JUDGMENT YOU WOULD KNOW THIS LEGISLATURE WOULD NEVER EXEMPT IT WITH MANY LOW-INCOME PROJECTS BEING IN DISADVANTAGED AREAS IT WOULD BE DISCRIMINATORY TO DO SO. THEY ARE ALREADY IMPACTED BY ENVIRONMENTAL SAFETY AND HEALTH CHALLENGES. IT DOES EXEMPT CERTAIN PROJECTS BUT NOT LOW-INCOME HOUSING PROJECTS. THE BAY AREA RAPID TRANSIT. SCOPING CONSULTATION FOR PROJECTS IN THE GEOGRAPHIC AREA IN ANY CALIFORNIA NATIVE AMERICAN TRIBE FOR INSTANCE. IN ANALYZING SB-35 AND PACKAGE OF BILLS IT WOULD BE A SERIOUS AND FATAL FLAW TO CONFLATE, STREAMLINE MINISTERIAL PROCESS WITH A CEQA PHRASED MINISTERIAL PROJECTS. A PROCESS IS NOT A PROJECT. EXAMPLES ARE THE ISSUANCE OF BUILDING PERMITS, BUSINESS LICENSES AND THE APPROVAL OF INDIVIDUAL UTILITY SERVICE CONNECTIONS AND DISCONNECTIONS. OBVIOUSLY, THIS FOUR-STORY BEHEMOTH IS OUT OF CHARACTER. CEQA MUST BE INTERPRETED TO AFFORD THE FULLEST PROTECTION TO THE ENVIRONMENT. ALL YOU MUST ASK WILL THE PROJECT HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT. THE ANSWER IS ABSOLUTELY YES. IN FACT IN ALL OF MANHATTAN BEACH I CAN'T THINK OF ANY TWO PIECES OF LAND THAT ARE CHALLENGED THAN THESE TWO THAT DOWN SLOPE WELLS, HIGH VOLTAGE TRANSMISSION LINES AND GAS

LINES ADJACENT. CAN YOU SAY METHANE? IN FACT PHASE TWO POINTED OUT YOU NEED TO DO METHANE --

>> Mayor Napolitano: THANK YOU, MR. BURTON.

>> THANK YOU.

>> Mayor Napolitano: ANDREW RYAN?

>> THIS IS DIRECTLY NORTH AND EAST OF MY BUILDING. COMING HERE TODAY I WAS LOOKING AT THE EXISTING STRUCTURE, THINKING THIS WOULD BE A BIG PROJECT. IT WILL EXCEED MY BUILDING BY ALMOST TWICE ITS HEIGHT. I'M THINKING TO MYSELF THIS WILL HAVE AN IMPACT AND I THINK ALSO AN ENVIRONMENTAL IMPACT TO THE SURROUNDING NEIGHBORHOOD AND COMMUNITY. I THINK THE CITY'S HESITATION SO FAR, WHAT I'VE KIND OF HEARD, OUR HANDS ARE TIED. SACRAMENTO IMPOSED THIS LAW UPON US. THERE'S NOTHING WE CAN DO TO REBUT THIS LAW. HOWEVER, I SPECIFICALLY DISAGREE WITH THAT, I THINK SACRAMENTO ACTUALLY GAVE YOU THE POLICE POWER AS A LOCAL AGENCY TO STOP THIS PROJECT AND ORDER A FORMAL ENVIRONMENTAL REVIEW. THE REASON IS PRETTY SPECIFIC IN THE STATUTES THEMSELVES. BUT BEFORE WE EVEN GET INTO THAT ISSUE. WHAT MR. BURTON TALKED ABOUT, IS GOVERNMENT CODE SECTION 65913.4. THAT SECTION SPECIFICALLY EXEMPTS CERTAIN AREAS OF LAND FROM DENSITY BONUS LAWS. THOSE AREAS INCLUDE EARTHQUAKE FAULT ZONES, TOXIC WASTE DUMPS, IT REQUIRES FIRE AREAS, FARMLANDS AND MOST IMPORTANTLY IN THIS CASE, LOCAL COASTAL ZONES. SUBSECTION-A OF GOVERNMENT CODE SECTION. I THINK YOUR INQUIRY JUST STOPS RIGHT THERE. THE DENSITY BONUS LAWS DON'T APPLY IN THAT AREA UNDER ANY READING OF THE STATUTE. BUT GOING INTO MORE OF THE POLICE POWERS YOU GUYS CARRY OVER THIS PROJECT, THE DENSITY BONUS LAWS TALK ABOUT THE PREPONDERANCE OF THE EVIDENCE AND LOOKING AT IT AND BALANCING 50.1% OR GREATER PROBABILITY WHETHER OR NOT THIS PROJECT WILL HAVE AN ADVERSE EFFECT ON PUBLIC HEALTH AND SAFETY. AND YOU KNOW, MY LINE OF WORK, PREPONDERANCE OF THE EVIDENCE IS 50.1% OR GREATER CHANCE OF IT HAPPENING. IN YOUR EVALUATION OF THIS, THAT'S A DISCRETIONARY ACTION. OF COURSE YOU HAVE TO WEIGH THE EVIDENCE AND WHAT IS AND WHAT IS NOT AND HOW THE GOING TO POSSIBLY AFFECT PUBLIC HEALTH AND SAFETY. I'VE PUT FORWARD SPECIFIC EVIDENCE IN MY APPEAL ALREADY TO THIS COUNCIL, 2019 REPORT FROM CHEVRON REPORTING FLOATING PETROLEUM PERVASIVE UNDERNEATH THE SITE. I HAVE ANOTHER REPORT DATED FEBRUARY 15, 2022 FROM CHEVRON. IT REPORTS THE EXTRACTION IN 2021 OF ABOUT 200,000 GALLONS OF CRUDE OIL FROM BENEATH THE PLANT. I'M AWARE OF THE PLANT THAT WILL DIG DOWN TWO STORIES AND REMOVE A LOT OF DIRT. IN THE DIRT ACCORDING TO THE CITADEL REPORT THERE WAS BENZENE AND TOLUENE FOUND. VERY TOXIC CHEMICALS WE DON'T WANT TO GET INTO OUR WATER, OUR DRAINAGE TO THE BEACHES. JUST BELOW THE PROJECT SITE AT THE END OF ROSECRANS PLACE, CORRECTLY CLOSE TO

TRADE WINDS VILLAGE AND BETWEEN MY OFFICE BUILDING THERE'S A HUGE STORM DRAIN THERE AND THE STORM DRAIN SAYS DO NOT DUMP, DRAINS INTO OCEAN. I DON'T KNOW HOW THE BUILDER CAN MITIGATE BUILDINGS WITH ASBESTOS, LEAD PAINT AND PCB'S WITH PETROLEUM FROM THE STORM DRAINS. THIS IS AN ADVERSE EFFECT THAT COULD IMPACT HEALTH AND SAFETY. UNDER CEQA GUIDELINES DISCRETIONARY ACTS REQUIRE THE PROJECT TO BE SUBJECTED TO CEQA. AND THIS IS ACTUALLY CONSISTENT WITH THE GOVERNMENT CODE DENSITY BONUS LAW WHICH 65195 SAYS CEQA IS NOT EXEMPTED BY THE STATUTE. IT IS, YES, 65589.5 SAYS CEQA IS NOT EXEMPTED BY THIS, NOR IS THE COASTAL ACT. SO RESPECTFULLY, I THINK THE CITY COUNCIL NEEDS TO FOCUS ON PUBLIC HEALTH AND SAFETY IN THIS CIRCUMSTANCE. THERE'S EVIDENCE BEFORE YOU, BEING POTENTIAL PUBLIC HEALTH AND SAFETY HAZARD. I THINK THE COUNCIL NEEDS TO EVALUATE THIS. FRANKLY, I THINK LITIGATION WILL BE SPAWNED BY THIS DECISION TONIGHT, NO MATTER HOW IT GOES. THERE'S GOING TO BE ATTORNEYS' FEES SPENT NO MATTER WHAT ON THIS ISSUE. HOWEVER, I THINK THE FINANCIAL -- THANK YOU.

>> Mayor Napolitano: THANK YOU. NOW WE WILL OPEN IT UP TO MEMBERS OF THE PUBLIC WHO HAVEN'T SPOKEN PREVIOUSLY ON THIS ITEM. DO YOU WANT TO COME DOWN AND FILL THE SEATS DOWN HERE?  
>> GOOD EVENING, THANKS FOR THE OPPORTUNITY TO SPEAK. MY NAME IS STEVE, I LIVE IN THE COMMUNITY WITH MY FAMILY. IT'S OUR INTENT TO RAISE OUR TWO CHILDREN IN THIS COMMUNITY AND RETIRE HERE. I'M HERE TO EXPRESS MY SUPPORT FOR THE PROJECT. ONE IT'S UPDATING A LOT IN DIRE NEED OF REDEVELOPMENT. TWO, IT'S PROVIDING ADDITIONAL SUPPORT FOR BUSINESSES IN THE MANHATTAN BEACH AREA, SPECIFICALLY IN NORTH MANHATTAN AREA. AND THREE, MOST IMPORTANTLY, IT'S ADDING DIRE NEEDED ADDITIONAL SUPPLY TO THE AREA HOUSING SUPPLY. I FIRST HANDED EXPERIENCED THE DIFFICULTY OF LOCATING RENTAL HOUSING, WE HAVE HAD FIVE RENTAL PROPERTIES IN THE TIME WE HAVE LIVED HERE AND NOW EXPERIENCING THAT AGAIN WITH FAMILY MEMBERS LOOKING FOR HOUSING IN THE AREA. THIS PROVIDES A VIABLE OPTION. IT PROVIDES AFFORDABLE HOUSING VERY BADLY NEEDED IN THE AREA AND LOS ANGELES COUNTY. AND I'M EXCITED TO POTENTIALLY HAVE A PROJECT THAT COULD ADDRESS MY FAMILY'S NEEDS. IT SUPPORTS LOCAL BUSINESSES AND PROVIDES UPDATE TO A PROPERTY THAT IS IN NEED OF AN UPDATE. THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT SPEAKER, PLEASE?

>> HI MY NAME IS NICK -- I DID NOT BRING A SCRIPT; I DIDN'T REALIZE THAT WAS AN OPTION. THE FACT YOU ALL FELT YOU NEEDED A SCRIPT TO KIND OF COVER REALLY SHOWS THE KIND OF PRESSURE YOU ARE GETTING AND IT'S REALLY NOT FAIR TO PUT YOU GUYS IN THAT POSITION CONSIDERING YOU ARE PUBLIC SERVANTS AND ON TOP OF EVERYTHING ELSE THREATENED WITH LITIGATION IS STACKING ON THAT.

I WILL SPEAK ON, AS A HOME BUILDER, LAND USE ATTORNEY AND ALSO A RESIDENT IN SUPPORT OF THIS PROJECT. MORE THAN ANYTHING ELSE, I ALWAYS SEE PEOPLE TALKING ABOUT VERY LOW INCOME, VERSUS LUXURY HOUSING AND PEOPLE TEND TO FORGET ABOUT THIS MIDDLE INCOME, MIDDLE CLASS AREA WHERE WE JUST CANNOT AFFORD, OR EVEN FIND PLACES TO LIVE. I'M ONE OF THE LUCKY ONES IN MY INCOME AND AGE BRACKET I WAS ABLE TO BUY A PLACE IN EL PORTO, I ENDED UP PAYING \$2 AND CHANGE MILLION, I DON'T HAVE AC, DON'T HAVE PARKING. WINDOW IS BUSTED. WE LIVE LIKE ANIMALS. WE DON'T HAVE ANYTHING ELSE HERE. I'M CALLING MYSELF THE LUCKY ONE AND I MEAN IT, ABSOLUTELY LUCKY. IF WE WANT TO BE THE KIND OF COMMUNITY THAT INVESTS IN OUR FUTURE AND OUR FAMILY, WE NEED TO GIVE THEM A PLACE TO INVEST. RIGHT NOW THAT DOESN'T EXIST, YOU ARE EITHER LIVING IN A MILLION DOLLAR HOUSE OR LIVING IN A 450 SQUARE FOOT BOX. THANK YOU FOR THE WORK YOU ARE DOING. IT'S THANKLESS. WE NOTICE YOU, THE ONES THAT ARE COMPLAINING ARE THE ONES I'M TALKING ABOUT. THANK YOU.

>> Mayor Napolitano: THANK YOU. WHO IS COMING UP NEXT? OKAY?  
>> HONORABLE MAYOR AND MEMBERS OF COUNCIL, MY NAME IS FRANK -- RESIDENT OF MANHATTAN BEACH. I'M STATING PUBLICLY TONIGHT I STRONGLY OPPOSE THE HIGH-RISE PROJECT AS MANY OF OUR RESIDENTS DO. AFTER I READ ALL THE DOCUMENTS AND PRESENTATIONS ATTACHED TO THIS AGENDA ITEM, I CAN SEE WHY SOME OF YOU MAY FEEL COMPELLED TO APPROVE THIS PROJECT. NO MATTER HOW YOU VOTE TONIGHT, OUR RESIDENTS DESERVE TO KNOW WHICH COUNCILMEMBERS THINK THIS IS THE RIGHT PROJECT AT THE RIGHT LOCATION FOR OUR COMMUNITY. WE WANT TO KNOW FROM YOU, WHAT YOU FEAR WOULD HAPPEN IF THE HIGH RISE PROJECT WAS NOT APPROVED TONIGHT. A LEADER NEEDS TO STAND UP AND FIGHT TO PROTECT AN PRESERVE OUR UNIQUE AND WONDERFUL COMMUNITY. WE CAN NEVER ROLL OVER AND LET THE STATE DICTATE WHAT DEVELOPMENT CAN OCCUR IN OUR CITY WITHOUT COMPLYING WITH OUR LOCAL BUILDING CODES AND ORDINANCES. WE NEED TO TAKE BACK OUR RIGHTS AS RESIDENTS TO SPEAK OUT AND CONTROL WHAT TYPE OF NEW PROJECTS TAKE PLACE WHERE WE LIVE, WORK AND SHOP. THESE RIGHTS ARE WHY WE HAVE LOCAL GOVERNMENT. WITHOUT THEM, ALL COMMUNITIES AND NEIGHBORHOODS IN OUR STATE WOULD LOOK AND FEEL THE SAME. YOUR HANDS ARE NOT TIED. BE STRONG. MAKE THE RIGHT DECISION FOR OUR RESIDENTS. THANK YOU FOR LISTENING TONIGHT.

>> Mayor Napolitano: THANK YOU.

>> MY NAME IS DAVE MESSINA, I'M A HOMEOWNER IN MANHATTAN BEACH. I LIVE WITHIN WALKING DISTANCE FROM WHERE WE ARE MEETING TODAY. I OPPOSE THE CONSTRUCTION OF THE FOUR STORY 79-UNIT COMPLEX. THIS IS ONE OF THE BUSIEST INTERSECTIONS IN MANHATTAN BEACH, I CAN'T IMAGINE WHAT AN ADDITIONAL 79 UNITS ON THAT CORNER WOULD BE LIKE. IF THINGS GO WRONG IT COULD GO VERY WRONG AND IT'S AN

IRREVERSIBLE ACTION. THIS STRUCTURE WOULD DEGRADE THE SMALL COMMUNITY AND LOW PROFILE FEEL OF THE AREA AND IMPACT THE REGION MANY OF US CHOOSE TO LIVE HERE. THIS IS A DANGEROUS PRECEDENT TO SET FOR OUR TOWN. NAME ANOTHER BUILDING OF THIS MAGNITUDE IN THE AREA. MUCH AFTER THAT, FIVE STORIES AND 100 UNITS. HEY, IT'S JUST A BIT MORE. I ENCOURAGE YOU TO REVISIT THE MAJORITY, REVISIT SLIDE 17 OF MR. FATUROS PRESENTATION. AND DECIDE IF THAT IS WHAT YOU WANT TO ALLOW IN OUR COMMUNITY PERMANENTLY. THAT MEANS DIGGING UP THE GROUND NEXT TO AN OIL REFINERY AND SETTING A PRECEDENT FOR THE CONSTRUCTION IN OUR BEACH COMMUNITY. PLEASE DO THE RIGHT THING FOR MANHATTAN BEACH, OUR RESIDENTS, QUALITY OF LIFE AND SAFETY AND DENY THIS PROJECT. THANK YOU FOR YOUR TIME AND SERVICE AND THE OPPORTUNITY TO COMMENT TONIGHT. HAVE A GREAT NIGHT.

>> Mayor Napolitano: THANK YOU.

>> THANK YOU FOR THE TIME. MY NAME IS MITCHELL CHUN, I'VE BEEN A 19 YEAR RESIDENT OF MANHATTAN BEACH. I JUST WANT TO MAKE ONE POINT, BRING UP ONE ISSUE. IT WAS ACTUALLY A QUESTION YOU BROUGHT UP, MR. MAYOR TO THE CITY ATTORNEY, PRECEDENCE, WHERE THE CITY WAS ABLE TO OVERTURN SOME OF THESE DENSITY BONUS LAW REQUIREMENTS. AND THERE WAS A CASE IN 2016 WHERE VENICE CITY ACTUALLY WON. IT WAS A 15-UNIT COMPLEX. THEY WERE TRYING TO BUILD BASED ON DENSITY BONUS RESTRICTIONS AND OVERTURNED BASED ON COASTAL COMMISSION ARGUMENTS. I'M WONDERING WHETHER THE CITY ATTORNEY OF THE CITY HAS CONSIDERED THAT. I JUST WANTED TO THROW THAT OUT FOR THE RECORD. THANK YOU.

>> Mayor Napolitano: THANK YOU. NEXT UP.

>> HI, I'M GOING TO CHANGE MY SPEECH NOW, I'M TIRED, AS ALL OF YOU ARE. MY NAME IS GAYLE FORTIS. I'M AGAINST THE PROJECT. I'M A RESIDENT OF MANHATTAN BEACH FOR 30 YEARS AND LIVE ONE BLOCK FROM THE SITE. THE MAJORITY OF US BELABORED THE INAPPROPRIATENESS OF HIGH RISE FOR A REASON. BEEHIVE OF PEOPLE, FOR DENSELY POPULATED CONGESTED EL PORTO. GRAVE CONCERN FOR OUR HEALTH AND SAFETY. WE NEED MORE HOUSING BUT BUILT MINDFULLY, WHERE IT FITS BETTER, ROSECRANS, EAST OF SEPULVEDA, BEHIND MANHATTAN BEACH VILLAGE OR ALONG SEPULVEDA BOULEVARD. REMAND FOR CEQA, IT BUYS SOME TIME. IT'S A SMART MOVE. DOESN'T IT PUT YOU ON THE RIGHT SIDE OF LITIGATION? YOU ARE PROVEN AT THIS, FIND OUT WHAT THE MAJORITY OF YOUR RESIDENTS WANT, I THINK YOU HAVE HEARD HERE AND GOTTEN EMAILS. PLEASE, REPRESENT US AND PROTECT US. THANK YOU FOR YOUR TIME AND ATTENTION AND CONSIDERATION.

>> Mayor Napolitano: THANK YOU.

>> HELLO, AGAIN. AUDREY KANA, I THREW OUT MY SPEECH BECAUSE I HAVE RANDOM THOUGHTS ABOUT TODAY'S PRESENTATION. FIRST OF ALL, WHERE ARE VISITORS GOING TO PARK. WE TALKED ABOUT PARKING BUT



NOT WHERE VISITORS WILL PARK. ALL THESE 79 UNITS WILL HAVE FRIENDS COMING OVER TO THE BEACH. AS FAR AS SHORT-TERM RENTALS DIDN'T THE CITY LOSE A CASE REGARDING SHORT-TERM RENTALS AND THEY ARE PERMITTED? I THOUGHT THAT JUST HAPPENED RECENTLY? I'M KIND OF APPALLED THERE WAS MORE ENVIRONMENTAL REVIEW CONDUCTED FOR THE MALL THAN BEING PERFORMED FOR A HOUSING DEVELOPMENT. THEY DID A THOROUGH E.I.R. FOR THE MALL AND BASICALLY SAID YOU CANNOT EXCAVATOR RECOMMENDED NOT TO EXCAVATE BECAUSE OF THE LAND AND THEY HAD TO BUILD THE PARKING GARAGES ABOVE LAND. YET WE AREN'T GOING THROUGH THAT EXTENT FOR A HOUSING UNIT, WHERE PEOPLE ARE GOING TO LIVE? IT JUST DOESN'T MAKE SENSE TO ME. I DON'T UNDERSTAND WHY AN ADVERSE IMPACT BURDEN IS PLACED ON THE RESIDENTS. SHOULDN'T THE CITY BE DOING THAT TO PROTECT RESIDENTS? I HOPE YOU ARE NOT RELYING ON THE TRAFFIC STUDY PROVIDED BY THE DEVELOPER BECAUSE IT CONTAINS FALSE ASSUMPTIONS TO FAVOR HIS OUTCOME THAN RELY ON THE REALITY OF THAT INTERSECTION. I KNOW I SENT YOU A COMPARISON OF HEIGHT VERSUS REALITY. MR. DEVELOPER WHAT ABOUT YOUR FALSE CLAIMS ON YOUR WEBSITE? THERE ARE A LOT OF THINGS NOT STATED OR SUPPORTED BY REALITY. FOUR STORY BUILDINGS IN MANHATTAN BEACH ARE GRANDFATHERED IN, THEY ARE NOT NEW CONSTRUCTION, AND NOT EXCAVATING DOWN TWO STORIES FOR PARKING GARAGES. THAT SOUNDS LIKE A CONFLICT TO ME. MARTIN LUTHER KING ONCE SAID ONE HAS A MORAL RESPONSIBILITY TO CONVEY LAW AND DISOBEY UNJUST LAWS. THE DENSITY BONUS LAWS ARE OVERREACHING AND UNJUST. THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> GOOD EVENING, HONORABLE MEMBERS OF COUNCIL, HONORABLE MAYOR AND MAYOR PRO TEM. I'M OPPOSED TO THE PROJECT. MY NAME IS JULIE MESSINO, AS A RESIDENT, I HAVE TWO MAIN ISSUES WITH THIS PROJECT. THOSE OF US WHO CHOOSE TO LIVE HERE CHOOSE BECAUSE OF THE FEEL OF THE COMMUNITY AND PROTECTIONS. WE ALL ABIDE BY THOSE. DEVELOPERS SHOULDN'T HAVE SPECIAL INTERESTS THEY CAN SKIRT. SHOULDN'T BE ABLE TO CREATE THIS KIND OF EXCEPTION. YES WE NEED LOW INCOME HOUSING BUT AS MANY OF MY FELLOW NEIGHBORS POINTED OUT THERE ARE BETTER LOCATIONS FOR THIS. I HAVE SPENT HOURS PARKED ON THAT SPOT TRYING TO GET HOME ESPECIALLY A FRIDAY EVENING IN THE SUMMER. ADDING THAT AMOUNT OF STRUCTURE AND DWELLINGS AND MULTIPLE RESIDENTS AND VEHICLES AND THEIR FRIENDS COME OVER. FINALLY, I RECOGNIZE THE ISSUE OF MINISTERIAL AND NON-DISCRETIONARY, I WOULD ARGUE THE DEVELOPER IS USING THESE ALONG WITH THE SIX UNITS THEY ARE ADDING ALLOWING THEM TO HAVE THE HEIGHT RESTRICTIONS MOVED AWAY FROM THEIR BUILDING PROCESS. I FIRMLY OPPOSE THIS PROJECT AND ASK THE COUNCIL TO DO THE SAME. THANK YOU.

>> Mayor Napolitano: THANK YOU. MY NAME .

>> MY NAME IS TARA HAMMOND. I'M HERE TO RAISE CONCERNS, I WILL SPEAK ON ENVIRONMENTAL DANGERS OF HIGH ROSE. I'M A REGULAR RESIDENT OF MANHATTAN BEACH, ONLY ONE BLOCK AWAY FROM THE PROJECTED PROPERTY. THE PUBLIC RECORD OF UNDERGROUND POTENTIAL PROPERTY HIGH ROSE, CHEVRON ADJACENT TO HIGH ROSE AND ALL AROUND EL PORTO ARE DOCUMENTED. AMONG THEM FLOATING PETROLEUM, METHANE GAS, RADON AND ANTIQUATED CHEVRON PIPELINES. ADD INTO CONSIDERATION THE POTENTIAL HARM FOR STORM DRAIN RUN OFF. AS MR. RINE STATED, ALONG THE SOUTHERN BORDER AT THE LOWER TIP OF THE HIGH ROSE SITE, THERE'S A STORM DRAIN THAT SAYS NO DUMPING, DRAINS TO OCEAN. THUS, IF THIS LAND IS DISTURBED IT WILL BE A GREAT RISK TO THE HEALTH AND SAFETY OF THE LOCAL RESIDENTS AND THE ENVIRONMENT. I SUPPORT BUILDING MORE HOUSING BUT IT SHOULD NOT BE AN ATROCITY TO THIS COMMUNITY. I BELIEVE IN PUTTING NEW HOUSING IN, AS A MANHATTAN CITY PLANNERS HAVE PLANNED WITH THE CONTINGENCY THAT THE BUILDING FOLLOWS OUR CITY'S CAREFULLY AND THOUGHTFULLY DEVELOPED ZONING LAWS. REMAND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. IT MAKES SENSE. THE VAST VULNERABILITIES ARE WELL DOCUMENTED. YOU ARE LEADERS, WE NEED YOU TO DO WHAT IS RIGHT. I THANK YOU FOR YOUR TIME AND FOR YOUR SERVICE. HAVE A GOOD NIGHT.

>> Mayor Napolitano: THANK YOU.

>> HI, SCOTT FLOYD, MANHATTAN BEACH 25 YEARS, SAME HOUSE -- SECTION, SAME WIFE IN TREE SECTION [LAUGHTER]. IT'S KIND OF INTERESTING. I WANT TO GIVE YOU ALL SOMETHING DIFFERENT TO THINK ABOUT WHEN YOU GO TO MAKE YOUR VOTE. I'VE HEARD ALL THE COMMENTS TONIGHT, ON THE RUN LISTENING TO ZOOM. RAN UP AND DOWN ROSECRANS, I DIDN'T KNOW HOW THE HELL I WAS GOING TO MAKE THAT LEFT. EITHER WAY IT'S CRAZY. WHAT I WANT TO TALK ABOUT IS YOU ALL HAVE DONE A GREAT JOB PUTTING LAW AND ORDINANCES IN THIS AWESOME TOWN. I'M FROM A TOWN IN OHIO. THIS IS ONE OF THE BEST PLACES TO LIVE IN THE WORLD, PERIOD. WE HAVE NO SMOKING ANYWHERE, NO SCOOTERS, NO BYRDS, NO LIME, NO DOGS ON THE BEACH, NO EXHIBITIONISTS SPEED, NO EXHAUST. WE DON'T EVEN HAVE LEAF BLOWERS IN MANHATTAN BEACH! WE ARE GOING TO LET SOMETHING HAPPEN RIGHT IN FRONT OF US IN FRONT OF OUR EYES. WE HAVE LAWS AND ORDINANCES THAT SAY NO, THIS IS THE HEIGHT AND RESTRICTION, THIS IS WHAT YOU HAVE TO DO. WHY? LET'S NOT MESS UP. I WENT TO THE PLANNING COMMISSION A COUPLE MONTHS AGO AND COMMON SENSE WAS THE THEME. EVERYONE ON THE PLANNING COMMISSION SAID THIS IS WHAT SACRAMENTO SAYS, IT HAS TO HAPPEN. WHAT HAPPENS IF YOU GO BACK AND SAY ALL RIGHT, THIS IS SACRAMENTO, THIS IS WHAT HAS TO HAPPEN. BOY, MANHATTAN BEACH IS GOING TO BE MIAMI BEACH. I DON'T THINK THERE'S ANYBODY WHO WANT TO SEE THAT HAPPEN. CONTINUE WITH HOW THAT LOCAL FEEL IS. THESE LAWS THAT WENT THROUGH. LIKE

THAT'S NOT CRAZY. IT MAKES SENSE IN A LOCAL MARKET AND SO DOES THIS, HELP KEEP THAT GOING. THANKS, GUYS.

>> Mayor Napolitano: THANK YOU. OTHER SPEAKERS IN THE AUDIENCE WHO HAVEN'T ALREADY SPOKEN? WE WILL GO TO ZOOM. PAUL MOSES.

>> GOOD EVENING, MY NAME IS PAUL MOSES, I LIVE IN REDONDO BEACH, I'M A NATIVE OF THE SOUTH BAY. ALSO A MEMBER OF THE REDONDO BEACH GENERAL ADVISORY COMMITTEE, I'M VERY FAMILIAR WITH HOUSING ISSUES IN THE SOUTH BAY IN COMPLIANCE WITH THE RHNA, THAT'S WHY I WILL SAY MANHATTAN SHOULD WELCOME THIS PROJECT. THE APPLICANT HAS PLAYED BY THE RULES SET OUT BY MANHATTAN BEACH. AND THE APPLICANT COMPLIED WITH ALL THE EXISTING ZONING CODES FOR THE SITE. IT'S THE HIGHEST AND BEST USE FOR THE SITE. TO THOSE WHO SAY THIS WILL RUIN OUR SMALL-TOWN BEACH FEEL, I HAVE HEARD THAT MILLIONS OF TIMES, I HAVE YET TO SEE IT HAPPEN. LET'S SAY THIS PROJECT GETS APPROVED AND IT GETS BUILT AND PEOPLE MOVE IN. ARE YOU GOING TO SAY THAT TO THE PEOPLE WHO LIVE THERE? YOUR HOME RUINED MY NEIGHBORHOOD. I DON'T THINK SO. I DON'T THINK YOU ARE THAT KIND OF PEOPLE. I ASK THE COUNCIL TO UPHOLD THE PROJECT AND REJECT THE APPEAL. THANK YOU.

>> Mayor Napolitano: THANK YOU. JOHN DAVIS? IF YOU ARE HAVING CONVERSATIONS, PLEASE TAKE THEM OUTSIDE. TRYING TO LISTEN TO FOLKS ON ZOOM HERE. SAME RESPECT. MR. DAVIS?

>> YES, CAN YOU HEAR ME?

>> Mayor Napolitano: YES. YOU HAVE TWO MINUTES.

>> VERY GOOD, MY NAME IS JOHN DAVID, I GREW UP ON THE STRAND IN THE 70'S AND CAME BACK BECAUSE I LOVE THE SMALL-TOWN VIBE. I CERTAINLY APPRECIATE ALL THE CONCERN, WHO WANTS DEVELOPMENT TO BE IN THEIR NEIGHBORHOOD, NEXT TO THEM? WE ALL WANT TO PROTECT OUR SLICE OF PARADISE, WINNING LOTTERY TICKET. I THINK THAT'S REALLY WHAT THIS IS ABOUT. BUT WHERE WOULD WE BE AS A SOCIETY IF THE LEADERS LET THE DECISIONS BE MADE WITH THAT SENTIMENT. BY THE PEOPLE WHO DON'T WANT DEVELOPMENT IN THEIR AREA. WE WOULD BE WHERE WE ARE TODAY HALF CENTURY HOUSING CRISIS, YOUNGER PEOPLE HAVE PROBLEMS MOVING IN, STARTING FAMILIES. WORKERS MAKING MIDDLE CLASS WAGES ARE FORCED TO LIVE IN THEIR CARS, CLOSE TO THEIR WORK OR COMMUTE TO THE DESERT LESS OPTIMAL FOR THEM AND THE ENVIRONMENT. I UNDERSTAND WHY PEOPLE WANT TO PROTECT WHAT THEY HAVE. BUT I THINK THIS IS REALLY A MORAL ISSUE. FOR THIS REASON I SUPPORT THE VERANDA PROJECT. IT'S ALSO EASY TO SAY IT WON'T AFFECT HOUSING AFFORDABILITY. THIS IS SIMPLY NOT TRUE. I'M NOT SAYING IT'S BECAUSE THERE'S LOW INCOME HOUSING BUT BECAUSE HOUSING COST IS CAUSED BY SUPPLY AND DEMAND. LACK OF SUPPLY EQUALS HIGHER PRICES. THIS PROJECT ADDS TO THE SUPPLY AND DRIVES DOWN THE COST, NOT ONLY IN THE IMMEDIATE AREA BUT IN THE ENTIRE STATE. AN ARGUMENT TO SAY IT WON'T HAVE AN IMPACT IS ABOUT THE

SAME AS SAYING MY COUNT DOESN'T VOTE BECAUSE IT'S JUST ONE VOTE. WHEN AGGREGATED WITH OTHERS, MY VOTE DOES COUNT. IT'S VERY IMPORTANT. I THINK VERANDA'S PROJECT IS VERY IMPORTANT PART OF THE AFFORDABILITY SOLUTION AND FOR THIS REASON I SUPPORT IT. AND THAT'S ALL I HAVE TO SAY.

>> Mayor Napolitano: THANK YOU, MR. DAVID. LUCIA?

>> CAN YOU HEAR ME?

>> Mayor Napolitano: YES.

>> HI, MY NAME IS LUCIA -- I'M A RESIDENT OF MANHATTAN BEACH. I HAVE A LOT OF FRIENDS, VERY DIFFERENT, IN OPPOSITION OF THIS PROJECT. BUT I WILL SAY, SB-35 WAS RETURNED BECAUSE CALIFORNIA HAS A HOUSING CRISIS AND EFFECTIVE IN REMOVING DISCRETION. I HAVE TOLD THEM THERE ARE REASONABLE EXPECTATIONS WHAT THE CITY CAN AND CANNOT DO. THERE ARE A LOT OF THINGS THAT HAVE NOT BEEN SAID TODAY, LIKE FOR EXAMPLE, THIS LAW DOESN'T APPLY BECAUSE IT'S IN THE COASTAL ZONE WE KNOW IT'S NOT IN THE COASTAL ZONE. IF IT WERE IN THE COASTAL ZONE, STILL THE DENSITY BONUS APPLIES, ALSO IN THE COASTAL AREA. AND EVERYBODY HAS BEEN TALKING ABOUT UNMITIGABLE DAMAGES. BUT THAT'S WITHOUT PROOF. IF YOU DON'T LIKE THIS PROJECT, YOU HAVE TO PROVE THE DAMAGES. YOU CANNOT JUST EXPECT THE CITY TO DO SOMETHING ABOUT IT. OUR CITY COUNCIL HAS TO ABIDE BY THE LAW. AND THIS IS NOT THEM HAVING DISCRETION OVER THIS. I THINK IT'S NOT EVEN A QUESTION ABOUT A PERSON LIKES OR DOESN'T LIKE THIS PROJECT. THE DEVELOPER IS DOING WHAT HE IS ALLOWED TO DO ON A PROPERTY THAT BELONGS TO HIM. THESE ARE BASIC PROPERTY RIGHTS AND MUST BE RESPECTED. AND WE SHOULD ALL BE HAPPY THAT THIS PROJECT DOES SOMETHING TO ALLEVIATE THE CRISIS OF HOUSING IN OUR STATE. AND YES, -- [BEEP] THANK YOU.

>> Mayor Napolitano: THANK YOU.

>> City Attorney Q. Barrow: MAYOR, IS THERE A MOTION TO EXTEND THIS MEETING PAST 11:00.

>> Mayor Napolitano: I DIDN'T EVEN SEE THE CLOCK. SURE, DO WE HAVE A MOTION TO EXTEND?

>> S. Hadley: SO MOVED.

>> H. Stern: SECONDED.

>> Mayor Napolitano: MOVED BY COUNCILMEMBER HADLEY. SECONDED BY STERN. VOTING SCREEN?

>> Mayor Pro Tem Montgomery: MIDNIGHT.

>> MOTION PASSES 5-0.

>> Mayor

>> Mayor Napolitano: MAYOR PRO TEM MONTGOMERY SAYS HE IS LEAVING AT MIDNIGHT.

>> City Manager B. Moe: DO YOU WANT TO CONTINUE THE NEXT ITEMS BECAUSE WE HAVE PEOPLE WAITING.

>> Mayor Napolitano: CONTINUE.

>> City Manager B. Moe: TO THE NEXT MEETING?

>> Mayor Napolitano: YES.

>> City Manager B. Moe: THANK YOU.

>> MR. MAYOR, COUNCIL, I'VE BEEN WATCHING ON ZOOM. I FEEL FOR YOU, THIS HAS BEEN BRUTAL. I THINK ONE THING IS KIND OF CLEAR THROUGH ALL THIS. MAKE THEM DO THE ENVIRONMENTAL REPORT. YOU WILL WIN THE PRESS CONFERENCE AT THE END OF THE DAY, CITY COUNCIL, I PROMISE YOU THAT. IT SEEMS TO BE JUST THAT SIMPLE. THAT IS ALL. THANK YOU.

>> Mayor Napolitano: BLESS YOU. [LAUGHTER] 20 SECONDS.

>> Mayor Napolitano: ADAM WOOD.

>> GOOD EVENING, MAYOR, COUNCIL AND STAFF. ADAM WOOD WITH -- DEFENSE. I THANK YOU FOR THE COMMENT TO COMMENT, BETTER KNOWN AS BUILD, WE EXIST TO ENFORCE LAWS LIKE THE AFFORDABLE ACCOUNTING ACT. IT'S CLEAR HEA LIMITS THE COUNCIL TO DENY. -- WE HEARD FROM STAFF TONIGHT THAT THIS PROJECT DOES. IT WAS A CONTINUATION OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION ISSUED ON MARCH 29th. I THINK INCLUDED AS ATTACHMENT-A IN YOUR PACKETS. THE CITY HAS ALREADY GONE ON RECORD SAYING THIS IS CONSISTENT WITH APPLICABLE PROVISIONS OF THE GENERAL PLAN. THEY ARE IN COMPLIANCE WITH APPLICABLE ZONING ORDINANCES INCLUDING BUILDING STANDARDS. THEREFORE ENTERTAINING THE APPEALS ON THIS PROJECT WOULD CERTAINLY BE A MATTER THAT WOULD CATCH BILL'S ATTENTION AND HOUSING COMMUNITY DEVELOPMENT AS WELL. WE ARE HOPING TO WORK WITH YOU GUYS AND LET'S MOVE FORWARD. THERE'S NO QUESTION WE ARE IN A HOUSING CRISIS AND BRINGING NEW OPPORTUNITY TO EVERY CORNER OF SOUTHERN CALIFORNIA IS IMPERATIVE. I THINK THIS IS A GREAT PROJECT. LOOKING FORWARD TO WORKING WITH YOU. THANKS.

>> Mayor Napolitano: THANK YOU. DEANDRE?

>> HELLO THERE, MR. MAYOR AND COUNCIL. MY NAME IS DEANDRE VALENCIA, REPRESENTING THE LOS ANGELES, VENTURA CHAPTER OF BUILDING INDUSTRY IN SOUTHERN CALIFORNIA. WE ROO NONPROFIT MADE OF 1,000 COMPANIES AND EMPLOY 100,000 PEOPLE ALL EMPLOYED WITH BUILDING HOUSING FOR ALL. ON BEHALF OF OUR MEMBERSHIP PLEASE APPROVE AND DENY THESE FIVE APPEALS. CALIFORNIA HAS SEEN ONE OF THE MOST DRASTIC HOUSING SHORTAGES IN THE NATION. ESTIMATED THE STATE NEEDED 3.5 MILLION HOUSING UNITS TO FILL THIS GAP. FURTHERMORE AS PROJECTED AS THE ASSESSMENT, THE CITY OF MANHATTAN BEACH WILL BE RESPONSIBLE FOR CREATING NEARLY 774 NEW HOUSING UNITS BY 2029. THIS WOULD PROVIDE 79 UNITS OF MUCH-NEEDED HOUSING. EVERY UNIT OF HOUSING HELPS MEET THIS GOAL AND ADDRESSES THE AFFORDABILITY SHORTFALL. IN ADDITION TO MARKET RATE IT ADDS HOUSING AFFORDABILITY OPTIONS TO THE PRO\* HOUSING STOCK. THIS IS A STEP IN THE RIGHT DIRECTION. THERE ARE MANY ADDED BENEFITS, VALUABLE INVESTMENTS IN THE COMMUNITY INCREASING

PARKING AND HELP NEARBY BUSINESSES. IT WILL STRENGTHEN THE ECONOMY BY CREATING NEW REVENUE STREAMS FOR THE CITY. AT LEAST THREE JOBS ARE CREATED FOR EVERY NEW HOUSING UNIT IN THE CITY. IT CREATES CONSTRUCTION JOBS AND FUTURE RESIDENTS WILL HELP SUPPORT LOCAL BUSINESSES. WE ARE PROUD TO SUPPORT THIS OPPORTUNITY FOR THESE REASONS WE ASK YOU TO APPROVE THE PROJECT AND DENY THE FIVE APPEALS. I APPRECIATE YOUR CONSIDERATION OF THIS REQUEST AND LOOK FORWARD TO CONTINUING TO WORK WITH THE CITY OF MANHATTAN BEACH. THANK YOU.

>> Mayor Napolitano: THANK YOU. I SEE JAMES.

>> YES, THANK YOU, COUNCIL. I APPRECIATE THE TIME. I DON'T TAKE A SPECIFIC POSITION AS IT RELATES TO THIS PROJECT. AS IT SEEMS, THE DEVELOPER IS FOLLOWING ALL THE RULES AND SPENDING SIGNIFICANT TIME, EFFORT AND MONEY MAKING SURE THEY ARE DEVELOPING THE RULES. SO I WILL LET THAT STAND AND THE COUNCIL WILL DECIDE WHAT IT WILL. BUT WHAT I DO OBSERVE HERE, THIS IS A PRETTY SIGNIFICANT WAKE-UP CALL TO BOTH THE COMMUNITY AND COUNCIL AS IT RELATES TO THE ISSUE OF THE STATE AND THE STATE'S ABILITY TO DICTATE AND MANDATE WHAT CAN BE BUILT WITHIN OUR CITY. AND WHAT IT SAYS TO ME IS THAT, WE AS RESIDENTS AND THE CITY AND THE COUNCIL NEED TO BE MORE PROACTIVE IN SOLVING THE AFFORDABILITY HOUSING ISSUE, BE MORE PROACTIVE IN WORKING WITH DEVELOPERS WHETHER IT BE THROUGH STATE MANDATED BONUS DENSITY PROGRAMS OR JUST IN GENERAL TO SOLVE THE ISSUE. BECAUSE IF WE DON'T DO IT, OBVIOUSLY THE STATE IS MANDATING IT. REGARDLESS OF OUR DESIRES. SO THERE'S A LOT OF EMOTION GOING ON IN THIS SITUATION RELATING TO THE STATE, TO THE CITY. THAT'S ONE POINT THERE. ON A MORE PRACTICAL POINT I WOULD LIKE TO MAKE, IT'S REALLY A QUESTION. WHAT HAPPENS IF DURING THIS DEVELOPMENT PROCESS, THERE IS DETERMINED TO BE SERIOUS ENVIRONMENTAL ISSUES AS THE DEVELOPMENT IS UNDERTAKEN. WHO IS RESPONSIBLE FOR IT? IS THERE INDEMNIFICATION COMING FROM THE DEVELOPER. WHAT HAPPENS IF THAT OCCURS? I WOULD ENCOURAGE YOU TO UNDERSTAND, CONSIDER AND MAKE SURE THAT IS HANDLED IN SOME WAY. THANK YOU VERY MUCH.

>> Mayor Napolitano: THANK YOU. HEATHER?

>> HI. EVERYONE HAS ALREADY SPOKEN ABOUT THE ENVIRONMENTAL IMPACT, TRAFFIC, THE OBVIOUS ISSUE. I WILL TALK ABOUT SOMETHING ELSE. THIS MIGHT NOT BE P.C. BUT I WILL JUST COME OUT AND SAY THE TRUTH MANY PEOPLE ARE THINKING. FEAR OF BEING RACIST WON'T COME OUT AND SAYING BEING A MINORITY I WILL SAY IT. WHILE WE CAN HAVE A CONVERSATION ABOUT AFFORDABLE HOUSING, NOTHING IS ENTITLED ANYTHING, NOBODY IS OWED ANYTHING. THIS IS OCEAN VIEW PROPERTY WITH MILLION DOLLAR VIEWS. THOUGH SOME WOULD LAY BLAME FOR THE HOMELESS POPULATION ON THE HIGH COST OF HOUSING. PEOPLE MOVE TO WHERE THEY CAN AFFORD WHETHER EASTWARD IN CORONA,

BAKERSFIELD OR WHEREVER HOUSING IS CHEAPER. LET'S HAVE CALIFORNIA BUILD MORE AFFORDABLE HOUSING IN VAST OPEN SPACE NEAR THE NEVADA BORDER, I DROVE TO VEGAS BEFORE AND THERE WAS TONS AND TONS OF EMPTY SPACE THAT COULD BE USED, AM I RIGHT OR AM I RIGHT. I WILL GIVE DISNEYLAND AS AN EXAMPLE. THEY RAISED PRICES FOR A REASON. NO MATTER HOW YOU ALL ARE GOING TO PICK RESIDENTS, IT COULD BE PRACTICALLY HOMELESS, NO JOB, WON THE LOTTERY, RICH CHILDREN OF CURRENT RESIDENTS WHO LIVE HERE. I HAVE NO IDEA. I'M SORRY, BUT IF WE MUST BUILD ADDITIONAL HOUSING BELOW INCOME, THERE ARE MORE APPROPRIATE AREAS LIKE LAWNSDALE ADJACENT, SOMEWHERE ELSE. NOT OCEAN FRONT. WE ARE A SMALL TOWN AND CANNOT EXPAND UPWARD FOREVER TO ACCOMMODATE THOSE WHO WANT TO BE. MANY SACRIFICES ARE MADE FOR US TO LIVE HERE. I LIVE EAST SEPULVEDA; IT FEELS LIKE TIPPECANOE. [ INDISCERNIBLE ] JUST PRETEND THIS IS A GINORMOUS PLASTIC BAG AND TAKE IT TO THE SUPREME COURT --

>> Mayor Napolitano: THANK YOU, HEATHER. THANK YOU. WAYNE? IS HE THERE? WAYNE, CAN YOU HEAR ME?

>> OKAY, CAN YOU HEAR ME?

>> Mayor Napolitano: YES. TWO MINUTES.

>> THANK YOU. WELL, I'M NOT GOING TO REITERATE ALL THE EXCELLENT COMMENTS MADE BY THE APPELLANTS AS TO WHY THIS PROJECT SHOULD BE DENIED. THE ONE THING I DO WANT TO REMIND THIS PARTICULAR COUNCIL IS WHEN I WAS FIRST ELECTED TO THE COUNCIL, PRIOR CITY COUNCIL DECIDED TO BAN SINGLE-USE PLASTIC BAGS AND THE CITY WAS SUED. AND THE CITY LOST AT THE TRIAL COURT. AND THEN THE CITY LOST THE CALIFORNIA APPELLATE COURT. SO THEN FAST FORWARD AND I'M ON THE COUNCIL AND WE HAVE A DECISION TO MAKE AS TO WHETHER WE WANT TO APPEAL TO THE CALIFORNIA SUPREME COURT. WELL, WE WERE TOLD THERE'S NO CHANCE THAT WE WOULD EVER PREVAIL. THE CITY ATTORNEY AT THE TIME SAID THE SUPREME COURT PROBABLY WON'T EVEN TAKE UP THE CASE. BUT WE AS A CITY COUNCIL DECIDED TO STAND UP FOR OUR RIGHTS AND PROTECT OUR RESIDENTS AND WE APPEALED TO THE CALIFORNIA SUPREME COURT. AND GUESS WHAT? THEY TOOK THE CASE. AND THEY REVERSED THE APPELLATE COURT DECISION AND THIS WAS ALSO REGARDING AN E.I.R. AND IN FACT, IT SET THE GOLD STANDARD AS TO WHEN AN E.I.R. IS REQUIRED OR NOT. A FULL SCOPE E.I.R. I WOULD RECOMMEND TO THE CITY COUNCIL, DON'T LOOK AT WHAT PEOPLE ARE SAYING, THERE'S NO WAY WE ARE GOING TO PREVAIL AND JUST FOLD YOUR CARDS AND MOVE ON. IF YOU FEEL STRONGLY ABOUT OUR COMMUNITY AND MAINTAINING OUR SMALL-TOWN CHARM THEN DENY THE PROJECT AND LET IT GO TO COURT. AND LET'S SEE WHAT THE COURT, HOW THEY WOULD RULE. I THINK THEY WOULD RULE IN OUR FAVOR IN TERMS OF LOCAL CONTROL. THANK YOU FOR YOUR TIME.

>> Mayor Napolitano: THANK YOU. ANYBODY ELSE BY ZOOM?

>> WE DO HAVE JOHN DAVIS.

>> Mayor Napolitano: DIDN'T HE SPEAK EARLIER?  
>> HE SPOKE EARLIER.  
>> Mayor Pro Tem Montgomery: NO TWO BITES AT THE APPLE.  
>> Mayor Napolitano: ANYBODY ELSE IN THE AUDIENCE WHO HASN'T SPOKEN YET?  
>> MY NAME IS RICK [INAUDIBLE] I WILL MAKE IT SHORT AND SWEET. TWO FLOORS DOWN, WOULD YOU BUILD A SANDBOX FOR YOUR CHILD OR GRANDCHILD WITHOUT TESTING IT? THAT'S ALL I HAVE TO SAY.  
>> Mayor Napolitano: THANK YOU. ANYBODY ELSE? GOING ONCE, TWICE? OKAY, WE ARE GOING TO CLOSE THE PUBLIC INPUT. NOW THE APPLICANT HAS THE ABILITY TO REBUT. THEY HAVE FIVE MINUTES REBUTTAL. ONLY THE APPLICANTS.  
>> MR. MAYOR, I'M MR. -- ON BEHALF OF THE APPLICANT. I'M THE LAND USE COUNSEL. IF THERE'S ONLY FIVE MINUTES I WILL HAVE TO BE EXTREMELY BRIEF. I THINK YOU WILL HAVE QUESTIONS.  
>> Mayor Napolitano: IF WE HAVE QUESTIONS WE WILL CONTINUE. GO AHEAD.  
>> THANK YOU, MR. MAYOR. THERE'S BEEN A LOT OF TALK ABOUT THE STATE PUSHING THINGS DOWN TO THE CITY. IN THIS CASE AS YOU SAW IN THE STAFF REPORT AND AS FRANK BUCKLEY STATED, IT'S STATE DENSITY BONUS LAW, 42 YEARS OLD, IT'S BEEN AROUND A LONG TIME. I THINK THE THING MOST ARE COMPLAINING ABOUT IS THE NON-DISCRETIONARY. THAT'S THE PLAN, THE CITY COUNCIL, THIS CITY ADOPTED IN 2013. THE STATE DIDN'T DO THAT. IT MADE IT A NON-DISCRETIONARY PROCESS TO INCENTIVIZING AFFORDABLE HOUSING IN THIS ZONE. WHAT HAPPENED IN 2014, THE COASTAL COMMISSION AGREED AND RATIFIED IT. THERE'S BEEN DISCUSSION ABOUT NOT APPLYING IN THE COASTAL ZONE. ABSOLUTELY INCORRECT. THERE'S THE VENICE CASE PEOPLE TALK ABOUT VENETIAN GARDENS' CASE. THAT WENT UP TO THE COURT OF APPEAL ON A VERY DISCRETE ISSUE OF THE JUXTAPOSITION OF THE LAW AND COASTAL ZONE AND LED TO AN AMENDMENT TO REQUIRE HARMONIZING THOSE TWO LAWS. BUT AGAIN, THAT'S NOT VERY INSTRUCTIVE HERE BECAUSE YOU HAVE A PRECISE DEVELOPMENT PLAN YOU AS A CITY ADOPTED. THAT'S WHAT MAKES THIS CASE VERY UNIQUE, THAT'S WHY THERE'S NO CEQA AS A MATTER OF LAW AND YOU CAN'T MAKE IT HAPPEN. CEQA WOULD BE VIOLATED, YOU WOULD BE LEGISLATE R FROM THE DAIS AND MAKING A WHOLE OTHER LEGISLATIVE LAW WHICH YOU CANNOT DO. I WANT TO MAKE BRIEF POINTS, SINCE THIS IS A RESIDENTIALLY ZONED PROJECT YOU WILL GET A HOUSING PROJECT. NOW IT'S IN SUSPENDED ANIMATION, DEVELOPER UNDER 66895.5 OF THE GOVERNMENT CODE CAN COME IN WITH A NON-COMPLIANT, THAT'S THE PUBLIC BUILDERS REMEDY, SUBDIVISION D. HERE YOU HAVE A THOUGHTFUL PROJECT THAT DOES NOT EXPLOIT OR MAXIMIZE ITS RIGHTS UNDER THE STATE DENSITY BONUS LAW. FRANK BUCKLEY IS A MEMBER OF THE COMMUNITY. IT'S A VERY THOUGHTFUL PROJECT. IF YOU PASS ON



THIS ONE, YOU WILL GET A BIGGER ONE. I WILL PASS IT OVER TO TIM TO DISCUSS SOME OF THE REFINERY ISSUES.

>> THANK YOU, MY NAME IS TIMOTHY WOOD, PRINCIPLE HYDRO GEOLOGIST. THERE'S A LOT OF FALSE STATEMENTS MADE ABOUT THE ENVIRONMENTAL THAT ARE VERY IMPORTANT AND I IMAGINE YOU HAVE CONCERNS AND I WANT TO JUST TRY TO PROVIDE SOME OF THE INFORMATION. I WANT TO CLARIFY MOST OF THIS IS PUBLICLY AVAILABLE. AND I JUST GOT IT FROM THE PUBLIC AND ORGANIZED IT FOR YOU. THE REST OF IT IS THE REPORTS FRANK HAS COMMISSIONED AND MADE AVAILABLE TO YOU AND THE PUBLIC. THERE ARE NO OIL WELLS DRILLED ON THE PROPERTY. THIS IS FROM DIVISION OF OIL AND GAS; NOW CALLED THE CALIFORNIA GEOLOGIC AND ENERGY MANAGEMENT.

>> Mayor Napolitano: I WANT TO MAKE SURE YOU KNOW YOU HAVE 1:45.  
>> THERE ARE NO OIL WELLS ON THE PROPERTY, CLOSEST IS 2,000 FEET ON CHEVRON, THE OTHER IS 2500 IN THE VILLAGE AREA, SORRY, 26 FEET HERE. THERE IT IS IT 2600 FEET, 2,000. THESE WERE DRY HOLES. ACTUAL FIELD IS ON THE OTHER SIDE. THIS IS THE PRODUCTIVE LIMITS OF THE EL SEGUNDO FIELD. THESE ARE THE LIMITS OF THE BUTANE STORAGE SAND. WE ARE DOWN HERE. IT HAS MAPS THAT LOOK LIKE DWELLINGS, THEY ARE DWELLINGS. VERY DETAILED MAPS, IT'S NEVER BEEN CHEVRON. GRANT DEEDS SHOWED IT WASN'T CHEVRON. IT'S VERY REGULATED BY THE BOARD. THIS IS VERY IMPORTANT. HYDROCARBON FLUME, 100 FEET DEEP. WE AREN'T GOING TO HIT IT AT 50, 60 OR 70 FEET. WE ALSO WON'T HIT IT BECAUSE IT ZOND DOESN'T EXTEND ON THE PROPERTY THIS. IS THE LATEST REPORT, MONITORS LAST YEAR'S WORK. THIS IS OUR CORNER OVER HERE. THERE IS, IF YOU WANT TO SAY A BARRIER. THEY HAVE RECOVERY WELLS ALL ALONG THIS AREA. THIS SHOWS THEY HAVE SIX FEET OF FREE PRODUCT RIGHT HERE AND THEY HAVE NONE HERE. GOING BACK. THERE'S AN ARTICLE IN THE L.A. TIMES FROM '85 THAT TALKS ABOUT THIS WELL. THE METHANE SHOWN ON THE EL PORTO SIDE --

>> Mayor Napolitano: THAT'S YOUR TIME.

>> THANK YOU.

>> Mayor Napolitano: WE WILL TURN TO COUNCIL WITH ANY QUESTIONS. QUESTIONS OF THE APPLICANT OR APPELLANTS. COUNCILMEMBER FRANKLIN?

>> J. Franklin: THANK YOU. SO THE APPLICANT, YOU HAVE INDICATED YOU HAVE A LEASE FROM CHEVRON FOR ADDITIONAL PARKING SPACES AT THE NORTH END OF THE BUILDING? WHAT ARE THE TERMS OF THAT LEASE AND WHEN DOES IT EXPIRE? WHEN DOES THE CURRENT ONE EXPIRE?

>> CHEVRON HAS BEEN LEASING THAT PARKING LOT TO THE OWNERS OF THE VERANDA SITE FOR 40-50 YEARS. WHEN WE BOUGHT THE PROPERTY WE INHERITED A LEASE, IT TERMINATED DURING THE OPENER SHIP OF FALL OF '20. THEY HAVE BEEN ISSUING 5- AND 10-YEAR LEASES TO WHOEVER THE OWNERS ARE ON THAT SITE. IT'S DEED RESTRICTED. IT COULD NOT

BE BUILT ON. CHEVRON DOESN'T WANT ANYTHING BUILT ON THAT. THEY WANT TO KEEP IT AS A BUFFER ZONE.

>> J. Franklin: SO IT EXPIRES IN 2025?

>> THAT'S CORRECT.

>> J. Franklin: WHAT'S THE TERMINATION TERMS?

>> THEY HAVE HAD THAT RIGHT FOR 30 YEARS AND THEY HAVE NEVER EXERCISED IT.

>> J. Franklin: WELL, IT'S A NEW DAY. HOW MANY PARKING SPACES ARE THERE RIGHT NOW IN THAT CHEVRON?

>> IT IS LEASED TO THE CITY FOR THE UNDERGROUNDING OF THE TELEPHONE POLES, THE THIRD FLT LOT IS LEASED. IT'S ALL TORN UP. IF YOU TAKE THAT AWAY THERE'S ABOUT 93 SPACES LEFT. ONCE WE DEVELOP OUR SITE, SHOULD THAT GO FORWARD, YOU CAN STRIKE IT WITH ABOUT 150 SPACES.

>> J. Franklin: YOU CAN RESTRIPE IT?

>> Mayor Napolitano: IS THAT YOU?

>> I DON'T KNOW HOW TO TURN THIS OFF.

>> J. Franklin: SO I LOOKED AT THE MARLIN EQUITY'S WEBSITE. IT GIVES A GREAT LIST OF ALL OF THE INVESTMENTS MARLIN EQUITIES, IS IT MARLIN EQUITIES?

>> UH-HUH.

>> J. Franklin: I SEE A LOT OF HIGH TECH; I SEE A LOT OF SOFTWARE. I DON'T SEE ONE APARTMENT BUILDING INVESTMENT. I DON'T SEE A HOTEL INVESTMENT.

>> THAT'S BECAUSE THIS IS NOT A MARLIN EQUITY DEAL.

>> J. Franklin: WHO IS IT?

>> SO, I HAVE A CAPITAL PARTNER, THE WAY MOST DEVELOPMENT DEALS ARE PUT TOGETHER, THE DEVELOPER SOURCES THE SITE. THEY PUT IT INTO ESCROW, FIND A CAPITAL PARTNER TO ACQUIRE IT, THEY GO THROUGH ENTITLEMENTS WHICH TAKES A LONG TIME. ONCE ENTITLED YOU FIGURE OUT HOW TO CAPITALIZE THE VERTICAL CONSTRUCTION. WE HAVEN'T EVEN THOUGHT ABOUT HOW TO CAPITALIZE THE VERTICAL CONSTRUCTION.

>> J. Franklin: SO WHAT ABOUT MR. McGOVERNS?

>> HE BOUGHT THE PROPERTY.

>> J. Franklin: AS A PRIVATE INVESTOR?

>> YES.

>> J. Franklin: OKAY. GOT IT. AND SO, YOU ARE IN THE HOTEL BUSINESS? YOUR MOST RECENT?

>> I WAS IN PRIVATE EQUITY PRIOR TO JOINING MARLIN AND PRIOR I WAS IN COMMERCIAL REAL ESTATE.

>> J. Franklin: ARE THERE ANY PLANS TO SHORT-TERM RENTALS WITH THE PROPERTY?

>> WE ARE PLANNING TO FOLLOW THE LAW, WHATEVER THAT IS.

>> J. Franklin: WHAT IS THE LAW, TO YOUR UNDERSTANDING?

>> THAT THE AVAILABLE FOR SHORT-TERM RENTAL.

>> J. Franklin: SO IT IS AVAILABLE?

>> THAT'S WHAT I HEARD TONIGHT.

>> City Attorney Q. Barrow: I WILL TRY TO REPEAT WHAT I SAID EARLIER, UNDER STATE HOUSING LAWS IN THE 2019 HOUSING CRISIS LAWS, CITIES HAVE THE POWER TO ESTABLISH POLICIES TO PROHIBIT THE RENTING OF RESIDENTIAL UNITS FOR LESS THAN 30 DAYS, EVEN IN THE COASTAL ZONE. SO WE HAVE THAT AUTHORITY TO REQUIRE THAT.

>> J. Franklin: OKAY, THAT'S BY COVENANT, RIGHT?

>> YES.

>> J. Franklin: IF FOR WHATEVER REASON YOU SELL THE LAND OR PROPERTY IT FLOWS TO THE NEXT OWNER. IS THAT CORRECT? CITY ATTORNEY?

>> City Attorney Q. Barrow: YES. PURSUANT TO AFFORDABLE HOUSING AGREEMENT THERE WILL BE A COVENANT RECORDED ON THE PROPERTY.

>> J. Franklin: OKAY. GREAT. NO FURTHER QUESTIONS FROM ME. A-NEXT TO A REFINERY. DID YOU EVER THINK OF THAT IN YOUR NEXT TESTING PHASE OR REACH OUT ABOUT YOUR CONCERNS OR WHAT YOU THOUGHT MIGHT BE BROUGHT UP DOWN THE ROAD?

>> WELL, I'M RELYING ON MY EXPERTS WHO GUIDE ME AND THAT'S NOT BEEN RECOMMENDED. ARE YOU RECOMMENDING THAT?

>> THE ENVIRONMENTAL PROCESS, WE DON'T JUST BUCK SHOT EVERYTHING, WE FOLLOW A PRESCRIBED PROCESS. WHEN WE DO AN ENVIRONMENTAL ASSESSMENT, WE TRY TO IDENTIFY MULTIPLE LINES OF EVIDENCE, USE OF AREA PHOTOS, THEY LOOK LIKE DWELLINGS AND THE SAND BORN MAP, SECOND LINE OF EVIDENCE SUPPORTED THAT, IT SAID IT WAS A RESIDENTIAL DWELLING.

>> Mayor Pro Tem Montgomery: I APPRECIATE IT NOT DOING IT BY THAT APPROACH. BUT WE ARE NEXT TO A REFINERY.

>> THAT'S IN MY PRESENTATION, I DIDN'T GET TO IT, I APOLOGIZE. THE SLIDES ARE IN YOUR HANDOUTS. YOU WILL SEE GEOTECHNICAL DWELLINGS WENT DOWN AS FAR AS 90 FEET. THEY OBSERVED THE SOIL I INCLUDED THEIR BORING LOGS THEY DRILLED DOWN TO 50 FEET AND OBSERVED THE SOIL AND DESCRIBED IT AND THERE'S NO PETROLEUM IMPACTS. AND OTHERS CAME IN AND DRILLED TO DEPTHS OF 20-30 FEET, COLLECTED SAMPLES EVERY FIVE FEET DOWN TO 30, VARIOUS STEP BUZZ APPROXIMATELY EVERY FIVE. ANALYZED FOR HYDROCARBONS, VOLATILES, METALS AND THERE WERE NO IMPACTS. THEY ANALYZED, I DON'T THINK THEY YEAH, THEY ANALYZED FOR SOIL VAPOR AS WELL, FOR PETROLEUM SOLVENTS AS WELL AS CHLORINATED SOLVENTS LIKE A DRY-CLEANER AND THEY DID NOT DETECT ANY OF THOSE. THE METALS WERE ALL REALLY LOW. BACKGROUND, NO OVERS IN METAL. ANY RESIDENTIAL LEVEL. AND AGAIN NOTHING WAS DETECTED IN SOIL, NOTHING WAS OBSERVED IN SOIL, IF YOU GO TO THE WATER BOARD AND SAY HEY, WE ARE NEXT TO THE REFINERY WOULD YOU LOOK AT THE SITE, THEY WOULD SAY WE KNOW

YOU ARE, WE REGULATE THE REFINERY. WE HAVE NO IMPACTS. THE WATER BOARD DIDN'T TAKE THE CASE, THERE'S NO DATA.

>> Mayor Pro Tem Montgomery: APPRECIATE THAT. THANK YOU, YOUR HONOR.

>> Mayor Napolitano: COUNCILMEMBER STERN?

>> H. Stern: YEAH, CAN I JUST ASK, SO YOU SAID YOU WENT ABOUT 20-30 FEET DOWN. HOW LOW IS THE PARKING STRUCTURE? HOW LOW?

>> THE PARKING STRUCTURE, I THINK IS 48. ABOUT 48. WHAT'S IMPORTANT IS THE ELEVATION AND THE DEPTH. WE DON'T WANT TO GET THOSE CONFUSED. THE ELEVATION OF THE SITE AT CHEVRON SOMEWHERE AROUND 120, I THINK CHEVRON IS AROUND 125. THE ELEVATION OF THE GROUND WATER IS ABOUT 10-11 FEET. THAT WAS THROUGHOUT THE YEAR, IT'S PRETTY CONSISTENT IN THE COASTAL ZONE. IT'S 100 FEET. THERE'S SOME PRODUCT ON TOP. ALONG THE PROPERTY BOUNDARY AT CHEVRON THERE WAS NONE. IF YOU GO IN THERE ARE SOME POINTS WHERE CHEVRON STILL HAS SOME. THAT'S AN OLD ARTIFACT. AS THE ENVIRONMENTAL LAWS CAME ALONG, CHEVRON HAS BEEN ADDRESSING THIS, ALL REFINERIES HAVE. THEY ARE MAKING IMPROVEMENTS AND REMOVING THE PRODUCT AND MONITORING THE GROUND WATER OFF THE SITE AS WELL. THEY HAVE A BOUNDARY. THE WATER BOARD WOULD MAKE THEM SAMPLE FURTHER IF IT WERE GOING OFF SITE FURTHER. THE WATER BOARD REGULATES THAT AND THEY WATCH THEM. IF THEY HAVE TO TURN IN MONITORING REPORTS REGULARLY AND THEY ARE UNDER ORDER TO DO THAT. IT'S NOT DRINKING WATER. THERE'S NO DRINKING WATER EXTRACTION ALONG THE COAST.

>> J. Franklin: I HAVE A QUESTION BASED ON THAT. HOW MANY CORE SAMPLES DID YOU TAKE?

>> AGAIN, I DIDN'T DO THE WORK. ANOTHER GROUP DID THE ENVIRONMENTAL WORK. THEY DID, IF I COULD GET TO THE SLIDES, I CAN SHOW YOU OR YOU CAN PULL IT UP. I THINK NINE HOLES. AND THEY WERE PROBABLY, MAYBE 30-50 SAMPLES, I WOULD HAVE TO LOOK AT THE TABLE. I THINK LESS ANALYZED FOR METALS, PROBABLY ONLY THE SHALLOW ONES. I DON'T RECALL, I HAVE TO LOOK AT HOW MANY VAPOR SAMPLES.

>> J. Franklin: WHAT IS THE DIAMETER?

>> GENERALLY PROBABLY 2 AND A HALF TO 3 INCH. YOU GET A CORE AND RECOVER THE CORE. THOSE ARE DESCRIBED ON SOIL BORING LOGS. THEY MEASURE WITH A FIELD SNIFFER FOR VOLATILES, YOU WILL SEE EVERYONE OF THOSE LOGS IS A ZERO BECAUSE THEY DIDN'T DETECT ANYTHING. THEY ALSO WENT IN WITH A MORE SENSITIVE WAY OF MEASURING WHERE THEY TOOK A SAMPLE OF THE VAPOR IN A SAMPLE CONTAINER AND SENT IT TO A LAB AND THEY DIDN'T DETECT ANY EITHER.

>> J. Franklin: I HAVE A QUESTION FOR CITY ATTORNEY BARROW. SO THIS GREAT, YOU KNOW, DEAL OF CONCERN AMONG RESIDENTS FOR THE

ENVIRONMENTAL ISSUES. CAN THE CITY REQUIRE THE APPLICANT TO PROVIDE AN ENVIRONMENTAL POLICY NAMING THE CITY OF MANHATTAN BEACH AS A NAMED INSURED?

>> City Attorney Q. Barrow: THAT'S A VERY GOOD QUESTION. ALSO, THIS DOESN'T DIRECTLY ANSWER YOUR QUESTION BUT THE CITY HAS A TON OF IMMUNITIES NOT BEING SUED OR NOT HAVING ANY LIABILITY OR EXPOSURE FOR ISSUING BUILDING PERMITS AND OTHER PERMITS. AND SO, THERE IS PROTECTION THERE. TYPICALLY SOME KIND OF INDEMNIFICATION.

>> J. Franklin: THE CITY IS SAYING IT COULD DO IT WITHOUT ENVIRONMENTAL REPORTS.

>> City Attorney Q. Barrow: I DON'T KNOW WHETHER I CAN REQUIRE US TO BE NAMED AS A CO-INSURED ON AN INSURANCE POLICY. BUT I CAN FIND OUT.

>> J. Franklin: OKAY.

>> Mayor Napolitano: GOOD FOR NOW?

>> J. Franklin: YES.

>> Mayor Napolitano: COUNCILMEMBER HADLEY?

>> S. Hadley: MR. BUCKLEY? YOU SAID YOU ARE A LOCAL RESIDENT?

>> THAT'S RIGHT.

>> AND MR. McGOVERN AS WELL?

>> THAT'S RIGHT.

>> S. Hadley: I SAID I MET WITH YOU AND MR. McGOVERN AT THE SITE WHICH WAS INTERESTING AND I THINK THE SITE IS ATTRACTIVE. I HAVE FOUR ADULT KIDS WHO ALL RENT OUT-OF-STATE, UNFORTUNATELY. YOU HEARD A LOT OF OPPOSITION. I DON'T REMEMBER WHAT MONTH I MET YOU AT THE SITE. BUT YOU HEARD THIS TIDAL WAVE OF OPPOSITION SINCE THEN. DOES IT BOTHER YOU AND MR. McGOVERN SINCE YOU LIVE HERE AND THERE ARE JUST A LOT OF PEOPLE WHO DON'T LIKE THIS PROJECT. ARE THEY ALL WRONG?

>> IT DOES BOTHER ME. BUT IT ALSO BOTHERS ME, I'M OPEN TO A FAIR DEBATE. I THINK COMPETING VIEWS IS ADVANTAGEOUS WHEN YOU ARE DEBATING THIS KIND OF PROJECT. BUT TO TAKE THE GLOVES OFF AND START A SMEAR CAMPAIGN AND CREATE HYSTERIA WITH FALSE CLAIMS, IS A GREAT STRATEGY, BUT AS A DEVELOPER YOU LOOK AT THAT AND SAY WHAT AM I REALLY FIGHTING? I CALLED EVERY SINGLE PERSON WHO WROTE A LETTER TO CITY THAT I COULD GET TO AND I HAVE MET WITH EVERYONE OF THEM. I EXPLAINED HOW WE GOT TO THE PROJECT AND EXPLAINED THE ENVIRONMENTAL AS WE KNEW IT AND HOW WE GOT TO THE DENSITY. THERE WOULD BE A LOT MORE PEOPLE HERE TODAY IF I DIDN'T DO THAT. I THINK THERE'S A SILENT MAJORITY IN FAVOR OF THE PROJECT OR CERTAINLY PUT THEIR SWORDS OUT AND A FRINGE CONTINGENT SWIRLED INTO HYSTERIA UNNECESSARILY. AS EVIDENCED BY A FULL-PAGE AD IN THE PAPER ON THURSDAY.

>> S. Hadley: BUT YOU HAVE TO LIVE HERE IN THE AFTERMATH.

>> I WILL HOLD MY HEAD UP HIGH.

>>

>> S. Hadley: AND MR. McGOVERN AS WELL. THERE IS A LAW AND WORK WITH A COMMUNITY.

>> YOU HEARD US TONIGHT. WE ARE NEXT TO A REFINERY. WE HAD JUST AS MANY PEOPLE SAY YOU SHOULD BUILD NOTHING THERE AND OTHERS SAY WE SHOULD BUILD METLOX THERE. WHICH IS IT? BUILT BY US OR SOMEONE FROM TEXAS, YOU WILL END UP WITH A RESIDENTIAL PROJECT THAT IS THOUGHTFUL OR COMMERCIAL PROJECT THAT WILL BE THREE STORIES THAT WILL HAVE 5-7 TIMES THE AMOUNT OF TRAFFIC AND PARKING THAN THIS PROJECT WILL HAVE. YOU CAN DEBATE THAT. I'M NOT THE EXPERT, I DIDN'T PREPARE THE STUDY, I DO HAVE OUR TRAFFIC CONSULTANT ON THE ZOOM CALL FROM LLG AND SHE CAN EXPLAIN GREAT DETAIL THE METHODOLOGY OF THE TRAFFIC STUDY. I CAN GO BACK TO MY SLIDE AND WALK YOU THROUGH IT IN GREAT DETAIL. EVERYONE IS ASKING ABOUT THE DEPTH OF THE EXCAVATION. ANDREW RYAN. ANYTHING WE ARE PROPOSING WOULD BE FIVE-SIX LEVELS OF PARKING STRUCTURE, WE ARE PROPOSING TWO. WHY? BECAUSE YOU NEED 20 PARKED SPACES PER 1,000 FOR RESTAURANT. YOU AREN'T GOING TO BUILD A COMMERCIAL PROJECT THERE THAT IS JUST SALONS AND CHIROPRACTORS. YOU WILL HAVE TO DO RESTAURANTS TO MAKE THE NUMBERS WORK. IF YOU DO RESTAURANTS, YOU NEED 20 PER 1,000.

>> S. Hadley: WE ARE A SINGLE-FAMILY HOME COMMUNITY IN LARGE PART. IT SAYS IT ISN'T EFFICIENT.

>> THAT'S CORRECT.

>> S. Hadley: YEAH, IT'S NOT. 100 PEOPLE IN MY HOUSE WOULD BE EFFICIENT TOO BUT THAT'S NOT THE QUALITY OF LIFE I'M CHOOSING. I USED TO LIVE IN NEW YORK CITY. THAT'S NOT THE QUALITY OF LIFE I CHOSE WITH WE MOVED HERE TO RAISE KIDS. WE AREN'T LOOKING FOR EFFICIENCY. MOST PEOPLE OWN THEIR HOMES HERE, PEOPLE WHO OWN THEIR HOMES ARE MORE STABLE. TEND TO BE MORE LAW ABIDING AND VOTE MORE OFTEN. THESE ARE JUST NATIONAL TRENDS. SO IF THAT'S THE WAY WE LIKE TO LIVE, DID YOU CONSIDER CONDOMINIUMS OR HOMEOWNERSHIP IN THIS RATHER THAN APARTMENTS?

>> WE DIDN'T, QUITE HONESTLY, BECAUSE WE AREN'T SELLERS. WE BUILD THIS TO HOLD ON LONG-TERM. TO ANSWER YOUR QUESTION, COUNCILMEMBER FRANKLIN REGARDING THE CONDO CONVERSION POTENTIAL. THIS IS A TYPE 3. IT'S BASICALLY A SOFT EARNED STICK FRAME VERSION WHAT YOU WOULD BUILD IN CONTRAST TO CONDOMINIUM WHICH IS TYPE 5. TO GO FROM TYPE 3 TO TYPE 5 IS COST PROHIBITIVE, YOU AREN'T GOING TO DO IT. WHICH IS WHY THE CITY HASN'T SEEN ONE IN 40 YEARS. WE AREN'T LOOKING TO SELL THEREFORE WE AREN'T BUILDING CONDOS AND IT'S UNLIKELY WE WOULD EVERY CONVERT.

>> S. Hadley: CONDO CONVERSION MEANS YOU START WITH APARTMENTS AND GO TO CONDO. WHY DIDN'T YOU --

>> WE DIDN'T WANT TO SELL THEM.

>> S. Hadley: EVEN THOUGH OUR COMMUNITY IS LARGELY BASED ON HOMEOWNERSHIP AND STABILITY.

>> I DON'T AGREE, I DON'T THINK GREAT COMMUNITIES ARE ALL SINGLE-FAMILY HOMES. THERE ARE GREAT COMMUNITIES ALL OVER WITH RENTAL PRODUCT. SOUTH BEACH, PRAGUE, CAPE TOWN, NEW YORK, SAN FRANCISCO, A LOT OF RENTAL PRODUCT. I DON'T THINK RENTAL PRODUCT TAKES DOWN A CITY. I THINK IT ALLOWS A TRANSIENT CONSUMER TO COME IN AND TAKE RESIDENCE FOR A YEAR OR TWO OR THREE. OFTEN TIMES PROFESSIONALS. I JUST THINK WE ARE MISSING THIS COMPONENT IN THIS TOWN; WE REALLY ARE. I HAVE HAD A TON OF FOLKS CALLING ME SAYING WHY NOT FIVE OR SIX STORIES.

>> Mayor Napolitano: LET'S TRY TO STICK TO ANSWERS TO QUESTIONS. IT'S NOT A CONTINUAL REBUTTAL. COUNCILMEMBER HADLEY?

>> S. Hadley: THAT'S IT.

>> Mayor Napolitano: COUNCILMEMBER FRANKLIN?

>> J. Franklin: I ASKED FOR A PRO FORMA FOR THE RENTS. I GOT THE INFORMATION LATE. I DON'T KNOW, CAN YOU SHARE THAT INFORMATION WITH US AS FAR AS WHAT A STUDIO WOULD GO FOR?

>> WE HAVEN'T HIRED A PROPERTY MANAGEMENT FIRM SO THEY WILL GUIDE US ON PRICING. WE DID OUR OWN INTERNAL UNDER WRITING BUT I CAN TELL YOU WHEN WE DID A MARKET SURVEY FOR AVAILABLE PROPERTIES IN MANHATTAN BEACH, IT WILL BE 60 CENTS ON THE DOLLAR RELATIVE TO WHAT YOU CAN RENT TODAY IN MANHATTAN BEACH.

>> J. Franklin: SORRY, WHAT?

>> 60 CENTS ON THE DOLLAR.

>> J. Franklin: OH OKAY.

>> IN OTHER WORDS IF YOU LOOKED AT EVERY AVAILABLE STUDIO, 1, 2 BEDROOM, THE AVERAGE PRICE IS ALMOST OVER 10,000 A MONTH. THE AVERAGE PRICE.

>> J. Franklin: WEREN'T THERE ONLY TWO APARTMENTS IN YOUR -- YOU ARE ALL NUMBERS GUYS. CAN YOU GIVE ME A NUMBER, A STUDIO, 512 SQUARE FEET.

>> OUR EARLY UNDER WRITING WAS ROUGHLY 2500-7500 IS THE RANGE OF PRICING DEPENDING ON STUDIO OR 2-3.

>> J. Franklin: STUDIO?

>> NOT A STUDIO. STUDIO TO TWO BEDROOM.

>> Mayor Napolitano: THE RANGE.

>> J. Franklin: YOU ARE SAYING A TWO-BEDROOM APARTMENT YOU DESCRIBED IN YOUR PRESENTATION TO THE PLANNING COMMISSION YOU WERE SAYING THINK MONTAGE AND THINK, YOU KNOW, MIRAMAR. WHICH ARE TWO HOTELS. MIRAMAR, I DON'T KNOW IF THAT IS REFERRING TO THE SANTA BARBARA PROPERTY, THAT HIGH QUALITY AND SAYING A TWO BEDROOM IN MANHATTAN BEACH WITH THAT QUALITY WOULD BE \$2500.

>> STUDIOS TO THREE BEDROOM. \$2500 TO \$7500.

>> J. Franklin: OH, \$7500.

>> RIGHT. WE WILL BE FURTHER GUIDED BY A PROPERTY MANAGEMENT COMPANY. WE THINK THOSE ARE ROUGHLY THE RANGES THEY WILL COME IN AT.

>> J. Franklin: YOU MADE A COMMENT TOO IN THAT PRESENTATION, SOMETHING ABOUT YOU WERE PRETTY HEAVY INTO STUDIOS BECAUSE OF SOME REASON YOU DIDN'T WANT TO --

>> SIZE THE TOTAL BUILDING DOWN. IF WE DO ALL TWO BEDROOMS VERSUS 21 STUDIOS AND A HANDFUL OF THREE BEDROOMS, HANDFUL OF ONE BEDROOMS, MAJORITY TWO BEDROOMS. IF I DOES TWO BEDROOMS FOR THE ENTIRE PROJECT IT WOULD BE A SIX-STORY BUILDING.

>> J. Franklin: SO THE LARGEST QUANTITY OF UNITS ARE GOING TO BE TWO-BEDROOM, I ASSUME ONE BATH?

>> TWO BEDROOM. TWO BATH.

>> J. Franklin: OH, TWO BATH. IN THAT RANGE, WHERE WILL THAT FOLLOW?

>> TWO BEDROOMS, \$4500-\$5500, SOMETHING LIKE THAT.

>> J. Franklin: AND YOUR KIDS ARE FOR THAT?

>> S. Hadley: THEY ALL RAN OUT-OF-STATE.

>> IT'S CHEAPER THAN WHAT'S OUT THERE NOW, I CAN TELL YOU THAT.

>> J. Franklin: I KNOW. OKAY. ALL RIGHT. I'M FINISHED WITH THAT. THANK YOU.

>> Mayor Napolitano: OKAY. ALL RIGHT. COUNCILMEMBER HADLEY, IS THAT OLD?

>> S. Hadley: IT'S OLD.

>> Mayor Napolitano: JUST TO FOLLOW-UP ON SOME OF THE QUESTIONS THAT WERE ASKED BY THE AUDIENCE. MR. CITY ATTORNEY, THE VENICE CASE. DO YOU CONCUR WITH THE APPLICANT'S ATTORNEY READ OF THAT CASE? HOW DOES THE VENICE CASE APPLY HERE?

>> City Attorney Q. Barrow: YES, THERE WAS A BILL THAT SUPERSEDED THAT. THE CHARACTERIZATION OF THE APPLICANT'S ATTORNEY IS CORRECT. THE BILL WAS TO RECONCILE THE HOUSING DENSITY LAWS IN THE COASTAL ACT. AND WHAT IS SIGNIFICANT HERE IS THAT THE PROGRAM THAT MAKES THIS NON-DISCRETIONARY, IS IN OUR COASTAL L.C.P. WHICH WAS CERTIFIED BY THE COASTAL COMMISSION BACK IN 2013-2014. AND SO THERE'S ACTUALLY NO CONFLICT IN THE COASTAL ACT, NUMBER ONE AND TWO, THE VENICE CASE IS NO LONGER VALID LAW.

>> Mayor Napolitano: VISITOR PARKING. WHERE WILL THE VISITORS PARK? IS THERE VISITOR PARKING ON SITE, HOW MANY SPACES IS THAT? DOES STAFF WANT TO ANSWER THAT? DO WE HAVE THAT INFORMATION? IF NOT, THE APPLICANT.

>> SO STATE LAW DOES NOT REQUIRE VISITOR PARKING FOR A PROJECT LIKE THIS. IT DOES REQUIRE PARKING FOR THE UNITS. AND AS STATED, 103 PARKING SPOTS ARE REQUIRED UNDER STATE LAW AND THE APPLICANT



IS PROVIDING MORE THAN THAT.

>> Mayor Napolitano: BUT TO ANSWER THE QUESTION THAT WAS ASKED. SO THERE'S NO VISITOR PARKING?

>> THERE'S NO REQUIRED VISITOR PARKING.

>> Mayor Napolitano: IS THERE VISITOR PARKING WHETHER REQUIRED OR NOT?

>> IN THE PLANS IT'S NOT IDENTIFIED AS VISITOR PARKING.

>> Mayor Napolitano: MR. BUCKLEY, IS THERE VISITOR PARKING IN THIS PROJECT?

>> WE HAVE NOT DEFINED VISITOR PARKING BUT WE ARE ANTICIPATING THERE WILL BE MANY UNITS LEASED BY, UNFORTUNATELY DIVORCED MEN AND OR WOMEN OF WHICH THERE ARE MANY IN THIS TOWN AND WILL LIKELY HAVE AN EXTRA BEDROOM FOR AN OFFICE, EXTRA BEDROOM FOR THEIR KIDS. WE HAVE APPROXIMATELY ONE SPACE PER BEDROOM IN THE ENTIRE PROJECT. I THINK A LOT OF UNITS WILL HAVE TWO CARS PER UNIT, I THINK MANY WILL HAVE ONE CAR PER UNIT. I THINK WE WILL HAVE ADDITIONAL SPACE. WE WILL WORK THROUGH TENANTING OF THE BUILDING AND PROPERTY MANAGEMENT AND FIGURE OUT THE GUEST PARKING.

>> Mayor Napolitano: OKAY.

>> J. Franklin: CAN I ASK A FOLLOW-UP? IF IT'S A TANDEM SPOT FOR A TWO-BEDROOM UNIT, HOW CAN YOU HAVE A VISITOR GOING BEHIND, THERE'S THAT ONE CAR THERE.

>> WE WOULD FIGURE OUT WHAT THIS STABILIZED DEMAND IS FOR THE 127 SPACES AND ASSUMING, THE INSTITUTE OF I FORGET THE ACRONYM NOW, BUT THE L.L.G., THE FOLKS WHO DO THE TRAFFIC STUDY BASICALLY INTRODUCED US TO A MET TRICK WHICH IS BASICALLY SAYING FOR AN URBAN IN-FILL 79 UNIT LOCATION TODAY RECOMMENDED PARKING IS BETWEEN 102-1 27 SPACES. THERE'S A GOOD CHANCE WE DON'T USE THE FULL 127 WITH TENANT OCCUPANCY, IN WHICH CASE WE WILL HAVE ADDITIONAL SPACES. AND THE GUEST SPACES WILL NOT BE THE TANDEMS.

>> Mayor Napolitano: OKAY. BACK TO STAFF. SO MR. -- ASKED WHY CAN'T IT BE BY THIS MIX IF NO DENSITY BONUS TO PROVIDE THAT, PROVIDE STUDIOS AT WHATEVER IT WAS, 5 28 SQUARE FEET PER UNIT?

>> SO JUST TO MAKE SURE I UNDERSTAND THE QUESTION --

>> Mayor Napolitano: THE QUESTION IS MR. SCHENDEL'S POINT. WHY ISN'T THIS ALL-STUDIO APARTMENTS?

>> AS STATED DURING THE PRESENTATION AND THE STAFF REPORT, WE CAN ONLY REVIEW THE PROJECT BY OBJECTIVE STANDARDS THAT ARE IN THE ZONING CODE, THE GENERAL PLAN, LOCAL COASTAL PROGRAM ETC. NONE OF THOSE DOCUMENTS DOES IT SAY THE CITY HAS THE AUTHORITY TO DICTATE THE MIX OF UNITS, WHETHER ALL STUDIOS, ALL THREE BEDROOMS, TWO BEDROOMS ETC.. THERE'S NO LAW STAFF CAN POINT TO AND SAY YOU MUST --

>> Mayor Napolitano: BECAUSE THERE'S NO DISCRETION IN IT, WE

CAN'T SAY THAT AT THIS POINT.

>> THAT IS CORRECT.

>> Mayor Napolitano: OKAY. MR. CITY ATTORNEY, WHO PAYS FOR LITIGATION IN THIS CASE IF THE CITY IS SUED? IF WE APPROVE, IF WE DON'T APPROVE? WHAT HAPPENS?

>> City Attorney Q. Barrow: SO IF THE CITY COUNCIL APPROVES THE PROJECT WE ARE INDEMNIFIED BY THE APPLICANT. IF THERE'S ANY LAWSUIT CHALLENGING THE CITY'S APPROVAL, THEY HAVE TO PAY OUR ATTORNEYS FEES AND THEIR OWN ATTORNEYS FEES AND ANY DAMAGES AWARDED AND ANY ATTORNEYS FEES THAT ARE AWARDED.

>> Mayor Napolitano: AND IF WE DON'T APPROVE IT?

>> City Attorney Q. Barrow: YEAH, WE ARE ON OUR OWN, BASICALLY.

>> Mayor Napolitano: OKAY. THE DENSE DENSITY BONUS LAWS DON'T APPLY IN THE ASSERTION MADE EARLIER AND THE APPLICANT'S ATTORNEY SAID THAT IS PATENTLY FALSE. WHAT'S OUR TAKE ON THAT?

>> City Attorney Q. Barrow: DURING THE APPEALS AND SOME OF THE TESTIMONY AND SOME OF THE EMAILS CITING SECTIONS THAT DON'T EVEN APPLY. SB-35, THIS IS NOT AN SB-35 PROJECT. CLEARLY, AND ONCE AGAIN, WE ALWAYS GO BACK TO OUR OWN HOUSING ELEMENT. OUR OWN GENERAL PLAN. AND OUR OWN L.C.P. CERTIFIED BY THE COASTAL COMMISSION. THAT'S WHERE THE NON-DISCRETIONARY ASPECT COMES FROM, NOT DENSITY BONUS LAWS.

>> Mayor Napolitano: ANY ASSERTION THAT THIS IS NOT EXEMPT FROM CEQA OR THE COASTAL ACT?

>> City Attorney Q. Barrow: IT'S THE SAME THING, THE SAME ISSUE. IF IT'S A NON-DISCRETIONARY PERMIT, CEQA DOES NOT APPLY. BUT ACTUALLY, I SHOULD -- I SHOULD QUALIFY THAT. BECAUSE UNDER CEQA NO ENVIRONMENTAL REVIEW IS NEEDED. STAFF LOOKED AT CEQA AND DETERMINED THAT IT'S A MINISTERIAL PROJECT SO THEREFORE NO ENVIRONMENTAL REVIEW IS NECESSARY. AND IT'S ONCE AGAIN, IT'S A REQUIRED -- AND CEQA DOES SAY, CEQA DOES NOT APPLY BUT THAT'S PURSUANT TO CEQA.

>> Mayor Napolitano: DOES THE CITY HAVE THE POWER TO DENY THIS UNDER ITS POLICE POWERS?

>> City Attorney Q. Barrow: THAT ACTUALLY WAS A NEW ONE. I DON'T SEE HOW YOU CAN DO THAT IN FACE OF OUR GENERAL PLAN.

>> Mayor Napolitano: ENVIRONMENTAL ISSUES, WHO IS RESPONSIBLE FOR THAT. IF SOMETHING IS FOUND ON THE SITE DURING CONSTRUCTION OR ANYTHING ELSE, WHO IS RESPONSIBLE? IS THE CITY ON THE HOOK FOR THAT?

>> City Attorney Q. Barrow: NO, THE DEVELOPER HAS TO COMPLY WITH NUMEROUS STATE AND COUNTY REGULATIONS IF SOMETHING IS FOUND ON THE SITE DURING CONSTRUCTION. IT'S LIKE ANY OTHER PROJECT WOULD GET STOPPED BY THE STATE, THE COUNTY HEALTH DEPARTMENT OR THE STATE. IF THEY FIND SOMETHING ON THE PROPERTY.

>> Mayor Napolitano: OKAY, THEN MY LAST QUESTION IS FOR MR. BUCKLEY. IT'S KIND OF ASKED BY COUNCILMEMBER HADLEY ALREADY, BUT WHY ARE YOU DOING THIS TO MY CITY?

>> WELL, EVERYONE TALKS ABOUT, YOU KNOW, A BETTER LOCATION FOR THIS PROPERTY. AND I WOULD LIKE TO KNOW WHERE THAT IS. BECAUSE I HAVE LOOKED AT THE 6th HOUSING DRAFT, 5th HOUSING DRAFT.

>> Mayor Napolitano: NOT THAT THOUGH, I'M TRYING TO FIND OUT IF THIS IS THE ALTRUISTIC ENDEAVOR TO PROVIDE AFFORDABLE HOUSING OR IF AFFORDABLE HOUSING IS JUST THE VEHICLE TO MAXIMIZE THE BUILD OUT TO MAXIMIZE YOUR PROFIT.

>> CLEARLY SINCE 1979, THEY PUT THIS LEGISLATION, THEY ENACTED THIS LEGISLATION FOR THE PURPOSE OF INCENTIVIZING DEVELOPERS. SO YES, IT DOES INCENTIVIZE DEVELOPERS.

>> Mayor Napolitano: JUST BECAUSE YOU CAN, DOES IT MEAN YOU SHOULD?

>> NOT IN EVERY LOCATION, I THINK IN THIS LOCATION IT'S VERY APPROPRIATE.

>> Mayor Napolitano: OKAY, THANK YOU. OTHER QUESTIONS? COUNCILMEMBER STERN?

>> H. Stern: YEAH, MR. BUCKLEY, I DO HAVE ANOTHER QUESTION FOR YOU. THANK YOU. SO, I ASKED THIS QUESTION OF OUR CITY PLANNER. AND HE WAS HAVING TROUBLE REMEMBERING GOING BACK 18 MONTHS, AND I UNDERSTAND THAT. WHEN YOU FIRST SUBMITTED THIS PROJECT TO THE CITY, DID IT SIGNIFICANTLY LOOK LIKE WHAT WE ARE LOOKING AT NOW? BY THAT, I MEAN, IN SIGNIFICANT WAYS, DID YOU HAVE THESE SAME HEIGHT SITUATIONS? DID YOU HAVE THE SAME FLOOR PLANS? DID YOU HAVE THE SAME PARKING SUGGESTIONS? IS ALL OF THAT THE GENERAL CHARACTERISTICS OF THIS PROJECT, WERE THEY SIGNIFICANTLY THE SAME BACK THEN AS THEY ARE NOW?

>> THEY WERE SIGNIFICANTLY THE SAME. HOWEVER, I'VE BEEN INVOLVED WITH THIS SITE PROBABLY SINCE 2016. THOSE MASSING STUDIES, I SHOWED YOU EARLIER WERE ALL DONE BEFORE WE ACQUIRED THE PROPERTY. WE SPENT A LOT OF TIME AND MONEY; WE WERE IN AND OUT OF ESCROW A COUPLE TIMES BEFORE WE BOUGHT THE PROPERTY. OTHER DEVELOPERS WERE IN ESCROW TWO OR THREE TIMES AT TWICE THE AMOUNT WE BOUGHT THE PROPERTY. THE REASON WE ARE HERE, WE STOOD BY AND EVENTUALLY ABLE TO BUY THE PROPERTY AT A NUMBER THAT ALLOWED US TO JUSTIFY SOME KIND OF DEVELOPMENT THERE. IT WAS AT THAT POINT WE RECOGNIZED WE COULD DO RESIDENTIAL AND STARTED DESIGNING SOMETHING WITH RESIDENTIAL. I'VE BEEN LONG ENOUGH TO ANTICIPATE WHAT I THOUGHT THE CONCERNS WOULD BE. WHICH IS THE MASSING OF THE PROPERTY AGAINST ROSECRANS. THE HEIGHT. WE INITIALLY WANTED TO BUILD TWO STRUCTURES BECAUSE THERE WERE TWO DIFFERENT PARCELS, THAT WOULD ALLOW LIKE THE ILLUSTRATION EARLIER YOU WOULDN'T BE SO COMPROMISED WITH THE FOUR CORNERS AVERAGE BUT WE

CONSOLIDATED THE LOTS, BIT THE BULLET KNOWING IT WOULD BE SUBTERRANEAN. HAD TO PULL BACK TO GET LIGHT TO THE LOWER FLOORS. WE DID ANTICIPATE A LOT OF CONCERNS. WE PUSHED BACK, ALL THE FOURTH FLOOR ELEMENTS ARE PUSHED BACK AS MUCH AS 80 FEET. UNLIKE A LOT THOSE PROPERTIES AREN'T PUSHED BACK 80 FEET. THAT'S FOURTH FLOOR, 10-20 FEET BACK FROM THE STREET LEVEL. WE TRIED TO ANTICIPATE WHAT WE THOUGHT THE CONCERNS WERE AND WE DESIGNED ACCORDINGLY.

>> H. Stern: OKAY, SO ONCE YOU SUBMITTED THIS TO THE CITY, AS YOU SAID --

>> SUBSTANTIALLY SIMILAR TO WHAT YOU SEE. WE WENT SEVEN ROUNDS WITH THE CITY.

>> H. Stern: AND YOU DID ANTICIPATE THEN AT THAT TIME, SIMILAR CONCERNS YOU HAVE BEEN HEARING FOR THE LAST SIX MONTHS?

>> WE DID. THAT'S WHY THE DESIGN IS THE WAY IT IS.

>> H. Stern: DID YOU LOOK AT YOUR DESIGN AND SEE IF THERE WERE ANYWAYS TO MITIGATE YOUR DESIGN SINCE THEN? SINCE YOU SUBMITTED IT TO ADDRESS SOME OF THESE CONCERNS?

>> WE DID. BUT AGAIN, I ANTICIPATED ALL OF THE CONCERNS WE HEARD TONIGHT. WITH EXCEPTION OF ENVIRONMENTAL. I DIDN'T THINK THE ENVIRONMENTAL WAS GOING TO BE AS HIGHLIGHTED AS IT HAS BEEN. AND IF WE GAVE TIM THE OPPORTUNITY TO WALK YOU THROUGH, I THINK HE WOULD GET EVERYBODY HERE VERY COMFORTABLE WITH THAT NOT BEING A CONCERN. BUT PARKING, SCALE, HEIGHT, I THINK WE DID A PRETTY GOOD JOB ANTICIPATING THOSE CONCERNS.

>> DID YOU EVER THINK ABOUT CHANGING THE CONFIGURATION OF THE SIZE OF THE UNITS TO BRING THE HEIGHT DOWN?

>> WE DID. IN OUR SUBMITTAL PACKAGE IT SHOWS YOU END UP WITH 79 STUDIOS, AND WE WOULDN'T BUILD 79 STUDIOS, IT DOESN'T WORK. NOT TO MENTION YOU CAN'T TANDEM PARK A STUDIO. IT WAS KIND OF DEAD-ON ARRIVAL.

>> H. Stern: OKAY, AND WHAT ABOUT JUST REDUCING A FLOOR, BY MAYBE TAKING OUT --

>> IT DOESN'T PENCIL.

>> H. Stern: IT DIDN'T PENCIL. ALL RIGHT. THANK YOU.

>> Mayor Napolitano: COUNCILMEMBER HADLEY?

>> S. Hadley: THANK YOU, I HAVE A QUESTION FOR CITY ATTORNEY QUINN BARROW. CAN YOU CONFIRM FOR ME A STATEMENT I HEARD BUT PERHAPS ERRONEOUSLY EARLIER THIS EVENING. I HEARD YOU SAY YOU ARE NOT AWARE OF ANY CASE WHERE THE STATE HAS BEEN SUED BECAUSE OF DENSITY BONUS LAWS.

>> City Attorney Q. Barrow: THAT'S MY UNDERSTANDING, YES. I'M NOT AWARE OF ANY CASE WHERE THE STATE, SOME PARTIES, SOME CITIES SUED ON A PROJECT LIKE THIS THROUGH THE STATE. ONCE AGAIN, I MENTIONED THEN TOO, FOR INSTANCE, THERE'S LAWSUITS RIGHT NOW

ABOUT SB-9. AND THERE'S BEEN OTHER LAWS AGAINST THE STATE. I'M JUST NOT FAMILIAR WHETHER THEY ARE AGAINST HOUSING DENSITY LAWS.

>> S. Hadley: SO ARE THERE CASES AGAINST APPLICANTS, AGAINST PEOPLE WITH PROJECTS THAT WANT TO BUILD USING DENSITY BONUS LAWS?

>> City Attorney Q. Barrow: YES, THERE'S BEEN CASES AGAINST APPLICANTS AND CASES AGAINST CITIES WHERE THEY HAVE APPROVED THEM AND CASES WHERE CITIES HAVE DISAPPROVED THEM. CLEARLY, THERE IS CASE LAW ON THIS TOPIC. I'M JUST NOT AWARE OF ANY CASE -- I'M JUST NOT FAMILIAR WITH ANY CASE WHERE THE STATE IS THE ACTUAL DEFENDANT.

>> S. Hadley: GOTCHA. THANK YOU. NO FURTHER QUESTIONS.

>> Mayor Napolitano: ALL RIGHT. COUNCIL, DO YOU WANT TO RECESS? DO YOU WANT TO MOVE FORWARD?

>> H. Stern: NO, LET'S BARREL THROUGH.

>> Mayor Pro Tem Montgomery: I COULD USE A BREAK IF ANYONE ELSE WANTS TO.

>> Mayor Napolitano: WHO WANTS TO TAKE A BREAK? DO YOU WANT TO TAKE A BREAK?

>> J. Franklin: YEAH, JUST LIKE A 3-MINUTE BREAK.

>> Mayor Napolitano: 3-MINUTE BREAK. [BREAK]

>> S. Hadley: THANK YOU, YOUR HONOR, I WILL START OFF THE DISCUSSION, I CERTAINLY HAVE ENJOYED THE EVENING.

I HAVE LEARNED A LOT.

THANK YOU TO EVERYONE FOR YOUR DETAILED PRESENTATIONS, STAFF, ESPECIALLY BEEN WORKING ON THIS FOR A LONG TIME.

OKAY, SO I WANT TO START, YOU KNOW, I AM THE MOM, I HAVE FOUR ADULT KIDS.

THEY ALL RENT.

AND THEY ALL LIVE OUT-OF-STATE BECAUSE THEY CAN'T AFFORD TO RENT HERE.

AND THEY ARE FRUGAL AND THEY ARE PAYING THEIR OWN WAY AND I'M PROUD OF THEM.

SO I STIPULATE WE NEED HOUSING.

I STIPULATE WE NEED RENTAL HOUSING. MY KIDS LIKE TO RENT THEY DON'T KNOW IF THEY WANT TO RENT LONG-TERM. THEY WANT THE FLEXIBILITY. I'M NOT AGAINST RENTAL HOUSING. I ALSO STIPULATE WE NEED AFFORDABLE AND LOW-INCOME HOUSING. I'M NOT, I DIDN'T LOVE THE STATE MANDATING THE A.D.U.'S AND THE J.A.D.U.'S AND THEN THE LIKE-FOR-LIKE BUILDING, IF YOU TAKE DOWN A DUPLEX YOU HAVE TO PUT UP A DUPLEX BUT ALL OF THOSE ARE WAYS TO ADD MORE HOUSING, RENTAL HOUSING AND SOMETIMES AFFORDABLE AND LOW-INCOME HOUSING.

I DO THINK THIS PROJECT IS VERY ATTRACTIVE. I DO THINK THERE'S A CHANCE THAT WE WOULD GET SOMETHING LESS ATTRACTIVE WITH NON-LOCAL OWNERS, FOR SURE. I DO ALWAYS LIKE TO HAVE LOCAL OWNERS

FOR ANY NEW PROJECT BECAUSE THERE'S ACCOUNTABILITY AND THEY LIVE HERE AND WORK HERE AND SLEEP HERE AND HAVE TO, YOU KNOW, GO TO RALPH'S AND BRISTOL FARMS. SO WE WILL SEE YOU AROUND. MAYBE COSTCO. AND OF COURSE I RESPECT PROPERTY RIGHTS. I FEEL VERY STRONGLY ABOUT PROPERTY RIGHTS. I WANT POLICE POWERS PROTECTING MY PROPERTY RIGHTS AND I WANT TO USE CITY AND POLICE POWERS TO PROTECT OTHER PEOPLE'S PROPERTY RIGHTS. BUT I, YOU KNOW, I'M A NO ON THIS PROJECT. SO I'M COMING RIGHT OUT AND SAYING THAT. I DON'T WANT TO SEE IT BUILT. AND OUR COMMUNITY DOESN'T WANT IT BUILT. I DO AGREE, SOMETIMES THERE IS A SILENT MAJORITY THAT IS UNINFORMED OR OFF BASE OR WHATEVER. BUT WE HAVE A PRETTY SOPHISTICATED COMMUNITY HERE AND WE HAVE GOTTEN OUTREACH, THE LIKES OF WHICH YOU KNOW, I HAVE RARELY SEEN, IF EVER IN THE THREE YEARS I'VE BEEN ON COUNCIL. AND I DON'T TAKE THAT LIGHTLY, BECAUSE OUR RESIDENTS ARE NOT ILL-INFORMED AND NOT STUPID AND THEY HAVE LIVED LOTS OF PLACES AS HAVE WE. MANY HAVE SENT US EMAILS, PHONED US AND STOPPED US ON THE STREETS TO FIGHT THIS. WE HEAR IT'S BY RIGHT DEVELOPMENT. WE HEARD FROM STAFF THE SACRAMENTO LEGISLATION FAVORS TO STREAMLINE THE PROCESS. WE HEAR FROM MANY THIS IS ALREADY LITIGATED IN THE COURTS AND IS ALREADY SETTLED LAW. BUT I WILL VOTE NO BECAUSE I REMAIN UNCONVINCED IT'S SETTLED LAW. AND I WANT TO BE, I WILL ONLY BE FORCED TO BUILD THIS PROJECT BY A JUDGE. I WAS ELECTED TO FIGHT FOR MY RESIDENTS AND PROTECT WHAT OUR OWN MISSION STATEMENT SAYS WHICH IS ON OUR AGENDA, CITY OF MANHATTAN BEACH IS DEDICATED TO PRESERVING OUR SMALL BEACH-TOWN CHARACTER, WHICH LIKE IT OR NOT IS LARGELY SINGLE-FAMILY HOUSING. THAT IS THE SOUTH BAY. WE LOVE OUR LOCAL CONTROL, WE LOVE OUR LOCALLY ELECTED SCHOOL DISTRICTS, LOCAL POLICE AND FIRE. I WILL NEVER VOTE TO GO COUNTY WITH OUR FIRE. WE KNOW WHEN WE GIVE UP LOCAL CONTROL IN ANY SHAPE OR MANNER, WE WILL NEVER GET IT BACK. AND WE DON'T CURRENTLY HAVE SINGLE FAMILY HOUSING. WE MAY LOSE AND IT'S GOING TO COST A PRETTY PENNY AND THE CAMEL MAY GET UNDER THE TENT ANYWAY, IF A JUDGE MAKES US APPROVE THIS PROJECT BUT I'M NOT GOING TO GO THERE, YOU KNOW, RIGHT OUT OF THE BAT. WE HAVE HEARD FROM OUR CITY ATTORNEY TONIGHT. I JUST VERIFIED, THERE'S NO INSTANCE OF A CITY SUING THE STATE ON THESE DENSITY HOUSING LAWS. AND I THINK WE ARE GETTING CLOSE. I THINK A LOT OF CITIES MAYBE DON'T HAVE THE SPARE CHANGE TO SUE. I'M NOT SAYING WE DO EITHER. BUT I WILL TELL YOU, I HAVE SPOKEN TO SO MANY RESIDENTS. I HAVE SPOKE TO SENIORS EARLIER THIS WEEK. ON THE ONE HAND I RAN FOR COUNCIL TO PROTECT OUR CITY AND FIGHT FOR OUR RESIDENTS. BUT ON THE OTHER I'M A FRUGAL MOM WITH AN MBA I DON'T WANT TO THROW AWAY MONEY ON LITIGATION, OR WASTE MONEY ON A CASE THAT A LOT OF PEOPLE SAY WE MIGHT LOSE. AND I HAVE HAD A NUMBER OF RESIDENTS COME UP TO ME

AND SAY YOU KNOW WHAT, THANK YOU FOR BEING CHEAP WITH OUR MONEY BUT WE WANT TO PAY OUR TAX DOLLARS TO FIGHT THIS. THIS IS WHY WE LIVE HERE; WE WANT TO SPEND CITY RESOURCES FIGHTING THIS PROJECT. I THANKED THEM. THOSE ARE RESIDENTS PUTTING THEIR MONEY WHERE THEIR MOUTH IS. WE LIVE HERE, PAY TAXES AND I'M GIVING YOU PERMISSION TO USE MY TAXES IN THIS EFFORT TO FIGHT THIS PROJECT. THAT'S HONESTLY WHEN I STARTED TO THINK THIS ISN'T JUST A FINANCIAL DECISION. IT ISN'T BECAUSE I DON'T WANT TO WASTE MONEY ON LITIGATION, I WANT TO REPRESENT MY PEOPLE. SO, YOU KNOW, I'M MAD ABOUT THE 2013 GENERAL PLAN, I'M MAD ABOUT THE COUNCIL WHO VOTED THAT IN BUT Madder AT THE STATE ABOUT THE HOUSING DENSITY LAWS. BECAUSE I RAN ON A PLATFORM OF LOCAL CONTROL AND THE REASON THE SOUTH BAY IS SO ATTRACTIVE, IN ADDITION TO MANHATTAN BEACH IS WE ALL SHARE OUR LOCAL SCHOOL BOARDS, FIRE DEPARTMENTS, POLICE DEPARTMENTS AND OUR OWN CITY COUNCILS. WE LIVE HERE FOR LOCAL CONTROL. WITH ALL DUE RESPECT TO THE APPLICANT. YOU ARE USING STATE LAW AGAINST US AND IT'S MAKING A LOT OF PEOPLE SAD. ALL THINGS ARE POSSIBLE, NOT ALL THINGS ARE BENEFICIAL. I WILL NEVER GIVE UP WITHOUT A FIGHT AND I THINK WE SHOULD GET THIS INTO THE COURTS AND JUST LET OUR RESIDENTS KNOW WE ARE NOT JUST ROLLING OVER. I GUESS IN CLOSING, MY COLLEAGUE FROM TEXAS, COME AND TAKE IT. THE STATE MAY COME AND TAKE OUR CANNON AWAY FROM US LIKE IN TEXAS, BUT I'M NOT JUST GOING TO GIVE IT AWAY. I HAVE PERMISSION FROM THE RESIDENTS I REPRESENT WHO DON'T LIKE IT, WANT TO FIGHT, I WAS ELECTED TO REPRESENT THEM. I WILL FIGHT IT, I'M A NO ON HIGH ROSE. THANK YOU.

>> Mayor Napolitano: COUNCILMEMBER FRANKLIN?

>> J. Franklin: YES, THANK YOU, MAYOR. AND THANK YOU, STAFF FOR ALL THE HARD WORK YOU PUT INTO IT. IT'S A LOT OF ANALYSIS THAT'S GREATLY APPRECIATED. THANK YOU, MR. BUCKLEY AND YOUR TEAM, YOU HAVE PUT AN EQUAL NUMBER OF HOURS INTO IT. WE HAVE VERY FLATTERED YOU WANT TO INVEST IN MANHATTAN BEACH. A LOT OF PEOPLE CAME BEFORE US THAT MADE THE CITY WHAT IT IS TODAY AND IT'S OUR JOB TO PROTECT THE VISION THEY HAD AND THE REASON WHY MANY OF US CAME HERE TO LIVE. SO I LISTENED CLOSELY TO ALL SIDES OF THE ISSUE NOW FOR MANY MONTHS. I FIND THE ISSUE SADLY IRONIC. HERE YOU HAVE A DEVELOPER WHO LIVES IN MANHATTAN BEACH, PRESUMABLY BECAUSE IT'S A GREAT PLACE TO LIVE. THE SAME DEVELOPER WANTS TO INVEST IN MANHATTAN BEACH BECAUSE IT PROVIDES A DESIRABLE RATE OF RETURN ON THEIR INVESTMENT. IRONICALLY, THIS DESIRABLE RATE OF RETURN DEPENDS ON THE HIGH DESIRABILITY OF LIVING IN MANHATTAN BEACH, BUT A LOT OF RESIDENTS FEEL THAT DEVELOPMENT THREATEN THAT'S VERY QUALITY OF LIFE. IN MY CAMPAIGN, AS WELL, FOR CITY COUNCIL, I RAN IN OPPOSITION TO SACRAMENTO OVERREACH INTO OUR LOCAL ZONING LAWS. THAT WAS A MERE TWO YEARS AGO AND,

YOU KNOW, I DIDN'T GET TOO MANY QUESTIONS ABOUT IT. BUT WHAT'S GOOD IS WE ARE SEEING IT NOW. WE ARE SEEING HOW IMPORTANT IT IS NOW. I STRONGLY SUPPORT HOME RULE. SO AFTER CAREFUL CONSIDERATION, I'LL VOTE NO ON THIS DEVELOPMENT.

>> Mayor Napolitano: COUNCILMEMBER MONTGOMERY.

>> Mayor Pro Tem Montgomery: I WILL MAKE IT CLEAR I'M NOT RUNNING FOR REELECTION. I THINK IT'S IRONIC TO HEAR TWO COUNCILMEMBERS TO TALK ABOUT A FIGHT 2009 WHEN I WAS MAYOR ABOUT THE PLASTIC BAG BAN. AS YOU HEARD IT WAS AN UP-HILL BATTLE AND PEOPLE DIDN'T GIVE US MUCH OF A CHANCE AGAINST PEOPLE CALLED FRIENDS OF THE PLASTIC BAG BUT WE DIDN'T DO IT OURSELVES. THIS IS NOT THE SAME THING. TOTALLY DIFFERENT STORY HERE. YES, LOCAL CONTROL. I LEARNED FROM DAY ONE, ONE OF MY MENTORS IS TO MY LEFT. THIS IS NOT THE PLACE AND TIME. I THOUGHT ABOUT IT TWO DIFFERENT WAYS. THERE'S SO MUCH INFORMATION WE HAVE HAD TONIGHT, PRO AND CON. HYDROLOGY GUYS, WE HEARD IT OVER AND OVER, SO MUCH OF THAT FIRE HOSE GETS THROUGH. I'M NOT A BIG FAN OF MAKING DECISIONS, ESPECIALLY IMPORTANT BIG DECISIONS AT MIDNIGHT. I WAS GOING TO MAKE AN OFF THE CUFF REMARK TO THE MAYOR WE SHOULDN'T TALK ABOUT THIS AT MIDNIGHT. WE HAVE MADE BAD DECISIONS AT MIDNIGHT. YOU HAVE SEEN 2014, MADE THINGS NON-DISCRETIONARY. BAD DECISIONS HAPPEN LATE AT NIGHT. NO ONE ELSE WILL SAY IT, THIS IS SOMETHING WE NEED TO CONSIDER CONTINUING TO THE NEXT MEETING UNTIL WE GET MORE TIME TO TALK ABOUT THE ISSUES THIS MAN TALKED ABOUT. THE ISSUES STAFF BROUGHT UP. THE PRO'S AND CON'S OF THINGS WE HAVEN'T HAD A CHANCE TO GO THROUGH. AND THE CITY ATTORNEY SAID THERE ARE THINGS HE ISN'T SURE OF. WHY WOULD I MAKE A DECISION IN A VOID AND COME BACK LATER AND SAID OOPS WE SHOULD HAVE WAITED FOR THE NEXT MEETING TO COME THROUGH. I'M ASKING FOR CONTINUANCE FOR TWO WEEKS. COME BACK AND SAY HERE IS WHAT OTHER CITIES HAVE DONE, HERE IS WHAT WE CAN DO AND GO FORWARD FROM THERE. I WILL STOP THERE, YOUR HONOR.

>> Mayor Napolitano: COUNCILMEMBER STERN?

>> Mayor Pro Tem Montgomery: THAT'S MY MOTION, BY THE WAY. NOT FOR THIS THOUGH.

>>

>> H. Stern: WE ARE COMING TOGETHER TALKING ABOUT THIS FOR THE VERY FIRST TIME. WHAT WE KNOW AND LEARNED FROM OUR CITY STAFF; THEY HAVE BEEN LOOKING AT THIS FOR 18 MONTHS. WHICH IS A REALLY LONG TIME. SO LONG, THERE'S BEEN SO MUCH BACK-AND-FORTH, SEVEN ROUNDS OF BATTING THIS PROJECT, LOTS OF NEW INFORMATION, THE DEVELOPERS ARE TELLING US THEY HAVE BEEN LOOKING AT THIS SINCE 2016 AND EVEN BEFORE. AND HERE WE ARE, LOOKING AT THIS FOR THE FIRST TIME. AND WE'VE THOUGHT ABOUT THESE TYPES OF PROJECTS. AND WE HAVE KNOWN AS WE HAVE WATCHED THE STATE COME AND TELL US, IN



AN OVERREACHING WAY WHAT WE HAVE TO DO AS A CITY THAT WE KEEP SAYING WE DON'T WANT YOU TO TELL US WHAT TO DO. WE KNOW OUR CITY BEST. AND WHILE WE CAN LISTEN TO THE MANDATES AND WE CAN LISTEN TO THE CONCERNS ABOUT OUR HOUSING PRICES AND RECOGNIZE WE DO HAVE A HOUSING CRISIS IN THE STATE. AND WE DO HAVE A HOUSING CRISIS RIGHT HERE IN MANHATTAN BEACH, WE HAVE A LACK OF AFFORDABILITY. WE HAVE TO RECOGNIZE THAT. WHAT WE HAVE NEVER BEEN ABLE TO REALLY, WHAT WE HAVE NEVER BEEN ABLE TO BALANCE IS, HOW DO WE BALANCE WHAT THE STATE IS TELLING US WE HAVE TO DO WITH WHAT WE KNOW WOULD WORK IN MANHATTAN BEACH. SO WE HAVE THIS PROJECT BEFORE US AND THE FIRST TIME WE HAVE SEEN, THE FIRST TIME WE HAVE ALL BEEN TOGETHER. I'M HEARING THINGS TODAY I DIDN'T NECESSARILY KNOW. I DIDN'T REALLY PUT IT IN THE PERSPECTIVE OF LOOKING AT THIS PROJECT AND SAYING, HERE IS A PROJECT THAT WE HAVE HEARD FROM OUR RESIDENTS. WE KNOW FROM OUR RESIDENTS THERE ARE RESIDENTS THAT DON'T FAVOR THIS PROJECT. BUT WHAT COULD IT LOOK LIKE ON THAT PIECE OF PROPERTY? AND IS THIS ACTUALLY THE PROJECT THAT IS MOST FAVORABLE FOR A PROPERTY THAT HAS SAT ABANDONED. AN UNUSED PIECE OF PROPERTY. I WANT TO SIT BACK AT MIDNIGHT, OUR ROOM IS GREATLY REDUCED. I DON'T KNOW HOW MANY PEOPLE ARE STILL ON ZOOM, BUT I STILL HAVE A LOT OF QUESTIONS. I THINK, AS A CITY, WE NEED TO BE TAKING RESPONSIBILITY FOR THE HOUSING CRISIS. WE NEED TO BE LOOKING MORE THOUGHTFULLY AT HOW WE CAN BE A SOLUTION TO THIS GREAT DISPARITY IN-HOUSING. I HAVE FOUR KIDS AS DOES COUNCILMEMBER HADLEY AND THEY CAN'T AFFORD TO LIVE IN MANHATTAN BEACH. I ACTUALLY HAVE AFFORDABLE HOUSING IN MY HOUSE, IT'S ON THE SECOND FLOOR, IT'S ONE OF MY KIDS WHO IS STILL LIVING THERE. AND MY CHILDREN WOULD LOVE TO LIVE IN MANHATTAN BEACH. I HAVE A SON WHO WORKS IN HERMOSA BEACH. HE CAN'T DO HIS JOB ANYWHERE ELSE BUT HERMOSA. WE HAVE A HOUSING CRISIS; AFFORDABILITY CRISIS AND WE SHOULD BE MORE HELPFUL TO SEE HOW WE CAN DO THAT MORE EFFECTIVELY. I WANT TO KNOW HOW TO SUPPORT THIS PROJECT AND SUPPORT OUR CITY SO WE CAN HELP OUR CITY, THIS WOULDN'T BE AFFORDABLE TO MY CHILDREN AND WOULDN'T BE AFFORDABLE TO ME IF I TRIED TO MOVE HERE. I DO APPRECIATE COUNCILMEMBER MONTGOMERY YOU ARE BEING MORE THOUGHTFUL, NOT DISMISSING IT RIGHT AWAY AND WANTING TO THINK ABOUT A LITTLE MORE. I WANT TO HEAR A LITTLE MORE WHAT OUR OPTIONS ARE AND THINK THOUGHTFULLY WHETHER THIS WOULD BE THE BEST THING THAT WOULD ACTUALLY PROTECT OUR CITY BECAUSE WE HAVE DEVELOPERS HERE THAT ACTUALLY LIVE IN MANHATTAN BEACH AND WANT TO PROTECT OUR CITY OR WHETHER WE WOULD BE EXPOSING OURSELVES FOR MORE VULNERABILITY OF THINGS OUR COMMUNITY WOULD NOT WANT. ARE YOU MAKING A MOTION?

>> Mayor Pro Tem Montgomery: I DID MAKE A MOTION TO CONTINUE

THIS ITEM TO THE NEXT MEETING.

>> H. Stern: I WILL SECOND THAT MOTION AND KEEP THIS CONVERSATION GOING WITH ALL OF US.

>> S. Hadley: MR. MAYOR?

>> Mayor Napolitano: WELL, I'M READY TO MAKE A DECISION TONIGHT. BUT I ALSO AM NOT OPPOSED TO MORE TIME TO CONSIDER THINGS, IF THAT'S WHAT MY COLLEAGUES WOULD LIKE TO DO. I DON'T SEE ANY HARM IN IT. AND IF THAT CAN PUT US ON BETTER GROUND NO MATTER WHAT THE DECISION IS, THEN THAT'S FINE.

>> Mayor Pro Tem Montgomery: CALL THE VOTE?

>> Mayor Napolitano: FURTHER DISCUSSION?

>> J. Franklin: SINCE WE CHANGED THE MOTION, CAN WE MAKE COMMENTS ABOUT THE NEW MOTION?

>> Mayor Napolitano: I DON'T THINK THERE WAS AN ORIGINAL MOTION.

>> J. Franklin: I THOUGHT IT WAS A MOTION TO ACCEPT.

>> Mayor Napolitano: THAT IS WHAT WAS PRINTED THERE BUT NO ONE PUSHED THE BUTTON.

>> H. Stern: SOUNDS LIKE THERE'S THREE FOR CONTINUING THE ITEM.

>> Mayor Napolitano: DO WE HAVE A VOTING SCREEN.

>> Mayor Pro Tem Montgomery: RECOMMENDATION IS DIFFERENT BUT IT'S OKAY, THE LANGUAGE IS DIFFERENT.

>> YES.

>> Mayor Pro Tem Montgomery: IT'S OKAY TO USE IT?

>> YES.

>> MOTION PASSES, 3-2.

>> Mayor Napolitano: ALL RIGHT, SO THIS WILL BE BACK AT OUR NEXT MEETING THEN.

>> City Manager B. Moe: THAT'S CORRECT. UNTIL IT'S CLEAR THE TYPE OF QUESTIONS ASKED OF ME AND I CAN ANSWER THOSE QUESTIONS IN TWO WEEKS. I'M NOT SURE YOU NEED ANYTHING FROM STAFF OR THE APPLICANT.

>> Mayor Napolitano: IF THERE'S ADDITIONAL QUESTIONS, GET THEM IN AS QUICKLY AS YOU CAN TO STAFF SO THEY CAN ANSWER THEM BEFORE THE NEXT MEETING. OKAY?

>> J. Franklin: THAT'S ACTUALLY THREE WEEKS, RIGHT?

>> THREE WEEKS, SEPTEMBER 6th.

>> Mayor Napolitano: ALL RIGHT. ANTI CLIMACTIC. TO BE CONTINUED. ALL RIGHT.

>> H. Stern: DID WE CONTINUE 16?

>> Mayor Napolitano: YES, WE DID.

>> H. Stern: BUT 17 WE NEED TO DO?

>> City Attorney Q. Barrow: 17 WE NEED TO DO. MAYOR, JUST FOR THE PUBLIC,

>> Mayor Napolitano: FOR THE PUBLIC, HELLO?

>> City Attorney Q. Barrow: SINCE WE HAVE GENERAL BUSINESS ITEM,

PEOPLE WILL BE GIVEN TWO MINUTES TO SPEAK AT OUR NEXT CITY COUNCIL MEETING. THIS WAS NOT A CLOSED PUBLIC HEARING. WE DON'T HAVE TO RENOTICE ANY PUBLIC HEARINGS.

>> Mayor Napolitano: YOU SHOULD HAVE SAID THAT BEFORE THE VOTE.

>> J. Franklin: I WAS GOING TO SAY. COME ON.

>> City Attorney Q. Barrow: PURSUANT TO OUR OWN LOCAL RULES, TWO MINUTES EACH.

>> Mayor Napolitano: THANKS, EVERYBODY. ALL RIGHT. ITEM 17, SELECTION OF A BALLOT LETTER DESIGNATION. ITEM 16 HAS BEEN CONTINUED. YOU GUYS CAN TAKE YOUR CONVERSATIONS OUTSIDE, PLEASE. WE HAVE MORE BUSINESS TO DO. THANK YOU. ITEM 17, SELECTION OF BALLOT LETTER DESIGNATION FOR THE CITY'S BALLOT MEASURE MAINTAINING THE EXISTING PROHIBITION ON COMMERCIAL CANNABIS ACTIVITY.

>> Mayor Pro Tem Montgomery: DO I NEED TO RECUSE MYSELF. JUST TO REPEAT I HAVE NO FINANCIAL INTEREST IN THIS GOING FORWARD OR THE OTHER. JUST TO MAKE SURE THERE'S NO CONFLICT OF INTEREST, I WILL RECUSE MYSELF AND STAY IN THE BACKGROUND.

>> Mayor Napolitano: ALL RIGHT.

>> ALEXANDRIA LATRAGNA?

>> H. Stern: WE NEED PUBLIC COMMENT.

>> Mayor Napolitano: WE WILL GET THERE. DO WE NEED A PRESENTATION?

>> NO.

>> Mayor Napolitano: THANK YOU, ALI. WE WILL GET BACK TO YOU IF WE HAVE QUESTIONS. PUBLIC PARTICIPATION? ANYONE FROM THE PUBLIC? IN THE AUDIENCE? YOU WANT TO TALK ABOUT CANNABIS? AT THIS POINT, YOU MIGHT WANT TO. I SEE ZOOM, HEATHER?

>> I'M HERE. BRING BACK MY LEGAL PRODUCTS BEFORE CONSIDERING WEED IN OUR CITY [ INDISCERNIBLE ]. I AM FIRMLY A NO ON THE CONSIDERATION OF POT SHOPS AS YOU ALREADY KNOW. PEOPLE WHO ARE OF AGE, NEED IT OR WANT IT KNOW WHERE TO GET IT. WE DON'T NEED THIS KIND OF YOU EVER SAVORY BUSINESS IN IT, THE AMOUNT OF MARIJUANA, CASH AND CRIME IT WILL BRING TO OUR CITY ISN'T WORTH ANY AMOUNT OF TAX MONEY WHICH HONESTLY WOULDN'T EVEN BRING IN AS MUCH MONEY AS PEOPLE THOUGHT TO BEGIN WITH. POT SHOPS ARE --

>> Mayor Napolitano: HEATHER, I HATE TO INTERRUPT. JUST SO YOU KNOW, THIS IS ABOUT THE BALLOT MEASURE DESIGNATION. DO YOU HAVE A PREFERENCE ON THAT?

>> I PREFER IT NOT.

>> Mayor Napolitano: WELL, THIS IS TO PUT SOMETHING ON THE BALLOT TO PROHIBIT. WE HAVE TO NAME IT.

>> CAN'T WE JUST CALL IT THAT. NO POT SHOPS IN MB BALLOT.

>> Mayor Napolitano: IT HAS TO BE A LETTER DESIGNATION.

>> LIKE LETTER A.

>> YOU ARE ASKING MY OPINION ON THE LETTER? I CAN GIVE MY LETTER OPINION?

>> Mayor Napolitano: YES, THAT IS WHAT THE ITEM IS.

>> LETTER P, NO, I DON'T LIKE P, THAT'S LIKE POT. CAN WE DO X, IT LOOKS LIKE A NO. I WOULD PREFER THE LETTER X PLEASE. ANYWAY, I'M TOTALLY AGAINST IT. NOPOTSHOPSINMB@GMAIL.COM.

>> I WILL GO FOR N FOR NO.

>> Mayor Napolitano: NOT N FOR NAPOLITANO?

>> THAT'S A GOOD ONE. NO NAPOLITANO. [LAUGHTER]

>> Mayor Napolitano: OKAY. ANYBODY ELSE? SEEING NONE. COUNCIL?

>> H. Stern: I PRESSED MY BUTTON.

>> Mayor Napolitano: COUNCILMEMBER HADLEY?

>> S. Hadley: I NOODLED THIS OVER, I HAD SOME FUN. MS. HARDING OR COLONEL HARDING TOOK MY N FOR NO. I LIKE HEATHER KIM'S IDEA OF LETTER X, IF IT DOESN'T GIVE A SORT OF SAUCY FLAVOR TO THE MEASURE.

>> Mayor Napolitano: J FOR JOINT?

>> S. Hadley: OTHER ONES WERE B FOR BAN. BECAUSE WE WANT TO UPHOLD THE 2017 BAN. WE WANT A YES ON OUR MEASURE. I WANT TO CONFIRM THAT, RIGHT? SO WE WANT OUR VOTERS TO VOTE YES.

>> City Attorney Q. Barrow: CORRECT.

>> S. Hadley: I DO LIKE THE VOTE YES ON N FOR NO POT OR VOTE YES FOR B FOR A BAN. I ALSO LIKE MEASURE MB, BUT IT WASN'T CLEAR. CAN YOU GO RIGHT TO TWO LETTERS, OR IS THAT THE FALL BACK IF YOU DON'T GET THE LETTER YOU WANT, YOU CAN GO TO TWO LETTERS?

>> Mayor Napolitano: DIDN'T WE JUST HAVE A MEASURE MB? THAT WAS THE PARCEL TAX.

>> S. Hadley: THAT'S ANCIENT HISTORY.

>> THAT IS A REALLY GOOD QUESTION, COUNCILMEMBER HADLEY. I'M JUST GOING TO OPEN UP THE FORM ITSELF. AND I CAN SHARE THAT WITH YOU, HANG ON ONE SECOND.

>> S. Hadley: WHILE YOU ARE LOOKING THAT UP, WHAT ABOUT A Y FOR YES. WE NEED A YES VOTE.

>> J. Franklin: REUSE THE SIGNS.

>> THOSE SIGNS SAY, "NO ON A".

>> J. Franklin: WE CAN USE TAPE.

>> REDUCE, REUSE, RECYCLE.

>> OKAY, ARE YOU READY?

>> IT LOOKS LIKE YOU CAN USE UNIQUE LETTER DESIGNATIONS. BUT I DON'T KNOW IF THE CITY CLERK HAS MORE INFORMATION ABOUT THIS.

>> Mayor Napolitano: CAN WE USE EMOJIS?

>> IF MB CAN BE OUR FIRST CHOICE, MB, B FOR BAN AND THE THEN Y FOR YES.

>> Mayor Napolitano: I'M GOOD WITH MB. SINCE IT'S A YES VOTE.

>> YES, WE WANT A YES VOTE. IT SOUNDS VERY POSITIVE.

>> Mayor Napolitano: M?  
>> H. Stern: FOR MARIJUANA? THEN WE DON'T WANT MB.  
>> IT SEEMS CONFUSING TO ME; WE HAVE HAD SO MANY M AND MB'S.  
>> WE DON'T WANT TO BE CONFUSED. I LIKE B FOR BAN.  
>> J. Franklin: THIS IS ONE OF THOSE MIDNIGHT DECISIONS.  
>> H. Stern: WE CONTINUE IT EXCEPT CITY MANAGER SAYS WE HAVE TO.  
>> SO TO CLARIFY YOU CAN PICK THREE ONE-LETTER DESIGNATIONS,  
THREE COMBO DESIGNATIONS AND THREE NO'S. LIKE THREE LETTERS YOU  
DON'T WANT.  
>> S. Hadley: WHAT DO YOU WANT, HILDY?  
>> H. Stern: B, TO UPHOLD THE BAN.  
>> S. Hadley: YEAH.  
>> Mayor Napolitano: I'M GOOD WITH THAT.  
>> H. Stern: NOW WE ONLY NEED EIGHT MORE.  
>> Mayor Napolitano: V? WHAT COULD WE MAKE D.  
>> H. Stern: D SOUNDS LIKE A FAILED SOMETHING.  
>> J. Franklin: SECONDARY QUESTION. WHO ORGANIZES THE CAMPAIGN?  
I MEAN, DOES THE CITY SPEND MONEY ON A CAMPAIGN?  
>> City Attorney Q. Barrow: WE CAN'T DO THAT. GET SOMEONE ELSE,  
DO IT WITH YOUR OWN MONEY.  
>> Mayor Napolitano: COUNCILMEMBER FRANKLIN VOLUNTEERED. I  
SECOND THAT MOTION. SO LETTERS. B, IS THAT A FIRST CHOICE?  
>> H. Stern: B SOUNDS LEAK LIKE A FIRST CHOICE.  
>> H. Stern: HOW ABOUT Y FOR YES, FOR YES ON BAN.  
>> S. Hadley: YES, TO UPHOLD THE 2017. Y IS OUR SECOND CHOICE  
THEN?  
>> H. Stern: YEAH.  
>> S. Hadley: B AND THEN Y. I THINK YES ON Y.  
>> Mayor  
>> J. Franklin: EVEN THOUGH HE ISN'T HERE, MR. MUSCLE MEMORY.  
>> Mayor Napolitano: PICK ONE MORE LETTER.  
>> H. Stern: WE HAVE 24 MORE TO CHOOSE FROM.  
>> S. Hadley: WE DON'T WANT P, C, OR J. WE DON'T WANT S. WE  
DON'T WANT R FOR RETAIL.  
>> Mayor Napolitano: DO WE HAVE TO PICK MORE?  
>> J. Franklin: WHY THE B? WE ARE PICKING MORE --  
>> S. Hadley: YEAH, WHY ARE WE? IN CASE ANOTHER CITY MEASURE  
COMES UP?  
>> YES, TOMORROW IS THE DEADLINE. IN CASE THE LETTER WAS ALREADY  
TAKEN.  
>> J. Franklin: TODAY OR TOMORROW?  
>> Mayor Napolitano: PROBABLY JUST NEED TWO.  
>> THE PROPONENTS ARE ALREADY DESIGNATED WITH M.  
>> H. Stern: I THINK B AND Y ARE GOOD.  
>> YOU DON'T HAVE TO CHOOSE THREE.

>> Mayor Napolitano: B AND Y. BETTER THAN B AND O. [OVERLAPPING SPEAKERS]

>> Mayor Napolitano: THE ONES YOU SAID, RIGHT?

>> S. Hadley: P, C, R AND MB WE DON'T WANT.

>> Mayor Napolitano: WHY DON'T WE LIKE C?

>> S. Hadley: CANNABIS.

>> J. Franklin: I WONDER WHY THEY PICKED M.

>> S. Hadley: MARIJUANA.

>> J. Franklin: RIGHT.

>> S. Hadley: SURPRISED DIDN'T PICK C FOR CANNABIS.

>> Mayor Napolitano: ANYTHING MORE? RICHARD, COME ON BACK. CAN YOU HEAR ME?

>> Mayor Pro Tem Montgomery: WHERE DID EVERYBODY GO?

>> Mayor Napolitano: THE DISPENSARY. THAT TAKES US TO ITEM N, CITY COUNCIL --

>> Mayor Pro Tem Montgomery: I ATTENDED SUMMER SEMINAR. THOSE WHO HAVEN'T CAUGHT UP ON AB2024 AND 1661 GIVE IT TO CLERK TAMURA -- [ INDISCERNIBLE] IN PERSON, THE FIRST REAL CONFERENCE HELD IN TWO AND A HALF YEARS, EVERYBODY THERE. GOOD TO BE THERE, GOOD TO BE BACK.

>> S. Hadley: BET THAT WAS FUN. WHAT CITY?

>> Mayor Pro Tem Montgomery: CORONADO.

>> S. Hadley: THE CITY? THE ISLAND.

>> Mayor Napolitano: VOTING SCREEN WENT AWAY. OKAY. ANYONE ELSE WITH 1234 REPORTS? OKAY. 19 CONSIDER REQUEST BY MAYOR NAPOLITANO AND COUNCILMEMBER HADLEY TO DISCUSS AFTER SCHOOL REC PROGRAM FEES. WE JUST NEED A THIRD VOTE. COUNCILMEMBER FRANKLIN IS ON BOARD WITH THAT. ITEM 20, CONSIDER REQUEST BY COUNCILMEMBER FRANKLIN AND HADLEY TO DISCUSS APPROVAL PROCESS FOR EDITS TO THE BRUCE'S BEACH HISTORY REPORT. WE HAVE A THIRD FOR THAT. FUTURE AGENDA ITEMS? I'VE GOT SOME. I'M JUST GOING TO JUMP IN, SORRY, MAYOR'S PREROGATIVE. I'VE GOT FOUR. NUMBER ONE I WOULD LIKE TO BRING BACK A MORATORIUM ON MINISTERIAL APPROVALS OF RESIDENTIAL PROJECTS IN COMMERCIAL ZONES.

>> Mayor Pro Tem Montgomery: SECOND.

>> S. Hadley: YES, I WILL THIRD.

>> Mayor Napolitano: NUMBER TWO, I WOULD LIKE TO BRING BACK DISCUSSION ITEM FOR THE EXPANSION OF PUBLIC PARKING AT LOT 4 AT ROSECRANS AND HIGHLAND.

>> Mayor Pro Tem Montgomery: SECOND.

>> Mayor Napolitano: NUMBER 3, ROAD DIETS, I WOULD LIKE TO BRING THE ITEM FOR APPROVAL FOR STREET RECONFIGURATIONS TO COUNCIL.

>> S. Hadley: WHAT DO YOU MEAN? SLOW DOWN ROAD DIETS.

>> Mayor Napolitano: WE HAVE MORNING SIDE, WE HAVE 15 STREET HERE.

>> OKAY, GOOD HOW DID 15th STREET HAPPEN AND I DIDN'T EVEN KNOW ABOUT IT.

>> Mayor Napolitano: ITEM #4, I WOULD LIKE TO HAVE SAND DUNE PARK REDESIGN COME TO COUNCIL. THE CURRENT WORK BEING DONE THERE.

>> S. Hadley: LIKE A REPORT?

>> Mayor Napolitano: REPORT BUT ALSO LIKE ANY MODIFICATION BY COUNCIL. BECAUSE THAT'S NOT A PROJECT THAT CAME TO US. I UNDERSTAND PARKS AND REC WENT OVER IT AND STAFF WENT FORWARD BASED ON THAT. BUT ASIDE FROM BRIEFING NOTES, WE DIDN'T WEIGH IN ON ANYTHING.

>> S. Hadley: I WILL SECOND THAT.

>> Mayor Napolitano: GETTING THE WORK DONE, FEEDBACK. IT WAS IN THE BUDGET. OKAY, THOSE ARE MY FOUR.

>> S. Hadley: OKAY. I WOULD LIKE TO ADD AN AGENDA ITEM TO INVESTIGATE LOOKING INTO BEVERLY HILLS ARMED SECURITY FOR, THAT THEY USE TO PATROL DOWNTOWN CHEAPER THAN POLICE OFFICERS BUT ADDS ARMED SECURITY IN OUR DOWNTOWN AREA. SO IT WOULD BE A LAYER BETWEEN CSC AND OUR PD.

>> Mayor Pro Tem Montgomery: CAN I MAKE A COMMENT THERE?

>> Mayor Napolitano: IT'S CALLED BEVERLY HILLS?

>> S. Hadley: CALLED DEFEND, GUARD PROTECT OR SOMETHING.

>> Mayor Pro Tem Montgomery: AT THE ICA CONFERENCE THEY WERE TALKING ALL ABOUT IT SO I WILL BE YOUR SECOND.

>> S. Hadley: BEVERLY HILL IS A ROLE MODEL CITY, I'M NOT SAYING WE HAVE TO HIRE THEM, BUT SOMETHING I WOULD LIKE TO EMULATE, IN LIGHT OF CONTINUED CONCERNS AMONG OUR DOWNTOWN BUSINESSES. SECOND, THIS ISN'T REALLY AN AGENDA ITEM BUT I WOULD LIKE CLARIFICATION ON OUR CITY ATTORNEY WHAT WE VOTED FOR ABOUT THE USE OF CITY FACILITIES FOR POLITICAL ACTIVITIES. RESIDENT REACHED OUT TO ME, SHE ASKED THE CHAMBER OF COMMERCE OR SOME GROUP THEY ARE THINKING ABOUT DOING A CANDIDATES' FORUM. MAYBE IT WAS OLDER ADULTS. CANDIDATES FORM FOR SCHOOL BOARD AND TOLD BY THE OLDER ADULTS WE CAN'T USE JOSLYN BECAUSE IT'S POLITICAL. A CANDIDATES FORUM IS NOT POLITICAL.

>> City Attorney Q. Barrow: THAT'S EXISTING ORDINANCE. AND DID WE GET TO THAT TODAY? DID WE HAVE THAT ON THE CONSENT CALENDAR?

>> Mayor Napolitano: YES.

>> City Attorney Q. Barrow: OKAY.

>> Mayor Napolitano: DO YOU WANT TO SEND A NOTE TO COUNCIL?

>> City Attorney Q. Barrow: I WILL GET BACK TO YOU ON THAT, THAT WAS THE EXISTING LAW BEFORE WE DID THE EMERGENCY ORDINANCE.

>> S. Hadley: WHAT IS THE EXISTING LAW?

>> City Attorney Q. Barrow: THAT NO POLITICAL ACTIVITY OR CANDIDATE FORUMS BE ON CITY PROPERTY.

>> S. Hadley: HOW COULD IT BE POLITICAL WHEN EVERYONE IS INVITED. LIKE YOU CAN'T HAVE THE BEACH INFORMER AT CITY HALL.

>> City Attorney Q. Barrow: MAYBE WE SHOULD BRING THAT BACK BUT ALSO, I WAS REMISS NOT READING THE TITLE OF THAT ORDINANCE.

>> Mayor Napolitano: I'VE BEEN WAITING ALL NIGHT.

>> City Attorney Q. Barrow: CAN I GET A MOTION TO RECONSIDER?

>> Mayor Napolitano: MOTION TO RECONSIDER.

>> City Attorney Q. Barrow: RECONSIDER ITEM # --

>> Mayor Napolitano: HADLEY DO YOU WANT TO RECONSIDER?

>> S. Hadley: YEAH.

>> City Attorney Q. Barrow: #7.

>> Mayor Napolitano: WHY DON'T WE BRING THAT BACK.

>> City Attorney Q. Barrow: OKAY, SO NOTHING WAS ADOPTED TONIGHT. WE HAVE THE EXISTING LAW.

>> S. Hadley: MY UNDERSTANDING IT WAS ABOUT A CANDIDATE OR CANDIDATE'S PARTY DOING SOMETHING. IT WAS NOT A PUBLIC SERVICE FOR EDUCATIONAL PURPOSES WHERE EVERY CANDIDATE IS INVITED.

>> Mayor Napolitano: LET'S BRING IT BACK AND HASH IT OUT.

>> City Attorney Q. Barrow: MOTION TO RECONSIDER, YOU ALL AGREED?

>> Mayor Pro Tem Montgomery: NOT ME.

>> City Attorney Q. Barrow: THAT'S 4-1.

>> Mayor Napolitano: OKAY. COUNCILMEMBER STERN?

>> H. Stern: YEAH.

>> City Attorney Q. Barrow: A MOTION TO CONTINUE ITEM #7 THEN.

>> Mayor Napolitano: YEP. DO WE NEED TO VOTE ON IT?

>> City Attorney Q. Barrow: ALL IN FAVOR OF THE CONTINUANCE?

>> Mayor Napolitano: AYE.

>> S. Hadley: YES.

>> City Attorney Q. Barrow: 4-1 ON THE MOTION TO RECONSIDER AND 4-1 ON CONTINUANCE OF ITEM #7, SO THAT WAS NOT ADOPTED TONIGHT.

>> Mayor Napolitano: ANY OTHER FUTURE AGENDA ITEMS?

>> J. Franklin: I'VE GOT ONE. REQUEST BY ESPERANZA BY --

>> Mayor Napolitano: I'LL BE YOUR SECOND.

>> J. Franklin: TO CONSIDER -- [LAUGHTER]

>> J. Franklin: I DIDN'T SAY REQUEST TO PUT IN ORDER FOR FOOD.

>> Mayor Napolitano: REQUEST TO PUT IN ROOFTOP DECK AS OPEN DINING DURING COVID EMERGENCY.

>> S. Hadley: OKAY, YOU GOT YOUR SECOND.

>> MAYOR? JUST A CLARIFICATION ON THAT REQUEST. THAT REQUIRES A USE PERMIT AMENDMENT. I JUST WANT TO CLARIFY WITH THE CITY ATTORNEY THE PROPER CHANNEL FOR THAT REQUEST.

>> Mayor Napolitano: WE WILL LET YOU CONFER WITH THE CITY ATTORNEY.

>> City Attorney Q. Barrow: SO IT'S GOING TO COME BACK ON THE



AGENDA. WE WILL LET YOU KNOW WHAT THE PROCESS IS.

>> Mayor Napolitano: ALL RIGHT, ANYTHING ELSE?

>> H. Stern: I HAVE ONE. DO WE NEED A DISCUSSION OR UNDERSTANDING WHAT WE CAN DO WITH RESPECT TO THE MEASURE, OUR INITIATIVE, CANNABIS BAN RETAIL CANNABIS, CAN THAT COME BACK?

>> City Attorney Q. Barrow: ONCE AGAIN, YOU CAN PLACE THIS ON THE AGENDA AND HAVE A DISCUSSION. IT'S NOT A USE OF CITY RESOURCES AND YOU CAN ADOPT A RESOLUTION TO ADOPT OUR MEASURE.

>> H. Stern: I WILL ASK FOR A SECOND TO BRING THIS BACK.

>> S. Hadley: I WILL SECOND.

>> Mayor Napolitano: ANYTHING ELSE?

>> J. Franklin: ACTUALLY, I THINK ONE ITEM FOR AMERICAN MARTYRS.

>> Mayor Pro Tem Montgomery: WE HAD ONE REQUEST FOR --

>> Mayor Napolitano: SECOND.

>> Mayor Pro Tem Montgomery: TO LOOK AT WAIVING THE FEES THEY PAID FOR A LIQUOR LICENSE REVIEW AND WE CHARGED \$17,000 BUT THEY WANT US TO LOOK TO WAIVE IT.

>> J. Franklin: MUSTANG EVENT BACK ON APRIL 30th.

>> Mayor Pro Tem Montgomery: FIRST I WANT A SECOND FROM THE MAYOR.

>> City Attorney Q. Barrow: THAT DOESN'T HAVE TO GO THROUGH THE THREE STEP PROCESS. IT'S JUST A SIMPLE MATTER. DO YOU WAIVE THE FEE.

>> Mayor Napolitano: THAT COULD BE BROUGHT BACK. ALL RIGHT, ANYTHING ELSE NOW? SEEING NONE. ITEM 22, RECENT PLANNING COMMISSION QUASI JUDICIAL DECISION, ANY COMMENTS OR REVIEW ON THAT? CITY MANAGER REPORT?

>> City Manager B. Moe: NOTHING THIS MORNING. [LAUGHTER]

>> Mayor Napolitano: GOOD CALL.

>> City Attorney Q. Barrow: IT'S 12:15, WE BROKE THE RULES. NO REPORT.

>> Mayor Napolitano: INFORMATIONAL ITEMS. CLOSED SESSION? NONE TONIGHT. THAT MEANS WE WILL ADJOURN TO OUR NEXT -- WE DON'T HAVE ANY MEETINGS BETWEEN -- NEXT REGULAR MEETING ON SEPTEMBER --

>> S. Hadley: DON'T SAY SEPTEMBER. SUMMER WILL BE OVER.

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

>> Mayor Napolitano: ALL RIGHT.