

To:
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Public Comments

Beach Cities Health District (BCHD)

Healthy Living Campus (HLC)

March 2021 Draft Environmental Impact Report

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1 Introduction

1.1 Roadmap

Below are public comments to the March, 2021 release of a “draft” document entitled “Environmental Impact Report for the Beach Cities Health District Healthy Living Campus Master Plan”.

Each and every word of every comment made in this document, including, but not limited to those contained in the appendices hereto, and all attachments, are meant to be public comments to the March, 2021 draft of an EIR.

This document, prepared by Torrance Redondo Against Overdevelopment (TRAO), presents 217 deficiencies of the BCHD Healthy Living Campus (HLC) Draft Environmental Impact Report (DEIR).

Our intended audience is more than merely BCHD and its hired consultants. We hope that elected and appointed officials of the cities of Redondo Beach and Torrance also will gain insight by reading relevant portions of what is presented here.

In section 2, we have organized these deficiencies into 41 *arguments* for why the HLC project should be abandoned. Each argument references appropriate sections of the Title 14, California Code of Regulations that pertain to the California Environmental Quality Act (CEQA). They include not only the traditional list of impacts such as Air Quality, Noise, and Traffic, but also general CEQA concerns such as Economic Characteristics and Economic and Social Effects.

Among our argument conclusions are:

1. The HLC project is not legal.

If you have a legal background, please concentrate on section 2.1. If you would like to contribute *pro bono* to help pursue this argument through the courts, please email TRAO90503.org.

2. Five of the six BCHD objectives are *misleading* and serve BCHD *wants* rather than the public *needs*.

If you are a member of a city council or commission, please concentrate on section 2.2.

3. Five of the proposed mitigations do not sufficiently protect the public from adverse effects.

If you feel that such shortcomings must be fixed before the project is allowed to proceed, please concentrate on sections 2.3.

4. The BCHD applicable plans, alternatives, and cumulative effects are not evaluated to sufficient depth.

Four alternatives with merit have not been addressed at all.

If you feel that these topics are important and must be analyzed, please concentrate on sections 2.4 – 2.6.

5. Nine CEQA Appendix G topics have not been adequately addressed.

If you have a particular interest in some of these, please concentrate on sections 2.7-2.17.

The number and substance of all of these shortcomings demonstrate that this project should not go forth. It should be *abandoned* entirely.

For each argument in section 2, we reference the appropriate section of the DEIR and its supporting documents with the sources of facts that we assert to be true.

Access to longer references, designated by [Ref:] in section 2, are listed in section 3.2. If you are reading this document on a computer rather than print, some references will have to be downloaded to a local computer before they can be viewed. They are in one of two formats: .pdf or .php. Both formats are readable in Adobe Acrobat.

If the format is .php, Firefox and possibly other browsers will not be able to read a referenced file immediately. If this is the case, download the file, open Adobe Acrobat, and select *Open* from the *File* menu. Set the file selection filter to *All files*, not just those with a .pdf extension. Navigate to your *Downloads* folder. In the open dialog that appears, and click on the most recent file with a .php extension.

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Some of our references are to shorter documents, designated by [See:] rather than [Ref:]. They are reproduced in their entirety in either another subsection of section 2 or are attached in section 3.1.

The attached documents in section 3.1 are not only for reference, however. They are part of our formal comment to the DEIR and should be reviewed in the same manner as the material in section 2.

For all of our arguments, our goal has been to substantiate all of our assertions by these independently published documents.

The 2020 CEQA Statutes and Guidelines are available for download from:

https://www.califaep.org/docs/2020_ceqa_book.pdf

1.2 Advocacy

Torrance Redondo Against Overdevelopment (TRAO) is an unincorporated assembly of concerned residents with homes surrounding the BCHD campus and beyond.

TRAO:

* Publishes a factual and informative newsletter on a bi-weekly schedule to over 400 subscribers who have asked to receive them.

* Has collected a hardcopy petition with over 1300 registered voters' signatures vehemently opposed to the HLC development. It was gathered in just 4 weeks in February 2020, only ending because of the pandemic and stay-at-home orders.

* Mobilized over 100 attendees and dozens of speakers to overflow in person BCHD Board Meetings from October 2019 to February 2020, prior to the pandemic.

* Alerted residents, resulting in 115 opposing the master plan with public comments presented at the June 17, 2020 BCHD Board Meeting that announced the new HLC Master Plan – after 4 months of silence from the BCHD and a cancelled “Study Session” with the public.

* Endorsed and helped shape the platform of Dr. Martha Koo, who successfully unseated an incumbent in the November 2020 election for the BCHD Board of Directors. She was the *top* vote-getter with 31,969

votes, more than any other candidate.

TRAO-2
(Cont.)

Her platform was: 1) “Further *engage the community* and genuinely advocate for residents' needs, and 2) “*Re-evaluate* the plans for the Healthy Living Campus...”. TRAO is first of her listed endorsers.

2 DEIR Deficiencies

2.1 Legality

2.1.1 The HLC Project is Not legal

The BCHD cannot legally be the lead agency for the HLC Project

The HLC project is envisioned as an in-the-future, private, non-public development.

TRAO-3

The BCHD, as a matter of public law, is an agency with a single or limited purpose – to provide a Public Service.

The City of Redondo Beach is the only entity that is viable as a Lead Agency.

Please [See: 3.1.16] for the brief supporting this conclusion.

The HLC violates the City of Redondo Beach and the City of Torrance Municipal Codes

The EIR completely ignores discussing the Torrance Hillside Overlay Zone.

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The HLC proposes to access local City of Torrance streets in violation of law and general and specific City of Torrance plans.

The EIR's Perfunctory Discussion of the City of Redondo Beach's Measure DD, which requires the public vote on the HLC Project, is false and misleading. Please [See: 3.1.17] for the brief supporting this conclusion.

BCHD's unwavering commitment to the HLC project irrevocably taints the EIR, rendering it invalid

Under CEQA, an EIR is meant to be an objective, factual report on impacts which a proposed project would have on the environment.

Any agency, such as BCHD, is prohibited from approving the

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Project before the EIR process established by CEQA is complete.

BCHD has taken a number of actions, however, which evidence their “approval” of the Project in a premature and invalid fashion. Thus, the EIR need be withdrawn.

Please [See: 3.1.21] for the brief supporting this conclusion.

2.2 Objectives

2.2.1 The Need for Seismic Retrofit has Been Misrepresented by BCHD

CEQA Reference(s): Section 15124(b) provides that the draft EIR is required to contain: “A statement of the objectives sought by the proposed project.”

DEIR Page(s):142

The *very first* objective stated in the DEIR is:

“Eliminate seismic safety and other hazards of the former South Bay Hospital Building (514 North Prospect Avenue).”

This objective is patently misleading. It preys upon the public’s fear of earthquakes. Who wouldn’t be in favor of safety first and foremost? A closer look at the data, however, brings the subterfuge to light. It shows that the objective is self-serving and illogical.

1. The objective is self-serving

To be sure, BCHD is emphatic about stressing the need to demolish building 514 and replace it with a new building. At the 3/24/2021 public meeting, the BCHD CEO said:

“Some people that have been concerned about the project have wondered whether I have some sort of agenda or goal. You know some have alleged certain things.

“I do have an agenda, and it relates to this project and it's related to seismic safety and 120 people that live in that building full-time. And the hundreds of people that visit that building every day. That building does not meet seismic standards.

“It is currently not required to be upgraded, but we are a health

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district that has a moral obligation to be proactive and protect the people in our community, and as CEO and as someone that whose earliest memories at age four was the 1968 earthquake, we are not going to have a building that does not meet seismic standards in operation without a plan to address it. And that is something that the community has gotten behind. Experts have talked about and the board is supportive of this, and so it is something we are going to address as a health district.”

An edited, after the fact, short video of the same pronouncement also exists. [Ref: 3.2.60]

Such statements, however, bear closer scrutiny. In fact, retrofitting the existing building 514 is not as expensive as claimed; most of the touted cost is for creature comforts.

a. Retrofit is not as expensive as claimed

BCHD cites a price tag of eliminating the earthquake hazard for building 514 to be in the vicinity of \$86M [Ref: 3.2.56]. And since the Phase 1 costs for the HLC are approximately \$100M, one could ask why not go ahead and demolish 514 and build a new building in its place?

As shown in the reference, however, the basic trade cost for restricting the proposed upgrade to only *retrofitting* the exterior of building 514 and thereby mitigating the life-safety issue is *only* \$13.4 M. With such a retrofit, the probability of a seismic event that occurs roughly once every *fifty* years impacting life safety is estimated to be less than 2%. A new building constructed in 514’s place probably would only satisfy the same criterion.

To be fair, as also shown in the reference, there are overhead charges that apply to this figure, but the salient point is that BCHD has *within its coffers at present* more than enough capital to pay for an external retrofit – over \$25,000,000! [Ref: 3.2.78]

So, if this supposed seismic peril is so important to BCHD, why doesn’t it just perform the retrofit *now*?

The impassioned rhetoric and not even an examination of this possibility makes one wonder. Why is eliminating seismic safety so illogically the very first objective of the HLC?

b. Most of the cost is for creature comforts

As shown in [Ref: 3.2.56], the bulk of the so-called retrofit trade costs are for such items as:

Interior partitions, doors, and glazing	\$4,466M
Floor, wall, and ceiling finishes	\$4,732M
Plumbing system upgrades	\$3,863M
Heating, ventilation and air condition upgrades	\$8,142,M
Electrical Power and Communication upgrades	\$10,681M
Total interior upgrades:	\$31,844M

The total interior upgrades cost 2.3 times as much as the retrofit itself!

Yes, 514 is 65 years old. But it is still functioning. According to BCHD, all of the lessors will be leaving when their leases are up, so most of the building can be mothballed.

Is perhaps, then, the need for demolition of 514 merely a *veiled excuse* to fix creature comforts for the BCHD staff who would remain if other alternatives were considered instead? [See: 2.5.1]

Why is the true underlying objective not disclosed?

2. The objective is illogical

It *discriminates* between occupants of two buildings. It is intended to protect one - which the BCHD Board meets in, while indefinitely deferring protection for the other. The DEIR focuses entirely on building 514. There are no plans to retrofit the Advanced Imaging Building. BCHD has ample cash on hand to implement seismic retrofitting now, without the need for the HLC.

a. DEIR page 142 (2-24), in BCHD's very first bullet point regarding the purpose of the Project, states the purpose is to: "Eliminate seismic safety and other hazards of the former South Bay Hospital Building (514 North Prospect Avenue)."

b. DEIR page 430 (3.6-24) states in part:

"As previously described, the Project site is located within the seismically active region of Southern California. During an earthquake along any of the nearby faults (e.g., Palos Verdes Fault

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and Newport – Inglewood Fault), strong seismic ground-shaking has the *potential* to affect the existing buildings located at the Project site – including ... the Beach Cities Advanced Imaging (sic) Building, which do not meet the most recent seismic requirements...” (emphasis added)

Yet, BCHD has no plans to protect persons at the Imaging Center from harm or death caused by seismic events.

Note the word “potential”. Note also the lives of those in the “Imaging” building are a Phase 2 priority (apparently code for “never”).

This conclusion is propped up by BCHD’s repeated claims that there is “no funding” for phase 2. Phase 2 is in the indefinite future. We know what that means for the fate of Imaging Center occupants.

How can seismic safety be a legitimate *purpose* when BCHD plans to selectively (and apparently arbitrarily) determine who is at risk from seismic events?

Of course, it can’t.

Perhaps a reason for demolishing and replacing 514 is to improve the creature comforts for the BCHD staff who work in it?

c. If there really was an actual seismic hazard to anyone, BCHD has a number of options other than the HLC project to address it

- Use some of the \$25,000,000 cash on hand to retrofit the exterior of 514

- Cut expenses [See 2.5.3]

- Use its power under the law to borrow funds needed [See: 2.5.5]

If seismic safety were a real problem, BCHD has the wherewithal to remediate it, and to do so now. The Project is an indefinite, uncertain, and speculative way to solve a seismic problem; especially one which has been decades in the making.

The DEIR stated objective is self-serving and illogical.

Conclusion: The *need* for seismic retrofit has been misrepresented by BCHD. *Instead*, it is a BCHD management *want*.

It is not a defensible objective and *must* be removed from the EIR.

2.2.2 Supporting Current Level of Services is a BCHD *Want* -- Not a *Public Need*

CEQA Reference(s): Section 15124(b) provides that the draft EIR is required to contain: “A statement of the objectives sought by the proposed project.”

DEIR Page(s):142

Two of BCHD’s objective statements state the same thing.

2. Generate sufficient revenue through mission-derived services to replace revenues that will be lost from discontinued use of the former South Bay Hospital Building and *support the current level of programs and services.*

6. Generate sufficient revenue through mission-derived services and facilities to address *growing future community health needs.*

These two statements boil down to be basically the same: *Generate revenue.* They reflect what BCHD *wants* to do – stay in business. Nowhere in this DEIR is there a valid *quantitative* discussion of the community value received for all of the programs that BCHD touts they perform or plan to perform. They misrepresent both community need and community input. They disguise BCHD’s true motivation.

a. Misrepresentation of community need

Reading their repeated chest-pumping publicity makes one wonder: Why is there so much emphasis touting their alleged accomplishments? Some of their pronouncements are especially misleading. For example, in the CEO report for 10/28/20 [See: 3.1.7], it was stated:

“Question: During the Half-Day there was a poll on expanding services, shrink or keep services the same.

“Answer: Unfortunately, when we asked the first poll question, we didn’t grab a screen grab of the actual poll, but we went back and double checked the results.

“Do you agree or disagree that it’s essential that BCHD continues its funding model and develop new sources of revenue to sustain and expand our capabilities to fund free programs and services for residents and impact more people in our community?”

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- 98% Agree
- 2% Disagree”

First of all, clearly, the question blatantly biases the answers. Who would disagree with having free programs – so long as they are unspecified and whatever detriments caused by them were not mentioned in the question?

Secondly, even on the surface, having 98% agreement in any poll is suspicious. Using Public Records access, the constitution of the poll takers was obtained from BCHD [See: 3.1.8, 3.1.9]. As can be seen from tabulating the affiliation of the poll responders, of the 124 responders, only 6 names were redacted as not being closely associated with BCHD!

There is nothing wrong to poll closely associated individuals. But if one does so, of course, the statement would be overwhelmingly approved.

What is reprehensible is that this fact conveniently was *not mentioned* at all along with the results.

This example is systematic of BCHD publicity.

Why does BCHD feel the necessity of resorting to such blatantly misleading statements about the *need* for the organization?

Is it because, deep inside, there are no compelling reasons for its existence?

b. Misrepresentation of community input

BCHD has repeatedly touted that they established a working group of community members – the CWG. The charter of this group was that they would work together, solicit input from their neighbors and help crystalize community needs that could be addressed by the BCHD going forward.

i. A summary of these activities by one of the original members of the group testifies that this turned out not to be the case. The CWG was merely another means by which BCHD could claim broad public support for their desires [See: 3.1.18]

ii. The BCHD CEO *often* states “93% of the Community Working Group (CWG) approves of the HLC project.”

The original question posed to the CWG on 12/14/2019 sheds some light on where this 93% comes from.

The original question was: “True or False: The Master Plan optimally accomplishes all or the majority of the Healthy Living Campus and Principles.” The result: 93% true. [Ref: 3.2.143]

But notice that the question was not about CWG *approval* at all. It merely was a certification that the Master Plan [if carried out] could in fact accomplish principles promulgated for the HLC. Verifying the *accuracy* of items in a list in *not* the same thing as approving it.

At the 9/11/20 Strategic Planning meeting, BCHD-affiliated attendees was asked about “priority based” budgeting. “What is the most important attribute” and “What is the least important attribute”.

Revenue generation was one of the attributes to be ranked. The outcome was that it ranked at the *bottom* (4%) for most important, and at the *top* (34%) for least important. Of the five attributes ranked, Revenue generation was at the bottom.

Unlike the first misappropriated statement of approval, In the draft EIR, Revenue Generation was mentioned twice., as two of the 6 HLC project objectives.

c. So what is BCHD’s true motivation?

To be fair, two activities supervised by BCHD do have merit for the community: The Center for Health and Fitness (CHF) for adults and Adventureplex for children. But these services are *self-sustaining*. They are paid for by fees charged to the users.

All of the other BCHD activities apparently are *internally* self-generated. Without any apparent need voiced by the general public!

Yet, BCHD staffing has grown *20%* over the last decade [See: 2.5.3], and for what reason? Could the real reason for the HLC merely be to prevent the headcount contracting to be in line with projected income?

Generating revenue and staying in business are obvious objectives of *private* enterprises. The market place decides which thrive and which fail. BCHD, however, is a *public* institution, a keeper of *public* trust, one ostensibly that should service *public* need, not the *private* wants of a small number of individuals.

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(Cont.)

TRAO-12
(Cont.)

BCHD misrepresents both community need and community input. It disguises its true motivation.

Conclusion: Supporting current level of services is a BCHD *want*. It is not a public *need*.

It is not a valid objective. It *must* be removed from the EIR objectives.

2.2.3 The *Silver Tsunami* is Not Going To Happen in the South Bay

CEQA Reference(s): Section 15124(b) provides that the draft EIR is required to contain: “A statement of the objectives sought by the proposed project.”

DEIR Page(s):142

Objective four in the DEIR states:

“Address the *growing* need for assisted living with on-site facilities...”

This objective has fallen from the first to the fourth spot in the list on page 142. In BCHD’s scramble to justify the need for the HLC, it was first announced by the BCHD in 2017 [Ref: 3.2.110] as something to combat the *Silver Tsunami*.

The argument was that the population in the beach cities was growing older. There would be no place for them to go! BCHD would step up to the challenge by building an Assisted Living Center as the central rationale of a HLC and save the day.

This argument is fallacious. The nation-wide occupancy rate for commercial assisted living is not as high as BCHD touts. Instead, BCHD ignores other alternatives for assisting seniors.

1. The actual nation-wide occupancy rate for commercial assisted living even before the pandemic began are in the *mid 80-percentiles*, not the high nineties assumed by one of BCHD’s consultants. Space is available for those who want it.

Because of this basic error in calculation, it is much more likely that the HLC project will lose money rather than make any. [See: 2.7.2 and 3.1.5]

2. BCHD would do well to focus on what's been called the Village Movement for seniors. This has been adopted already in other parts of

the world to tremendous success. [Ref: 3.2.111] Neighborhood organizations are formed and homeowners pay yearly dues to hire a small staff that help with everything from in-home help, to shopping for the elderly, and to organizing social activities. Such a plan in the South Bay would be just what BCHD should coordinate.

It would help the elderly maintain connections they've made over a lifetime in their own neighborhoods, and still receive services, without having to move into assisted living. [See: 3.1.10] presents further evidence that in-home care in familiar surroundings is preferred by seniors. They have little desire for leaving familiar surroundings to which they had become accustomed.

One can surmise that BCHD is aware of these ethical and financial conclusions, but are trapped in wanting to not totally abandon this element of their thrashing to find justifications for the HLC. And as a result, the original argument that started this brouhaha has been quietly relegated from first to fourth place.

The *need* for the assisted living portion of the DEIR has been misrepresented by BCHD. Especially profit-driven assisted living by a public agency giving control of land to a for-profit developer. There is no tsunami; no real need. There is too much collateral damage to the surrounding communities if the HLC project goes forward. The questionable benefits do not outweigh the costs.

Conclusion: Increasing assisted living is not a defensible objective.

It *must* be removed from the EIR objectives.

2.2.4 The Parklands Enticement is a Bait and Switch

CEQA Reference(s): Section 15124(b) provides that the draft EIR is required to contain: “A statement of the objectives sought by the proposed project.”

DEIR Page(s):142

Objectives three and five of the DEIR state:

“Provide sufficient public *open space* to accommodate programs that meet community health needs.” And

“Redevelop the Project site to create a modern campus with public

TRAO-13
(Cont.)

TRAO-14

open space and facilities designed to meet the future health needs of residents, with meeting spaces for public gatherings and interactive education.”

But when looking at the details of how the HLC is to be developed, one finds that BCHD asserts that all these public space improvements *require* the demolition of building 514, even though such an action is not necessary[See: 2.2.1].

a. The DEIR states that the proposed Project would include 114,830 sf of ground-level open space traversed with tree-lined pedestrian pathways which would provide on-site connectivity with the existing sidewalks adjacent to the Project site on North Prospect Avenue, Beryl Street, Flagler Lane and Flagler Alley, and Diamond Street"

However, this “green space/open space” will not be for the public because it will be privately owned by an investment company. Its land-use category is “privately owned public space” if they choose to open it to the public.

But, given that this area is popular with the homeless, it is likely to be cordoned off in some way. It is inconceivable that RCFE and dementia residents will be comingling with the unhoused.

b. An additional part of the bait is the plans for phase 2. BCHD is trying to get the public and its representatives to endorse the HLC project because an aquatics center and other amenities are “part of the deal”.

But the phase 2 design is unstable. DEIR pages 165-171 (2-47-2-53) of the DEIR presents several “examples” but BCHD states that at the present time there is *no funding for phase 2* [Ref: 3.2.79].

Yes, developing parklands could be a worthwhile BCHD objective. In fact, in terms of public support, it could be better alternative than all of the ones considered by the BCHD. Parklands should be the *first* thing considered, not the last. And if one foregoes the unfunded luxuries of an aquatics center, parking towers, a new center for health and fitness, and a wellness pavilion, achieving this goal is possible [See: 2.5.2]

Conclusion: Build only parklands *first*

2.3 Mitigations

2.3.1 Aesthetics

CEQA Reference(s): Appendix G Aesthetics: c) in part asks the question: “Would the project substantially degrade the existing *visual character or quality* of the site and its surroundings.”

DEIR Page(s): 199

DEIR statements deliberately mislead the reader. Statements therein are incorrect and apparently not even verified.

1. The obstruction of the Palos Verdes ridgeline is a *distraction*.

DEIR page 231 (3.1-33) states:

“VIS-1 The proposed Residential Care for the Elderly Building included in the Phase 1 preliminary development plan would interrupt public view of the Palos Verdes hills from the highpoint at 190th Street and Flagler Lane.”

Later, the DEIR relates that a reduction in the height, of the RCFE building would reduce this impact to be “less than significant with mitigation.” This is the *entire* justification that *all* HLC project Aesthetics impacts will be “less than significant.”

The DEIR states that that the design height of the RCFE is now 103 feet. versus 83 feet (both with projections) in the “refined” Master plan approved to move forward with on June 17, 2020. The design in the DEIR, therefore, adds 20 more feet of elevation than previously shown.

Not coincidentally, the DEIR Executive Summary on Aesthetics states that by removing 20 feet and 3 inches from the design reveals the top of the PV ridgeline from the viewing location of Flagler Lane at 190th Street. By implication therefore, the DEIR tries to conclude that the mitigation of removing the additional 20 feet, the environmental impact of the HLC would be less than significant.

A street view rendering looking south reveals a different story.

TRAO-17



Figure 2.3.1-1 The street view of the proposed facility looking south from Beryl Street.

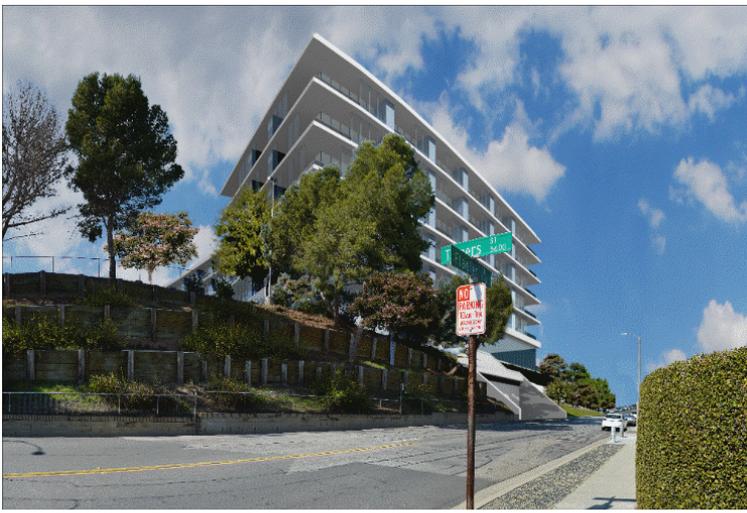
As can plainly be seen in the figure above, the size of this proposed building is *massive*. It does not belong in a residential neighborhood.

2. DEIR Key Location Views (KLVs) show the true nature of the HLC major aesthetic impact.

The DEIR pages 241-2 (3.1-33-4) presents before and after KLVs of street views of the BCHD site.



Flagler Lane looking west - before



Flagler Lane looking west - after



Beryl Street looking south - before



Beryl Street looking south - after

These renditions illustrate how profoundly the surrounding neighborhoods are impacted by the proposed design. The HLC project is *not compatible* with the mass, size, or scale of the surrounding neighborhood. Both the cities of Redondo Beach and Torrance Land Use plans agree.

The Redondo Beach General Plan Land Use element, Policy 1.46.4 states:

“Establish standards for the City and coordinate with other public agencies to ensure that public buildings and sites are designed to be compatible in scale, mass, character, and architecture with the existing buildings and pertinent design characteristics prescribed by this Plan for the district or neighborhood in which they are located.”

The Torrance General Plan Land Use Element states:

“Policy LU.2.1 Require that new development be visually and functionally compatible with existing residential neighborhoods and industrial and commercial areas.

Policy LU.2.2 Encourage the transition of incompatible, ineffective, and/or undesirable land uses to land uses that are compatible and consistent with the character of existing neighborhoods.

Policy LU.3.1 Require new development to be consistent in scale, mass and character with structures in the surrounding area.”

There could be substantial legal complications that arise from violation of these guidelines. [See: 3.1.17]

3. The number of Key Location Views in the EIR *must* be increased.

As inappropriate for proper land use as the renditions above show, evidently they were chosen to be included in the DEIR because they are the more innocuous ones of surrounding locations.

They do not include all the KVLs that *must* be provided in an EIR as dictated by CEQA. They must be views from public locations that will be *affected*, not those merely those for the *least affected*.

a. The following views *must* appear in the EIR

- The Torrance Tomlee Cul-de-Sac from homes located directly East and just 80 feet from the site

- The Towers Elementary School playground entrance

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(Cont.)

TRAO-20

- Redondo Beach Diamond Street

b. The views in the EIR, *must* include those in the DEIR, those added in a. above, and those of the proposed Phase 2 structures.

The DEIR page 6 (ES-2) states:

“... the EIR analyzes potential construction related impacts (e.g. building height) using conservative assumptions related to maximum building footprints and maximum building heights.”

Yet not a single rendering or visualization of Phase 2 aesthetic impacts are shown.

In fact, the closest that the public get to see anything about Phase 2 is the fact that the additional structures will cast shadows.

4. Statements in the DEIR are incorrect and apparently not even verified

For example, DEIR page 207 (3.1-9) states in part:

“Public views of the Project site are generally confined to those available from immediately adjacent streets, sidewalks, and Dominguez Park. Views from streets even one block away are obscured by intervening structures. For example, views from Sunnyglen Park are completely blocked by intervening 1- to 2-story single family residences and neighborhood serving commercial development.”

This statement is patently incorrect. There are many areas in the park from which the DEIR site can be seen [See: 3.1.23] It is indicative of the erroneous statements in the DEIR that attempt to cover up what the aesthetic impacts actually will be.

For the aesthetic impacts of shadows and glare, [See: 2.15]

The DEIR Aesthetics section is grossly deficient. It must provide additional representative before-and-after visualizations from key viewing locations and must include Phase 2 structures in these KVLs.

Conclusion: The BCHD HLC is an exercise in *hubris*. The Proposed

2.3.2 Air Quality

CEQA Reference(s): Appendix G Air Quality asks in part:

Does the proposed project:

“b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

d) Expose sensitive receptors to substantial pollutant concentrations?”

DEIR Page(s): 273, Appendices B and E

The HLC Development Project is *Immoral*. The benefits are non-existent. The harms are large.

Peak values must be used in pollution analyses rather than average, but BCHD has callously chosen not to do so.

Fugitive dust control methods are not monitored.

1. The HLC Development Project is *Immoral*

It is clear that the DEIR is written using the same techniques widely employed to assess the environmental impacts of a proposed development. Society has accepted this method for doing so because of the following argument:

a. All construction causes some harm.

b. If society did not permit at least some harm, then nothing would be built. We all still would be living in adobe huts.

c. Society, through its laws and regulations therefore, has defined the *limits* of accepted harm that is allowed.

d. If a proposed project produces less harm than the defined limits, then the proposed project can proceed.

BCHD has engaged Wood Environmental and Infrastructure Solutions to perform the necessary calculations that attempt to substantiate that the HLC produces less harm than these limits. For the case of the HLC however, there is a significant difference that invalidates the use of the usual societal allowed limits of harm.

Morally, BCHD must be held to a *higher* standard. It is a *health* district,

not a commercial development from which a profit is to be made. Morally, more stringent restrictions *must* apply for any BCHD activity.

BCHD must obey the precepts of the Hippocratic oath – do *no* harm. Do *NO* harm, not even the “little bit” that is allowed for by society as a whole.

Let’s examine, therefore, the proposed HLC benefits versus the harm that its construction would cause from this perspective.

2. HLC Benefits are non-existent

a. There is no proof presented in the HLC DEIR that being in an assisted-living facility prolongs resident life.

b. There is no proof presented in the HLC DEIR that being in an assisted-living facility increases the *quality* of life.

c. There is no argument presented in the HLC DEIR that those who could afford the HLC residency rates would pick the RCFE as their residence solution.

d. There is no argument presented in the HLC DEIR that those who could afford the HLC residency rates would not rather choose aging in place.

The EIR must present an analysis of benefits of the HLC; otherwise, the only conclusion is that the *proven* benefits are *none*.

3. HLC Harms are large

SCAQMD daily pollution limits for particular matter are for sizes of 10 and 2.5 microns – PM₁₀ and PM_{2.5}. Emissions for smaller particle sizes such as PM_{1.0}, ultrafine particles, are also known to exist, but there are no standards for them - primarily because of the difficulty of monitoring and enforcing such a standard.

a. It is well known, however, that substantial health effects occur as a result of PM_{1.0} inhalation. [Ref: 3.2.57] states:

“Children (under 14), the elderly (over 65) and people with pre-existing respiratory or cardiovascular disease appear to be more susceptible. Concentration levels have been related to hospital admission for acute respiratory conditions in children’s absences, decreases in respiratory lung volumes in normal children, and increased medication use in children and adults with asthma. Recent studies show the development of lung function in children is reduced with long-term exposure to particulate matter.”

Such particles penetrate deeper into lungs and might never be dislodged. The ravages of other ultrafine particles, such as the Covid-19 virus, for example, are linked to deep lung involvement. Although longer term, the effects of PM_{1.0} can well be the same.

b. The article “Study shows PM1 air pollution is most harmful” [Ref: 3.2.120] states:

"Researchers spent about two years collecting data in a medium-sized city in northern China, measuring the levels of particulate matter in 23 size categories ranging from 0.25 microns to 10 microns. They then plotted the health conditions of residents in the city against the concentrations of particles of different sizes found in their locations ...

"Our study, based on epidemiological investigation, showed that fine particles in the air measuring between 0.25 to 0.5 microns in diameter have a closer relationship to human health, especially an increased risk of cardiovascular diseases," said Kan Haidong, a professor at the School of Public Health at Fudan University ...

"Among the key findings was that those areas with larger concentrations of smaller particles showed higher incidences of particular illnesses ...
“Kan said the smaller particles can also pass through the blood-air barrier in the lungs, entering the blood as toxins, and causing cardiovascular disease. Larger particles are not able to pass through the blood-air barrier so easily. He also said that smaller particles in the body can harm the regulation of the human nervous system.

"The significance of the study is that it has provided a new direction for the prevention and control of atmospheric pollution," Kan said. "What we need to focus on is particles of *smaller sizes, rather than PM2.5.*" (emphasis added)

4. *Peak* input parameters must be used in air pollution impact analyses, not averages.

a. The industry standard for estimating the health impacts of construction activities is the simulation program CalEEMod. It is used in particular to estimate the amount of pollution produced by diesel powered trucks and equipment. The inputs are estimates for each day of construction, what are the number of trucks trips, number of car trips by workers, number of rock crushers used in demolition, etc.

From these data, CalEEMod calculates the amount of pollutants

produced in tons per year. These are then compared with SCAQMD thresholds and if exceeded, mitigation methods must be applied.

b. Standards like these, although widely applied, are misleading and *unethical*.

The results assume that the impact of all airborne toxic contamination is simply cumulative. But as anyone with a chronic health condition knows, a small amount of pollutants in the air on a given day might be tolerable, but ten times that amount on another could be debilitating.

Such swings can easily occur. Staying on schedule in order to achieve task completion date bonuses are strong motivators. It is easy to see what happens all the time. For example, suppose a critical assembly delivery is delayed for a day. The contractor stays on schedule by scheduling twice as many truck trips the following day.

What are the real consequence of this occurring repeatedly over the lifetime of a project? Well, using the standard methods, the HLC project requires the use of Tier 4 certified diesel engines in order to get below the pollution threshold for particulate emissions. As shown in the DEIR, Appendix B, page 4, using these engines in 2022 and 2023 cuts the emission of Diesel Particle Mater (DPM) roughly by a factor of two. So, the conclusion is that with mitigation the project is good to go.

Wait a minute! One cannot simply say, “See, I had no truck trips on Monday, so I have some ‘credit in the bank’. On Tuesday, I can schedule twice as many trips and still stay on track for the amount of allowed pollution for the entire year.”

Truck trips are merely an example. *All* of the air pollution results suffer from the same unethical approach of using annual *averages* in calculating pollution effects.

For air pollution, there is an ethical way to proceed, For the example above, there is a maximum number of truck trips that the HLC project could possibly utilize in a day – the *peak* number. So, use *peak* numbers rather than *averages* throughout the air quality calculations.

The BCHD *must* take a moral position on air pollution and err on the side of being conservative rather than using industry “standards” so it can just squeak by.

5. But, BCHD has callously chosen not done so.

a. BCHD's position about these harms in the DEIR page 303(3.2-31) states:

“For local plans or projects that exceed any identified SCAQMD air quality threshold, EIRs typically identify and disclose generalized health effects of certain air pollutants but are currently unable to establish a reliable connection between any local plan or an individual project and any particular health effect.”

b. Further, it states:

“In addition, no relevant agency has approved a quantitative method to establish a reliable connection between any local plan or an individual project and a particular health effect.

In addition, no relevant agency has approved a quantitative method to do so. ... Therefore, at this time it is infeasible for this EIR to directly link a plans or project's significant air quality impacts with a specific health effect.”

c. In other words, the DEIR is saying: “We don't care if there is harm caused or not. We can plow ahead so long as we abide by the rules.”

d. And yet, even BCHD has stated its subscription to this concept of a higher moral standard. Starting at minute .47, the you-tube video [Ref: 3.2.60] states

“We are a health district. We have a *moral* obligation to be proactive and protect the people of our community.” (emphasis added)

Yes, the video goes on trying to justify the demolition of building 514 as the number one objective of the HLC Project. But as demonstrated in [See: 2.2.1] *demolition* is *not* the only possible solution to ensuring public safety.

6. Proposed Fugitive Dust Control Mitigations Are Not Monitored
The following provisions (paragraphs a. through h. below) *must* be added to the EIR as part of the proposed Air Quality mitigations for the HLC project.

These mitigations must also state that these provisions will be included in the preliminary and all revisions of the HLC development and construction plans. Along with any other portions of this construction

plan deemed relevant by the cities of Redondo Beach and Torrance, these portions of the construction plan must be *reviewed and approved* by the two cities.

a. An Air Quality Compliance Monitor (AQCM) *must* be on site during all construction activities during which fugitive dust is created. Although funded by the HLC contractor, this monitor or monitors shall operate independently of HLC construction management and provide weekly inspections and assessments of the contractor compliance with fugitive dust control methods listed below to the cities of Redondo Beach and Torrance.

b. These dust control methods *must* include but are not limited to:

i. Applying water or non-toxic soil binders equivalent to or better in efficiencies to CARB-approved soil binders every 3 hours to disturbed areas within a construction site.

ii. Requiring a minimum soil moisture of 12% for earthmoving by the use of a moveable sprinkler system or a water truck.

iii. Limiting on-site vehicle speeds to 15 mph by radar enforcement.

iv. Using gravel aprons, 25 feet long by road width to reduce mud/dirt track-out from unpaved truck exit routes.

v. Limiting drop height from excavators and loaders to less than 5 feet.

vi. Applying fabric covering and maintaining a freeboard height of 12 inches on soil truck loads

vii Maintaining tight gate seals on dump trucks

viii. Visually inspecting vehicle wheels and wheels of equipment loaded upon to assess the presence of dirt. If caked dirt or mud is present, it shall be directed to be removed from wheels prior to entering paved intersections.

ix. Visually inspecting that all equipment is maintained in good working order, and if not, prohibiting faulty equipment from use until good working order is achieved

x. Prohibiting track-out onto paved roads that exceeds 25 feet.

xi. Applying enclosure, cover, thrice daily watering, or non-toxic soil binders to open storage piles

xii. Treating disturbed surface areas with vegetative ground cover after construction operations have ceased.

xiii. Limiting truck and equipment idling time to less than 5 minutes at all times.

c. The AQCM shall provide a list of proposed control devices to be used to reduce the amount of materials tracked onto paved roads. The control monitor shall monitor track-out procedures taken, noting the actions taken at the end of each workday.

d. The AQCM shall maintain a list of inactive disturbed areas and the mitigation measures used to reduce fugitive dust and shall routinely monitor the inactive areas to verify that there are no fugitive dust events.

e. The AQCM shall monitor all other air quality compliance issues that are included in the final HLC development plans approved by the cities of Redondo Beach and Torrance.

f. The AQCM shall compile written daily records that document the specific actions taken by the contractor to comply with the provisions above including SCAQMD Rules 401, 402, 403, and 403.1.

g. In the event that the AQCM detects violation of a rule, regulation or any of control methods listed in a.-e. above, he shall have the authority to halt *all* construction activity at the site until the violation ceases and the appropriate correction actions have been completed.

h. The development contractor shall accept that the cities of Redondo Beach and Torrance shall have the authority to levy fines for repeated violations of compliance.

7. Proposed particle emission mitigation controls are incomplete.

The AQCM shall verify that all diesel-powered trucks and equipment (except for rock crushers) are at the Tier 4 level of compliance. He shall have the power to deny entry of any truck to the construction site that does not do so comply.

8. HLC noise pollution also will impact resident indoor air quality.

According to Certified Industrial Hygienist Francis Offerman [Ref: 3.2.121], it is likely that projects with high levels of noise will significantly impact indoor air quality, in particular emissions for the cancer-causing chemical formaldehyde.

Mr. Offerman explains that many composite wood products typically used in modern home construction contain formaldehyde-

TRAO-30
(Cont.)

TRAO-31

based glues which off-gas formaldehyde over a very long time period. He states:

“The primary source formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims. Formaldehyde is a known human carcinogen.”

The natural reaction of residents being subjected the high levels of noise generated by HLC construction is to shut their windows. This results in poor air circulation and increase in formaldehyde-related carcinogenic effects. An organization with a high moral standard would not be a party to such subjection.

TRAO-31
(Cont.)

Conclusions: BCHD *must* adhere to a *higher standard* for any of its touted benefits to be valid.

The EIR *must* state that compliance with proposed air quality mitigations will be monitored.

TRAO-32

2.3.3 Noise

CEQA Reference(s): Appendix G Noise asks in part:

Does the proposed project:

“a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?”

DEIR Page(s): 625, Appendices B and E

TRAO-33

DEIR Page 652 (3.11-28) states in part:

“While compliance with the Redondo Beach and Torrance Noise Regulations and implementation of a Construction Noise Management Plan would reduce construction noise, construction noise levels would exceed Federal Transit Administration (FTA) thresholds and this impact would remain *significant and unavoidable* during both Phase 1 and Phase 2 of the proposed Project.” (emphasis added)

The DEIR is deficient in the following regards:

- * Expected construction noise levels can cause permanent hearing loss.
- * The impact is even worse than presented in the DEIR.
- * The impact of EMT sirens is not analyzed.
- * High intensity noise *mitigation* methods are not fully explored.
- * Noise impacts during transitions are not analyzed.
- * Noise mitigation methods are not monitored

1. Expected construction noise levels can cause permanent hearing loss

[See: 3.1.11] presents expected noise levels from Phase 1 Construction activities presented to the BCHD Board of Directors on 3/24/2021 by Wood Environment & Infrastructure Solutions, Inc.

L_{eq} threshold of 80 dbA is exceeded for:

- West Torrance residents adjacent to Flagler Alley,
- West Torrance residents adjacent to Flagler Lane
- Redondo Beach residents along Beryl Street to the North

30-day *average* L_{eq} of 75 dbA is exceeded for all of the above plus

- Redondo Beach residents along North Prospect to the North

Peak and 30-day average levels exceed Federal Transit Authority residential impact criteria.

2. The impact is even worse than presented in the DEIR.

[Ref: 3.2.48] presents the environmental impact of noise exposure as a function of the noise level. It shows that the damage of repeated exposure to noise levels greater than 70 dbA for prolonged periods can be *permanent*.

In the EIR tables, the quantity L_{eq} is compared with standards. L_{eq} is an *average* of noise intensity over some interval of time. The use of *only*

L_{eq} is not the full story. The effects of L_{max} on hearing loss are well documented and *must* also be considered in any analysis conducted for the benefit of an organization ostensibly concerned about health as a first priority.

TRAO-34
(Cont.)

Ethically, a developer should not use averages at all. One cannot simply say, “See, I was very quiet on Monday, so I have some ‘credit in the bank’. On Tuesday, I can blast away and still be below the average level threshold for the month.”

3. The impact of EMT sirens is not analyzed.

Siren noise can be as large as 120-130 dbA. The frequency of EMT visits to the proposed HLC assisted living center will *increase* over what is presently experienced in the neighborhoods surrounding the proposed HLC project site. *Permanent* hearing loss can occur from even short exposures. [See: 2.11.1]

TRAO-35

4. High intensity noise *mitigation* methods are not fully explored.

If the HLC project is implemented, it will be at the expense of nearby residents and students. They will suffer the ill effects of excessive noise, such as headaches, increased allergy symptoms, insomnia and other health concerns. Hearing loss could be permanent. [Ref: 3.2.112].

a. In terms of reducing noise at its source, the DEIR discussed only *two minor* mitigation measures:

“that construction equipment is properly muffled according to manufactures specifications or as required by local entities, and that electrically powered tools and facilities be used to the maximum extent feasible.”

These passive noise control measures, commonly used in construction, however, are insufficient to prevent noise from spreading because of the effect of sound diffraction.

In fact, the draft version of the EIR concedes that such measures *cannot* reduce noise levels to that below Federal thresholds, in part because necessary noise barrier heights (i.e., up to 105 feet) at the edge of the BCHD development footprint are too great to allow only one- to three-sided barriers and the total building footprint is too large to construct a fully enclosed four-sided noise barrier.

TRAO-36

Additional methods exist, however. The EIR *must* evaluate them.

b. Additional methods to evaluate.

The DEIR remains *silent* on *other* construction noise mitigation measures that *can be utilized* on this project. This deficiency ignores numerous measures which have been evaluated in the literature. Why were these methods not considered?

i. Better noise management practices.

The International Organization for Standardization [Ref: 3.2.113] and the Acoustical Society of America [Ref: 3.2.115] have published documents dealing with the technical aspects of noise control in workplaces. The various technical measures are stated, the related acoustical quantities described, the magnitude of noise reduction discussed, and the verification methods outlined. Why were the measures outlined in these publications not considered by the DEIR?

These methods include but are not limited to:

- improved maintenance
- substitution of material
- substitution of equipment
- specification of quiet equipment
- substitution of parts of equipment
- change of work methods, substitution of process
- substitution of mechanical power generation and transmission

equipment

- replacement of worn moving parts
- minimizing the number of noisy machines running at any one

time

The EIR *must* specify that these methods will be used as part of the noise suppression construction process.

ii. Use enclosures for particular pieces of equipment.

The feasibility and efficacy of these techniques have been demonstrated. [Ref: 3.2.116]

The EIR *must* analyze the effectiveness of using such an approach.

iii. Active noise suppression.

Noise reduction effect by active noise control for construction equipment has been demonstrated and verified [Ref: 3.2.114].

TRAO-36
(Cont.)

Simulation results show that noise cancellation can be highly efficient in the low- and mid-frequency bands below 1,000 Hz.

This research *must* be reviewed and the noise levels projected for the project using these methods analyzed in the EIR.

5. Noise impacts during transitions are not analyzed.

DEIR page 146 (2-28) states “Demolition of the existing 5-story, 158,000-sf Beach Cities Health Center and the attached 3,200-sf maintenance building would occur toward the end of Phase 1...”

TRAO-37

This means that until lease expirations occur, *all* commercial activities of building 514 (e.g., private medical practitioners) also would be subject to the high levels of construction noise analyzed not to be mitigatable.

The EIR *must* specify the plan to compensate these lessors for the loss of business and/or waiver of lease default penalties.

6. Noise mitigation methods are not monitored.

Effective noise suppression is an ongoing process. Under schedule pressure and forfeiture of bonuses, they are easy to let slide.

TRAO-38

To ensure that this does not happen the noise suppression plan shall be part of the overall construction plan to be approved by the cities of Redondo Beach and Torrance. The noise suppression plan shall have the following provisions.

a. A Noise Control Compliance Monitor (NCCM) *must* be on site during all construction activities. Although funded by the HLC contractor, this monitor or monitors shall operate independently of HLC construction management and provide inspections and assessments of the contractor compliance with the methods specified in the EIR and agreed upon by the cities of Redondo Beach and Torrance.

b. The NCCM shall compile written records that document the specific actions taken by the contractor to comply with the provisions included in

the construction plan approved by the cities of Redondo Beach and Torrance.

c. In the event the NCCM detects violation of a rule, regulation or any of noise control methods listed in the construction plan, he shall have the authority to halt *all* construction activity at the site until the violation ceases and the appropriate correction actions have been completed.

d. The NCCM shall serve as the advocate for residents surrounding the HLC construction site and address excessive noise complaints lodged by them.

e. The contractor accepts that the cities of Redondo Beach and Torrance shall have the authority to levy fines on the contractor for repeated violations of compliance of the noise control part of the construction plan.

Conclusion: These mitigation deficiencies *must* be rectified in the EIR to ensure that compliance measures that will be monitored.

2.3.4 Traffic

CEQA Regulation(s): Section 15126 states in part: “Significant effects of the project on the environment shall be clearly identified and described.”

Section 15123 states in part: “an EIR shall identify areas of controversy known to the lead agency, including issues raised by public agencies as well as interested members of the public.”

DEIR Page(s): 719, Appendices J and K

The DEIR Transportation/Traffic Analysis is Deficient in *Twenty-one* Regards. They cover a wide spectrum of concerns.

- * The *magnitude* of traffic impacts are not described.
- * The Level of Service (LOS) Analysis is deficient.
- * No analysis of transportation network deficiencies was conducted.
- * The significance of documented collision data was ignored.
- * The significance of cut-through traffic data was ignored.

- * An incorrect conclusion was drawn about the impact of the design on vehicle traffic and pedestrians.
- * The utility of the existing curb cut on Beryl Street is misrepresented.
- * An incorrect conclusion was drawn about the impact of the design on vehicle traffic and pedestrians.
- * The DEIR focuses almost exclusively on the analysis of vehicles miles traveled and nothing else.
- * The proposed project solution *increases* cut-through traffic rather than decreases it.
- * The explanation of traffic metrics and their justifications is inadequate.
- * The effects of traffic induced greenhouse gas (GHG) emissions is missing.
- * The consequences of HLC services to citizens outside of the beach cities is not analyzed.
- * The DEIR does not adequately study of impacts and mitigations regarding revenue efforts.
- * The content of the Transportation Demand Plan (TDP) must be expanded.
- * Construction traffic impacts are not adequately analyzed.
- * Construction worker parking access impacts are not analyzed.
- * Bicycle traffic and usage are not analyzed
- * Transportation/ Traffic Emergency Access provisions are missing
- * Analysis of the impact on bus lines service the project area is incomplete.
- * BCHD claims for allocation and use of RCFE funds for transportation improvements are not substantiated.
- * Little coordination with the city of Torrance was conducted.

TRAO-39
(Cont.)

These deficiencies are so numerous that it is almost impossible to present them in any logical order. Instead, they appear here merely in the sequence listed above with a leading integer to denote the end of one item and the beginning of the next.

The overall conclusion, however, is obvious. The traffic analysis for the EIR must be completely redone.

TRAO-40

1. Designation of an environmental impact as *significant* does not excuse the EIR's failure to reasonably describe the *magnitude* of the impact.

An EIR's designation of a particular adverse environmental effect as "significant" does not excuse the EIR's failure to reasonably describe the magnitude of the impact. In a recent court case [Ref: 3.2.85] the EIR was deemed insufficient because it identified significant air quality impacts but failed to discuss the extent of such impacts.

2. The Level of Service (LOS) Analysis is Deficient

TRAO-41

The Fehr & Peers Intersection Operation Evaluation in Appendix J contains a detailed assessment of traffic circulation issues, with particular focus on the potential for *increases in congestion*.

a. The evaluation studied 25 intersections near the HLC project site (19 signalized) and determined for each the Level of Service from A to F. Level A represents little or no delay and Level F extreme traffic delays with intersection capacity exceeded.

TRAO-42

Appendix J page 25 (J-24) table 5 presents the definitions for all six categories. Appendix J page 26 table 6 lists six intersections that will operate at a LOS of E or F.

An E designation means the condition of the intersection is *poor*. It implies there may be long lines of waiting vehicles through several signal cycles. An F denotes *failure*. Backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths.

TRAO-43

b. Appendix J page 36 (J-35) Table 9 summarizes the results of the AM and PM peak hour intersection LOS analysis for Cumulative plus Project conditions. This is an important Table to be fully aware of.

Based on the analysis, *seven* intersections are projected to operate at LOS E or F during one or both peak hours if the Project is approved.

- Flagler Lane & 190th Street (AM & PM peak hour)
- Inglewood Avenue & 190th Street (PM peak hour)
- Harkness Lane & Beryl Street (AM & PM peak hour)
- Flagler Lane & Beryl Street (AM & PM peak hour)
- Redbeam Avenue & Del Amo Boulevard (AM & PM peak hour)
- Anza Avenue & Del Amo Boulevard (PM peak hour)
- Hawthorne Boulevard & Del Amo Boulevard (AM & PM peak hour).

c. At these seven most affected intersections, *even with mitigations*, the proposed Project as envisioned will have a lasting and significant impact on local and regional traffic.

This Transportation evaluation shows unmistakably that the greatest environmental impacts will, however, be in the city of Torrance. They will fall disproportionately on Flagler Lane and Beryl Street and on the Pacific South Bay neighborhood 80 feet east of the project.

These transportation impacts, as noted on Appendix J page 28(J-27), will occur all through the *5+-year period* of construction and for the duration of the *50-to-99-year* operation of the HLC project and “with other cumulative traffic in the area, would generate increases in CO₂ levels near local intersections.”

d. The BCHD’s determination that there is no further mitigation measure for these intersections is mind-boggling. More robust mitigation efforts *must* be explored. [See: 2.3.5] for example.

These investigations for the Final EIR *must* also include:

i. Adding monitored freeway on- and off-ramp intersections where the project adds 50 or more trips.

ii. Freeway monitoring if the project will add 150 or more trips in either direction during AM or PM weekday peak hours as recommended by Caltrans.

iii. Reviews of intermediate milestones with consultation of local jurisdiction experts prior to buildout

iv. Addition of *private* service roads on the HLC project site.

TRAO-43
(Cont.)

v. Incorporation of on-site circulation roads for service vehicles from Beryl Avenue and Prospect Avenue with setbacks of at least 12 feet

vi. Exploration of investigations present in [See: 2.3.5]

TRAO-44

DEIR page (3.2-52) Air Quality, lists only five of the seven intersections as having problems.

Why are these results inconsistent? The EIR must resolve this inconsistency

3. No analysis of transportation network deficiencies was conducted

DEIR page 746 (3.14-28) asserts that both Phase 1 and Phase 2 HLC development plans would not conflict with transportation plans, policies or regulations and therefore project impacts would be less than significant with mitigation.

TRAO-45

DEIR page 730 (Table 3.14-1). Existing Public Transit Services in the Project Area does provide a *small* amount of data regarding public transit. Yet, there is no indication in the DEIR that there was *any* analysis directed at reducing the deficiencies of the transportation network or that any development resources are to be set aside to make improvements in the event the proposed project is approved. There is no indication to work with the six county transportation commissions (CTCs) used by the Southern California Association of Governments (SCAG). Are these a proper action for an organization that touts its benefits to the community?

4. The significance of documented collision data was ignored.

DEIR page 736 (3.14-18) states that “There are no discernable existing hazards in the vicinity of the Project site due to roadway and driveway configuration.”

TRAO-46

Yet, also on Page 736 and in Appendix K, it is stated that “323 collisions occurred within the vicinity of the Project.”

Over three hundred is not a small number. It strongly suggests that there is an immediate and serious traffic safety issue in the vicinity of the project. Mitigation analysis of these hazards *must* be conducted.

5. The significance of cut-through traffic data was ignored.

DEIR page 737 (3.14-19) states “As arterial roads become increasingly congested, drivers often seek out ways for avoiding traffic jams. This is usually done by cutting through residential neighborhoods to avoid heavy traffic on arterial roads. This phenomenon is referred to as “cut-through traffic.”

Yet, despite this recognition, there is no indication in the DEIR that any resources will be directed to mitigate, control or address the longstanding problem that would become even more acute with the operation of the HLC. The scope and utilization plan for these resources *must* be provided as part of the EIR.

6. An incorrect conclusion was drawn about the impact of the design on vehicle traffic and pedestrians.

The DEIR page 736 (3.14-18) states “There are no discernable existing hazards in the vicinity of the Project site due to roadway and driveway configuration.”

Further, the DEIR page 781 (3.14-63) states “Vehicle traffic from the proposed one-way driveway and service entrance along Flagler Lane would not contribute to pedestrian safety hazards given that there is no sidewalk along the west side of Flagler Lane south of its intersection with Beryl Street.”

Yet, the EIR states “BCHD is coordinating the BCHD Bike Path Project (separate from the proposed Project) with the City of Redondo Beach and the City Torrance to develop a formal protected Class I bicycle path along Flagler Lane east of the Project site to connect the existing Class II bicycle lanes on Diamond Street and Beryl Street. The Bike Path Project would also develop sidewalks along the west side of Diamond Street north of Prospect Avenue and the *west* side of Flagler Lane south of Beryl Street, where there are currently no sidewalks.”

The DEIR conclusions on pages 736 and 781 are patently false. They are asserted with no data that sustain them. The missing safety analyses and impacts on vehicles and pedestrians *must* be provided as part of the EIR analysis.

Given that existing site access is currently limited to the three driveways along North Prospect Avenue, the additional proposed access point off

of Beryl Street is not needed. It would be better to distribute Project-related vehicle traffic to North Prospect as it is, and reduce the potential for vehicle-pedestrian and vehicle-bicyclist interactions on Beryl and Flagler where the bike path is being designed. The impact of this alternative *must* be included in the EIR.

7. The utility of the existing curb cut on Beryl Street is misrepresented.

The DEIR misleadingly states “While there is an existing curb cut and driveway into the vacant Flagler Lot, the lot is currently closed off with a gate and does not permit vehicle entry.”

Yes, at the *direction* of BCHD, the Beryl entrance into the Flagler lot is *temporarily* closed off to protect the assets of a BCHD leasee. The DEIR fails to mention that the existing curb cut on Beryl has been in use for more than 25 years to access the Flagler lot – for such activities as selling trees for Christmas and pumpkins for Halloween. [Ref: 3.2.83] There is no compelling justification in the DEIR for the need for additional access points for the HLC. This misrepresentation *must* be corrected.

8. The DEIR focuses almost exclusively on the analysis of vehicles miles traveled and nothing else

Yes, Senate Bill 743 requires that the amount of driving and length of trips as measured by “vehicle miles traveled” or VMT be used to assess transportation impacts on the environment for CEQA review.

But, that is the *total* extent of the traffic analysis presented in the DEIR. Evidently, the statement “...VMT be used to assess transportation impacts...” is being interpreted by BCHD to mean that VMT is the *only* data to examine. No other analyses were conducted. The impact on conclusions, cut-through traffic and pedestrian safety have been totally ignored. They *must* be addressed in the EIR.

9. The proposed project solution increases cut-through traffic rather than decrease it

The DEIR page 895 (5-49) states “Implementation of a permanent closure of southbound traffic on Flagler Lane south of Beryl Street would preclude access for service and delivery vehicles to the subterranean proposed service area and loading dock under the proposed

Project.”

Yet, under the proposed Project service and delivery vehicles could choose to drive through the Torrance neighborhood to enter the service area and loading dock entrance. This would *increase* cut-through traffic and conflict with what presently already exists. The proposed design *exacerbates* existing problems rather than *mitigate* them. The EIR must analyze and propose mitigations that properly consider all of the contributing circumstances.

10. The explanation of traffic metrics and their justifications is inadequate

In the DEIR, the criteria for transportation impacts are declared to be either “less than substantial” or “less than substantial with mitigations” without sufficient detail to determine what exactly the residual impacts of the mitigations are. The EIR must explain and adequately quantify what the word “substantial” means for the transportation and air quality impacts.

To what *quantitative* extent are the transportation impacts reduced?

11. The effects of traffic induced greenhouse gas (GHG) emissions is missing

On Page 3.14-24 it is stated: “Under SB 743, the focus of transportation analysis shifts from LOS to VMT and the reduction of GHG emissions through the creation of multimodal transportation networks and promotion of a mix of land uses to reduce VMT.”

Yet, what is proposed in the DEIR in this regard is not present or is vague.

The EIR *must* provide a clear definition of what types of traffic control and suppression elements will be included in the development plan.

The mitigation efforts proposed in the EIR *must* aim for reductions in *all* transportation-related activities. Any increases in gas emissions should be considered significant and be *fully* mitigated.

Mitigation measures must include additional funds to provide financial benefits to local governments that have designated Priority Development Areas (PDAs). This mitigation should include accessing additional

funding sources including Safe Routes to Transit, and the \$7 billion in Local Streets and Roads funding.

This mitigation *must* be feasible and reduce greenhouse gases by encouraging transit-oriented development near bus and rail stations. Mitigation T-3 proposes for regional and local agencies and employers to promote innovative parking strategies. This measure should also include a parking cash-out program (opt-out), which could feasibly integrate pricing for otherwise free or underpriced parking into regional parking policies and practices.

The DEIR does not adequately leverage transit investments to mitigate greenhouse gas impacts of roadway expansion. It does not require a mix of uses at stations; it sets targets far too low, and excuses some projects from any requirements at all.

If BCHD truly subscribes to the tenant of improving the health of all beach city residents, it *must* become a leader in fostering and supporting healthy planet initiatives. Helping seven billion people is a far more impactful goal than helping a few hundred.

The BCHD asserts that some of the funds from the RCFE will be used for implementing greenhouse gas reduction efforts, but critical parameters are missing:

- a. The percentage of gross income allocated
- b. The growth rate of GHG emission growth over the project lifetime.
- c. Explanation what the future needs are and what environmental impacts these increased services actually have.

The EIR must analyze a comparison between the “2021”, “2035 No Project” and “2035 Project” scenarios at the same fleet engine assumptions so that the impacts of expansions can be reflected and compared to 2021 conditions.

12. The consequences of HLC services to citizens outside of the beach cities is not analyzed

- a. Has the BCHD received authorization from LAFCO to expand its sphere of influence? The EIR *must* calculate how many clients are presently being served who reside outside the geographic border of the

beach cities.

b. Has the BCHD conducted a study to determine how these clients currently receive services?

What will be the associated cost to the BCHD to provide services to these clients? The EIR *must* include specific data regarding marketing, transportation costs, and GHG impacts tied to VMT.

13. The DEIR does not adequately study of impacts and mitigations regarding revenue efforts.

DEIR page 757 (3.14-39) states “Trip generation estimates for new uses were based on available programming information provided by BCHD. ITE does not provide a trip generation rate for aquatic centers such as the one proposed as part of the Phase 2 development program.”

While the possibility of using revenue for future programs is put forward, there are no plans articulated for expanding such programs. The BCHD *must* clearly state and commit to funding mitigations that will result from unmitigated significant impacts to greenhouse gases, air quality, transportation and land use. In the DEIR, no data is provided to determine the impact of expected future activities.

Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures capable of avoiding or reducing the potential for conflicts with the established measures of effectiveness for the performance of the circulation system that are within the jurisdiction and responsibility of Lead Agencies.

Where the BCHD has identified that a project has the potential for significant effects, the Lead Agency can and should consider mitigation measures that ensure compliance with the adopted Congestion Management Plan, and other adopted local plans and policies, as applicable and feasible.

Compliance can be achieved through adopting transportation mitigation measures as set forth below, or through other comparable measures identified by the BCHD as the Lead Agency:

a. Fund capital improvement projects to accommodate future traffic demand in the area.

b. Install pedestrian safety elements (such as cross walk striping, curb ramps, countdown signals, bulb outs, etc.) to encourage convenient crossing at arterials.

Because the commercial components of the Proposed Project will not only serve beach cities residents, the EIR needs to state how many trips might come from outside the surrounding area. What cities will be served? How far will the clients travel? What routes and services will be impacted? The DEIR erroneously reduces VMT without adequate attention to all data. This shortfall *must* be fixed in the EIR

14. The content of the Transportation Demand Plan (TDP) must be expanded

BCHD *must* prepare and *submit* a Transportation Demand Management Plan (TMP) to the cities of Redondo Beach and Torrance prior to the issuance of the first building permit for the Project. A final TDM Plan must be submitted and approved by the cities prior to the issuance of the first certificate of occupancy for the Project. All versions of the TDM plan *must* include the items listed below:

a. All strategies listed Mitigation Measure T-1

b. Adherence to all other local traffic and/or congestion management plans

c. Strategies, as determined to be appropriate by the cities, that would produce a minimum fifteen (15) percent reduction of new vehicle trips to the HLC.

d. Mitigation plan for the transportation-related impacts and calculated increase of VMTs for anticipated special events.

e. Establishment of policies and programs to reduce onsite parking demand and promote ride-sharing and public transit for events on-site, including:

i. Promotion of the use of on-site parking rates offered at reduced rates

ii. Requiring special event center operators to advertise and offer discounted transit passes with event tickets

iii. Requiring special event center operators to advertise and offer discount parking incentives to carpooling patrons, with four or more persons per vehicle for on-site parking

iv. Requiring designation of a certain percentage of parking spaces for ride sharing vehicles.

f. The plan to build or fund a major transit stop within or near transit development upon consultation with the six applicable county transportation commissions (CTCs).

g. The plans to purchase, and/or create incentives for purchasing, low or zero emission vehicles.

h. Inclusion of construction related provisions listed in item 15 below.

i. Inclusion of the bicycle related provisions listed in item 16 below.

j. Accepts the right for the cities of Redondo Beach and Torrance to levy fines for non-compliance with the TDMP.

15. Construction traffic impacts are not adequately analyzed.

A detailed Construction Worksite Traffic Control Plan (CWTC) *must* be prepared and included as part of all versions of the TDMP described in item 13 above. The following items concerning construction equipment and personnel travel *must* be addressed in the CWTC.

a. Specification of strategies that reduce traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction

b. Scheduling of all truck trips that avoid peak traffic hours.

c. Distribution to all households along the designated routes at least 10 days in advance of any activity.

d. Notification to public safety personnel of major deliveries, detours, and lane closures.

e. Publishing and distribution to nearby residents, the traffic departments of Redondo Beach and Torrance the process for responding to and

tracking of complaints pertaining to construction activity including the identity of an onsite complaint manager.

f. Provision that the manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The cities of Redondo Beach and Torrance and/or other appropriate government agency shall be informed who the manager is prior to the issuance of the first permit.

g. Provides a detailed provision for accommodation of pedestrian and bicyclist flow.

h. Determination of whether or not the mitigation efforts developed above combined with other mitigation and regulatory compliance measures in the EIR are equal to or more effective than the SCAG RTP/SCS Program EIR T-2 in avoiding conflicts with any other congestion management program within the jurisdictions of the BCHD including, but not limited to:

- * VMT and travel demand measures

- * Other standards established by the county congestion management plan.

If such a determination is made, the contractor shall adopt the plan recommended by the California, Department of Transportation.

i. Ensures that access will remain unobstructed for land uses in proximity to the project site during project construction.

j. Coordination with the Redondo Beach and Torrance emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

16. Construction worker parking access impacts are not analyzed

A detailed Construction Worker Traffic Plan (CWTP) *must* be prepared and included as part of all versions of the TDM plan described in item 13 above. The follow items concerning construction equipment and personnel travel *must* be addressed in the CWTP.

a. Makes provision for parking management and designated spaces for all construction workers to ensure that *all* construction workers do not park in or on street spaces.

- b. Guarantees that damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the project's expense.
- c. Specifies that within one week of the occurrence of the damage (or excessive wear), repair will be made -- unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit.
- d. Specifies that all damage that is a threat to public health or safety shall be repaired immediately.
- e. Specifies that when such damage has occurred, the street shall be restored to its condition prior to the new construction as established by the cities of Redondo Beach or Torrance (or other appropriate government agency) and/or photo documentation, at the BCHD's expense, before the issuance of a Certificate of Occupancy.
- f. Specifies that all heavy equipment brought to the construction site shall be transported by truck
- g. Specifies that no materials or equipment shall be stored on the traveled roadway at any time.
- h. Specifies that prior to the onset of demolition, excavation, or construction, portable toilet facilities and a debris box shall be installed on the site and properly maintained through project completion.
- i. Specifies that, prior to the end of each work-day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

17. Bicycle traffic and usage are not sufficiently analyzed.

Motor vehicles are not the only mode of transportation that must be analyzed in the EIR. The HLC is reputed to be open to all residents of the beach cities – regardless of their mode of transport for getting there. A bike path is proposed adjacent to the HLC. It is reasonable to assume that bicyclists will be among those wishing to visit the facility.

A detailed Bicycle Usage Plan (BUP) must be prepared and included as part of all versions of the TDM plan described in item 13

above. The follow items concerning bicycle travel *must* be addressed in the BUP.

- a. The number of units that will provide nearby bicycle parking spaces.
- b. The number of residential bicycle parking spaces and charging stations would be provided for the commercial component of the HLC.
- c. The number of bicycle parking spaces that ensures sufficiency to accommodate 5 to 10 percent of projected use at all public and commercial facilities in the HLC.
- d. The plan for a self-service bicycle repair area.
- e. The detailed description of the signage and striping onsite to encourage bike safety.
- f. Accommodations planned for a Guaranteed ride home program.
- g. The plan to restrict construction related traffic to off-peak bicycle operation hours.
- h. The plan to work with the school districts to improve pedestrian and bike access to schools.
- i. The plan to contribute a one-time fixed fee contribution to be deposited into the Bicycle Plan Trust Funds of the cities of Redondo Beach and Torrance.
- j. The plan, in coordination with all appropriate agencies, to establish ordinances limiting the hours when deliveries can be made to off peak hours.
- k. The plan to promote the use of bicycles by providing space for the operation of valet bicycle parking service.
- l. The plan to ensure that the detailed design relating to delivery truck loading and unloading taking place on site has no vehicles having to back into the project via the proposed project driveways on any adjacent street.
- m. The plans to develop a Bicycle Safety Program or a bicycle safety educational program to teach drivers and riders the laws, riding

protocols, routes, safety tips, and emergency maneuvers at the HLC.

18. Transportation/Traffic Emergency Access provisions are missing

The construction work site traffic control plan (CWTCP) *must* ensure that access will remain unobstructed for land uses in proximity to the project site during project construction. Coordinate with the Cities and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

19. Analysis of the impact on bus lines service the project area is incomplete.

This analysis *must* be expanded to include the following information.

- a. The average daily ridership on the Bus Lines serving the project area.
- b. Use these data as part of the analysis to determine the worker and overall VMT baseline.
- c. The bus routes paralleling the existing service that support the DEIR conclusions outlined in the VMT and transportation-related impacts
- d. A list of all intersections studied and the existing number of vehicles on the roadways each day.

20. BCHD claims for allocation and use of RCFE funds for transportation improvements are not substantiated.

The BCHD asserts that some of the funds from the RCFE will be used for implementing transportation improvements. This assertion *must* be made more specific.

The DEIR claims that the funds derived from the RCFE will be used for programming, but there isn't any attempt to factor in what that transportation growth is forecasted to be and what its impact will be on GHG, air quality, and public transportation. This *must* be clarified and additional data added that explains what these future needs are and what the environmental impacts of these services are.

21. Little coordination with the city of Torrance was conducted.

TRAO-65

Even Fehr & Peers states that future changes to Flagler Lane by the City of Torrance to reduce LOS were never considered.

Twenty-one significant deficiencies! The number is high because of the total inappropriateness of placing the HLC in the very midst of a heavily populated residential area.

TRAO-66

For more on the impact of traffic on greenhouse gas emission, [See: 2.3.5, sub-argument 8]

Conclusion: The EIR *must* correct *all* traffic mitigation deficiencies and state that compliance will be monitored

2.3.5 Greenhouse Gasses

CEQA Reference(s): Sections 15126.2(b) states in part:

“In addition to building code compliance, other relevant considerations may include, among others, the project’s size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.”

Section 15092, subsection (b)(2)(A) states in part: “A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless... 2) the agency has... *eliminated or substantially lessened* all significant effects on the environment where feasible.” (emphasis added)

DEIR Page(s): 439 (3.7-1), Appendix J

TRAO-67

- * We all have a responsibility to be proactive in reducing the generation of greenhouse gasses.
- * BCHD, as a health district should be showing leadership in this regard.
- * BCHD shows no empathy with the community it serves.
- * BCHD does not adequately address CEQA requirements.
- * BCHD must elect to adopt a proactive approach, but does not.
- * The DEIR does not analyze Bike Path impacts.

* The DEIR does not analyze the impacts on other civic activities.

* No Phase 2 actions are proposed.

1. We *all* have a responsibility to be proactive in reducing the generation of greenhouse gasses.

The California Supreme Court, as stated in *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504 (SANDAG).⁴ has repeatedly held that GHG law continues to evolve, and lead agencies have an obligation under CEQA to “stay in step.” [Ref: 3.2.127]

The fact that the California Supreme Court recognizes the urgency for public agencies to “stay in step” is significant. All proposed projects which will generate GHG emissions either directly or indirectly have a moral obligation to substantially reduce these effects on our environment.

It is urgent, as President Biden noted in April, during the international climate summit, a call to cut GHG emissions by 50%. Telling an audience of 40 world leaders “We have to get this done”. Biden wants all electricity in the U.S. to come from carbon-free sources by 2035. He described a need to seal off abandoned wells and mines, “putting a stop to the methane leaks and protecting the health of our communities.” [Ref: 3.2.128]. He has also proposed funding for 500,000 vehicle charging stations by 2030. Today, less than 1% of vehicles on the road are powered by electricity.

Yet, there’s reason to fear California will fail to meet this challenge. Energy Innovations, a San Francisco-based research firm used its Energy Policy Simulator, an open-source modeling tool, to determine whether California is on track to meet its 2030 target. Researchers concluded the state would fall short under current policies, reducing economy-wide emissions from 424 million metric tons in 2017 to around 284 million in 2030. [Ref: 3.2.129]

California, once a leader in environmental issues, is falling behind according to the Climate Center, a nonprofit, started by Ann Hancock and Mike Sandler in 2001, with a focus on influencing local government to prioritize the reduction of greenhouse gas emissions. The Climate Center states: “Doing nothing or pursuing timid climate solutions will

cost California trillions of dollars in destructive impacts to our economy, public health, equity, and way of life. Bold policy changes now are critical to the pursuit of effective, equitable solutions.” [Ref: 3.2.130]

2. BCHD shows a lack of *leadership* in regard to reducing GHG emissions

Some State leaders are committed to reducing the environmental impacts of greenhouses gas emissions. But others are idle, content to let others shoulder the responsibility of meeting state and federal climate action plans.

Unfortunately, it appears BCHD is one of the others -- despite being a *health district*, whose purpose is to ensure the health and well-being of beach city residents.

In the DEIR for the HLC, BCHD shows a severe lack of leadership that is contrary to their stated mission.

3. BCHD shows a lack of *empathy* with the communities it is supposed to serve.

Since starting the HLC procurement process, BCHD has also shown a *disregard* for the concerns the public has brought to their attention as evidenced by the HLC project summarized in the DEIR.

The fact that the BCHD is open to endangering the surrounding neighborhoods to the environmental impacts of 5+ years of construction (despite the identified impacts) and has willfully proposed a facility that is wildly incompatible with the surrounding residential neighborhood, shows a dangerous disregard for the goals and objectives the DEIR is premised upon.

Considering the global impacts of climate change and the radical changes brought on by the Covid-19 pandemic, it's time to make the changes needed to transform and protect future generations. Beach city residents deserve an enlightened BCHD committed to environmental sustainability. The youth of the beach cities deserve more from those who are elected to serve the community, everyone expects more from those who run for public office.

4. BCHD does not adequately address CEQA requirements for reduction of GHG emissions.

DEIR page 439 (3.7-1) states: “With regard to climate change, it is generally accepted that while the overall magnitude of global impacts is substantial, the contribution of any individual development project is so small that direct project-specific significant impacts – albeit not cumulatively significant impacts – are highly unlikely.

“Global climate change is also fundamentally different from other types of air quality impact analyses under CEQA in which the impacts are all measured within, and are linked to, a discrete region (i.e., air basin). Instead, a climate change analysis must be considered on a global level and requires consideration of GHG emissions from the project under consideration as well as the extent of the related displacement, translocation, and redistribution of GHG emissions.”

Thirteen pages later into the section boilerplate, on page 451 (3.7-13), the DEIR finally identifies *one* regulation they are compelled to follow by quoting from the AQMD regulations:

“As of the present date, the only regulation adopted by the SCAQMD addressing the generation of GHG emissions is the establishment of a 10,000 MT CO₂e per year screening level threshold of significance for stationary/source/industrial projects for which the SCAQMD is the lead agency.”

On page 463 (3.7-25), the BCHD admits the Project will add to GHG emissions, “The proposed Project would result in *net* GHG operational emissions directly from on-road mobile vehicles, electricity, and natural gas.” (emphasis added)

And on page 464 (3.7-26), the DEIR describes some of the specific causes for its GHG emissions, “Operation of the proposed Project would generate GHG emissions from on-site operations such as natural gas combustion for heating/cooking, landscaping equipment and the use of consumer products. GHG emissions would also be generated by vehicle trips associated with the proposed Project.”

BCHD lists the GHG data on page 469 (3.7-29) in Table 3.7-6 titled Combined Annual Operational GHG Emissions for the Proposed Project. The analysis states that “Pursuant to *current* SCAQMD methodology, the combination of amortized construction GHG emissions with operational GHG emissions would result in a combined total of approximately 13,131.4 MT CO₂e/year.” (emphasis added). Note that this amount exceeds the SCAQMD annual threshold.

DEIR page 106 (1-6) lists proposed mitigation measures that require approval. The HLC project is listed as requiring SCAQMD approval.

TRAO-70
(Cont.)

However, the BCHD avoids its obligation to mitigate GHG emissions almost entirely. By failing to fully analyze alternatives and propose vigorous mitigation methods, the DEIR therefore violates CEQA requirements. It is deeply concerning that the BCHD is not looking to reduce the Project GHG emissions to the maximum extent possible.

5. BCHD *must* elect to apply a proactive approach, but does not.

a. BCHD could, *if desired*, require all new vehicles purchased to run on electricity. They could specify the number of electric-vehicle charging stations that will be present on the site. They could extend the bike path into the project site. They could increase the use of solar panels and onsite appliances to electricity to the maximum amount possible.

TRAO-71

However, DEIR page 402 (3.5-22) merely states: “The natural gas demand for the project would *increase* existing natural gas demand during both Phase 1 and Phase 2.” (emphasis added)

b. Why, therefore, is there no analysis between the electric demand and usage and the natural gas demand and usage? Why is there no discussion of the pros and cons of relying on natural gas?

Clearly, HLC project GHG mitigations are not fully analyzed.

TRAO-72

c. DEIR page 465 (3.7-27), under the heading: On-site Use of Natural Gas and Other Fuels, states: “Natural gas would be used by the proposed Project for heating of the Assisted Living and Memory Care units and for the restaurant and dining uses, resulting in a direct release of GHGs.” It also states: “the proposed Project would generate a small percentage of its own energy using photovoltaic solar panels that would cover between 25 and 50% of the proposed roof space.”

Why is there a *factor of two* difference between these two percentages?

The DEIR provides very little information to understand how the mitigation works and how it would impact future GHG emissions. More information *must* be provided in the EIR.

TRAO-73

DEIR page 468 (3.7-30) in Table 3.7-7 states: “the *net* annual GHG

emissions associated with the proposed Project were calculated by subtracting the existing annual GHG emissions associated with the Beach Cities Health Center and Beach Cities Advanced Imaging Building on-site (refer to Table 3.7-3) from the total GHG emissions associated with the proposed Project (refer to Table 3.7-6).” (emphasis added)

TRAO-73
(Cont.)

This section, in essence, makes it obvious that the BCHD is not going to do *anything* with regards to fuels and electricity and will rely on *reductions* that other more conscientious agencies may achieve.

The DEIR does not exhibit the tight, evidentiary connection required by CEQA. It is not consistent with California’s GHG reduction programs. The BCHD appears content to do *little* to reduce GHG emissions.

DEIR page 470 (3.7-32) paradoxically states, as shown in Table 3.7-6 and 3.7-7: “the proposed Project would result in a net reduction in total annual GHG emissions when compared to existing annual GHG emissions generated at the Project site. As such, the proposed Project would not generate GHG emissions that may have a significant impact on the environment.”

TRAO-74

If this rationale is accepted by the BCHD Board of Directors, it will mean that future developers who demolish and rebuild on the same site could use a baseline of the existing GHG and avoid having *to reduce GHG emissions at all*.

6. The bike path design impacts have not been analyzed.

DEIR page 749 (3.14-71) fails to state why the bike path isn’t extended into the project site.

TRAO-75

Appendix J, section 2.2 page 15, Existing Pedestrian and Bicycle Facilities, states: “The nearest existing bicycle access to the Project site is provided via the Class II bicycle lanes on Diamond Street and Beryl Street, but there are no existing facilities which provide *direct access*” (emphasis added).

The South Bay Bicycle Master Plan, however, indicates that additional Class I, II, and III facilities are needed throughout the study area.

Rather than use the opportunity of increasing bike travel to and from the HLC project, BCHD chooses to ignore its importance in reducing GHG

emissions.

The DEIR fails to address a safe way to bike to and from the existing routes to the interior campus bike facilities. The problem is documented in the Fehr & Peers report showing the intersection counts into the BCHD site along Prospect Ave. that leads into the site. These numbers also show that bike riders are not riding to the site.

TRAO-76

Inexplicably, there is no mention of the potential of providing bike path access to and from the HLC. Instead, the DEIR fails to explain how the project site helps to accomplish the objective of Goal G13: Link existing and proposed bicycle facilities specified in the Redondo Beach General Plan Transportation and Circulation Element presented on DEIR page 454 (3.7-16) Doing so will have a positive impact on GHG emissions. This possibility *must* be analyzed in the EIR.

Though not designated, Flagler Alley currently serves as an informal bicycle path. The proposed Project should include extending the bike lanes into the site, to encourage active transportation to and from the Project site, and thereby reduce GHG production.

7. Impacts on other civic activities are not sufficiently analyzed.

DEIR page 476 (3.7-38) shows that the Redondo Beach General Plan and Climate Action Plan Consistency Summary states the objective is to “Establish a Local Farmer’s Market – Work with local organizations to establish farmers’ markets in the community.”

The DEIR states that the proposed Project would include a tree-lined promenade (also referred to as Main Street), which could support such outdoor farmers’ markets.

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This is a questionable service that BCHD is assuming it needs to provide. There are no supporting facts to determine if the public has a need for an additional farmer’s market at the Project.

If there is an unmet need for another farmer’s market, the existing parking lot is large enough to accommodate it. Why hasn’t the Board used it for that purpose in more than 20 years?

This item *must* be stricken from the DEIR. It doesn’t belong there. There is no data to determine the number of vehicles entering and exiting the site and no detailed study to determine its GHG impacts.

8. The lack of defined actions continues for Phase 2

a. DEIR page 477 (3.14-39) continues this see-no-evil, speak-no-evil approach. There we are told that the Phase 2 Aquatic Center trip generation estimates were *not completed* by the team hired to conduct the analysis, so instead the DEIR would merely use preliminary findings.

How is this consistent with CEQA requirements? How is this consistent with the pronouncements that analyses performed now will be sufficient for phase 2? How can BCHD possibly claim that all relevant CEQA analyses for Phase 2 have been conducted in the EIR, when in fact, they have not?

The proper analyses *must* be provided in the HLC project EIR

b. DEIR page 757 (3.14-39) states in part: “Trip generation estimates for new uses were based on *available* programming information provided by BCHD. ITE does not provide a trip generation rate for aquatic centers such as the one proposed as part of the Phase 2 development program. Therefore, BCHD hired Ballard King & Associates to prepare a market feasibility study, which includes *preliminary* findings of the market assessment used by Fehr & Peers to estimate potential trip generation (see Appendix J).” (emphasis added)

What are these details? How did BCHD acquire them? What do they say?

c. The Phase 2 analysis in the DEIR is built with a bag of hot potatoes. It is hard to ascertain accurately who ended up holding it, but the story goes something like the following:

i. Fehr & Peers was given the responsibility by BCHD to estimate Phase 2 potential trip generation.

ii. However, ITE, the original traffic analysis contractor, did *not* provide a trip generation rate for aquatic centers such as the one proposed as part of the Phase 2 development program.

This is important to have been done, however. As DEIR page 854 (5-8) states: “...following the development under Phase 2, the proposed project would result in an increase in daily trip generation associated

with the Aquatics Center ...”

iii So, as DEIR page 757 (3.14-39) states: “BCHD then hired Ballard King & Associates to prepare a market *feasibility* study which included preliminary findings of a market *assessment*.” (emphasis added)

The firm’s profile [Ref: 3.2.131] states: “Ballard King offers a broad range of services that can be integrated into a design team or contracted independently. Some of our services include feasibility studies, operations analysis, maintenance cost estimates, revenue projections, staffing levels, budgeting, marketing plans, and third-party design review. Additionally, we perform audits for existing facilities as well as recreation master plans.”

In response to the BCHD request for proposals for the Aquatic Center feasibility assessment, Ballard King stated on its website, “The scope of worked included: market assessment, public participation, facility recommendations, and operational planning.”

iv. Just to be clear, Ballard King was *not* hired to conduct an engineering-based traffic analysis. They do not claim to be qualified to do so! The methodology used by Ballard King is stated clearly in DEIR Appendix J – Appendix C: pages 67-8 (J-66-7).

v. Evidently, the plan was for Ballard King to use data provided by the South Bay Aquatics Center (SBAQ), located in Redondo Beach, in conjunction with their market assessment to develop aquatic center trip generation estimates.

However, SBAQ had not been operating with regular class schedules recently due to COVID-19. Vehicle counts were unable to be collected. No reliable data was available for validating the trip generation estimates.

DEIR Appendix C of Appendix J, page 41 (J-40) includes the memorandum prepared by SBAQ that states this fact. On DEIR Appendix C of Appendix J, page 67 (J-66) Ballard King states that there was not a sufficient sample size that could be used as “reliable” counts.

vi. Evidently, in BCHD’s rush to get the DEIR published rapidly, no matter what, Ballard King was then directed to use another engineering light-weight - the National Sporting Goods Association

(NSGA) [Ref: 3.2.132]

The NSGA approximates the number of people in a geographic area who might participate in recreational activities like swimming, be it in a pool or the ocean.

The NSGA conducts annual surveys of how Americans spend their leisure time. In particular they collect data by age range (7 and up), median household income, and region of the country. Using the age distribution of the primary service area, combined with median household income, region of the country, and national average, Ballard King produces a participation percentage unique to the characteristics of the primary service area.

An explanation of the methodology used by the NSGA to generate their 2017 data set [Ref: 3.2.133] states: “An online panel maintained by Survey Sampling International (SSI) was used. The panel is balanced on a number of characteristics determined to be key indicators of general *purchase behavior*, including household size and composition, household income, age of household head, region, and market size. Due to the online methodology African Americans and Hispanics are somewhat underrepresented in the sample.” (Emphasis added.)

The NSGA information made no claims it could be used to determine the transportation impacts of the Aquatic Center’s GHG emissions.

For the BCHD service area used by NSGA, this equates to an average of 16.6% of the beach city population that participate in swimming. The NSGA does not further define swimming, nor do they define if this is pool use, ocean, lake, etc.

Ballard King takes a 16.6% figure provided by NSGA and applies it to the population of the primary service area that is age 7 and up. It turns out that within the primary service area 86,145 individuals, age 7 and up, participate in swimming.”

Such an approach as the one described here does *not* produce the factual data CEQA *requires* for analysis. The regional data is not a specific factual survey of Beach city households. The Aquatic Center trip generation table is not representative of the methodology used by Fehr & Peers.

Where are the local data sets showing NSGA conducted a data-based study on the Project area?

BCHD has not eliminated or substantially lessened all significant effects on the environment because it has not provided the information required to determine a believable mitigation measure.

Fehr & Peers, by their own admission, make it abundantly clear that the data was not available to them and that they can't provide the *CEQA required* level analysis that must be made to justify the determination that an environmental impact with or without a mitigation is less than significant.

vii. As a result, the traffic estimates in the DEIR for Phase 2 are general, low-quality *estimates* – certainly not sufficient for the purposes of CEQA.

An EIR cannot merely lie behind the excuse that data is not available. It *must* be provided and the appropriate analyses then made.

As things stand now, BCHD has not eliminated or substantially lessened significant effects on the environment where feasible because it has not provided the information required to determine a feasible mitigation measure. [See: 2.3.4]

Conclusion: The EIR *must* provide analyses with enough substance to access accurately the impact of the HLC on GHG emissions

2.3.6 Hazardous Waste Disposal

CEQA Reference(s): Appendix G Hazards & Hazardous Materials asks in part: Does the proposed project:

“a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?”

DEIR Page(s): 495

The following provisions (paragraphs a. through q. below) *must* be added to the environmental impact report (EIR) as part of the proposed Hazardous Waste Disposal Plan for the HLC project.

These provisions must also be included in the preliminary and all revisions of the HLC development and construction plans. Along with any other portions of this construction plan deemed relevant by the cities of Redondo Beach and Torrance, these portions of the construction plan must be reviewed and approved by the two cities.

a. A Hazardous Waste Disposal Compliance Monitor (HWDCM) *must* be on site during all construction activities. Although funded by the HLC contractor, this monitor or monitors shall operate independently of HLC construction management and provide weekly inspections and assessments of the contractor compliance with the control methods listed below to the cities of Redondo Beach and Torrance.

The HWDCM *must* be tasked to perform the following duties:

b. Inspect and verify that all equipment used for hazardous material disposal satisfy decontamination requirements.

c. Inspect and verify that access to contaminated areas is sufficiently restricted.

d. Inspect and verify the accuracy of all waste profiles and waste manifests generated, and that transfer will occur only to approved treatment/disposal facilities.

e. Inspect daily and verify that stockpiles of hazardous waste are properly segregated.

f. Inspect daily and verify that the face of all stockpiles of hazardous waste are adequately covered.

g. Inspect and verify immediately before they leave the construction site the decontamination of all trucks, storage bins and other equipment that have become in contact with affected soil. This includes verifying that no excavated material extends above the sides or rear of the truck and/or trailer

h. Inspect and verify that prior to tarping of truck beds or trailers that all loads have been moistened.

i. Inspect and verify that any soil vapor extraction equipment required satisfy OSHA standards.

j. Prohibit the use of enclosed transfer trucks or transfer in open receptacles.

- k. Prohibit the routing of all other trucks through impacted areas.
- l. If unknown groundwater contamination could be a threat to human health is identified, prohibit any construction activities in the immediate vicinity.
- m. Verify that the best management practices identified by the Los Angeles Regional Water Quality Board (RCQCB) are followed for all excavation activities.
- n. Compile written daily records that document the specific actions taken by the contractor to comply with the provisions above including any additional hazardous material disposal safeguards specified by the cities of Redondo Beach and/or Torrance.
- o. Perform any additional hazardous waste disposal tasks specified by the city of Redondo Beach and/or Torrance.
- p. In the event the HWDCM detects violation of a rule, regulation or any of control methods listed in a.-m. above, he shall have the authority to halt *all* construction activity at the site until the violation ceases and the appropriate correction actions have been completed.
- q. The cities of Redondo Beach and Torrance shall have the authority to levy fines on the contractor for repeated violations of compliance.

Conclusion: The proposed Hazardous Waste Disposal Plan *must* be completed. Mitigation compliance monitoring *must* be included in the EIR

2.4 Applicable Plans

2.4.1 HLC Plan is Unstable Until After Flagler Lane Modification is Finalized

CEQA References Section 15003 (j) Policies states in part:

“CEQA requires that decisions be informed and balanced.”

Section 15125 (a) Environmental Settings states in part:

“An EIR must include a description of the physical environmental conditions in the vicinity of the project.”

DEIR Page:(s)

DEIR page 5 (ES-1) states that the RCFE Building would include a new driveway and pick-up/drop-off zone located on the vacant Flagler Lot as well as a new subterranean service area and loading dock entry/exit along Flagler Lane (south of Beryl Street).

DEIR page 726 (3.14-8) states that “Flagler Lane runs in a north-south direction near the Project site with two vehicle lanes along the majority of the roadway (north of Beryl). Adjacent to the Project site (south of Beryl), Flagler Lane terminates approximately 450 feet south of its intersection with Beryl Street at Flagler Alley. At its southern terminus, the roadway turns east into Towers Street, which provide access to the single-family residential neighborhood to the east, located within Torrance. The City of Torrance has total jurisdiction over Flagler Lane south of Beryl.”

DEIR page 737-738 (3.14-9-10) reference the “Cut-Through Traffic” issue currently being reviewed by the City of Torrance. The City of Torrance conducted a license plate survey recently conducted showed that during AM peak hours 47% of northbound and 41% of southbound traffic was “cut-through” and during PM peak hours 31% of northbound and southbound traffic was “cut-through”.

This survey was done during the current COVID-19 pandemic when temporary “working from home” conditions were in place. The city is considering modifications to Flagler Lane to reduce the accident rate. There are several options under consideration:

1. Close Flagler Lane going southbound (at Beryl)
2. Close Flagler Lane going northbound (at Beryl)
3. Close Flagler Lane going southbound and northbound (at Beryl)
4. Close Flagler at the Flagler Lane/Towers Street intersection

Torrance is currently piloting a program to close Flagler Lane going southbound between Towers and Beryl (option 1). With the closure of southbound traffic, HLC will not be able to implement the loading dock entry/exit along Flagler Lane. The design for the first phase of the HLC will have to be modified. These changes will affect traffic patterns and invalidate any conclusions drawn in the present DEIR regarding them.

The closure of southbound traffic on Flagler is a pilot. A decision might be made in the future to pilot or implement either option 2 or option 3. If option 2 is implemented, the loading dock traffic will come up north on Redbeam Avenue (local residential street) and west on Towers (local residential street with a pedestrian exit from Towers Elementary School). If option 3 is implemented, there will be no access off of Flagler Lane. These changes will affect traffic patterns and invalidate any conclusions drawn in the present

DEIR. Any projection of what the decision of the City of Torrance would be speculation since the city itself has just decided on the current pilot.

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(Cont.)

The HLC Plan does not allow decisions to be informed and balanced (CEQA 15003 (j)), does not give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts (CEQA 15125 (a)), and the particular impact is too speculative for evaluation (CEQA 15145).

Conclusion: The DEIR plan as presently presented is *unstable*.

It will remain so until after Flagler Lane modification is finalized. The DEIR must be withdrawn and reissued after the City of Torrance finalizes the Flagler Lane modification.

2.4.2 Key Provisions of Any Partner Agreements Are Missing

CEQA Reference(s): Section 15123(a) provides that the draft EIR is required to contain:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental *consequences*.”

DEIR Page(s):142

BCHD will be the minority stakeholder of the development agreement between it and a financial partner -- somewhere between 20% and 25% [Ref: 3.2.30]

As a general rule, unless the written agreement states otherwise, a minority owner has only three basic rights:

- The right to vote for the board of directors (in the case of a corporation), or the manager (in the case of an LLC);
- The right to review the books and records of the company upon request; and
- The right to receive dividends or profit distributions from the company if they are declared.

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[Ref: 3.2.31, for example]

Independent of the HLC development, BCHD is the steward of publicly held assets including land, an investment portfolio, and other sources of income.

Because of the risks inherent in the HLC development [See 2.7.1 and 2.7.2], these assets are subject to diminishment and loss.

The BCHD will have few recourses for their protection if unplanned-for situations with the HLC construction and subsequent management arise.

The development agreement between BCHD and its partner, therefore, must *explicitly state* minority rights that go beyond the three basic ones listed above.

Usually, the creation of a development agreement will occur after the EIR has been generated and a conditional use permit (CUP) for the HLC site has been granted by the planning commission and city council of the city of Redondo Beach.

However, because of the uncertainty of success of the HLC, the public cannot adequately judge the magnitude of risk to its assets at such a late point in the development process. The possible Economic Effect of the HLC development will be under-characterized.

The EIR, therefore, must specify what additional rights BCHD will insist be part of any development agreement it becomes party to.

Conclusion: Key BCHD Development Agreement *Minority Rights must* be explicitly stated in the EIR.

2.4.3 Design Build Violates the Intent of CEQA

CEQA Reference(s): Section 15123(a) provides that an EIR “should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences”

DEIR Page(s):142

BCHD has elected to use *Design Build* as the contracting method for the HLC project. But what does Design Build mean? Using Design Build

for a project requiring CEQA adherence, however presents a significant problem. Why then does BCHD elect to procure the HLC under Design Build?

1. BCHD has elected to use Design Build as the contracting method for the HLC project

For example, point a browser at [Ref: 3.2.139] and go to page 60.

2. What does Design Build mean?

A search on the DEIR finds no matches for the term “design build”. A definition for it must be found elsewhere.

An article published in the Golden Gate University Law Journal states: “Project Delivery Method is a term of art commonly used in the construction industry that refers to how design and construction services are assigned to companies working on a project. ...”

“The defining aspect of a design build (DB) project is that one entity is responsible for both designing and building the project under a single contract, as opposed to the traditional design-bid-build (DBB) project delivery method. DB's consolidation of the traditionally separate design and build phases allows construction to begin before *finalizing* a project's design.”[Ref: 3.2.138] (emphasis added)

3. Using Design Build for a project requiring CEQA adherence, however presents a significant problem

The Golden Gate University Law Journal continues:

“This presents a *significant* problem because overlapping design and construction can *prevent* a full and thorough assessment of a project's environmental impact.”

“The DB delivery method encourages vague and incomplete plans, allowing for post-CEQA-approval *design changes* which can fail to account for all significant environmental impacts. ...

“In such a situation there would be no further environmental review ...”

“This jeopardizes CEQA's core goal of ensuring that the public and governmental decision makers are aware of a proposed project's significant environmental impacts...”

“ ...The problem is that a builder is not required to report changes to a project once it receives approval ...

“Incomplete designs under DB allow for a greater amount of change than a fully-designed project, giving the builder more leeway, but also the potential to miss any *significant environmental impacts* that the project may have.” (emphases added)

A contractor under cost and/or schedule pressure could change the design at will. Such pressures happen frequently in all projects. The bigger they are, the more likely they are to be.

4. Why then does BCHD elect to procure the HLC under Design Build?

a. Normally, it could not. For most constructions undertaken by public enterprises, Design Build is prohibited.

b. However, BCHD, and evidently BCHD alone, out of all the health districts in the state of California has a temporary exemption to this prohibition. Until January 1, 2023, then can procure contracts using design build as the basis.

Given the shifting sands of BCHD's HLC purpose and design, and the organization's proven record of whipping up the latest project that suits their fancy, who can possibly predict what the final outcome will be?

The HLC design prior to the one specified in the DEIR proposed only assisted living. But evidently, after projected financial returns were projected to be too meager, PACE suddenly was an added component to the design.

c. Recently, BCHD approved a \$1,800,000 contract with Cain Brothers to find the partner who would come up with the bulk of the money needed in order to build the HLC.

When asked at the approval meeting, why the rush to issue that contract now rather than wait until the EIR process had completed, the answer was that January 2023 was not that far away.

Clearly BCHD wants to continue playing in its sandbox without adult supervision.

5. Is there nothing that can be done?

a. Normally, once a Final EIR has been prepared, it is reviewed by the *independent* impartial and *responsible* reviewing agency. Only if approval is given can the project go forward.

This, of course, is a fundamental tenet of the democracy on which our country is built. Checks and balances for every institution that has some control over the public good.

b. But, being neither fish nor fowl – not a city nor a county, BCHD proclaimed that they *themselves* have the jurisdictional authority for whether or not to approve the Final EIR!

c. There is hope, however.

The Golden Gate University Law Journal suggests:

“First, CEQA should be amended to require the builder of every DB project to publish notification of design and construction changes after the projects final EIR. Second, every DB project must be subject to an oversight and review committee if the potential environmental damage is greater than that described in the final EIR.”

The chance of such an amendment to CEQA before the time scale projected for the HLC project approval is vanishingly small, but it does crystalize what is required – *Every* design build project *must* be subject to *additional* oversight and review.

The DEIR for the HLC project, therefore, *must* include the statement that *all* design changes for both Phase 1 and Phase 2 contemplated after Phase 1 project start but before the commencement of implementation shall be reviewed by the public in the usual manner specified by CEQA.

Conclusion: The EIR *must* be amended to plug this loophole.

2.4.4 LAFCO Requirements Are Not Being Satisfied

CEQA Reference(s): Section 15082(a) states in part:

“Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send a notice of preparation stating that an environmental impact report will be prepared to the Office of Planning and Research and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared and file with the county clerk of each county in which the project will be located.”

DEIR Page(s): 140

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BCHD has ambitious plans and aspirations. They violate Los Angeles Local Area Formation Commission Restrictions.

1. BCHD Plans and Aspirations

a. DEIR page 140 (2-22) states: “In 2005, BCHD created a data-driven strategic planning process to prioritize funding and program implementation. The strategic plan calls for a community needs assessment and the cultivation of *strategic partnerships* to enable BCHD to address critical health needs for its service population.” (Emphasis added)

The Strategic Plan established these priorities:

“ Provide all residents with enhanced health services of demonstrated effectiveness ranging from prevention and education to intervention.

“ Improve the capacity of the BCHD and its partners to assess and respond to individual and environmental factors that affect community health.

“Further BCHD standing as a trusted and valued community health resource.”

b. DEIR page 141 (2-23), under Project Objectives, states: “Actively ... *pursue partnerships.*” (emphasis added)

c. BCHD goes on to say it will transfer 80% of the site to a private developer(s). DEIR page 147 (2-29) states;

“The 157 Assisted Living units, which would be operated by a *partner* company specializing in *administering* Assisted Living programs, would occupy Floors 1 through 6 of the proposed RCFE Building. (Emphasis

added.)

d. DEIR page 148 (2-30) states: “The proposed PACE services would be a new program on the BCHD campus. The proposed Project RCFE Building would dedicate approximately 14,000 sf of floor area for PACE, to be developed in consultation with and *operated by a partner company* specializing in PACE services.” (Emphasis added.)

2. BCHD violates LAFCO restriction

a. The particular actions proposed by the BCHD for the Project are violations of authority allowed by the County of Los Angeles Local Agency Formation Commission (LALAFCO) .

LALAFCO Article 2, Section 32121 Powers states in part: “Each local district shall have and may exercise the following powers:

“2) To transfer, for the benefit of the communities served by the district, in the absence of adequate consideration, any part of the assets of the district, including, without limitation, real property, equipment, and other fixed assets, current assets, and cash, relating to the operation of the district’s health care facilities to one or more nonprofit corporations to operate and maintain the assets.

“(C) Before the district transfers, pursuant to this paragraph, 50 percent or more of the district’s assets to one or more nonprofit corporations, in sum or by increment, the elected board shall, by resolution, *submit to the voters* of the district a measure proposing the transfer.

“The resolution shall identify the asset proposed to be transferred, its appraised fair market value, and the full consideration that the district is to receive in exchange for the transfer. The appraisal shall be performed by an independent consultant with expertise in methods of appraisal and valuation and in accordance with applicable governmental and industry standards for appraisal and valuation within the six months preceding the date on which the district approves the resolution.

“The measure shall be placed on the ballot of a special election held upon the request of the district or the ballot of the next regularly scheduled election occurring at least 88 days after the resolution of the board. If a majority of the voters voting on the measure vote in its favor, the transfer shall be approved. The

campaign disclosure requirements applicable to local measures provided under Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code shall apply to this election.” [Ref: 3.2.135]

The DEIR *ignores* this requirement. For the BCHD Board of Directors to proceed with the proposed Project, the BCHD must initiate a Municipal Service Review (“MSR”) and Sphere of Influence (“SOI”) analysis with LALAFCO. It cannot make the decision to proceed with *changing* its SOI without authorization of LALAFCO.

b. Furthermore, per Assembly Bill No. 2698, *The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000* [Ref: 3.2.136], ensures BCHD does not attempt to provide municipal services *outside* their jurisdictional boundaries. All jurisdictional changes, such as incorporations, annexations, and detachments, must be consistent with the affected agency’s *Sphere of Influence*.

c. LALAFCO Section 56375 paragraphs (a) and (g) state in part:

“The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

“(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

“(g) On or before January 1, 2008, and *every five years* thereafter, the commission shall, as necessary, review and update each sphere of influence.”

But, BCHD has not followed the rules outlined in LALAFCO Section 56375. In the last five years BCHD has *not* had a service review, but did undertake the Project.

They have spent more than \$8M of tax payer funds on Project studies.

They have discussed the Project with elected officials and the public.

They could have initiated the conversation with LALAFCO well ahead of the release of the DEIR, but did not.

BCHD *must* not be allowed to proceed for approval of the HLC project EIR. They must discontinue further development until after they initiate and participate in the required service review with LALAFCO.

Conclusion: BCHD *must* abide by the LALAFCO regulations.

2.5 Alternatives

2.5.1 Define the No-Project Option Properly

CEQA Reference(s): Section 15126.6 states in part:

“The specific alternative of ‘no project’ shall also be evaluated along with its impact.”

DEIR Page(s): 861

The DEIR defines the ‘no project’ alternative incorrectly. It must be defined correctly. If this is done, additional alternatives become viable, ones more viable than any described in the DEIR.

1. Incorrect Alternative Definitions

The “No Project” option in the DEIR is a totally incorrect option.

There is an obvious internal contradiction in what is being proposed in the DEIR as Alternative 1. The top of page 861 (5-15) states:

“Alternative 1 – No Project Alternative (Demolish and Replace with Limited Open Space).”

But at the bottom of the very same page - Section 5.5.1 states: “Under the No Project Alternative, the proposed BCHD Healthy Living Campus Master Plan would not be implemented and the existing BCHD campus would *not be redeveloped*. Additionally, BCHD would continue to lease the vacant Flagler lot as a construction staging area and a source of operational revenue.”

Which is it? – a) Demolish and Replace with Limited Open Space *or* b) No Redevelopment? This contradiction and confusion *must* be resolved in the EIR.

If the resolution of No Project turns out to be Demolish and Replace with Limited Open Space, then the entire alternative is malformed. As stated in the DEIR it is *not* a valid “No project”.

“No Project” literally must mean the second alternative above – *do nothing*. Additional clauses cannot legally be tagged on to it such as “Demolish and Replace with Limited Open Space”. That allows the analysis of project alternatives to downgrade the merit of No Project because of the excess baggage it was defined to carry.

Not only must the confusion on page 861 be resolved, but, in addition, No Project must literally be evaluated as *doing nothing*. If BCHD wants

to evaluate the merits of Demolish and Replace, then it should cast that as a distinct additional alternative.

2. The *Correct* Impact for the No Project Alternative

What is fair to discuss in the evaluation of the No Project Alternative are its *consequences*. What will happen if there is no HLC project whatsoever?

The answer is obvious and simply stated: *Reduced services*.

Adopting this viewpoint puts the focus on specifying exactly what *are* the benefits provided by BCHD at present. Is the impact of not continuing to provide them worse than the impacts of the HLC Master Plan solution or that of any of the other alternatives considered?

The No Project alternate *must* be restricted to being exactly that, doing nothing. There will be impacts of doing this, certainly. Exposition of the impacts of these reduced services *must* be included in the EIR analysis.

3. Additional Alternatives

Focusing on the fact that the impact of the No Project option is strictly *reduced services* opens the door for the creation of additional alternatives offering -- alternatives that have merit over *all* of those presented in DEIR, even the baseline HLC Masterplan!

Build a Minipark Instead [See: 2.5.2] and Reduce Expenses [See: 2.5.3] present two additional alternatives that must be included in any alternative merit analysis.

Conclusion: Additional alternatives with more logical merit than those already considered *must* be analyzed.

2.5.2 Build a Minipark Instead - Abandon the HLC Altogether

CEQA Reference(s) Section 15126.6 states in part:

“An EIR shall describe a range of reasonable alternatives to the project.”

DEIR Page(s): 847

Almost all BCHD objectives do not have merit.

The objective involving parkland has been oversold.

Instead, BCHD must continue offering only Fitness Center and

Adventureplex services. And restructuring BCHD to satisfy a community desire.

1. Almost all BCHD objectives does not have merit.

a. Seismic safety

As discussed [See: 2.2.1], the first stated objective of the HLC, DEIR pg. 142 (2-24) is “Eliminate seismic safety and other hazards of the former South Bay Hospital Building (514 North Prospect Avenue).”

But as also pointed out in [See: 2.2.1], BCHD presently has funds to perform an exterior retrofit *immediately* if they so desired. To state that demolition and replacement of 514 is a *requirement* for all alternatives (including No Project) is disingenuous to say the least.

If and when to perform a seismic retrofit is indeed something that BCHD must decide, but for the purpose of analyzing project alternatives, Objective 1 should be ignored and removed from the EIR.

b. Revenue generation

As discussed [See: 2.2.2], the second and sixth objective of the HLC is to generate revenue. They reflect what BCHD *wants* to do – stay in business. Nowhere in this DEIR is there a valid *quantitative* discussion of the *community* value received for all of the programs that BCHD touts they perform or plan to perform. Objectives 2 and 6 should be ignored and removed from the EIR.

c. Need for assisted living

As discussed [See: 2.2.3], the fourth objective is to “address the growing need for assisted living with on-site facilities...” But, the need is in fact not *growing*. Option 4 should be ignored and removed from the EIR.

As discussed [See: 2.7.3], BCHD primary objective is an underlying one that is self-serving rather than community serving.

d. What’s left?

All that remains that should be considered in creating and evaluating alternatives are Objectives 3 and 5. These are both centered around creating public open space. Of all of the stated BCHD objectives, only

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two resonate with community desires: this one and reducing expenses [See: 2.5.3]. The alternative presented in subsection 3. below focuses on a way to satisfy the desire for more parkland space.

2. Unfortunately, having the HLC project also provide parkland has been grossly oversold.

Parkland in conjunction with the HLC violates the Redondo Beach municipal code. The DEIR does not speak to the necessity for public events or the requirement for external public bathrooms.

a. In her campaign platform for re-election, one of the BCHD Board of Director member stated: “We can create a park out of a parking lot ... and have events such as “farmer’s markets, Shakespeare in the Park...”

b. However, the “open space” listed in the DEIR is *not* a public park and offers the public *none* of the protections that are *required* for parks and open space zones per the Redondo Beach municipal code.

Section 10-2.1117 of the Code Development standards: P-PRO parks, recreation, and open space zone states: .

“(a) Floor area ratio. The floor area ratio (F.A.R.) of all buildings on a lot shall not exceed 0.25 (see definition of floor area ratio in Section 10-2.402).

(b) Building height. No building or structure shall exceed a height of *thirty (30) feet* (see definition of building height in Section 10-2.402).

(c) Stories. No building shall exceed *two (2) stories* (see definition of story in Section 10-2.402).

(d) Setbacks. Setbacks shall be determined subject to Planning.”
Commission Design Review.

The proposed HLC would violate the Redondo Beach city municipal code on building density, height, number of stories, and likely its positional lack of setback to the community with its 103 ft. high, 6-story building, 8-story above ground parking garage, and other buildings pushed to the perimeter of the site.

c. Activities presented for the open space in the DEIR would require Redondo Beach permits. City ordinances strictly control activities through use permits that are allowed on a site. Permits are required for the types of activities called out under a. above.

“It is unlawful for any person to participate in any activity in a park which prevents general public use of the park or any portion thereof on a first come first served basis without obtaining and displaying a permit

from the Community Services Department.”

d. The HLC project open space does not include bathroom facilities for the public. There are no restroom facilities beyond those designated in the proposed PACE or RCFE.

e. What will prevent the BCHD, once they build out their “programmable” open space to move beyond the city ordinances and protections afforded by the permit process?

How does BCHD in “owning” a private “open space” that they equate to a public park bypass the protections of city codes for residents?

3. Continue with the Center for Health Fitness (CHF) and Adventureplex

These two activities are funded by fees from the public and are self-sustaining [Ref: 3.2.24]. The fact that they do pay for themselves demonstrates that BCHD is satisfying a public need.

4. Restructure BCHD to satisfy a community desire.

a. Reduce the present BCHD expenses to only what is needed for developing parkland on the present BCHD site. BCHD states that 514 leasing is declining. Hence, the number of parking spaces needed at the facility will also decline.

If most of BCHD’s activities are moved off site and conducted remotely by using virtual meeting technologies such as Zoom, the empty parking space would expand even more.

The space in the current Phase 1 plans for new construction can be made available as well.

At present, the total number of people employed by BCHD in recent years has been in the seventies and eighties. [Ref: 3.2.25]. The expenses for a *reduced* organization could be much less. It would consist of:

Position	Note	Annual Salary	Number of employees
BCHD Manager	a	\$100,000	1
CHF/Adventureplex Manager		\$80,000	1

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Parkland Acquisition Manager	\$80,000	1
Volunteers Manager b	\$80,000	1
Facilities Manager	\$50,000	1
Treasurer	\$70,000	1
Administrative Assistants (5)	\$350,000	5
Total	\$810,000	
Payroll Related Expenses c	\$405,000	
514 Maintenance d	\$500,000	
Total Expenses	\$1,715,000	Total Employees 11

5. Some notes on the numbers above:

a. Presently, the top BCHD manager has the same salary as that of the recently departed City Manager for the city of Torrance. The BCHD manager has responsibility for around 85 employees. The Torrance City Manager had responsibility for 1700 – 20 times as many! The disparity in compensation for function served is jaw-dropping. Surely, the present salary for top BCHD personnel is not justifiable.

b. The COVID-19 pandemic has demonstrated that having a presence on-site is not required for many business activities. Zoom sessions serve as well. There is no real need for BCHD health related activities to take up real-estate.

c. Related payroll expenses, i.e: Social Security, Medicare, Vacations, Sick Leave, Health Insurance, etc.

d. Yes, 514 is an old building. Maintenance problems will persist. But with only the existing gym, reduced BCHD staff, and the Silverado Assisted Living Center remaining in the building, most of it can be mothballed. Based on square-footage saved, the existing annual

maintenance costs reduces by two-thirds.

6. The analysis annual cash flow result

Income Source	Annual Income
Property Taxes	\$3.9M
Limited Partnership (Silverado)	\$2.1M
Interest	\$1.0M
Total Income	\$7.0M
Minus annual expenses	\$1.715M
Annual total income available for park land development	\$5.285M

With a focus on the community rather than personal wants, the BCHD could direct over \$5M annually to the design, development, and maintenance of a parklands satisfying Redondo Beach Municipal Code requirements. It would have an irregular shape to be sure, but that is a challenge that a talented architect could solve.

Why isn't a plan along these lines the *number one* priority for BCHD?

Conclusion: Abandon the HLC project. Build a code compliant minipark instead.

The existing *bait and switch* objective must be removed from the EIR.

2.5.3 Reduce Expenses

CEQA Reference(s) Section 15126.6 states in part:

“An EIR shall describe a range of reasonable alternatives to the project.”

DEIR Page(s): 847

The basic equation of any economic concern is:

$$\text{Profit} = \text{Income} - \text{Expenses}$$

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For a government entity such as the BCHD, no profit is required or expected, so the equation becomes:

$$\text{Income} = \text{Expenses}$$

If income falls, one approach to continue operations is to find a replacement for it. An equally viable alternative, however, is to *reduce expenses*.

BCHD touts how transparent and open their processes and activities are. Taking this at its word, one can only conclude that no effort *at all* has been taken to study expense reduction.

Instead, \$8.1M has been squandered with outside consultants over several years investigating how to increase income [Ref: 3.2.80] The only output so far from this effort has been a hare-brained scheme to spend hundreds of millions more on a facility that is not needed.

Let's explore a little more productively.

1. Total BCHD revenue budget for 2019-2020: \$14.9M [Ref: 3.2.24]

\$3.0M	20% Fees
\$3.9M	26% Property Tax
\$2.1M	15% Limited Partnership
\$1M	7% Interest
\$4.8M	32% Leases and Building Expense Reimbursement
\$14.9M	Total

Subtracting the \$4.8M for Leases and Building Expense Reimbursement from the total, one can arrive at the BCHD's income forecast:

\$10.1M

2. Total BCHD Expense Budget for 2019-2020 is \$14.0M [Ref: 3.2.24]

\$6.9M	Payroll & Benefits
\$0.3M	Program Costs
\$0.3M	Human Resources Related
\$0.6M	Community Relations
\$1.5M	Facilities Expenses
\$1.8M	Professional Services
\$1.0M	Interest and Other
\$1.5M	Funds & Grants

\$14.0M Total

3. Shortfall with no longer receiving lease income, one can arrive at BCHD's shortfall:

\$3.9M

This shortfall will start consuming cash reserves [See: 2.7.3]. BCHD therefore claims that another source of income must be found. No other alternatives have ever been presented.

4. Strawman for Possible Reductions

As a publicly chartered organization, however, BCHD has the moral *obligation* to examine cost *reductions*.

This section presents a strawman that demonstrates that balancing the BCHD budget is not out of the realm of possibility.

To be clear, this strawman in no way is meant to imply a concrete proposal for what to do. BCHD should not now claim that “even the opposition is in favor of the HLC.”

a. Funds & Grants Elimination

Funds and Grants are popular programs for those who receive them. When income declines, BCHD will no longer has the wherewithal to continue distributing them. So, stop doing so. [Ref: 3.2.24] documents the savings.

Savings \$1.5M

b. Headcount Reduction

The fulltime equivalent (FTE) employee headcount for fiscal year 2009-2010 [Ref: 3.2.25] was 70.71. The FTE employee headcount for fiscal year 2019-2020 [Ref: 3.2.27] is 85.18.

The total budgeted employment costs for fiscal year 2019-2020 is \$6.6M. [Ref: 3.2.24]

Returning the employee headcount to the 2009-2010 level would decrease employee headcount by approximately 17%. (Positions with

only a single employee such as CEO would take a 17% salary cut.)

There is nothing magic about the 17% figure. It represents what is possible to save with a reduction to the level of the first year for which headcounts are publicly available. A properly motivated organization would investigate what the salary reduction would have to be in order to balance the budget, no matter what that number is.

Yes, this would mean that some of the touted *over 40* BCHD programs would have to be sacrificed along with the personnel that provide them. But then, BCHD has never presented any evidence that *any* of their programs – except for the Center for Health Fitness (CHF) and Adventureplex have any public support at all.

Savings \$1.1M

c. Increase CHF and AdventurePlex Fees by 10%

Increase in revenue: \$0.3M

d. Externally retrofit 514 using funds currently available

e. Mothball portion of 514 no longer used

When the last lessee leaves, of the 160,000 sq ft in the 514 building, all that will be left as users are the following:

Silverado	30,000 sq ft	
CHF	12,000 sq ft	[Ref: 3.2.29]
Administration	8,000 sq ft	[Ref: 3.2.29]
Community Service	6,000 sq ft	[Ref: 3.2.29]
Total	56,000 sq ft	

The reaction to the COVID pandemic has demonstrated that much business activity can be conducted from home. The need for community service space can be eliminated.

The remaining occupancy will be 35% of the total building footprint. 65% of the building can be sealed off. The facilities expense of \$1.5M can be reduced correspondingly.

Savings \$1.0M

Total savings \$3.9M

5. Result of strawman exercise

A balanced budget.

The budget can be balanced without *any need for the HLC*. The reductions needed to cope with the decline in building 514 leases are not an impossible target to strive for.

Like all strawmen, this one is superficial. And laying off hard-working, dedicated employees is an extremely painful and stressful activities for managers. Because of COVID-19, we all have had to do so ourselves or know someone who had to do this.

The point, however, is that looking at expense reductions can eliminate the need for the HLC entirely. It is a viable alternative that is not explored in the DEIR.

6. The project pillars of a viable BCHD

DEIR page 6 (ES-2) talks about Project Pillars. The *real* pillars of a viable BCHD, the ones that prop it up and make it possible to exist are:

The CHF, Adventureplex, Investment Dividends and the Property Tax allocation.

BCHD management should concentrate on creating a structure that lives within the means provided by these four pillars, not the platitudes stated in the DEIR.

Conclusion: Expense Reduction Alternatives *must* be analyzed in the EIR.

The Healthy Living Campus project is a *want*, not a *need*.

2.5.4 Explore Alternate Site Options More Fully

CEQA Reference(s): Section 15126.6[a] states in part:

“... EIR shall describe a range of reasonable alternatives to the proposed project, or to the *location* of the project, which would feasibly attain

most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (emphasis added)

DEIR Page(s): 847

The DEIR states excuses. It is aware, however of the land west of the AES plant. BCHD has not looked hard enough.

1. The DEIR states *excuses* not the results of examinations of alternate possibilities

a. Must be located within three beach cities [DEIR page: 856 (5-10)]

Why is this? At the same time, BCHD’s strategic plan includes hiring a Center of Excellence Manager and go national marketing their expertise [Ref: 3.2.124]

b. Must be 10 acres in area [DEIR page: 856 (5-10)]

BCHD presently touts providing 41 services. RCFE and PACE are two more. In this age of internet communication such as Zoom, do they have to be collocated? Might not several smaller parcels of land serve as well?

c. Could present soil contaminations [DEIR page: 857 (5-11)]

Is the risk any greater than the risk at the present BCHD site, one which has already been proven to have such contaminations? [See: 2.10.1]

d. Could require a public Measure DD vote [DEIR page: 857 (5-11)]

Yes, an alternate site might. But Measure DD passed for a reason. If the HLC project has as much public support as BCHD claims, then they would embrace the idea and vote yes.

2. BCHD recognizes that the land west of the AES plant is a possibility

It is well known that the AES Redondo Beach power plant is going to retire. The date is not absolutely certain, but it most likely will occur in the next few years. The BCHD is also aware of this. [See: 3.1.22]

Once the plant is retired and the power distribution lines come down, a large expanse of land becomes available for development opportunities. One of these opportunities is locating the HLC in a part of that expanse.

To speak for making the land available on one hand, but denying that there are no possibilities within the beach cities boundaries for the HLC, is either illogical or hypocritical.

3. BCHD has not looked hard enough

Manhattan Beach, the smallest of the three beach cities *was recently able* to find a site for an assisted living facility. [Ref: 3.2.125] Why hasn't BCHD looked harder?

Conclusion: BCHD *must* make a legitimate search for alternate site possibilities

2.5.5 Issue Tax Free Bonds or Raise Taxes

CEQA Reference(s): 15126.6 states in part: "An EIR shall describe a range of reasonable alternatives to the project."

DEIR Page(s): 847

BCHD has several funding options for the HLC project other than private development – use a ballot bond measure to raise taxes or issue tax free revenue bonds. The juggernaut for private development money must be stopped.

1. Use a ballot bond measure to for seismic retrofit funding.

In the Nov. 2020 election, Washington Township Health Care District used Ballot Measure XX that stated:

"To complete the construction necessary to make Washington Hospital earthquake safe and ensure the hospital remains open and accessible to provide life-saving care during a major disaster, to provide modern operating rooms, intensive care for infants and modern patient facilities, shall community-owned Washington Township Health Care District authorize \$425,000,000 in bonds at legal rates, generating approximately \$21,000,000 annually at an average rate of 1 cent per \$100 of assessed valuation while bonds are outstanding, with all money staying local."

The bond measure was successful. [Ref: 3.2.140]

However, when asked at the December 2020 Board Meeting during their Financial review, whether BCHD ever considered a bond measure to

address their claimed seismic issues for Building 514, it was stated that BCHD chose *development* as the way to generate revenue without having to *risk* going for a public vote to raise taxes [Ref. 3.2.141] - a video clip excerpt of December 2020 BCHD Board Meeting:

2. Issue *tax-free* bonds

No voter permission is required for issuing tax-free bonds. No increase in property taxes is involved. Anyone can buy public institution bonds. There are limits to the amount of such a bond, but BCHD has not indicated in any way, an exploration of this alternative.

In fact, BCHD's counterpart, the Peninsula Health District (PHD) did just that a few years ago. They issued low-cost public bond debt bonds and built a 124-apartment facility.

Project costs of \$80.8 million were funded by District equity contributions of \$30.8 million and debt issuance of \$50 million. The District issued \$40 million in Certificates of Participation (COPS) in 2014 to finance the project with the intention to issue an additional \$10 million in debt in 2017.

3. BCHD's Juggernaut

Instead of even considering options exercised by other public healthcare districts, BCHD is instead aggressively pursuing a private developer in a for-profit joint venture (JV) and proposing 217 units in an 8-story building (6 stories above ground, 2 below) at \$12,500K per bed, per month for Assisted Living/Memory Care.

At the April 28 BCHD Board meeting, the board approved a \$1.8M incentivized contract to Cain Brothers, investment bankers, to find a partner for the construction of the Phase I building and operation of the Residential Care for the Elderly (RCFE) portion of Phase I of the Healthy Living Campus. It includes a monthly retainer plus milestone success fees for \$800,000 and a final development advisory transaction services fee at \$1,000,000.

This was approved by the BCHD Board of Directors before the EIR process is even complete! [Ref: 3.2.142]

Conclusion: BCHD *must* explore more realistic funding options and timings

2.6 Cumulative Impacts

2.6.1 Concurrency Analyses Strikingly Absent

CEQA Reference(s): Section 15130(a) states in part that an EIR shall discuss:

“the cumulative impacts of a project when the project’s incremental effect is cumulatively considerable.”

DEIR Pages(s): 181

* The analysis of cumulative impacts must be included in an EIR. But not all other projects concurrent with the HLC project have been examined.

* The HLC and the Bike Path project are one and the same. Their impacts must be analyzed together.

* The cumulative impact of the HLC/Bike Path project and the Redondo Beach Police Department Shooting Range Upgrade must be analyzed.

* The HLC/Bike Path project has impacts on public services

* The HLC/Bike Path and AES redevelopment project impacts must be analyzed

* The HLC/Bike Path project impact on the Redondo Beach Historical Museum must be analyzed.

1. The *analysis* of cumulative impacts *must* be included in an EIR.

Ms. Nicole Hoeksma Gordon and Mr. Albert Herson, Attorneys, Sohagi Law Group in an article published September 2011 cautioned that the cumulative impacts section of the EIR is critical yet often prepared as an afterthought. [Ref: 3.2.96]

The authors explain:

"CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be less than significant." They added: "A conclusion that the cumulative impact is not significant must be accompanied by relevant facts and analysis."

Attorneys Gordon and Herson, summarize the CEQA requirement

stating:

“In other words, CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be less than significant.”

2. Not *all* concurrent projects have been examined in the EIR.

DEIR page 181 (3-5) states that the HLC project’s cumulative effects were examined using the List Method. Tables 3.0-1, 3.0-2, 3.0-3, and 3.0-4 lists pending, approved, and recently completed projects within cities of Redondo Beach, Torrance, Hermosa Beach, and Manhattan Beach within 3 miles of the Project site. The DEIR conclusion for *all* of them is that cumulative impacts are less than significant.

Missing from the list, however, are at least two:

The supposedly separate Bike Path project [See: subsection 3. below]

The AES redevelopment project [See: subsection 6. below]

These two also *must* be analyzed for the possibility of concurrent impacts.

3. The HLC and the Bike Path are both part of the *same* project.

DEIR page 271 (3.1-73) states “all new projects in the vicinity would be required to adhere to regulations of the RBMC (Redondo Beach Municipal Code) or TMC (Torrance Municipal Code) and would be required to undergo plan review by the respective City Planning Commission and City Council.”

This is a pass-the-buck excuse for not performing work that must be done *now* as part of the HLC EIR. For example, nowhere in the HLC DEIR are there *any* statements about the associated cumulative impacts on aesthetics, light, noise, transportation, and public service between the HLC and the supposedly separate Bike Path project.

The cumulative impacts list in the DEIR tables does not even mention the BCHD Bike Path project. The attempt to disassociate the two is what is called piecemealing. There are safety issues that must be addressed. There are contradictions presented in the DEIR between them.

a. The cumulative impacts list in the DEIR tables *does not even mention* the BCHD Bike Path Project.

i. Until recently, the Bike Path Project was *featured* in documents BCHD presented to the public as an integral part of the HLC project. It was listed under the HLC project budget in the financial reports the District has released for several successive years.

ii. The Bike Path parcel is identified in the Phase 1 (May 2019) and Phase 2 (February 2020), Environmental Site Assessment Reports prepared for the BCHD by Converse Consultants as Parcel 3 [Ref: 3.2.97]. It is stated on page 16 of the Phase 1 Assessment and on page 7 of the Phase 2 Assessment that BCHD plans to purchase the property for its Project.

iii. The Bike Path is *identified in the NOP* as part of the Healthy Living Campus project. [Ref: 3.2.108] It is not just *adjacent* to the east side of the HLC; it is part of it.

“Additional pedestrian and bicycle improvements would include the construction of internal pedestrian pathways and the potential establishment of a Class I, two-way bicycle path with a pedestrian and lighting improvements along Flagler Alley between Flagler Lane and Diamond Street, immediately east of the campus.”

iv. BCHD has received a \$1.8M grant for this project from the Los Angeles Metropolitan Transit Authority (LAMTA) and is scheduled to start construction in 2021.

It is spending funds provided by the LACMTA *now* on designing the bike path improvements needed for the HLC.

BCHD’s Senior Policy Analyst reported to LACMTA on 7/29/2020 multiple expenditures to Ed Almanza and Associates and to Paul Murdoch Architects. Both companies are working for BCHD on the HLC project.

v. On *multiple* occasions, BCHD has shown that it is working with the cities of Redondo Beach and Torrance to secure the required approvals to start construction work on the Bike Path Project. Emails to city of Torrance staff. [See: 3.1.19] prove that BCHD is coordinating the Bike Path’s design and construction with that of the HLC.

b. The attempt to disassociate the Bike Path from the HLC is what is called *piecemealing*.

i. Pursuant to CEQA, the whole of the *entire* project must be

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analyzed as *one*. Those environmental considerations related to project(s) broken down into little projects, thus reducing or minimizing the potential impacts to the environment through “piecemeal” is prohibited. An agency cannot treat one integrated large project as a succession of smaller projects to avoid analyzing the environmental impacts of a whole project. [Ref: 3.2.98]

CEQA instructs project proposers to analyze physical impacts to the existing environment at the *time of the NOP* (CEQA Guidelines Section 15125(a)), not to hypothetical future conditions.

ii. BCHD evidently is aware of this problem. DEIR page 599 (3.10-21) states: “The proposed Project would not alter existing bike paths or preclude future bike paths in vicinity of the proposed Project.”

Yet, contrary to this statement, BCHD is proceeding. That the Bike Project isn’t considered for the cumulative impact analysis is disconcerting. The impacts of the entire project, not just individual segments, must be analyzed. CEQA forbids “piecemealing”. Pursuant to CEQA, the whole of the *entire* project must be analyzed as one.

c. The Bike Path part of the HLC project has Safety Issues.

The Project drawings showing the bike path crossing the Flagler Lane driveways may also create a public safety hazard and it *must* be studied as part of the HLC EIR.

Furthermore, in combination with mitigation measure MM T-3 on DEIR page 785 (3.14-67), the roadway along Beryl Avenue as presented, may have inadequate sight lines to ensure service vehicles turning on to Flagler Lane will have adequate views of the bicycles, pedestrians and vehicles entering the roadway from the drop-off exit proposed by the BCHD for the project.

The combination of multiple driveways adjacent to the Project on Flagler Lane may also result in the creation of inadequate sight lines to ensure drivers exiting the driveways have adequate views of oncoming bicycles and pedestrians. The BCHD Project, unlike some other projects, seeks to add commercial vehicles and transit vans to what is a residentially zoned roadway. The typical application where a bike path crosses multiple driveways is along mostly multi-family residential developments. [Ref: 3.2.99]

As even noted in the DEIR, section 5.0-6, the Flagler Lane modification

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design conflicts with the Torrance Municipal Code (TMC) Section 92.30.8 zoning of the street.

That the HLC construction and the Bike Path project are both part of the same project is patently clear. Hereinafter in this section of the DEIR comment, the proposed project will be referred to as the HLC/Bike Path Project.

d. EIR HLC/Bike Path Contradictions.

The analysis of the Bike Path Project in the EIR is misleading and only addressed as an afterthought. What is presented, however, does disclose contradictions that increases the difficulty of drawing unambiguous conclusions about the EIR.

i. DEIR page 788 (3.14-70) - Transportation Consistency with Circulation Plans, Ordinances, and Policies, after stating there are several additions and extensions to surrounding bicycle lanes under design or approved for construction within the cities of Redondo Beach, Torrance, and Hermosa Beach, the BCHD tells us:

“... it is coordinating the BCHD Bike Path Project (separate from the proposed Project) with the City of Redondo Beach and the City of Torrance to develop a formal protected Class I bicycle path along Flagler Lane east of the Project site to connect the existing Class II bicycle lanes on Diamond Street and Beryl Street.

“The expansion of the regional bikeway network in the cities of Redondo Beach, Torrance, and Hermosa Beach would achieve the overall goal of the South Bay Bicycle Master Plan and would align with BCHD’s mission to promote health and well-being. As such, the proposed Project would not result in a substantial contribution to cumulatively considerable impacts related to transportation plans and policies.”

Contrary to the DEIR Tables 3.0-1, 3.0-2, and 3.0-3, here the BCHD acknowledges there is a Bike Path project, but *purposely* states it is separate from the HLC project. They fail to disclose it was a key part of HLC discussed in the NOP.

Further, the EIR provides no facts to analyze the construction-related traffic, the operational uses proposed for Flagler Lane, the safety impacts, or future impacts on public services that the bike lane imposes on the HLC project, as is required by CEQA.

BCHD admits that bike path issues have been discussed with the BCHD

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Board of Directors and the Community Working group since 2017. It claims there has been 60 meetings to the community on the bike path and the HLC project.

The Bike Path has always been a part of the Project. Why is it now excluded? Where is the data needed to assess its environmental impacts? The omission of the BCHD Bike Path Project from the DEIR paints an incomplete picture of the environmental impacts. The DEIR *must* be augmented and recirculated.

ii. The BCHD also fails to connect the Bike Path to the HLC project from a scheduling perspective. Is this a further subterfuge?

Section 3 of the Bike Path D-2 Quarterly Report [See: 3.1.20] states the project will start construction work 6/1/2021 and end on 3/30/2022. The HLC and the Bike Path project schedules overlap. Yet, the BCHD also fails to propose any policies to improve access to pedestrian, bicycle, and transit systems or to reduce trip generation through transportation demand management consistent with the intent of California SB 74.

In renderings and engineering diagrams produced by Paul Murdock Architects, the bike lane is depicted as running from Beryl and Flagler Lane through Flagler Alley to Diamond to Prospect where it stops at a traffic light.

The location of the bike lane as identified in the EIR does not reflect the full scope of improvements recommended in the South Bay Bicycle Master Plan. [Ref: 3.2.100] As such, it appears not to even achieve the intended result of reducing traffic and green-house gasses at the site. How can a stable and finite EIR fail to address such a significant project component in the Cumulative Impacts Section and still meet the CEQA requirements?

4. Redondo Beach Police Department Shooting Range Upgrade (SRU).

The City of Redondo Beach Shooting Range project description says:

“This project will continue the design and environmental preparations necessary to install a modular shooting range at the site of the current police shooting range located at the City Parks Yard on Beryl St and determine the environmental site preparation necessary to pursue construction at the site.” [Ref: 3.2.101]

A correct analysis of the cumulative impact that the HLC/Bike Path

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project and SRU projects will have on Towers Elementary school and the residential units between the two properties is essential. As stated in the DEIR, the HLC project site is surrounded by single- and multi-family residences to the north, south, east, and west. The nearest single-family residences to the HLC project are located within West Torrance across from Flagler Lane and Flagler Alley, approximately 80 feet east of the project site.

5. HLC/Bike Path project impact on public services.

DEIR page 712 (3.13-18) states:

“the proposed project in combination with past, present, and reasonably foreseeable probable future projects in Redondo Beach (refer to Table 3.0-1 in Section 3.0 Cumulative Impacts) could contribute to an incremental increase in demand for fire protection services.”

DEIR page 718 (3.13-24) states:

“Cumulative Impacts As described in Impact PS-2, the proposed Project – including the preliminary site development plan under Phase 1 and the development program under Phase 2 – could recreate an incremental *increase in demand* for law enforcement services provided by RBPD related to theft, trespassing, or vandalism. Therefore, the proposed Project, in combination with past, present, and reasonably foreseeable probable future projects in Redondo Beach (refer to Table 3.0-1 in Section 3.0, Cumulative Impacts) could contribute to an incremental *increase* in demand for law enforcement services.” (emphasis added)

DEIR Section 3.12 acknowledges the existence of the Southern California Association of Governments (SCAG) projections for growth in population and housing but the connection or impact on the HLC/Bike Path project is never explained.

However, *all* expansions of BCHD facilities, as well as the surrounding projects listed, *must* be *sized* and *service phased* in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial.

Yet, despite admitting these impacts exist, the EIR *fails* to analyze the extent that these cumulative environmental impacts will occur, nor any methods proposed to mitigate them.

BCHD acknowledges these impacts are *significant*, yet the analysis and facts to determine how they are proposed to be mitigated is *missing* from

the text.

DEIR page 718 (3.13-24) concludes with the bold, unsupported assertion:

“neither the Phase 1 preliminary site development plan nor the Phase 2 development program would result in substantial contributions to cumulatively considerable impacts due to new or physically altered law enforcement facilities within Redondo Beach.”

In the EIR, for the other impacts described above are treated even more dismissively – with silence. These EIR errors *must* be corrected.

6. AES Redevelopment Project Concurrency must be examined.

DEIR page 181 (3-5) fails to list the planned development of the 51-acre AES site, 1100 North Harbor Drive, Redondo Beach, under Cumulative Impacts. The DEIR refers to the site only under Alternatives, pages 856-7(5-10 and 11).

Yet, *before* the DEIR was released, the City of Redondo Beach announced it is going to court to force the AES site to close per State law [Ref: 3.2.102]

The HLC/Bike Path and AES developments are *one mile* apart. The BCHD Project Phase 1 is slated to start construction in 2022.

DEIR page 857 (5-11) states that the AES site:

“was removed from consideration due to the incompatible zoning (P-GP) at the site.”

However, The DEIR did *not* state the AES site is unavailable. It is still scheduled to be shut down and replaced. The development of the AES site will coincide with the construction of the HLC/Bike Path project.

The Cumulative Impacts Section of an EIR *cannot* exclude facts and avoid analysis of the AES development. All the projects listed here must be examined together to determine the cumulative environmental impacts and to share that information with the public. This has not been done. The EIR *must* be corrected and reissued.

7. Redondo Beach Historical Museum.

The DEIR does not consider the cumulative impacts on the Redondo Beach Historical Museum, 302 Flagler Lane, and the Morrell House

TRAO-102
(Cont.)

TRAO-103

TRAO-104

next to it. Located adjacent to the corner of Beryl and Flagler Lane, the Museum, known locally as the 1904 Queen Anne House, houses an extensive collection of Redondo Beach artifacts, memorabilia, photographs, and historic documents including locally excavated Native American artifacts. [Ref: 3.2.103] [See: 2.17.1]

TRAO-104
(Cont.)

According to the City website, the Museum receives *thousands* of annual visitors and school groups. It meets the CEQA definition of a historic resource.

The environmental impacts of the HLC/Bike Path project on the two buildings have not been researched. The DEIR ignores the fact that impacts on "historic resources" are viewed as environmental impacts. The DEIR fails to consider the cumulative impact the construction related noise, traffic and dust from the referenced projects will have on the Morrell House.

The Morrell House was designated as a local landmark in February of 1991. The view of the Palos Verdes ridge to the south east of the property is visible from the porch of the house. The DEIR does not say the view will be obscured by the height of the Project. The DEIR does not say what the interior noise level will be within these structures as described under Title 24 of the California Building Standards Code, page 3 .11.13

8. Incorrect distance measurements.

Cumulative impact analyses rely on accurate distance between sites. The DEIR contains at least two errors in this regard.

a. Distance between the HLC/Bike Path project and the Redondo Beach Police Department Shooting Range Upgrade (SRU) project.

DEIR page 532 (3.8-38) states this distance to be 1 mile. A google map estimate is only 600 feet [Ref: 3.2.99]

b. Distance between the HLC/Bike Path project and the Redondo Beach Historical Museum site.

DEIR page 359 (Table 3.4-1), Historic Architectural Resources within Redondo Beach and DEIR page 629 (Table 3.11-5), Noise-Sensitive Land Uses within 1,000 Feet of the HLC/Bike Path project site use different figures when dismissing impacts the Project(s) will have on the Morrell House and Queen Anne House at Dominguez Park.

Table 3.11.-5 says the distance of the structures from the site is 600 feet.

TRAO-105

Table 3.4-1 says the distance from the Project site is 650 and 750 feet, respectively.

DEIR page 651 (3.11-27) states

“The Morrell House and Queen Anne House at Dominguez Park are located approximately 600 feet north of the Project site (refer to Table 3.11- 6; Section 3.4, Cultural Resources and Tribal Cultural Resources).

A Google Search shows the distance from the Project(s) site is less than 500 feet. [Ref: 3.2.99]

9. The HLC/Bike Path project Phase 2 Aquatic Center.

Phase 2 of the HLC/Bike Path project includes the construction of a 31,300 sf Aquatic Center pool.

The staffing, funding and expertise to ensure the successful operation of a community pool has not been identified in the DEIR’s six HLC/Bike Path project Objectives. Where is the analysis to show that these services are within the BCHD scope of services?

a. The EIR *must* prove that this expansion of BCHD charter is within BCHD’s scope of services and does not violate Los Angeles Local Agency Formation Commission (LALAFCO) boundaries.

b. The DEIR also fails to state how BCHD staff assigned to the proposed 31,300-sf Aquatic Center pool will be properly trained in life saving procedures or to show why the addition of a quasi-public pool will not create a significant impact on local emergency services.

The DEIR fails to show that the addition of a pool will not burden EMS and public safety personnel trained in CPR and emergency procedures as required by the California Code of Regulations, Division 9, Prehospital Medical Services. section 100018. Authorized Skills for Public Safety, First Aid Providers.

c. The DEIR fails to address any of the *unique* public safety requirements that must be followed to address construction-related impacts that need to be addressed in order to build a public swimming pool as identified within the California Building Code. [Ref: 3.2.104]

d. The risks associated with operating a large aquatic center are well documented. [Ref: 3.2.105-7]

Almost 1 in 8 (12.1% or 13,532 of 111,487) routine pool inspections conducted during 2008 identified serious violations that threatened

public health and safety and resulted in an immediate closure

More than 1 in 10 (10.7% or 12,917 of 120,975) routine pool inspections identified pool disinfectant level violations. Chlorine and other pool disinfectants are the primary barrier to the spread of germs in the water in which we swim. The leading cause of these outbreaks is *Cryptosporidium*.

About half (56.8%) of spas are in violation of local environmental health ordinances. From 2000 to 2014, about 1 in 9 spas linked to pools, hot tubs/spas and water playgrounds require immediate closure. The leading cause of these outbreaks is *Cryptosporidium*. This parasite is chlorine tolerant and can cause outbreaks that sicken thousands. This parasite is chlorine tolerant and can cause outbreaks that sicken thousands.

- e. The EIR *must* analyze the impacts of such a center on the:
- additional construction activities required for an aquatic center
 - increased need for skilled local emergency services
 - increase in permanent injuries and death due to drowning or near drowning
 - increase in permanent injuries and death due to ingestion of toxic chemicals
 - increase in water-borne illnesses

Conclusion: Sufficient concurrency analyses are *strikingly* absent.

2.7 Economic Characteristics

2.7.1 BCHD does not have the Management Experience Needed

CEQA Reference(s): Section 15124(c) states in part:

“The project shall include a general description of the projects technical, *economic*, and environmental *characteristics*.” (emphasis added)

DEIR Pages: Missing

BCHD Management has serious competency issues. BCHD Management has serious credibility issues.

1. BCHD Competency Issues

Securing success is not simply a matter hiring a competent construction manager and turning the reins over to him. There will be delays.

Conflicts will arise. Compromises will have to be resolved.

Ultimately, the best solutions will require a clear definition of all the project tasks, accurate cost accounting, tracking of the value added by each task as it progresses towards conclusion, and a running estimate of cost at complete.

Three examples that shed light on BCHD's characteristic competency in cost accounting are the following:

a. Example 1

As part of a monthly CEO report, BCHD publishes for the projects that have been authorized the expenditures for the past accounting period. The report for September 17, 2019 [Ref: 3.2.20] showed in part the following.

	FY 19-20
	YTD Actual
Flagler Project	\$25,654
Right of Way (ROW) Project	\$25,654
Prospect Way Project	\$25,654

It seemed curious that three 'projects' had exactly the same expenditures in the preceding month, down to the very last dollar!

A Public Records Access Request (PRAR) was made to BCHD in regards to this. The request [See 3.1.1] in part stated:

"In the CEO reports there are four projects noted:

"Flagler Project

"Right of Way Project

"Prospect Way Project

"HLC Other & 514 Project

"I would like to inspect public records related to these projects.

"The project plan describing each project.

“The expenditures associated with each of these projects.

“The authorizing documents or BOD minutes which approve these projects.”

The BCHD reply [See 3.1.2] stated in part:

"The four “labels” you are listing above are not independent projects but are Financial General Ledger Account names established by the District Accounting Department to track expenditures for the Healthy Living Campus (HLC) Project as a whole. The accounts were set-up to facilitate the allocation of the HLC expenditures across the various physical locations on the 514 N. Prospect Avenue Campus. As a result, the names identified by each of the “labels” are not separate projects, they are merely accounting references (dictions), each a part of the HLC Project."

It appears from the above that there were no separate ‘projects’ involved at all. Labor charges for people performing unspecified work relating the HLC project were proportioned equally into three buckets.

b. Example 2

A PRAR request [See: 3.1.3] was sent to the BCHD on 6/19/2020. It said in part:

“Last night during the Board meeting, the Board made a specific point of referenced 40 evidence-based programs. The following questions refer to those programs.

- i. Provide all documents necessary to fully describe each of the 40 programs.
- ii. Provide the 2018-19 budget for each of the 40 programs
- iii. Provide all research relied upon to develop each program.
- iv. Provide all evaluation reports or analysis of each program.”

The BCHD response [See: 3.1.4] stated in part:

“No documents responsive; the District is *working on setting up a system*, Budget by Priority (or Program Based Budgeting), to budget total costs by Program. Historically the District budgets expenses by department, like Youth Services, Community Services, Finance, HR,

etc. and by expense categories, like salaries, printing, program supplies, etc. While *we are not yet completely able to calculate total cost* by each program, the District is able to consolidate total costs by operating unit: Property Operations (20%), Life Spans Operations (47%) and Health & Fitness Operations (33%).”

These examples do not bode well for the BCHD to successfully participate in writing a contract for seven times its annual revenue, set up a cost accounting structure that will accurately capture costs and value-earned by cost element. Even if they hired such expertise, it is clear that they do not have the expertise to make the right decisions when cost and schedule get out of hand. The final construction settled upon could be far from that envisioned from design documents. The environmental impact of such mistakes can be substantial.

c. Example 3

Millions of dollars have already been spent on the HLC with little to show for it.

The agenda packet for the 2/24/21 BDHD Board of Directors meeting states that HLC “Total paid as of 1/31/2021” was \$5,407,010 and HLC “total net other paid” as an additional \$2,706,644. These add up to more than \$8.1M spent before 2021 on the HLC Project. [Ref: 3.2.80]

Over eight million dollars through 2020! That is *twice* the annual funding provided to the BCHD by district tax payers, merely to get to the issuance of the DEIR!

2. BCHD Credibility Characteristics

On 1/16/2018, Nahib Yossef and Associates presented the results of their seismic assessment of BCHD’s building 514 to the BCHD Community Working Group [Ref: 3.2.21]

Page 2 of the assessment states in part:

“No seismic upgrade *required* by City of Redondo Beach

Page 6 of the assessment states in part:

“Any seismic retrofit work for BCHD towers considered *voluntary* at this time” (emphasis added)

On 1/24/18, the minutes from a special meeting of the BCHD Board of Directors records that:

“... Mr. Yossef highlighted:

‘...There is no mandatory seismic upgrade required by the city of Redondo Beach.’

And that the CEO highlighted:

‘... BCHD believes by mitigating construction impacts on current tenants and improving safety onsite and minimizing probability of structure issues, we can prioritize environmental sustainability & accessibility’” [Ref:3.2.22].

However, in an Easy Reader interview [Ref: 3.2.23] BCHD states in part:

“The redevelopment is *necessary* in part, due to the age of the facility; the South Bay Hospital *requires* ‘substantial seismic upgrades’ according to an initial environmental study.”

A voluntary and discretionary action as certified by experts has been transmuted into something that is necessary and required.

BCHDs underlying purpose is not morally defensible. [See: 2.7.3]

But even if it were:

DEIR Economic Characteristics Are Not Presented with Sufficient Accuracy [See: 2.7.2]

The EIR should conclude that the HLC project should not proceed until a rigorous quantification of these characteristics are determined.

But even if they were sufficiently accurate, the risk of project failure and an environmental disaster is high.

Conclusion: BCHD does not have the requisite economic experience or credibility to cope with the HLC Development.

2.7.2 The HLC Project will Fail Financially

CEQA Reference(s): Section 15124(c) states in part:

“The project shall include a general description of the projects technical, *economic*, and environmental *characteristics*.”

DEIR page(s): The DEIR is silent on the issues discussed here.

Parameter Validations are missing. Parameter Variabilities are missing. These data are very important.

1. Parameter *Validations* Are Missing

Cain Brothers is a consultant to BCHD for the HLC. Their report: The Healthy Living Campus - Evaluation of Development Strategy: Executive Summary [Ref: 3.2.11] presents the projected annual revenue to the BCHD from the proposed 6-story HLC Resident Care for the Elderly (RCFE) and Memory Care (MC) units after the number of residents stabilizes at near full capacity.

This number is based, at least, upon the following parameters, the value for which are not validated *in any way* in the Cain document.

- * Primary Market Area number of potential customers
- * Local Market Area number of potential customers
- * State/National Area number of potential customers
- * Primary Market Area capture rate
- * Local Market Area capture rate
- * State/National Area capture rate
- * Turnovers per year
- * Second person percentage
- * Advanced personal care percentage
- * Expense percentage of revenues

2. Parameter *Variabilities* Are Missing

Each of these parameters above does not have a single value. Instead, in real life, it is characterized by a probability distribution -- the percentage of time the parameter takes on a given value.

This variation means that the annual revenue to the BCHD is not a single number. It varies with assumed values for parameters and

how they change from year to year.

3. Why the above is so important

If each of the parameters above can be substantiated to vary according to a bell-curve (Gaussian) distribution, then by the mathematical technique of called The Propagation of Errors, not only can the final expected annual revenue be calculated but its *variability* also.

For a typical investment, the annual outcomes might distribute as shown in Figure 2.7.2-1.

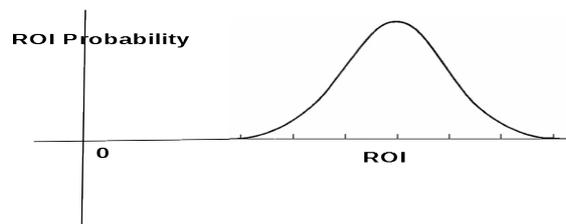


Figure 2.7.2-1

Over a number of years some of the returns will exceed the expected value (the peak of the curve) and some others will be less. Over all, they balance out. There is no need for a more sophisticated analysis.

But the BCHD HLC investment is not typical. As shown in a following subsection, the annual outcomes are highly likely to be shifted much to the left as shown in Figure 2.7.2-2 There is a significant probability that for at least some of the time there will be no positive revenue generated at all, but a loss instead.

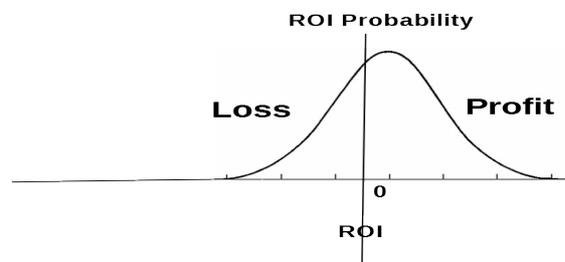


Figure 2.7.2-2

In these cases, servicing the debt must come from other sources. Since BCHD presumably has applied most, if not all, of its cash reserve as part of its contribution to the partner in the HLC venture, such funds will no longer be available to it for use.

Without being able to examine the financial agreement between BCHD and its HLC partner (or even a representative candidate), what will happen in the years that there is a loss rather than a profit is unclear. [See: 2.4.2]

The partner might provide 100% of the debt service due, rather than only 75%. As compensation, he might require that BCHD surrender a greater share of its portion of the project. Over the project life, BCHD might be reduced to a tenant of the partner with no financial stake in the HLC and with no income from it at all.

Because of these variabilities, as part of the process of CEQA compliance, the following *must* happen before the HLC project moves forward:

- a. Provide citable and defensible evidence for *all* the parameters values and their *variances* that are used in profit analyses.
- b. Conduct a Propagation of Error analysis that will expose what the financial risks for the HLC profit return truly are.

4. An Example of Parameter Uncertainty

In the list of parameters in the subsection above titled *Parameter Validations are Missing*, Occupancy rate is not listed as a fundamental input parameter.

This is not an oversight. It should be *calculated* from more basic ones listed above. However, *for the purposes of illustration only*, assume that occupancy rate is fundamental. How much variability does it have?

MDS Research

The MDS Research Company is another of the BCHD consultants for the HLC. Their report: Assisted Living and Memory Care Market Feasibility Study for a Site in Redondo Beach, California, Study Update, May 2019 [Ref: 3.2.12] states:

"In addition to the qualifying income screens, these capture rates conservatively *assume* 70% of the unit absorption from qualified

prospects residing within the PMA and a project occupancy rate of 93%."

The above sentence is ambiguous. A less ambiguous wording would be:

"In addition to the qualifying income screens, these capture rates assume 1) a 70% projected unit absorption from qualified prospects residing with the PMA, and 2) a projected occupancy rate of 93%"

Not only is the unit absorbing rate a unvalidated *assumption*, neither is the occupancy rate.

Cain Brothers

Cain Brothers [Ref: 3.2.13] presents their comment on the MDS Research report cited above. It states:

"93% is a reasonable occupancy *assumption* for purposes of estimating market demand for both assisted living and memory care"

Subsequently, in the same report, the third column on the table on page 41 used to compute annual revenues, is titled "Occ(%)". It states a rate of 95% [sic] for both the RCFE and MC units.

No justification is given for the use of 95% as opposed to 93%. The difference between these two numbers might seem small, but it is easy to see by plugging in 93% instead of 95% into the Cain Brothers calculation that the impact on return on investment is significant.

One can't help but wonder if the values for more of the parameters used for the calculations were selected backwards, i.e. set a target for an acceptable return on investment and then twiddle with the input variables until that target is met.

National Investment Center

The National Investment Center (NIC) periodically surveys and publishes among other things occupancy rates for Assisted Living. (Data for 2020 are available but are skewed lower

because of the COVAID-19 pandemic. To be fair, *data for 2019 are presented here instead.*)

The article titled “NIC: Assisted Living Occupancy Rate Strongest in 2 Years” [Ref: 3.2.14] states:

2019 Q2	2019 Q3	2019 Q4
85.1%	85.4%	85.7%

85% versus 95%; a variation of 10% !

The numbers from the NIC are much lower than those used by either MDS or Cain Brothers.

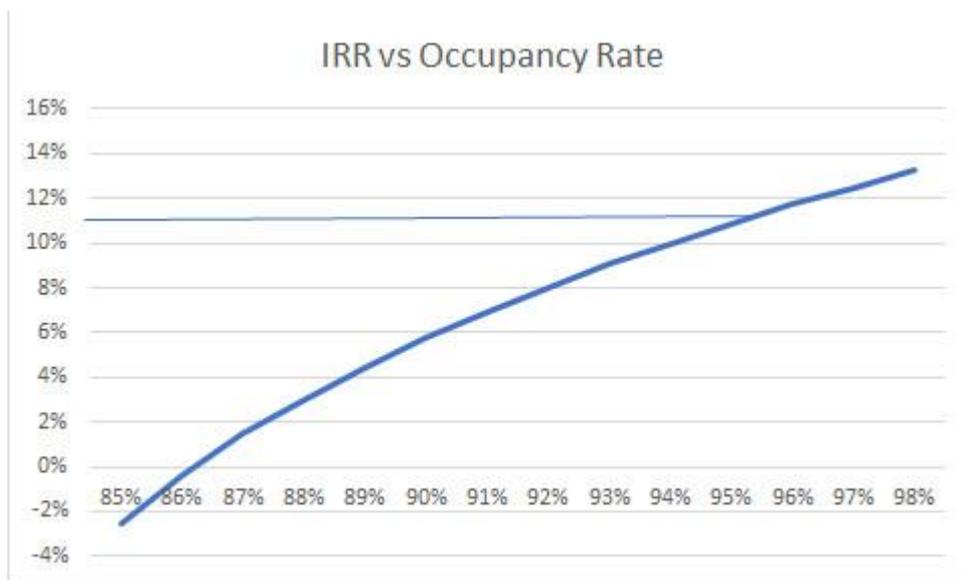


Figure 2.7.2-3 IRR vs Occupancy Rate

Merely pulling yet another number out of the air for occupancy rate, however, is not the prudent thing to do. The correct way to proceed is to *specify* the occupancy rate as a *function* of more fundamental parameters like those in the subsection above, *Parameter Validations Are Missing*, each of which has its own variability. [See: 3.1.5] for an illustrative example of the sensitivity to financial return to input parameters.

Other parameters could also suffer from insufficient rigor in their specification. The estimated value and variance for every parameter used in the financial calculations must be determined in order for the true financial risk of the HLC projected rate of return to be evaluated properly with techniques such as the *Propagation of Errors*.

Such a properly done analysis will show that the probability of financial failure is high.

The Consequences of Financial Failure

a. The HLC is not a facility of choice for local residents. An AARP survey showed that 77% of respondents want to stay in their community as long as possible. 76% want to remain in their current residence as long as possible. [Ref: 3.2.81]

Yes, another survey conducted by BCHD showed lower numbers than those above, but given the reliability of BCHD survey techniques, they should be disregarded. [See: 2.2.2]

The environmental damages it creates, as documented in the DEIR therefore, are understated. Environmental damage would occur with no compensating benefit achieved. The HLC does not provide the benefits needed to justify its stated purpose.

b. The cities will lose precious public land if there is a foreclosure

The financing required to fund phase 1 of the HLC presumably will be secured in part by the value of the land that BCHD is providing as part of its share in the development.

If there are defaults on servicing debt because of low or even negative returns as shown above, then ownership of the public land could be permanently lost.

Little public land remains available in the south bay cities. To place a substantial portion of what remains at risk is unconscionable.

As presented in [See: 2.7.3], BCHD's underlying purpose is not morally defensible.

But even if it were, economic characteristics are not presented with sufficient accuracy. No variances were calculated.

The EIR should not be issued until a rigorous quantification of these economic characteristics are determined.

But even if they were:

Conclusion: The HLC Would Likely Fail Financially

The risk of environmental harm exceeds its value to the community.

2.7.3 The True Purpose of the HLC Project Has Not Been Disclosed

CEQA Reference(s): 15124(b) states in part:

“The statement of objectives should include the *underlying* purpose of the project.”

DEIR Page(s): 142

BCHD states that the purpose of the Healthy Living Campus (HLC) is that it provides Residential Care for the Elderly (RCFE) and a Program for All-inclusive Care for the Elderly (PACE). [Ref: 3.2.1].

As will be shown in the following, providing RCFE and PACE are *not* the underlying purpose of the HLC. All aspects of the DEIR, therefore must be viewed with skepticism. BCHD’s *stated* purpose does not justify the harms and impacts the HLC inflicts on the public.

BCHD’s response to the COVID-19 pandemic is indicative of what the organization’s underlying purpose truly is. Its change of charter has never been approved by any of its constituency. Its employment history provides a clue. Its search for revenue provides another.

1. BCHD’s Response to the COVID-19 Pandemic is indicative of what the underlying purpose is.

As we all know, COVID-19 had a devastating effect on our country. At its peak, millions of residents in the United States were suddenly unemployed. The painful decisions were made to lay them off because the funds to pay them for their work had vanished.

COVID-19 affected BCHD as well. The Center for Health and Fitness and the AdventurePlex had to be closed. Income from patron fees vanished. However, BCHD did not respond in the same manner as did other public entities. A Staff Report of Activities Memorandum released by BCHD on 5/21/2020 [Ref: 3.2.2] said in part:

... “We were also able not to dip into reserves by reducing or reallocating expenditures that were previously tied to income that was impacted by COVID-19, like the Center for Health and Fitness and the AdventurePlex. We have also applied for COVID-19 expenditure reimbursement from the Federal Emergency Management Administration (FEMA) and the California Office of Emergency Services (CALOES) ...

... “All full-time staff has been maintained and part-time staff impacted by the closure of BCHD facilities were reallocated to COVID-19 operational objectives where possible.”

BCHD created income generating tasks and assigned employees to them even *before* getting approval from the funding required to pay them.

This response to COVID-19 is revealing. It demonstrates that the first priority of BCHD was to come up with something, no matter how economically fragile, so that no one lost their job. It is a peek into BCHD’s psyche – at the rock bottom to what their true objective is *preserve and increase* the staffing level.

2. BCHD’s change of charter has never been approved by any of its constituency

An article in the Daily Breeze chronicles the history of the early years of what became the South Bay Hospital. [Ref: 3.2.3] It says in part:

“ . . .The Los Angeles County Board of Supervisors held the power to sanction the new *hospital* district, so the hospital’s boosters spent the next year gathering over 5,000 signatures in support of the hospital and submitting them to the Board, which scheduled an election for Jan. 11, 1955, that would authorize the creation of the district. . . .

The immediate future was filled with haggling with the state over just how many people were in the South Bay Hospital District and whether it qualified for government funding. Then, a bond issue would need to be placed on the ballot to complete financing for the project. ...

Government funding eventually came through for the \$3.5-million

project, with the state and the feds chipping in about half of the amount. A \$1.5 million bond issue was placed on the ballot for Sept. 18, 1956, to cover the remainder. ...

It passed, but the vote was close: 6,601 to 3,242, a mere 117 votes over the two-thirds majority needed for passage. ...

Facing increasing competition from private hospitals such as Torrance Memorial Medical Center and Little Company of Mary, the publicly owned South Bay Hospital began to lose patients and falter financially in the late 1970s. ...

By 1984, the 203-bed hospital was forced to give up its publicly owned status. ...

In 1994, the South Bay Hospital District changed its name to the Beach Cities Health District.”

The narrative is picked up on the BCHD website [Ref: 3.2.4] in part as follows:

“...The District’s Board of Directors *decided* to cease operating the building as a formal hospital and focus on *preventive* health in 1998.”

The citizens of the beach cities were not given the opportunity to approve or disapprove of this change in charter. It appears merely to be an excuse for the BCHD to stay in existence after the original reason why it was created was gone.

3. BCHD’s Employment History provides a clue

BCHD’s response to COVID-19 could be viewed as an isolated incident. One might think that it is not indicative of anything more fundamental. Additional evidence, however, shows that this behavior is systemic behavior spanning many years.

The table below presents the BCHD Full Time Equivalent (FTE) staffing levels for fiscal years 2009-10 to 2019-20. It was obtained by extracting data from operating budgets available on the BCHD website [Ref: 3.2.148-157].

Fiscal Year	.pdf Budget Page Number	FTEs
9-10	25	70.74
10-11	24	71.73

11-12	24	77.71
12-13	26	76.96
13-14	26	80.67
14-15	26	83.73
15-16	23	78.80
16-17	23	82.10
17-18	28	81.14
18-19	39	83.89
19-20	38	85.18

These data bounce a bit around a general trend. As the referenced data shows, however, without any change in the charter originally granted to the BCHD, the number of FTEs *increased* by 17% over the last eleven years.

4. BCHD’s Search for Additional Revenue

At present, BCHD receives revenue from five main sources. For fiscal year 2019-20 these were: [Ref: 3.2.6]

\$3.0M 20% Fees
 \$3.9M 26% Property Tax
 \$2.2M 14% Limited Partnership
 \$1.0M 6% Interest
 \$4.8M 33% Leases and Building Expense Reimbursement
 \$14.9M Total

In 2017, BCHD established a series of roughly semi-monthly meetings with what is called the Community Working Group. The second meeting was held on June 19. Part of the summary report for that meeting [Ref:3.2.7] stated “Community Working Groups provide a forum for integrating local input for projects *like* the HLC.”

At no time at this or any of the 14 additional meetings with the CWG was any consideration given to any *alternative* other than the HLC project.

The income from the first four sources above varies from year to year but are relatively stable. BCHD projects the lease income to decline over the next 15 years. Therefore, to *maintain* staffing levels, cash reserves must be used to compensate for the shortfall as indicated in figure 2.7.3-2 [Ref: 3.2.8]

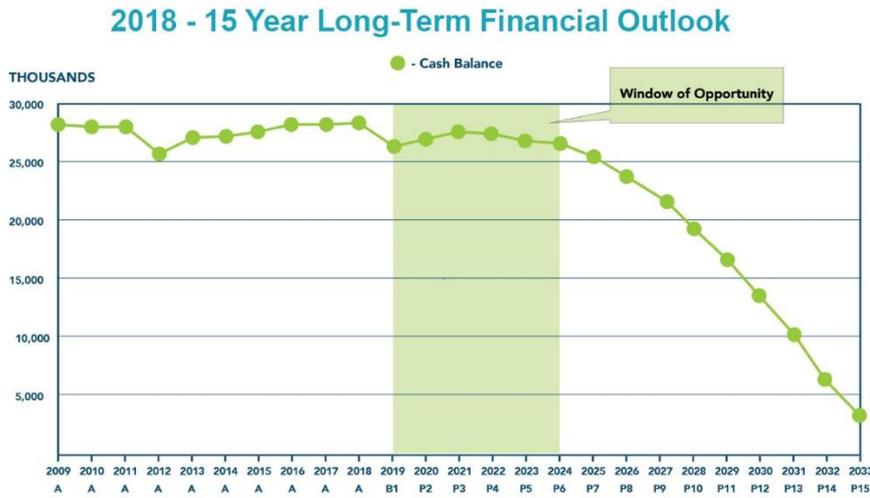


Figure 2.7.3-2

At the June 17, 2017 meeting, the CWG was given a PowerPoint presentation by BCHD [Ref:3.2.9]. The HLC Project Guiding Principles is shown in Figure 2.7.3-2 below.

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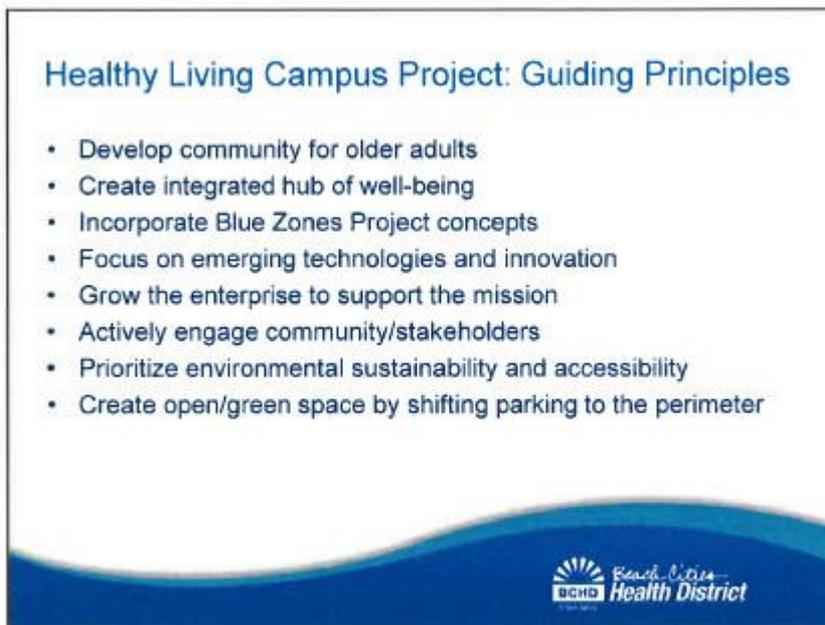


Figure 2.7.3-3 HLC Project Guiding Principles

Note the fifth principle in the list. “Grow the *enterprise* to support the mission”.

This principle was created in a Board of Directors Strategic Planning meeting on 4/26/2017. Part of that meeting is captured in a video clip [Ref: 3.2.126]. Viewing the video gives insight into the thinking and underlying purpose of BCHD. At approximately 1:09 of the clip is the quote:

“ . . . So, our intent with this is not only to satisfy the guiding principles you see there but also to when it is complete that it is generating additional revenues that can be used to fund programs that *we want* to have.”

It is clear from the video clip that, unlike other public organizations, to this day, BCHD views it itself as if it were a *private enterprise*, deciding on its own what to do – use public assets to keep itself in existence.

5. Observations from the cited references above:

Investing public assets in a for-profit business is poor public policy. The Cities BCHD nominally serves would not get away with this.

BCHD *mission creep* needs to stop. It is far, far beyond the original charter to invest in private for-profit assisted living for wealthy seniors, many from outside the BCHD area.

The underlying purpose of the HLC is not only to maintain current BCHD spending, but in fact to increase it. Staff bureaucracy perpetuation and bloat is not a public need.

HLC is basically a staff “push” rather than a public “pull”. There is no demonstrated voicing by the public for its need. The process has focused on rationalizing the project, rather than a sober analysis of alternatives. People don’t want a massive private development on public land to benefit outside investors and their wealthy clients.

A BCHD living within its means is an option not considered in the DEIR. Yet, alternatives for reducing expenses so that they continue to balance income are not all that hard to come up with [See: 2.5.3].

Conclusion: BCHD’s underlying purpose – preserve its employee base and make it grow - is *illegitimate* for the purposes for which it was created.

The harm done to thousands of people in the surrounding community for the benefit of less than 100 people is morally indefensible.

The EIR *must* not be issued until the *true* underlying purpose for the HLC is exposed for public scrutiny.

2.8 Economic and Social Effects

2.8.1 An Assisted Living Facility is Misguided

CEQA Reference(s): Section 15124(b) provides that the draft EIR is required to contain:

“A statement of the objectives sought by the proposed project.”

DEIR Page(s):142

Objective four in the DEIR states:

“Address the *growing* need for assisted living with on-site facilities...”

The proposed BCHD Healthy Living Campus Master Plan involves the long-term redevelopment of much of the existing BCHD campus with new senior health care facilities.

It does not take into account changes brought about by the COVID-19 Pandemic. More seniors are re-evaluating their long-term care options. Other options are more appealing.

1. Changes because of the COVID-19 pandemic.

The market feasibility study [Ref: 3.2.117] underlying the BCHD Healthy Living Campus Master Plan does not take into account changes brought about by the COVID-19 epidemic. Assumptions of potential revenue to be generated by proposed RCFEs are no longer accurate based on current industry analyses.

According to the National Investment Center for Seniors Housing & Care (NIC), [Ref: 3.2.118] the average occupancy rate across NIC's 31 primary markets fell to 82.1%, a 2.6 percentage point decline from the second quarter and 5.6 percentage points lower than Q1 2020. The pandemic impacted majority independent living and majority assisted living in near-equal measure. Independent living occupancy fell 2.4 percentage points to 84.9% in Q3, while *assisted living* occupancy dropped in the quarter to a jaw-dropping 79.1%. This is the second consecutive quarter where occupancy rates fell by 2.5%, meaning the industry is in the midst of its largest occupancy decline on record.

Patrick McGreevy of the Los Angeles Times writes:

“The more alarming health concern is that facilities are slow to the magnitude of the emergency.” [Ref:3.2.40]

In the Kensington, an assisted living facility in Redondo Beach, CA, four people have died from Covid-19 and 38 tested positive [Ref: 3.2.41].

As new cases break record after record most days, infections at long-term care facilities reached a new weekly high in late November, 2020, according to data from the COVID Tracking Project, an organization launched by The Atlantic magazine. [Ref: 3.2.42] More than 46,000 infections at those facilities were recorded in what was the worst week in six months; reliable data only goes back that far. Despite making up just 5.7% of all U.S. Covid-19 cases, nursing home and assisted living facilities residents and staff accounted for 39.3% of the deaths, according to tracking project data.

2. More seniors are re-evaluating their care options.

A Chicago NPR (WBEZ) analysis of Illinois and federal data [Ref: 3.2.43] has found that the coronavirus’ spread through the industry has not been even. Nursing homes that operate for profit in the state have had more infections and deaths per bed than nonprofit facilities. Some advocates for nursing-home residents and staffers say the state, before increasing that industry's funding, should determine how much the owners are netting.

AARP Director Bob Gallo has said:

“The AARP and other advocates say the COVID-19 spread is reason to shift public funds to community-based care. For individuals who don’t need much skilled nursing, they say, it’s *cheaper* to send professional caregivers to houses and apartments than to put people in long-term care facilities.” [Ref: 3.2.44]

A number of research studies have found that for-profit nursing homes generally have significantly lower staffing levels and quality of care than nonprofit facilities, as measured by the Nursing Home Compare quality star rating system run by the government's Centers for Medicare & Medicaid Services (CMS). [Ref: 3.2.45]

The 30% of nursing homes owned by nonprofit organizations

(predominantly affiliated with religious groups, ethnic aid societies and social service agencies) strive to maximize revenue and efficiency, but any unspent revenue is used to improve and expand their facilities and services. The remaining 70% are for-profit.

Eight in ten senior living executives report that residents are moving out faster than others are moving in. [Ref: 3.2.45] Consumers likely are responding to at least three trends: the risk of COVID-19 in facilities, the inability of family members to visit patients during a lock-down likely to last for months, and high costs at a time of widespread economic distress.

Some of those short-term challenges may fade over time. But some will not. Even before COVID-19 older adults strongly preferred to age at home. Whenever possible, they'll be even more motivated to stay home now. And their adult children may be increasingly reluctant to move them into a facility.

Unless Congress grants them some waiver of legal liability, nursing homes and assisted living facilities are facing a massive wave of lawsuits from families of residents who became sick or died. And even with a waiver, which the facilities are lobbying hard for, it is uncertain whether insurance companies will be willing to cover them for future pandemics.[Ref: 3.2.45]

3. Other long term care options are more appealing.

BCHD, instead of being intent on real estate and money to be made or lost there, would do well to focus on what's been called the Village Movement for seniors [Ref: 3.2.46]. This has been adopted already in other parts of the world to tremendous success. Neighborhood organizations are formed and homeowners pay yearly dues to hire a small staff that help with everything from in home help, to shopping for the elderly to organizing social activities. Such a plan in the South Bay would be just what BCHD should coordinate. It would help the elderly maintain connections they've made over a lifetime in their own neighborhoods, and still receive services, without having to move into assisted living.

The trend toward more aging at home will also favor smaller elder-care arrangements like the nonprofit Green House Project, which was started by Dr. Bill Thomas [Ref: 3.2.47]. It promotes senior living in small, homelike cooperative settings. Some 300 such homes in dozens of

states house up to 12 residents and typically feature open floor plans, large dining-room tables, fireplaces and porches. Data gathered by the University of North Carolina and the Green House Project show 94% or more of the homes certified to provide skilled nursing care remained virus-free through Aug. 31.

Initiatives at the national level are also making headlines. In July of 2020, Home Healthcare News reported:

“Presumptive Democratic presidential nominee Joe Biden has floated a sweeping new 10-year plan that seeks to dramatically change the way older adults are cared for in the United States. Specifically, the former vice president’s proposal calls for a \$775 billion overhaul of the nation’s caregiving infrastructure.” [Ref: 3.2.119]

In summary, the market feasibility study conducted by BCHD for an assisted living facility is badly out of date. More recent industry analyses lead to the conclusion that reliance on such a facility as a reliable revenue source for the multitude of proposed BCHD community programs and environmental upgrades is far too risky and will endanger the financial health of these programs. Furthermore, the future outlook of this proposed revenue source is even more uncertain. In the wake of the Covid-19 pandemic, industry analysts predict that assisted living facilities will face greatly increased competition from other options for managed senior care.

Conclusion: An Assisted Living Facility is a Misguided Investment by BCHD. It *must* not be made.

2.8.2 Real Estate Value Depressions Analysis is Missing

CEQA Reference(s): Section 15131(b) states in part:

“Economic or social effects of a project may be used to determine the significance of physical changes caused by the project.”

Section 15124(c) states in part: “provides in part that the draft EIR may be used to determine the significant effects of the proposed project on the environment.”

DEIR Page(s): 124, 214, 229, 650 state in part:

“Noise levels exceed thresholds and this impact would remain

significant and unavoidable.”

“Shading that occurs over extended periods of time can be considered a detriment.”

“Single family residences are located to the east of the Healthy Living Campus (HLC) in the city of Torrance. Single family residences are located to the southwest of the HLC in the city of Redondo Beach. Multi- family residences are located to the north of the HLC in the city of Redondo Beach.”

HLC construction will have significant impact on the “look and feel” of the homes surrounding the BCHD campus. This will detract from the value received from present home-owners when they elect to sell.

1. HLC construction will have a significant impact on the “look and feel” of the homes surrounding the BCHD campus.

The HLC will stand 103 feet and be the third tallest building in the Beach Cities and it will be the fourth tallest building compared to buildings located in the city of Torrance. This 6-story building will be out of context in the area towering over the 1-story and 2-story family residences.

Construction noise levels would exceed FTA thresholds and this impact would remain significant and unavoidable. Towers Elementary is located 350 feet away and Beryl Heights Elementary is located 905 feet away. Students will be listening to this noise all school day and for the majority of their school years while attending elementary school. Students won't be able to hear their teacher and their lesson plans daily. Each will need to raise their voice to be heard. Students will not be able to concentrate. Who would want to have their children subjected to hearing noise all day at school and for many years?

The 6-story building will create more shade and shadows thereby requiring more electricity to be used by turning on more lights in homes. Electricity bills will be higher when Daylight Savings end.

2. This will detract from the value received from present home-owners when they elect to sell.

Construction of the HLC with the noise impacts and higher electricity bills will lead to home prices declining. [Ref: 3.2.61] [Ref: 3.2.62]

Home seller must disclose to potential home buyer that there will be a pending construction in the neighborhood. [Ref 3.2.63] Who would want to purchase a home with tall buildings looming in their line of sight and be subjected to shade and shadows and having to purchase more electricity as a result of that? Less potential buyers result in declining real estate prices.

Why is the DEIR silent on quantifying these very real effects?

Conclusion: Real Estate Value Depressions Analysis is Missing

2.8.3 Effect of Project Construction Failure Not Evaluated

CEQA Reference(s): Section 15123(a) states in part:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental *consequences.*” (emphasis added)

DEIR Page(s): The DEIR does not discuss the environmental impact of construction contract failure

The return on investment from the HLC Assisted Living and Pace activities has a low degree of accuracy. The risk for construction failure is high. The environmental impact of construction failure is high.

1. The return of investment from the HLC project has a low degree of accuracy.

[See: 2.7.2] for a discussion of the low degree of accuracy for any return on investment from HLC Assisted Living activities once they are in place.

In addition, it is possible that the public will never even see the HLC enterprise tested in the marketplace. Such a consequence would be dire.

2. The risk for construction failure is high.

In addition, it is possible that the public will never even see the HLC enterprise tested in the marketplace. Such a consequence would be dire.

The construction effort needed to build the HLC 6-story structure is projected to be \$211,041,023 and \$177,873,379 is needed for the 5-story

structure [Ref: 3.2.109]

The annual budget for the BCHD for FY 2019-2020 is \$14.9M [Ref: 3.2.6]. By almost any measure, this is a very big project for the BCHD, over 10 times larger than any budget they ever have had any experience with.

Of course, professional construction management will be used to build the HLC. But, because of holding only a minority stake in the endeavor and lack of experience in overseeing a project of this magnitude, BCHD will have very little leverage when major decisions are made; how and when resources are spent. BCHD is risking the public's money on a successful outcome and crossing its fingers.

If there is failure, whoever provided the capital for construction will foreclose on available assets in order to recover from losses. BCHD's portion of the HLC enterprise consists in part of the value of the land that it is donating to the enterprise. If such a foreclosure occurs, scares and valuable public land will vanish.

All projects have development risks. It is the optimism of *venture* capital that propels them forward. Such investors understand the risks. Even with long odds, they sometime succeed.

The point is that the BCHD is not a venture capitalist. It is a steward of public funds, not a gambler. It should not invest almost, if not all, of its cash reserves against the uncertain future offered by the construction of the HLC.

BuildRite Construction [Ref: 3.2.16] cites that reasons for failure include:

- Inaccurate estimates
- Delays
- Unclear specifications
- Unreliable workers
- Improper planning

Estimates of how often these failures occur vary.

Price, Waterhouse, Coopers [Ref: 3.2.17] reviewed 10,460 projects and reported that only 2.5% completed successfully.

Gartner [Ref: 3.2.18] states that large project fail 94% of the time

4PM [Ref: 3.2.19], a publisher of project management software cites a 70% project failure rate

TRAO-112
(Cont.)

3. The Environmental Impact of Construction Failure Is High

These impacts include:

- Damage to aesthetics of the surrounding area
- Increased liability for accidents and injuries that subsequently occur
- Occupation by the homeless or the criminal
- Promotion of illegal activities

4. An argument chain

BCHD's *underlying* purpose is not morally defensible. [See: 2.7.3]

But even if it were:

EIR Economic Characteristics Are Not Presented with Sufficient Accuracy

The EIR should conclude that the HLC project should not proceed until a rigorous quantification of these characteristics are determined.

But even if they were sufficiently accurate:

Conclusion: The Environmental Impact of Construction Failure is High

TRAO-112
(Cont.)

2.9 Additional Transportation and Traffic Deficiencies

2.9.1 Impact on Local Schools During Construction Is Missing

CEQA Reference(s): Section 15064.3 states in part:

“Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project.”

DEIR Page(s): 762, Appendix K

The site of the development is within a densely packed residential area, where vehicles are in abundance. Implementing comprehensive

Transportation Demand Management (TDM) strategies for construction vehicles to alleviate construction-related congestion must be developed and prioritized to reduce vehicle miles traveled (VMT) and Greenhouse gas emissions (GHG) on *sensitive* receptors.

TRAO-113

Sensitive receptors include our growing youths. If the HLC construction goes forward, they would be inhaling contaminated air day after day over three quarters of the year.

Students walk to school on a daily basis alongside streets with high traffic at all hours of the day. Proximity to diesel toxic emissions from trucks are especially alarming during recess breathing is expanded; when games of tag greatly impacts the amount of pollutant that they inhale with each breath.

Standards for how much is allowable do not adequately capture the impact on the young.

The construction and planned development of the HLC project will have profound and detrimental impacts, therefore, on the adjacent Towers Elementary School and West High School, seriously affecting both the students and educational staff.

The schools are close to the HLC project site. A catastrophe can happen. The magnitude of the problem for the HLC is large. Children safety impacts and mitigations must be analyzed. The health impact on children traveling to and from school near the heavy haul route *must* be quantified.

1. The routes are very close to the schools.



Figure 2.9.1-1 Construction Haul Routes and Towers Elementary and West High Schools

2. What can happen.

The magnitude of these impacts is corroborated by what happened in an

elementary school located in St. Louis starting in 2018. [Ref: 3.2.32]

It states in part: “The school nurse at Gateway Elementary fielded 359 complaints from students with asthma and breathing problems from the start of the school year as the excavation work began on a construction project nearby. Attendance dropped. Children never having to use inhalers before suddenly had to bring them to school.

“Each day dust, despite so called watering by the construction crew, had the staff discovering their cars covered with a layer of dust. Students if they tried to go out for recess were inhaling the dust which got in their clothes and then carried it home. The staff described swollen airways, shortness of breath while teaching, sinus infections, coughs and constant headaches.

“Through efforts made by the Teachers Union and parents, construction was eventually halted. Many discussions took place on plans to assure parents that measures would be taken to assure the health of those involved. These included: work only when children were not in school, monitoring wind direction and wetting down of all materials.

3. The magnitude of the HLC project problem.

The DEIR states that the Project construction will be close to 10,000 truck trips during peak AM/PM hours.

However, the proposed measures to mitigate the impacts on intersections and roads surrounding the site have been insufficiently analyzed. The EIR must analyze how best to mitigate and eliminate the cumulative impacts the additional truck haul travel will have on daily traffic during the demolition and construction of both Phase One and Phase Two.

4. Children safety impacts and mitigations must be analyzed.

a. Existing signage on the freeways must be changed to identify the lanes for the truck hauls to and from the site so that all the hauling will occur on designated routes.

b. These truck routes are within 100 feet of both West High school and Towers Elementary school. When school is in session, these areas are congested and crowded with school students crossing the street during peak AM and PM hours. The EIR *must* include schematic diagrams to

TRAO-116
(Cont.)

show traffic movement volume at *all* intersections for AM and PM peak hours for *all* years and *all* conditions and the routes that children should take in order to remain safe.

TRAO-117

c. Among the 25 intersections studied in the EIR Transportation analysis, five are currently graded E or F [See: 2.3.4]. If the EIR is approved, this list increases to seven. These areas should be avoided by children. There must be mitigation measures developed for these intersections to reduce the number of children using them going to and from school.

5. The health impact on children traveling to and from school near the heavy haul route *must* be quantified.

TRAO-118

Most air quality analyses are for adults living in the relative shelter of their dwellings or school rooms, but this is not the case for children traveling to and from school or on playgrounds for recess. Some of them will be exposed on a daily basis will be exposed mere feet away from idling diesel engines while they cross a street. Such extended exposure can lead to detrimental health effects such as cancer. [Ref:3.2.137]

Conclusion: The measures to mitigate environmental impacts on sensitive receptors is insufficient. The EIR *must* contain the needed analyses.

2.9.2 Impact of Construction Worker Parking Is Missing

CEQA Reference(s): Appendix G Transportation/Traffic in part asks the question: Does the project

“b) Conflict with ... standards established ...for designated roads or highways?

d) Substantially increase hazards due to a design feature?

e) Result in inadequate emergency access?”

DEIR Page(s): 762, Appendix K

The DEIR fails to address the traffic issues associated with the project's labor force commuting to and from the worksite.

Provision of off-street parking for construction workers, which shall

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include the use of a remote location with shuttle transport to the site, must be required.

The Construction Worksite Traffic Control Plan [See: 2.3.4, item 14] must ensure adequate emergency access is maintained throughout the duration of all construction activities. Consistent with the requirements and regulations of the City of Redondo Beach, adequate emergency access shall be ensured through measures such as coordination with local emergency services, training for flagmen for emergency vehicles traveling through the work zone, temporary lane separators that have sloping sides to facilitate crossover by emergency vehicles, and vehicle storage and staging areas for emergency vehicles.

The public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, hotline number, in a manner appropriate to the scale and type of this project.

Conclusion: Impact of Construction Worker Parking Is Missing and *must* be addressed

2.10 Geology/Soils Deficiencies

2.10.1 Insufficient Toxic Waste Samples Have Been Collected and Analyzed

CEQA Reference(s): Section 15126.2(a) states in part:

“... identifying and focusing on ‘the significant effects of the proposed project on the environment’ as to the direct significant effects of the project on the environment short-term.”

DEIR Page(s): 407

Ground bore samples have been taken and analyzed from the site proposed for the BCHD HLC project. The boring sample results are alarming. The impact of these high concentrations are significant. The selection of boring sites is inadequate. The contamination may be spreading. Nearby school children in particular are at risk. And yet, BCHD has not addressed this matter.

1. Ground bore samples have been taken and analyzed from the

site proposed for the BCHD HLC project.

BCHD contracted with Converse Consultants to collect and analyze these bore samples. DEIR page 502 (3.8-8) states:

“Of the 10 soil borings located on the existing BCHD campus, 9 were completed to a depth of 15 feet below ground surface (bgs). The other soil boring, which was located within the northern surface parking lot along the border with the Redondo Village Shopping Center, was completed to a depth of 30 feet bgs. This oil boring ... was completed to a greater depth in order to investigate the potential for the migration of potential PCE contamination from the former dry cleaner at 1232 Beryl Street. The 5 soil borings within the vacant Flagler Lot were completed to a depth of 15 feet bgs.”

2. The boring sample results are alarming.

The boring samples analysis were conducted by Converse Consultants. They conclude that the HLC project will be built on and over a toxic waste site containing significant soil contaminants: *benzene, chloroform, and perchloroethylene* (PCE) pollution [Ref: 3.2.38]

“Benzene was detected in two (2) samples. Sample BC7-5 had a concentration of 8.0 micrograms per cubic meter (ug/m³). The concentration exceeds the residential SL for benzene of 3.2 ug/m³, but is below the SL for commercial land use of 14 ug/m³. Sample BC6-15 had a benzene concentration of 22 ug/m³ which exceeds both the residential and commercial SLs.

“Chloroform was detected in four (4) samples, BC4-15, BC9-5, BC10-5, and BC10-15 at concentrations of 8, 54, 27, and 26 ug/m³, respectively. *All* of these concentrations exceed the residential SL of 4.1 ug/m³, and with the exception of sample BC4-15, the concentrations also exceeded the commercial SL of 18 ug/m³.

“PCE was detected in 29 of the 30 soil-vapor samples at a maximum concentration of 2,290 ug/m³ in sample BC14-15. Five (5) of the reported concentrations are less than the residential SL of 15 ug/m³, and concentrations in 4 of the samples exceeded the residential SL but are less than the commercial SL of 67 ug/m³. The remaining 20 concentrations exceed the commercial SL.”

3. The impacts of these high concentrations are significant.

Each and every one of those hazardous substances can cause serious injury or death if humans are exposed to it, and some are carcinogens. Even the EIR recognizes these risks. Page 498 (3.8-4) of the DEIR states:

“The effects of PCE on human health depend greatly on the length and frequency of exposure. Short-term, high-level inhalation exposure (i.e., in confined spaces) can result in irritation of the upper respiratory tracts and eyes, kidney dysfunction, and neurological effects. Long-term exposure (e.g., in confined spaces) can result in neurological impacts including impaired cognitive and motor neurobehavioral performance as well as adverse effects in the kidney, liver, immune system and hematologic system, and on development and reproduction (U.S. Environmental Protection Agency [USEPA] 2016).”

4. The selection of boring sites is inadequate.

The only 30 foot boring, at B-1, which was known to be far away from where the main contaminants were found, seemed a deliberate attempt to avoid finding more contaminants which were almost certain to be found with proper investigation and study in depth.

Converse [Ref: 3.2.38] advised unequivocally:

“Deeper borings in the locations where pollutants were found would yield even greater findings of more pollutants.”

BCHD must know this.

Did BCHD prevent further boring so as to hide the true extent of the toxic waste problem? Why are direct significant effects of the project on the environment *ignored*?

For a proper EIR, more borings at depth and analysis are needed. These tasks *must* be performed. Otherwise, the EIR is uninformative, hypothetical, and provides a less than accurate picture of the details of the conditions at the site of the Project.

To make matters worse, this matter was brought to the attention of BCHD and their counsel. The promise was it would be “addressed in the EIR.” Instead, the hazardous substances issue was ignored.

5. The contamination might be spreading.

The EIR confirms that nothing was done to determine the actual extent of the migration of hazardous substances, or whether they had leached into groundwater. There was no deeper drilling, which may well have been a deliberate decision to avoid finding the full extent of the toxic waste issue.

What has BCHD done or proposed to do in order to confirm or negate *groundwater* contamination? The EIR *must* present mitigation methods to prevent this contamination spread from happening.

6. Nearby school children in particular are at risk.

Up to 600 school children (ages 5 to 10) are “downwind” of these toxic chemicals, and that their school is within 300 feet of the proposed Project.

7. BCHD has not addressed the matter.

On March 30, 2020, a concerned citizen who had read portions of Converse (2020) wrote to the CEO of BCHD about this issue. The CEO replied, and shortly thereafter, on April 9, 2020, so did one Mr. Rothman, an attorney for BCHD. The attorney’s reply stated in part:

“BCHD will continue to address the issues and concerns regarding the sampling results contained in the Converse report in at least two ways:

(1) engaging directly with appropriate state and local agencies with respect to addressing any regulatory considerations; and (2) as part of the Environmental Impact Report (EIR) process associated with the proposed Healthy Living Campus project.”

On April 27, 2020, the concerned citizen replied to Mr. Rothman’s letter. The April 27, 2020 citizen response is lengthy. Here are some highlights:

“Further, both you and Mr. Bakaly avoid the fact that PCE was found in amounts up to 150 times the permitted screening levels.”
(From page 4)

The concerned citizen continues:

“Each of you ignore the fact that even though the deeper Converse sampled, the more pollution was found. BCHD elected for whatever reason to not dig deeper. In short, BCHD simply ignored

(and continues to ignore) the problem.

“You and Mr. Bakaly do not discuss the fact that toxic, harmful chemicals were found all over BCHD property. One boring showed pollutants at the extreme western edge of BCHD land, a point very far (and uphill) from the dry cleaner.” (From page 5).

Tellingly, no response was ever received to this letter, now a year later. Sadly, the EIR addressed none of these crucial issues.

The EIR discussion of these chemical hazards is evasive, incomplete, and appears to seek to mislead. The EIR does not comply with CEQA as it continues to provide a hypothetical, inadequate discussion and one where the required baseline is missing.

Conclusion: The EIR *must* be withdrawn, these issues discussed and the document reissued

2.10.2 Safeguards During Excavation and Construction are Incomplete

CEQA Reference(s): Appendix G Geology and Soils in part asks the question: Does the project:

“a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death ...?”

DEIR Page(s): 439

The plan for onsite excavation and grading control during construction is incomplete. The plan for avoiding pollution from construction activities is incomplete.

1. Plan for onsite excavation and grading control during construction is incomplete.

The EIR *must* state that:

a. The city of Redondo Beach, and the city of Torrance for those portions of the project within that city, shall review and approve and excavation activities prior to commencement of such activities.

b. During all excavation and grading operations, a geotechnical engineer, independent of project management shall be onsite for all excavation and grading operations with the authority to stop such activities if they compromise geological safety of the construction site.

2. Plan for avoiding pollution from construction activities is incomplete. The EIR *must* explain:

- a. How the activities will withstand soil liquification at the site.
- b. How the activities will prevent crude oil escaping from the known capped oil well within the construction zone.

Conclusion: Safeguards during excavation and construction *must* be specified in the EIR.

2.10.3 Impacts from an Abandoned Oil Well Have Not Been Addressed

CEQA Reference(s): Section 15126.2(a) states in part

“... identifying and focusing on ‘the significant effects of the proposed project on the environment’ as to the direct significant effects of the project on the environment short-term.”

DEIR Page(s): 439

An abandoned oil well lies within the HLC project construction zone. BCHD’s statements about the well are crucial to the understanding the believability of assertions in the EIR. The precise location of the well is needed because it impacts the project *design* substantially. Yet, BCHD has persistently ignored these design shortcomings and continued to proceed. The March, 10, 2021 DEIR *must* be retracted and revised

1. An abandoned oil well lies within the HLC project construction zone. BCHD is well aware that the well exists.

Yet, during the entire CEQA process, BCHD’s representatives hid their true motives, and perhaps affirmatively mislead. The handing of the oil well by BCHD on its own -- *outside of the EIR*, and then as dishonestly discussed in the EIR itself, presents a *poster child* example of how *not* to comply with the tenets and requirements of CEQA.

More than three decades ago, on February 9, 1990, BCHD acquired the “Flagler Lot” upon which the Well sits. The transfer was accomplished by two separate *quit claim* deeds. [Ref: 3.2.89]

The first of the two transfers was made to South Bay Hospital District,

BCHD's predecessor, from Petrorep Inc. (Probably there is a typo on deed document. There was in existence at that time a Petro Pep Oil Company).

The second of the two transfers to BCHD was made from Decalta International Corp - an oil and gas company. Each of the two companies which deeded the Flagler lot to BCHD appear to be subsidiaries of a sister company of one of the oldest and largest multinational oil companies on earth.

Moving well ahead in time, on May 15, 2019, Converse Consultants issued to BCHD a *Phase 1 Environmental Assessment Report* and referred to in the EIR as Converse (2019).

This report apparently relied, especially in relation to the oil well, exclusively on documents provided by BCHD, on public records, and on interviews with BCHD executives. No actual attempt to locate the oil well was mentioned as being made in Converse (2019).

Much of the information about the oil well found in Converse (2019) was derived from BCHD's representative, (BCHD rep) not an *independent* assessment.

Converse (2019) [Ref: 3.2.90] states that:

a. The BCHD rep:

“...provided title reports to the Property parcels, recorded easements with the City of Redondo Beach, a lease agreement with a tenant, and property parcel maps.”

b. The lease agreement disclosed that the Flagler Lot “...Property contains ‘an oil-drilling site.’”

c. “According to the BCHD rep, ‘an oil well was formally located on Parcel 2 but has since been designated as ‘plugged.’”

Converse (2019) [Ref: 3.2.91] states that the BCHD rep also stated that an oil well formerly operated on Parcel 2 and that he believed it *was abandoned in accordance with all applicable regulatory standards.*” (emphasis added)

e. Converse (2019) [Ref: 3.2.39] states in their Opinions section:

“...Concern for past impacts from well installation and need for *re-abandonment for future development are a concern.*” (emphasis added)

f. The City of Torrance, issued a letter to Wood Environmental on July 29, 2019 that states in part:

““The City of Torrance Community Development Department would like to ensure that the Draft Environmental Impact Report Analyze the following: ...2) Air Quality/Identify all haul routes, delivery/staging routes including soils remediation and *oil well re-abandonment.*” (emphasis added)

Wood Environmental responded in part: “Please review Appendix "A" to the EIR.”

Appendix “A” of the EIR is the Notice of Preparation for the HLC project [Ref: 3.2.108]. It includes documentation from scoping meetings conducted in June of 2019 after the NOP was prepared. Page 53 of the reference states in part:

“...**No Impact.** The Project site is not located within an area with active or known mining operations; however, an abandoned oil well exists on the Project site located on the vacant Flagler Lot ...”

2. These documented statements above are crucial to the understanding the believability of assertions in the EIR.

a. At the time the BCHD rep made his statements, the HLC project was already *well under way*. BCHD *knew* that the Flagler Lot, on which the oil well sits, would be part of a construction zone. They *knew* that the HLC project would sit on the oil well.

Yet, the draft EIR was issued anyway.

b. The stated claim that the oil well complied with “all applicable regulatory standards” is *untrue*. The EIR itself tells us this.

DEIR page 521 (3.8-27) of the EIR states the construction requirements that apply to an abandoned oil well. We are told that CalGEM requires: “....avoiding construction of permanent structures in close proximity to a well. CalGEM defines “*close proximity*” as being within 10 feet from a well.

To be considered outside of close proximity, two adjacent sides of a development (e.g., a building) should be no less than 10 feet from the well, with the third side the development no less than 50 feet from the well. The third side should be no less than 50 feet from the well to allow room for the 30 to 40 feet lengths of tubing required for re-abandonment operations. The fourth side shall remain open to the well to allow for rig access in the event that the well requires maintenance or potential re-abandonment.”

BCHD has not made the full and proper efforts to locate the well with sufficient precision before issuing the draft EIR.

3. The precise location of the well is needed because it impacts the project *design* substantially.

Particular rules apply to construction around and over an oil well. Many design aspects of the present HLC project will need to be updated when the well is precisely identified and located. A non-inclusive list of such items includes:

- where the actual construction will be done
- the ingress and egress points for construction vehicles
- the extent of the construction noise cone
- the routing of trucks

These considerations mean that the design as presented in the draft EIR is *unstable*. The *draft EIR must* be reissued *after* the location of the well has been determined to sufficient accuracy.

4. BCHD has persistently ignored these design shortcomings and continued to proceed.

a. On February 26, 2020, Converse Consultants issued to BCHD a *Phase 2 Environmental Assessment Report* and referred to in the EIR as Converse (2020).

Converse (2020) [Ref: 3.2.93] states:

“The geophysical survey did *not* identify the specific location of the former oil and gas well on the Flagler Lot, so Department of Oil, Gas and Geothermal Resources (DOGGR) records were reviewed to determine an approximate location. Review of agency records did not

provide details on the abandonment method of the plugged oil well.”
(emphasis added)

b. In September of 2020, Terra-Pera Environmental Engineering conducted a geophysical survey for the HLC project

DEIR page 507 (3.8-13) states: “Terra-Pera Environmental Engineering (Terra-Petra) conducted a geophysical survey of the HLC project site in September 2020 using a magnetometer for the purpose of locating the former oil and gas well on the property.

“A significant magnetic anomaly suspected to be the oil and gas well was identified approximately 30-feet east of the western fence boundary and approximately 30 feet north of the toe of the slope at the vacant Flagler Lot. Terra-Petra excavated the well to physically locate it.”

If there was *excavation*, wouldn't we know exactly the parameters of the oil well and its relation to the project? Where is the written report of the results of that “excavation”? Why is the most crucial survey on the oil well, missing?

The Terra-Petra report, evidently if ever, will be issued as part of a Construction Site Plan Review, well *after* the completion of the final EIR and approval to proceed by Redondo Beach and Torrance city agencies

Despite BCHD repeated claim of transparency, no reference has been made to any exhibit or document which shows what Terra-Petra did at all.

c. In the 12/2/2020 BCHD Properties Committee meeting, the BCHD rep consulted by Converse above provided a memorandum dated 11/18/2020 [Ref: 3.2.92]

In the memorandum document, the BCHD rep expresses *surprise* that an oil well has been found on the Flagler lot, and even more *surprise* that it had not been located.

This revelation is stunning. BCHD told Converse (2019) that the oil well “... *was abandoned in accordance with all applicable regulatory standards.*”

But by December, 2020, however, in order to get approval to fund

additional site exploration, BCHD states the exact *opposite*:

“There are regulatory requirements when construction is planned near existing, abandoned oil wells.”

What blatant contradictions these are!

BCHD prides itself by repeatedly reminding the public about how transparent they are in all their dealings. The public can attend all meetings. They are videotaped so they can be reviewed at later time. What is not said, of course, is that not everything that is said publicly is in fact the complete truth.

BCHD could have acted as soon as early 2020 to resolve the oil well location problem. Instead, almost 10 months later, they publicly deny that they had any knowledge that such a problem existed!

And, why don't we have in the EIR an actual description of *exactly* where the oil well is and how it impacts the HLC project?

The first phase of the HLC is estimated to cost approximately \$100M. The ownership of public land is at risk. [See: 2.7.2] How can the public trust *anything* that the BCHD says if they cover up or deny the truth about what should be a matter-of-course undertaking?

5. The March, 10, 2021 DEIR *must* be retracted and revised.

If, as the EIR proclaims, Terra-Petra had finished its work on the oil well, why in November, 2020 is BCHD proposing a separate contract and expenditure of tens of thousands of dollars to *find* a well that had already been located? Why, on December 16, 2020, does the BCHD Board of Directors authorize expending what is apparently wasted money?

Alternately, if the location of the oil well has been ascertained, why don't we have in the EIR an actual description of *exactly* where the oilwell is and how it impacts the Project? Instead, we are left with a *magnetic anomaly* which is *suspected* of being the oil well.

If the inadequate information in the EIR were not enough, it goes on to boldly state as *fact* information about the oil well which must instead be false and deceptive.

The description of where the “magnetic anomaly” is located is at least 100 feet, if not more, from the “one-way” Flagler driveway.

The EIR page 3.8-27 states: “The proposed Project has been designed to comply with all applicable CalGEM recommendations...The proposed Project has been designed to meet these criteria by restricting development in this area on the vacant Flagler Lot to the one-way driveway and pick-up/drop-off zone rather than a habitable structure.”

How can a Project be *designed* around an oil well the location for which is unknown? The oil well location is not described in any part of the EIR. It is not depicted on any map or figure in EIR. It is undisputed it hasn't been located.

TRAO-122 The vague *suspicions*, the phantom *excavations*, the *magnetic anomalies* make for a good UFO story. But, the only fair conclusion is that these *facts* also make for a woefully deficient EIR.

It is logical to conclude that BCHD proceeded with issuing the DEIR as rapidly as they could because they assumed the false information they were purveying would be *relied on* by the public and decision makers as being the truth.

But, in fact, at this point in time, even the location of the *entire* HLC project is uncertain given the missing information in the EIR.

The locations of ingress and egress are uncertain and depend on decisions by the city of Torrance. Only simple sketches are presented about what will *actually be built* on the Flagler lot. The CalGEM requirements necessitate careful design and building considerations be resolved first.

The DEIR presents no feasible measures which might minimize impacts which can be found in or determined from a factually bereft and truly hypothetical project as described in this EIR. It must be withdrawn, and not reissued until after the location of the oil well is determined to the accuracy needed first.

Conclusion: The HLC DEIR *must* be retracted and corrected

2.11 Additional Noise and Vibration Deficiencies

2.11.1 Increased Fire Department Services Noise Analysis Is Deficient

CEQA Reference(s): Appendix G Air Quality asks in part:

“Does the proposed project cause:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?”

DEIR Page(s): 625, Appendix I

Local EMT service requests because of the HLC will be significantly higher than BCHD estimates. The Environmental Impact of each and every EMT call will be greater than stated in the DEIR. There are long-range effects from repeated exposure to high intensity noise.

1. Local EMT service requests because of the HLC will be significantly higher than BCHD estimates.

In analyzing EMT utilization rates, a recent study concluded that “Living in a healthcare or residential institution and specific dispatch complaints were associated with repeat EMT use within 30 days.” [Ref: 3.2.64]

The high rate of EMT services used by elderly residents of care facilities has been well documented over the years. One recent study stated that “We estimate that by 2030, total EMS transports ... will increase by 47%. Patients 65 years of age and older are projected to account for 70% of this increase. and to compose 49% of all EMS transports by 2030.” [Ref: 3.2.65-69]

DEIR Page 667 (3.11-43), states “Based on an assumed average of 0.82 annual calls per bed space per year to the existing campus following the completion of the proposed development under the Phase 1 preliminary site development plan, it is anticipated that the BCHD campus would generate an estimated 244 ambulance calls per year.”

BCHD presumably arrives at the figure of 0.82 calls per bed space per year by dividing the average number of EMS calls per year (98), by the number of bed spaces at its current memory care operation, Silverado (120), i.e., $98 \div 120 = 0.82$.

However, BCHD has justified its financial forecasts for its proposed RCFE based upon anticipated occupancy rates *per unit*, not *per bed*.

With 217 units, *two* beds/unit, and 0.82 calls per bed/year the total number of calls is 488, not 244

2. The Environmental Impact of each and every EMT call will be greater than that stated in the DEIR.

The DEIR attempts to minimize the noise impacts of additional lights and sirens (L&S) necessitated by these additional EMT calls. The DEIR claims that: “When sirens are necessary for an emergency response, they *typically* (emphasis added) emit noise at a magnitude of approximately 100 dBA at 100 feet. A decrease of about 3 dBA occurs with every doubling of distance from a mobile noise source; therefore, during a response requiring sirens, residences along North Prospect Avenue and Beryl Street experience peak short-duration exterior noise levels between 91 and 100 dBA.

Because emergency vehicle response is rapid by nature, the duration of exposure to these peak noise levels is estimated to last for a maximum of 10 seconds, depending on traffic. Thus, given the infrequent and short duration of siren utilization responding to emergency situations, noise impacts from emergency vehicles would be both negligible and less than significant.”

This statement ignores the *unique geographic characteristics* of the project location, i.e., on top of a hill, 40 to 70 feet *above* adjacent residences, with prevailing ocean breezes *from the west*.

The sound produced by sirens and their ability to sustain decibel levels under such circumstances are not *typical*. Any resident within a half-mile radius of the BCHD campus can attest to the fact that the DEIR’s claim that “the duration of exposure to these peak noise levels is estimated to last for a maximum of 10 seconds” is plainly ludicrous.

It is widely accepted that wind profile and temperature differences influence propagation of sound. In particular, diffraction can cause sound to bend upward or downward. Mountains and hills influence both wind profile and temperature gradients. Sound will be absorbed by the material in the upslope, but may be echoed in a downslope.

Wind also plays an important role in the refraction of sound waves and ultimately on the distance they travel. Wind traveling directly into an oncoming sound wave will make it refract upward more sharply. Wind traveling in the same direction as a sound wave will make the sound wave refraction more gradual. In the upper atmosphere a strong wind traveling in the direction of the wave will push the wave further and faster. [Ref: 3.2.70]

The DEIR is deficient because it does not account for the unique

acoustical characteristics of the project location, which will result in the impacts of EMS sirens being felt for *longer* periods of time and more *intensely* than in the *typical* circumstances described by the DEIR. These noise impacts will be particularly visited upon students at nearby elementary schools (i.e., Towers Elementary and Beryl Heights Elementary), as well as adjacent residents downhill and downwind of the project.

3. There are long-range effects from repeated exposure to high intensity noise

Not only does the DEIR fundamentally understate the level and duration of noise to be produced by this project, both in terms of demolition/construction but as well as ongoing EMS sirens in perpetuity. It is obvious that far-reaching health effects that will be suffered by those unfortunate enough live or study in proximity to the facility. The adverse effects of such noise pollution are well known and extensively documented. The World Health Organization has summarized the evidence on the relationship between environmental noise and health effects, including cardiovascular disease, cognitive impairment, sleep disturbance, tinnitus, and annoyance. [Ref: 3.2.71-2]

The health effects of environmental noise pollution were addressed in an article published by the Australian Academy of Science, in which they state that “we need to recognize that noise pollution is a serious health concern worthy of our attention, and find realistic and sustainable ways to manage and reduce it.” [Ref: 3.2.73]

Children have been found to be particularly at risk of detrimental effects from noise pollution, as noted in an article in Medical News Today. In fact, it has been described as a public health crisis, despite the DEIR’s attempt to minimize its impacts.[Ref: 3.2.74-5]

Other studies have documented the link between excessive noise and sleep disruption, with the associated consequences. [Ref: 3.2.76-7]

Both the short-term and long-term impacts of noise pollution from the proposed HLC illustrate why the project is so unsuited for siting in a residential setting. Most large RCFEs of this nature will be adjacent to areas zoned for commercial or industrial uses, thus minimizing their impact on nearby residences and schools.

Conclusion: The proposed location for the HLC assisted living facility damages the local residential environment and *must* be changed

2.12 Public Services Deficiencies

2.12.1 Analysis of Personnel Impact on Fire Department EMT Services Is Incorrect

CEQA Reference(s): Appendix G Public Services in part asks the question:

“a) Would the project result in substantial ... need for new government facilities ... in order to maintain acceptable service levels and response times?”

DEIR Page(s): 695

DEIR page 695 (3.13-1) states in part: “this increase in demand for [EMT] services would not necessitate new or physically altered services by the City of Redondo Beach.”

This conclusion is in error. It fails to differentiate between the needs of the general population and that of the at-risk elderly. The high rate of EMT services used by the elderly is well-documented. The “firefighter to resident” ratio is used deceptively.

1. The conclusion fails to differentiate between the needs of the general population and that of the at-risk elderly.

DEIR page 701 (3.13-7) states “The addition of 177 Assisted Living residents to the BCHD campus would not substantially alter the ratio of firefighters from 0.93 sworn personnel to every 1,000 residents. (This minor increase in population would reduce the ratio by < 0.01 , and does not account for the fact that some of the residents would likely be from the existing Redondo Beach population.)”

The proposed project seeks to add 217 on-site residential units, including 60 replacement Memory Care units and 157 new Assisted Living units. The future inhabitants of such units would be, by definition, frail at-risk elderly persons. The results of an industry trade group survey illustrate national trends [Ref: 3.2.49]. The survey found that the average age of residents is roughly 83. In addition, about 60 percent of residents need help with one or more activities of daily living. [Ref: 3.2.50]

2. The high rate of EMS services used by the elderly is well-documented.

The high rate of EMT services used by elderly residents of care facilities

has been well documented over the years.[Ref: 3.2.51-3.2.54]

DEIR page 703 (3.13-9) states that “a total of 451 EMS calls associated with the BCHD campus at 514 North Prospect Avenue occurred between January 2015 and July 2019, with an average of 98 calls per year and just over 8 calls per month for the 60 double-occupancy Memory Care units with 120 beds total. Each of these EMS calls were responded to by either Rbfd Fire Station No. 1 or No. 2.”

This high rate of EMT utilization is to be expected given the nature and characteristics of the resident population, and greatly exceeds the rate of EMS calls taking place in the general population. There is close to a 1:1 ratio between the number of BCHD residents and EMS calls on an annual basis. It would be reasonable to expect at the proposed project as well.

3. The “firefighter to resident ratio” is used deceptively.

The deceptive use of this “firefighter to resident ratio” is then used as the justification for the DEIR’s conclusion that: “Because response times to the existing campus are satisfactory and the proposed Project would only incrementally increase the demand for Rbfd services, the proposed Project would continue to be located well within the 6-minute fire response time area and 6-minute and 20-second EMS response time for the Rbfd and would not require new or physically altered Rbfd facilities.”

Why did the DEIR not analyze the proportional increase in the at-risk elderly population served by Rbfd Stations 1 or 2, the resulting increased demand for EMT services, and the cost of providing such additional services?

Has information about the level of EMT support the cities of Redondo Beach and Torrance can and will provide been obtained?

What are the contract terms for these agreements?

Will the associated budget issues come up for review in the two cities?

Will other beach cities be asked to pay their fair share?

How will the costs for service for non-citizens be determined and assigned?

Conclusion: This analysis *must* be performed *correctly* and the impact on the number of EMS personnel and service times recalculated.

2.12.2 Power Substation Construction Details are Deficient

CEQA Reference(s): Section 15123(a) provides that the draft EIR is required to contain: “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences”

DEIR Page(s):142

DEIR Page 155(2-37) states, “The proposed Project design for the electrical distribution system includes a SCE Substation Yard, medium voltage distribution system, and generator yard, which would be located along the eastern perimeter of the Project site.

There is insufficient information about the substation in the DEIR. What are the dimensions and setback? The nearest residents are less than 100 feet away. The DEIR fails to acknowledge that noise produced by an operating substation can be quite loud to adjacent property owners. The impacts of the substation location on biological resources are not discussed.

1. There is insufficient information about the substation as stated in the DEIR to determine how it will impact the environment.

CEQA requires either to identify an alternative location for the substation or to describe the mitigation measures that will be implemented to safeguard the public, but the DEIR is silent about this. Alternate locations *must* be analyzed in the EIR.

So, how was the location of the SCE electrical substation determined? Were any other locations considered?

2. What are the dimensions of the substation? What is the setback from the street?

The trenching required for the utilities work to provide connections between the SCE Substation Yard and generator yard is not sufficiently explained on DEIR page 520 (3.8-26). There aren't any measures stated to mitigate the harmful environmental impacts that the soil remediation

and trenching will require.

These potential impacts *must* be analyzed in the EIR.

3. The nearest residences have not been identified but appear to be less than 100 feet away from the work site. The permanent impacts related to construction and operation of a new substation may be substantial depending on the location of the new site and its proximity to residences.

Yet, the DEIR provides no information to determine the health and biological risks with the placement of the substation so close to pedestrians and residences. This lack of information is a concern and the environmental impacts *must* be analyzed in the EIR.

The electric and magnetic field (EMF) levels within the fenced area of a substation can be much higher than the surrounding area, especially at larger substations containing several transformers.

Researchers have studied the increased risk of disease and health risks on people exposed to electric or magnetic fields and documented the impacts. [Ref: 3.2.144, 3.2.145].

These impacts *must* be analyzed in the EIR.

4. The DEIR fails to acknowledge that noise produced by an operating substation can be quite loud to adjacent property owners. A constant humming or buzzing noise may be audible several hundred feet from the substation fence. The sound may be especially noticeable during nighttime hours when ambient noise levels are lower. A barrier of mature trees or tall soil berms between the substation and nearby residences can be helpful in partially reducing noise impacts but the DEIR provides no analysis. This analysis *must* be provided in the EIR.

5. The impacts of the substation location on biological resources are not discussed in the DEIR except to state on page 346 (3.3-18): “construction under Phase 1 would require removal of an additional 20 landscaped trees along Diamond Street to provide space for the SCE Substation Yard.”

DEIR Appendix C shows that the proposed substation site is the same location where the Hamilton Biological, Inc. biologist identified the nest of an Allen’s hummingbird. The biologist’s report recommended that

there be a 30-foot buffer around the nest to protect hatchlings. The DEIR is silent on the environmental impacts of building a substation in a region used by the hummingbirds.

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(Cont.)

This report was generated after one day exploring the area. It is silent about the likelihood of there being more nests, their locations, and occupation throughout a calendar year. The analysis presented *must* be expanded in the EIR.

i. The EIR must state that a Biological Compliance Monitor (BCM) *must* be on site during all power substation construction activities. Although funded by the HLC contractor, this monitor or monitors shall operate independently of HLC construction management and provide daily inspections and assessments of the contractor compliance with not disturbing wildlife nesting sites.

ii. This monitor shall have the authority to halt all power substation construction activities that impinge on wildlife nesting sites.

Conclusion: Power substation construction efforts must conform to environmental safeguards that are applied to the HLC project as a whole

2.13 Biological Resources Deficiencies

2.13.1 Analysis of Increased Rat Invasions is Missing

CEQA Reference(s): Appendix G Biological Resources in part asks the question:

“a) Have a substantial ... effect on any species identified in local or regional plans?”

DEIR Page(s): 142

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Rats and mice can transmit over 35 different diseases, a part of which the Center for Diseases, Control, and Prevention has identified [Ref 3.2.34]

- Hemorrhagic Fever with Renal Syndrome
- Lassa Fever
- Leptospirosis (Weil’s disease)
- Lymphocytic Chorio-meningitis (LCM)
- Plague

- Rat-Bite Fever
- Salmonellosis

These diseases can be spread to humans mostly through contact with the rat's urine and feces; or by being bitten, or coming into contact with their saliva through other means. They can also be spread indirectly by a person bitten by a flea, tick, or mite that has fed on an infected rodent.

Children are be much more likely exposed to rats, and worse, the impact of the diseases they carry. For example, [Ref 3.2.35] states "My 11-year-old developed a fever of 103 for six days. I feared the worst—my mom-pediatrician brain knew he could have rat-bite fever or a fatal rodent-borne illness."

When a construction project starts, the human residents aren't the only ones who are impacted. Once construction begins, nesting grounds and hiding spots of the rat are disturbed, driving them out seeking other homes in droves. Of course, the bigger the project, the more rodents scattering into the surrounding neighborhood there'll be. Any construction near surrounding homes can bring unwanted critters of all kinds into unsuspecting lives. Additionally, rodents are some of the most adaptable creatures on the planet and can be extremely difficult to control. Not to mention that they reproduce rapidly, and steadily.

The neighborhood will essentially become collateral damage during major construction.

As stated in [Ref: 3.2.36]:

"All businesses in the county need to plan, implement and post the Los Angeles County Department of Public Health's reopening protocol in accordance with the Health Officer Order."

The statement for the present BCHD facilities is included on its own website [Ref: 3.2.37] "Safe In The South Bay" posting

Conclusion: The reopening protocol and an analysis of the effects of HLC construction on disturbed rodent wildlife *must* be in the EIR

2.14 Additional Air Pollution Deficiencies

2.14.1 Strong Ozone Mitigations are Required

CEQA References(s): Section 15125, Environmental Setting, states:

“(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan”

Section 15126.2, Consideration and Discussion of Significant Environmental Impacts, states:

“(a) ...An EIR shall identify and focus on the significant effects of the proposed project on the environment...Direct and indirect significant effects on the environment shall be clearly identified and described, giving due consideration to both the short and long-term effects.”

DEIR Page(s): 326

Ozone is inherently dangerous. So much so, that standards apply to it. Air quality must be monitored for its concentration.

The EIR must prove if measuring stations are close enough to the HLC project site to be relied upon. The impact on sensitive receptors such as school children must be ascertained.

The effect of the project on global warming must be analyzed. BCHD has both legal and moral obligations to which it must comply.

1. The inherent danger of Ozone (O₃).

Ozone is not merely just another gas that will be handled the same as other known air quality pollutants. Rigorous mitigation efforts must be employed.

Ozone is pungent, colorless, and toxic, with direct health effects on humans including respiratory and eye irritation and possible changes in lung functions. Children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors are the most sensitive to ozone.

According to the American Lung Association Ozone Fact Sheet [Ref: 3.2.86]:

“New research has confirmed that breathing ozone over a *short* period can increase the risk of *premature death*.” Brauer et al. found a robust association of with daily 1-hour max ozone concentrations less than *40 ppb* [Ref: 3.2.87]. Ulmer et al. found a

robust association in school children with *30-minute* association less than *60 ppb*. [Ref: 3.2.88]”

2. Ozone standards.

DEIR page 279 (Table 3.2-1) (Federal and State Ambient Air Quality Standards for Criteria Pollutants) states that for ozone, the one-hour average should be less than *0.09 ppm* (parts per million) and the eight-hour average should be less than *0.07 ppm*.

.07 ppm and .09 ppm is the same as 70 and 90 parts per billion (*ppb*).

These references cited in subsection 1. above show that concentrations *lower* than the current standards cause detrimental health effects.

Even with these liberal standards, DEIR page 280 (Table 3.2-2) (Los Angeles County-South Coast Air Basin Federal and State Attainment Status for Criteria Pollutants) states that ozone is classified as *extreme nonattainment* for both one-hour and eight-hour periods.

3. Basin air quality monitoring.

In an effort to monitor the various concentrations of air pollutants throughout the Los Angeles County Basin, the Southern California Air Quality Monitoring District (SCAQMD) operates 37 permanent monitoring in the basin.

The SCAQMD has divided the basin into 38 source receptor areas (SRAs). Redondo Beach and Torrance – including the HLC project site – are located within SRA 3, which covers southwestern coastal Los Angeles County. Ambient air pollutant concentrations within SRA 3 are monitored at the 7201 West Westchester Parkway Monitoring Station, which is located approximately 7.57 miles north of the HLC project site.

4. Ozone concentration measurements.

The EIR *must* analyze and prove whether 7-plus miles from the nearest monitoring station is too far away to measure concentrations at the HLC project site to sufficient accuracy.

If the HLC project site is in fact too far away from the monitoring station, then the tasks for the HLC independent Air Quality Compliance

Monitor (AQCM) [See: 2.3.2] must include the following additional tasks.

The EIR *must* specify that:

- a. In addition to other duties, the AQCM will monitor the ozone concentration at the construction site at least three times daily.
- b. In the event that ozone concentration exceeds air quality standards at the HLC, all construction activities that contribute to ozone creation be suspended until such time that the level falls below the air quality standards. These activities include all those that generate nitrogen oxides (NO_x) since they are the primary fuel for the generation of ozone.

5. Impact on sensitive receptors.

Sensitive receptors are populations that are more susceptible to the effects of air pollution than is the population at large. According to CARB (California Air Resources Board), sensitive receptors include “children less than 14 years of age, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases...”

The SCAQMD identifies the following as locations that may contain a high concentration of sensitive receptors; long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds and parks with active recreational uses, childcare centers, and athletic facilities.

The majority of development within Redondo Beach and Torrance consists of residential uses, including large single-family neighborhoods and multiple-family apartments and condominiums, all of which are considered sensitive land uses with regard to air quality.

Residential uses occur to the north, south, east, and west of the HLC project site, some as close as 80 feet away. The following *11 schools* are within 0.5 miles (2,640 feet):

- Beach Cities Child Development Center (preschool)
- Towers Elementary School

- Beryl Heights Elementary School
- Redondo Shores High School
- Redondo Beach Learning Academy
- Redondo Union High School
- Jefferson Elementary School
- Parras Middle School
- Our Lady of Guadalupe School
- West High School

The DEIR is silent on the health risk increases to sensitive receptors due to increased *ozone* production at the HLC project site. Such an assessment *must* be included in the EIR.

Why is the EIR silent on quantifying the *number* of sensitive receptors who are close to the HLC project site? Should not that be the basis for any health risk assessment?

6. Global warming effects.

With global warming, it is clear that ozone concentrations exceeding presently existing standards will become *more and more common*. The DEIR however is silent on the implications of this trend.

Yes, DEIR page 315 (Table 3.2-8) shows that the number of days for which the present standards were not exceeded. However, the EIR *must* analyze and state how much worse the environmental impact will be in the future.

7. BCHD Legal Obligation.

The EIR cannot hide behind a shield of ignorance – that there is no way to estimate health effects from airborne pollutants and therefore there is no requirement to mitigate health effects caused by ozone. In the lawsuit: “Sierra Club v. Fresno County (December 24, 2018), it was ruled that “the EIR failed to indicate the concentrations at which the pollutants would trigger the identified symptoms. The EIR failed to give any information to the reader about how much ozone would be estimated to be produced as a result.

The EIR *must* (emphasis added) provide an adequate analysis to inform the public how its calculations translate to create potential adverse

impact and justify why it cannot calculate potential health impacts as a function of time.”

8. BCHD Moral Obligation

The DEIR discussion of ozone mitigations consists of standard boilerplate – only the use of Tier 4 diesel engines to reduce the production of nitrogen oxides. It is silent on the fact that the ozone standards have been set too high, despite the evidence of the health damages that result by conforming to those standards.

The BCHD touts that it is a *health* district, however, one dedicated to improving the health of the communities it serves. Morally, the EIR *must* adopt adherence to air quality standards that are more aggressive than the present standards.

Otherwise, the EIR must state the BCHD rationale of why it is not subscribing to the higher moral objective to *do no harm*. [See also: 2.3.2]

Conclusion: *Strong* ozone mitigation measures must be stated in the EIR

2.15 Additional Aesthetic Deficiencies

2.15.1 Effect of Impact of Shadowing Not Analyzed Correctly

CEQA Reference(s): Appendix G Aesthetics states in part:

“Would the project c) Substantially degrade the existing visual character or quality of the site and its surroundings?”

DEIR Page(s): 59, 199 Appendix M

The effect of shadowing on health is well documented. But the DEIR’s basic premise shadow effects is incorrect. The analysis presented is superficial. More data must be collected and analyzed.

1. The effect of shadowing on health is well documented.

a. The WebMd Mental Health News article titled “Unraveling the Sun’s Role in Depression” [Ref: 3.2.94] states “Researchers found that regardless of the season, the turnover of serotonin in the brain was affected by the amount of sunlight on any given day. And the levels of serotonin were higher on bright days than on overcast or cloudy ones. In

fact, the rate of serotonin production in the brain was directly related to the duration of bright sunlight.”

b. The Parenting Science article titled “Why kids need sunlight to thrive and learn” [Ref 3.2.95] states in part:

“Sunlight helps children produce adequate levels of vitamin D, and vitamin D sufficiency protects kids from a variety of undesirable health outcomes...

“Kids with low vitamin D levels are at increased risk for poor bone health (Borg et al 2018), cardiovascular disease (El-Fakhri et al 2014), and reduced muscle function (Carson et al 2015; Hazel et al 2012)...

“There is also evidence that low vitamin D status could be a trigger for early puberty in girls (Chew and Harris 2013). And vitamin D deficiency has been linked with inferior mental planning skills (Grung et al 2017)...

“Sunlight appears to protect children from developing multiple sclerosis (MS) later in life...

“Numerous studies have reported this link. Lots of sunlight exposure during childhood reduces an individual's risk of MS, and this appears to be true regardless of an individual's vitamin D status. The sunlight itself seems to be helpful (Hoel et al 2016)...

“Morning sunlight exposure can help prevent delayed bedtimes (and sleep-related behavior problems)...

“Staying up late might not matter if you also wake up late. But when children have to wake up early for school, delayed bedtimes can take a toll. Studies suggest that delayed bedtimes -- without opportunities for catch-up sleep -- are linked with poor school performance and behavior problems (Merikanto et al 2014; Lin et al 2011)...

“But why don't kids go to sleep on time? For many kids, part of the problem is lighting: They get too little sunlight during the day.”

Clearly, shadowing does have large impacts on the health of both adults and children.

2. The DEIR basic premise about shadow effects is incorrect.

DEIR pg. 59 (RG-9) states: “Shade and Shadow Effects – *Although not an environmental issue* included under Appendix G of the CEQA Guidelines ...” (emphasis added)

In point of fact, CEQA regulations for shadowing effects *do* apply to *public use areas*. These areas include *public schools*. The students who attend Towers Elementary School would be significantly impacted by the shadowing impact created by the construction of the HLC.

Simply searching on the internet with “CEQA shadow” returns over 100 entries. Many of these cite the CEQA Appendix G Aesthetics reference presented above. This error, “*not an environmental issue*”, must be removed from the EIR.

3. The DEIR Shadow Analysis is superficial.

To analyze the effect of new construction, software analysis programs can be used to predict the shadowing that occurs. BCHD used such an analysis tool, but its results are in error in *five* regards.

- a. Only *three* days of the year were analyzed.
- b. Sunrise and sunset times *do not* correspond to those provided by the National Oceanic and Atmospheric Administration.
- c. Incorrect *height* of the HLC above Towers Elementary School was used. The school playground is 34 feet *lower* than Flagler Lane. It is unclear if the height of the HLC includes air conditioning and other equipment on the roof.
- d. Consists of no *analytic* calculations. No measurements of the relevant areas involved were obtained.
- e. The final result in the DEIR, with *no analytical reasoning* or justification, merely concludes “The extent and duration of shading would be less than significant.”

4. The EIR *must* collect more *robust* data so that the true *analytic* impact of shadowing can be obtained. For definitiveness, focus on the playground area at Towers Elementary School.

This data collection at the very least *must*:

- a. Obtain from the Torrance School Board:

- i: The days that school is in session during a calendar year.

ii: The start and end of recess time for each of these days.

iii: The average number of students enrolled in the school.

iv: The boundaries and area of the school playground.

b. Survey the playground to ascertain:

i the number of students who arrive at the school early before school starts and the average amount of time that they spend there before school starts.

ii the number of students who stay at the school late after school is over and the average amount of time that they spend there before going home.

iii. the number of students who come to the school when it is not in session (weekends, holidays, summer break) and the average amount of time of they spend there when they do so.

c. Discard the sunrise and sunset numbers shown in the EIR and use credible ones generated by the National Oceanic and Atmospheric Administration (NOAA).

d. Use the correct number for the height of the HLC shading Towers elementary school. Include the height of ceiling equipment mounted on top of the building. Use the total height above the playground, not Flagler Lane.

e. For *every* hour of *every* day that students use the playground:

Generate two shadow diagrams, one each for both *before* and *after* construction of the HLC.

Using only three days and one time in a day is totally inadequate.

Sometimes the children are on the playground; sometimes they are inside. Sometimes the school is not in session. A correct analysis uses *all* hours of the year that are relevant.

f. For *each* pair of shadow diagrams generated in e., in square feet, quantify the *increased* percentage of the playground *area* that is shadowed because of the presence of the HLC. Sum this number over all the days in the year for which children will be present.

5. From the collected data in 4. above calculate:

a. the *total* number of *increased* hours of sunlight lost per student per

year.

b. multiply result a. by the total number students at the school to compute the number of hours of sunlight lost by the entire student body per year.

c. multiply result b. by at least 50, the number of years that the proposed HLC will exist, to get the final shadowing impact.

This final result ignores the shadowing impact on adults in the surrounding communities, but at least it is a number that presents *the non-refutable* shadowing impact of the HLC. It *must* be included in the EIR.

6. The irrefutable impact of shadowing is also obviously *unmitigable*.

Conclusion: BCHD *must* publicize the final *total* of lost sunlight hours to the community and *outside policy makers*. Let them decide whether or not shadowing is merely less than significant.

TRAO-131
(Cont.)

2.15.2 Effect of Glare Impact is Insufficiently Analyzed

CEQA Reference(s): Appendix G Aesthetics states in part:

“Would the project c) Substantially degrade the existing visual character or quality of the site and its surroundings?”

DEIR Page(s): 59, 199 Appendix M

The EIR must analyze and evaluate the impact of glare on the areas surrounding the HLC. Glare can be harmful. The harms and impacts of glare are many and serious. The DEIR, therefore, has deficiencies that must be corrected.

1. Glare can be harmful, but BCHD does not address the full impact of glare. These impacts *must* be analyzed in the EIR.

“Glare” is essentially the reflection of sunlight (usually amplified) from the exterior of a building, including one which contains reflective materials such as exterior glass paneling.

Not merely a minor inconvenience, glare from buildings can be harmful in many ways. Regrettably, the harmful impacts of glare cannot be adequately mitigated unless taken seriously by a project, such as this

TRAO-132

one. Generally, building codes are far behind the real impacts created. To actually mitigate the harmful impacts of glare, a mere vague recitation in an EIR, such as this one, that there will be “compliance” with building codes on the issue of glare is patently not adequate.

This deficiency in the EIR is particularly acute where a governmental entity is looking to massively expand. Indeed, the focus becomes more intense on a “Health District”, which is morally, ethically, and legally bound to enhance health safety and welfare. The EIR should accept and adopt those standards when evaluating this Project.

The fact that the EIR does not address the glare issue adequately is widespread and apparent. A good example of the EIR failing to review adequate glare standards is its neglect in discussing the variety of harms which glare can cause. It did not discuss in an illuminating way the various standards that *do exist* in the literature and in practice. It did not propose to better address how glare might impact the environment and what, if anything, can be done to mitigate harmful impacts.

2. BCHD does not address the full impact of glare.

BCHD in its EIR does their best to ignore the real and full impacts of glare. The entire discussion is found in only 3 pages! The document admits it is not discussing actual, real impacts. Instead, it engages in a speculative, hypothetical impact review and tells us there is no tangible, stable, existing project to assess.

DEIR page 267 (3.1-69) states: “The building design details remain *conceptual* and specific colors, siding, windows, and overall materials are *still being refined*...”

Further, “Due to the proposed increase in building mass and size, it is *expected* that the Project would include a greater number of windows and reflective surfaces than the existing Project site.” (Emphasis added)

Thus, the EIR raises more questions than providing any answers. For example, how many window and reflective surfaces? How is impact measured?

3. The harms and impacts of glare are many and serious.

The EIR does tell us that, if and when the HLC project exists, they will (seemingly arbitrarily) attempt to reduce the impacts of glare.

DEIR page 267 (3.1-69) states that light reflective values will be “less than 35 percent”

Using a high number like 35% is not adequate to mitigate any of the harmful impacts of glare which could emanate from the HLC project.

The Council on Tall Buildings and Urban Habitat (CTBUH) provides a detailed and well-reasoned discussion of the impacts of glare on the environment – why a number so high as 35% is destined to cause grave impacts. [Ref: 3.2.122]

TRAO-132
(Cont.)

The CTBUH tells us that most building codes do not adequately address the problems caused by reflective surfaces, including glare. It is recommended that the reflective values of building be less than 20%, or better yet 15% (which is the law in some jurisdictions), not the EIR recommended 35%.

The report states: “Most city building codes briefly and lightly address solar reflectivity in the same sentence as other types of nuisance such as noise, shadows, and bright paint colors. However, there are two building codes internationally that deal with this matter more categorically. In Singapore, solar reflectance of construction materials is limited to not more than 20%, and authorities have considered lowering that threshold to 15%. In Sydney, Australia, two requirements must be fulfilled; reflectivity of construction materials is limited to not more than 20% and a solar reflectivity study/analysis must be performed.”

It is also noted in the reference that glare is not just a minor inconvenience. Glare is in fact the term for reflected *dangerous* sunlight.

“We must remember that ‘light’ is not only that which is visible, but that it comes in the form of thermal load. Light is comprised of different components: ultraviolet (UV) radiation, visible light, and infrared. Light reflected off buildings carries all three components.

With the use of reflective glass, spectrally selective coatings, and advanced glazing in general, it is imperative to study solar reflectivity at a level that covers both visual and temperature increase effects in order to evaluate results on a project’s surrounding environment.”

4. DEIR Deficiencies.

These different light sources glaring off of a building such as the HLC project can cause a number of harms. None are discussed in EIR. It is no excuse that the project is not real but instead merely “conceptual”. If the project harms cannot be *fully* evaluated and discussed, there is no EIR which is valid.

At a minimum, the EIR must discuss *in detail* the harmful impacts which can result from building a structure such as the HLC Project. The problems which the EIR ignores are real and substantial. Almost all of them are secondary impacts.

(In the EIR, “secondary impacts” are a *required* discussion topic.) Yet, BCHD’s EIR is largely bereft of any secondary impact discussions at all. The EIR discussion of glare, found only in the VIS-3 Impacts section, contains yet another insufficient discussion of secondary impacts.)

5. Impacts that *must* be analyzed in the EIR.

a. Increased heat.

The number of harmful impacts caused by glare identified by the CTBUH include, but are not limited to:

“Condominium owners adjacent to the Disney Hall found their air conditioning systems to be inadequate. Their mechanical equipment was rendered obsolete because it now needed to deal with a sustained addition of thermal load that was not considered when it was originally designed and sized”

The increased heat from glare causes:

- i. Physical harm or discomfort;
- ii. Property damage;
- iii. Loss of vegetation, called “decay”

We are told that some “plants cannot break down nutrients above certain temperatures and will eventually start to decay. With new construction, conditions can be altered and new paths of light and heat can be created by light reflected off buildings.” With global warming, is any of this a good thing?

A Green Roof Technology in the article titled “Reflective Surfaces on Buildings are an Environmental Nightmare!” states:

“A new building on London's skyline nicknamed the Walkie Talkie has been blamed for melted car parts due to the intense sunlight reflected from its glass exterior. In a broadcast for Sky-News (movie) one reporter proves that it is possible to fry an egg in the reflected sunlight.” [Ref: 3.2.123]

b. Distraction.

According to the UK Automobile Association, nearly 3,000 accidents are caused yearly by direct sun glare. [Ref: 3.2.126] That works out to be documents *an increase of more than 8 vehicle accidents per day* from building glare. Further, one in every three people commuting through tall building areas in the United States are blasted with reflections from glazed buildings every day.

The EIR fails to discuss the real-world impacts of glare on the environment adjacent to the HLC project. BCHD admits that there will be changes to both vehicle and non-vehicle traffic patterns caused by the HLC project, but none are discussed in the EIR.

Some of the changes include an increased number of pedestrians and a new bike lane [See: 2.3.4 and 2.6.1] but there is no discussion of how various groups will interact because of new bike and pedestrian traffic.

Extant daily from well-before the project are school children. How will they interact with more bike traffic and skate boarders in the area? How might they be distracted by the glare which will be highest in the morning on the Towers Elementary School side of the project

c. Impact on young and old – people with more sensitive eyes.

Glare definitely impacts the population of citizens near the project. A large proportion of them are very young or very old. This impact *must* be analyzed and evaluated as part of the EIR. The DEIR only provides vague, general, unsupported conclusions.

d. Nuisance to neighbors.

Glare is a well-known nuisance to those who neighbor the source. For example, morning glare might cause an elderly person to close their shades, depriving them of the little hope they might have to continue living. We all look forward to the hope a “dawning of a new day” provided by the morning light. The Project takes that hope away from

almost all elderly neighbors to the east.

Conclusion: The EIR *must* analyze the impacts of glare created by the HLC.

2.16 Hazardous Waste Removal Deficiencies

2.16.1 Asbestos Removal Compliance Not Fully Specified

CEQA Reference(s): Section 15097(c) states that “Reporting generally consists of a written compliance review”

DEIR Page(s): 22(ES-18) states in part: “Beach Cities Health District (BCHD) shall retain a licensed contractor to conduct a comprehensive survey of [asbestos containing material ACM]...”

The HLC Project Plan calls for the demolition of building 514. It was built starting in 1957 and completed in 1960. At that time, asbestos was commonly mixed into concrete used for construction. The demolition process quite possibly could release the asbestos unless it is properly handled.

The DEIR pg:22 (ES-18) further states:

“...including invasive physical testing within the buildings proposed for demolition including the Beach Cities Health Center during Phase 1...”

The relevant DEIR passage must be amended to state in addition:

- a. “If such hazardous materials are found to be present, the BCHD licensed contractor shall follow all applicable Federal, State, and local codes and regulations (e.g., Rule 1403, Asbestos Emissions from Renovation/Demolition Activities), as well as applicable best management practices (BMPs), related to the treatment, handling, and disposal of asbestos contaminated material (ACM).
- b. “During construction the licensed contractor shall conduct additional surveys as new areas (e.g., interior portions) of the buildings become exposed.”

The EIR is silent on the certifications that the licensed contractor must have in order to satisfactorily carry out the safe removal of asbestos exposed during building 514 demolition.

EIR MM HAZ-1 *must* state that the qualifications of the licensed

contractor contracted for the removal of ACM shall include proof of having taken and passed the training requirements for OSHA Construction Standard 29 CRF 1926.1101(g).

Conclusion: Asbestos removal contractor qualifications *must* be fully stated in the EIR

2.17 Cultural Resources Deficiencies

2.17.1 Coordination with Local Native American Representatives Not Enforceable

CEQA Reference(s): Appendix G Cultural Resources asks in part:

“Would the project cause a substantial adverse change in the significance of a tribal cultural resource?”

DEIR Page(s): 362 (3.4-12)

There is much supporting law concerning cultural resources. The HLC project site is an area of high cultural sensitivity. Native American monitoring is required for all ground-disturbing activities.

1. Supporting law

The California Environmental Quality Act (CEQA) (Division 13 (commencing with § 21000) of the Public Resources Code) recognizes the unique history of California Native American tribes and upholds existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process. [Ref: 3.2.148]

Section § 21074 of the Public Resources Code states in part that “tribal cultural resources” are: (1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for listing, in the national or state register of historical resources, or listed in a local register of historic resources [Ref: 3.2.150].

Pub. Resources Code § 21082.3, subd. (d)(1) states, “Environmental documents for a project with a significant impact on an identified tribal cultural resource cannot be certified until consultation, if initiated, has concluded. Consultation is concluded when: • Parties reach mutual agreement concerning appropriate measures for preservation or mitigation; or • Either party, acting in good faith or after reasonable

effort, concludes that mutual agreement cannot be reached concerning appropriate measures of preservation or mitigation.”

2. The HLC project site is an area of high cultural sensitivity

DEIR page 379 (3.4-29) states in part: “the Gabrieleño Band of Mission Indians – Kizh Nation [Ref: 3.2.149] advised that the Project site is an area of high cultural sensitivity because of the presence of traditional trade routes. Higher elevations, such as the site of the BCHD campus, may have served as look-out locations.

Maps shared by the tribe illustrate the probable alignment of a traditional trade route (now the Hermosa Greenbelt and former railroad right-of-way). Trade routes were heavily used by the tribe for movement of trade items, visiting family, going to ceremonies, accessing recreation areas, and accessing foraging areas.

As such, these areas can contain seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and isolated burials and cremations. Watercourses and water bodies within the region may have also supported seasonal or permanent settlements, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites.”

Additionally, DEIR page 62(RG-12) states: “The fact that the BCHD campus has been previously graded and developed does not entirely rule out the possibility of buried resources being present, and potentially uncovered, during ground disturbance associated with the proposed redevelopment.”

3. Native American monitoring of ground-disturbing activities

In light of the possibilities above, the EIR *must* state the following:

- a. A Native American Artifact Monitor (NAAM) must be on site for the duration of all HLC project ground-breaking activities.
- b. The NAAM will be a qualified professional archaeologist approved by the Kizh nation.
- c. Although funded by the HLC contractor, the NAAM shall operate independently of HLC construction management.
- d. The NAAM will be informed with at least a twenty-four-hour notice when ground-breaking actions are scheduled to start
- e. If tribal cultural resources are discovered, the NAAM shall have the power to halt additional ground-breaking activities until a resolution of

how to proceed is decided upon by the NAM in conjunction with the Kizh nation.

f. The DEIR *must* remove all use of the word *Tongva* from the BCHD DEIR, Section 3.4. The Kizh, Kitc (Keech) Gabrieleño Heritage (Indigenous people of the willow houses) ask that people not associate the Kizh, Kitc, or Gabrieleno with the term *tongva*. *Tongva* is a misnomer. There is no such tribe or people.

Conclusion: The EIR *must* specifically state *how* HLC project construction will comply with CEQA Cultural Resource requirements.

2.18 Find out more

Want to learn more about Torrance Redondo Against Overdevelopment (TRAO)?

* Visit our website at <https://www.traonews.org>

- Browse around.

- There is a lot of good information there

* Sign up for our email newsletter by filling out the form at the bottom of our website homepage.

- Published roughly semi-monthly

- News that you need to know

3 Appendix

3.1 Attached Documents

3.1.1 Request for HLC Project Definitions

-----Original Message-----

From: Kenneth Yano

Sent: Monday, May 04, 2020 11:24 AM

To: Charlie Velasquez <Charlie.Velasquez@bchd.org>

Subject: Public Records Request

Charlie

In the CEO reports there are four projects noted:

Flagler Project

Right of Way Project

Prospect Way Project

HLC Other & 514 Project

I would like to inspect public records related to these projects.

1. The project plan describing each project
2. The expenditures associated with each of these projects.
3. The authorizing documents or BOD minutes which approve these projects.

Kenneth T. Yano

3.1.2 Reply to 3.1.1

From: Charlie Velasquez <Charlie.Velasquez@bchd.org>
Date: May 28, 2020 at 6:09:54 PM PDT
To: Kenneth Yano
Subject: RE: Public Records Request

Hi Ken,

Please see below for the District's response to your public records request dated 5/5/20 that reads:

In the CEO reports there are four projects noted:

Flagler Project

Right of Way Project

Prospect Way Project

HLC Other & 514 Project

I would like to inspect public records related to these projects.

1. The project plan describing each project.
2. The expenditures associated with each of these projects.
3. The authorizing documents or BOD minutes which approve these projects

The four "labels" you are listing above are not independent projects but are Financial General Ledger Account names established by the District Accounting Department to track expenditures for the Healthy Living Campus (HLC) Project as a whole. The accounts were set-up to facilitate the allocation of the HLC expenditures across the various physical locations on the 514 N. Prospect Avenue Campus. As a result, the names identified by each of the "labels" are not separate projects, they are merely accounting references (dictions), each a part of the HLC Project.

1. The project plan describing each project.

The District does not have any records responsive to this request.

See comments above.

2. The expenditures associated with each of these projects.

The District has identified the attached publicly available records (PRR - HLC Expenditures 04302020) as responsive to your request. The expenditures for the HLC Project are publicly available on the District's website, like the District Annual Budget Report (See Capital Expenditures pages), or the monthly CEO Report included in the Board Packet, which may be viewed on the following web pages:

[https://www.bchd.org/operating-budgets,](https://www.bchd.org/operating-budgets)

[https://www.bchd.org/board-directors-meetings.](https://www.bchd.org/board-directors-meetings)

3. The authorizing documents or BOD minutes which approve these projects.

The District has identified the following attached records responsive to your request: Adopted Operating and Capital Budget Resolutions by the District Board FY2015-16 through FY2019-20. The expenditures for the HLC Project are included in the authorization of the Capital Budget.

Best Regards,

Charlie Velasquez
Executive Assistant to the CEO
Beach Cities Health District
Ph: 310 374-3426, x 213
Fax: 310-376-4738
www.bchd.org
www.facebook.com/beachcitieshealth

3.1.3 Request for Project Account Information

-----Original Message-----

From: Mark Nelson (Home Gmail) [<mailto:menelson@gmail.com>]
Sent: Thursday, June 18, 2020 5:49 PM
To: Charlie Velasquez <Charlie.Velasquez@bchd.org>
Subject: PRA Request - 40 programs

Last night during the Board meeting, the Board made a specific point of referenced 40 evidence based programs. The following questions refer to those programs.

1. Provide all documents necessary to fully describe each of the 40 programs.
2. Provide the 2018-19 budget for each of the 40 programs
3. Provide all research relied upon to develop each program.
4. Provide all evaluation reports or analysis of each program.

3.1.4 Reply to 3.1.3

From: Charlie Velasquez <Charlie.Velasquez@bchd.org>
Date: May 28, 2020 at 6:09:54 PM PDT
To: Mark Nelson

Subject: RE: Public Records Request

Hi Mark,

Please see below for the District's response to your public records request dated 6/18/20.

The District has identified documents responsive to this request

- see below in red.

Last night during the Board meeting, the Board made a specific point of referenced 40

evidence based programs. The following questions refer to those programs.

1. Provide all documents necessary to fully describe each of the 40 programs. See

District website <https://www.bchd.org/>.

Click on 'WHAT WE DO' link to view information related to each program.

2. Provide the 2018-19 budget for each of the 40 programs No

documents responsive; the District is working on setting up a system, Budget by Priority (or Program Based Budgeting), to budget total costs by Program. Historically the District budgets expenses by department, like Youth Services, Community Services, Finance,

HR, etc. and by expense categories, like salaries, printing, program supplies, etc. While we are not yet completely able to calculate total cost by each program, the District is able to consolidate total costs by operating unit: Property Operations (20%),

Life Spans Operations (47%) and Health & Fitness Operations (33%). Please see pages 37 and 38 at the link below, from the District FY20-21 Budget presentation at the June 24th Board meeting.

https://bchd.granicus.com/DocumentViewer.php?file=bchd_61f5bf3e0ae75c945d2109d0693d905e.pdf&view=1

3. Provide all research relied upon to develop each program. See

link below (page 29) for the 40+ programs the District offers by Health Priority.

https://bchd.granicus.com/DocumentViewer.php?file=bchd_61f5bf3e0ae75c945d2109d0693d905e.pdf&view=1

Health Priorities are re-evaluated every three years using statistical sampling and analysis.

See links below for the District 2019-2022 Health Report (click here <http://online.fliphtml5.com/krrn/ftdz/#p=1>)

that can be found on the website (<https://www.bchd.org/healthreport>).

4. Provide all evaluation reports or analysis of each program. This

request is overly broad. The District website contains information regarding each program (see above link in item #1). If this does not address your request, the District is willing to assist you in narrowing your request. Please resend your request with

specific reference to documents you are seeking.

5. Provide all cost-benefit analysis and ratios of the aforementioned 40 programs.

No documents responsive; however, if you are interested in additional context regarding benefits to the Community, please see link below, pages 3-13 in the FY20-21 Budget presentation illustrating evidence-based outcomes for the LiveWell Kids program deployed

in local schools and administered by the District's Youth Services Department, and pages 28-32 showing benefits and outcomes from the various programs offered by the District's Life Spans programs, including Youth Services and Blue Zones programs as measured

by Healthways' Gallup Well-being Index. The District also employs Social Workers for a program that

assists seniors in the community to stay in their homes as long as possible free of charge.

https://bchd.granicus.com/DocumentViewer.php?file=bchd_61f5bf3e0ae75c945d2109d0693d905e.pdf&view=1

If you believe we have not correctly interpreted your request, please resubmit your request with a description of the identifiable record or records that you are seeking.

Best Regards,
Charlie Velasquez
Executive Assistant to the CEO
Beach Cities Health District

Ph: 310 374-3426, x 213

Fax: 310-376-4738

www.bchd.org
www.facebook.com/beachcitieshealth

Creating a healthy beach community.

A screenshot of a cell phone

Description automatically generated

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-----Original Message-----

From: Mark Nelson (Home Gmail) [<mailto:menelson@gmail.com>]
Sent: Thursday, June 18, 2020 5:49 PM
To: Charlie Velasquez <Charlie.Velasquez@bchd.org>
Subject: PRA Request - 40 programs

Last night during the Board meeting, the Board made a specific point of referenced 40 evidence based programs. The following questions refer to those programs.

1. Provide all documents necessary to fully describe each of the 40 programs.
2. Provide the 2018-19 budget for each of the 40 programs
3. Provide all research relied upon to develop each program.
4. Provide all evaluation reports or analysis of each program.

3.1.5 An Example of Financial Parameter Sensitivity

IRR: Return Analysis

In its BCHD report, Cain Bros. (CB) present internal rates of return (IRR) as an indicator of project profitability. That seems like a reasonable way to present financial results, but one needs to be cautious in interpreting such results.

Basically, IRR indicates what rate of return or discount rate would make a financial flow net to zero. So, if a flow has an IRR of 5% while an investor faces only a 4% alternative, the higher return (IRR) looks attractive. The main benefit of IRR calculations is that they incorporate the time-value of returns but yield a simple percentage that one can compare to alternatives.

However, one needs to dig deeper into the analysis. One needs to understand what assumptions have been made to come up with a given IRR. In the case of CB, a few issues are critical:

- (1) CB works with a ten-year time frame. Results further in the future are truncated by assuming, or perhaps pretending, that project assets are “sold” after ten years for some multiple of Year 10 income (before taxes). Presumably, this allows CB to ignore results in future years, but it may mislead readers into thinking all the risk is somehow factored in from studying results in the first 10 years. It isn't.
- (2) When using the multiple required in (1) above, CB applies “Sale price = 13 x Year 10 net operating income. But 13 is just the multiple for the top 10% of sales CB used.¹ There is a high chance this multiple overstates the sale price. We can't know without access to the CB source data. Additionally, Cain uses this multiple to estimate the sale price, but one can show that this means 80% of the time-value of returns is accounted by just the sale price!
- (3) The CB tables assume annual revenues grow 4% per year. There is no source data given for this, and it seems to imply price increases each year even in constant-dollar terms. Likewise, operating expenses are assumed to grown 3.5% annually, again with no substantiation. Together, faster growth in revenues than in costs makes the venture look attractive, but there is no evidence these growth rates are “expected.” Likewise, CB simply starts the analysis with certain revenue and cost figures with no allowance for the risk that those figures are themselves risky. As to both initial revenues and initial costs,

the Cain model does not indicate what happens if their starting levels are higher or lower.

(4) Readers of the Cain Report, and the parallel “feasibility” report from MDS, should not overlook the static nature of the rent and occupancy forecasts used in the reports. In particular, many observers of “senior housing” note that this a dynamic market. Developers enter pretty much in response to predicted profits, so any claim that the RCFE project can capture a certain number of people assumes no new entrants who see the same demographics, land and construction costs, and so forth. Since competitive entry is utterly ignored, no one should accept the forecasts.

¹ The CB analysis does not disclose the data used, nor even a public source.

IRR Sensitivity

By constructing a spreadsheet that mimics the Cain model and produces *identical* IRR values when applying the Cain initial values, we can explore how sensitive these IRR results are were we to change:

- (1) The Year 10 Sales Multiple
- (2) The annual rates of change and the initial levels of revenues and operating costs
- (3) The income tax rate and the share of the venture partner

Using this spreadsheet, we can demonstrate that the IRR values, taken by Cain as an indicator of the financial results given the initial values proposed by Cain, are quite sensitive to each of the key variables shown in (1) to (3) above.

To demonstrate this sensitivity, the table below shows Revenue Growth values, initial Revenue levels and the multiple of Year 10 earnings.

	BCHD	JV1	JV2	JV1-BCHD	JV2-BCHD
RevGrowth	9.89%	8.03%	8.60%	-1.87%	-1.29%
3.0%	4.71%	2.67%	3.26%	-2.04%	-1.45%
3.3%	6.20%	4.22%	4.81%	-1.98%	-1.39%
3.5%	7.54%	5.61%	6.19%	-1.94%	-1.35%
3.8%	8.77%	6.87%	7.45%	-1.90%	-1.32%
4.0%	9.89%	8.03%	8.60%	-1.87%	-1.29%
4.3%	10.94%	9.10%	9.68%	-1.84%	-1.27%
4.5%	11.92%	10.10%	10.68%	-1.82%	-1.25%
4.8%	12.84%	11.05%	11.62%	-1.80%	-1.23%
Rev. Level	9.89%	8.03%	8.60%	-1.87%	-1.29%
115%	19.42%	17.30%	17.90%	-2.12%	-1.52%
110%	16.75%	14.72%	15.31%	-2.04%	-1.45%
105%	13.65%	11.70%	12.28%	-1.95%	-1.37%
100%	9.89%	8.03%	8.60%	-1.87%	-1.29%
95%	5.03%	3.24%	3.81%	-1.79%	-1.22%
90%	-2.22%	-3.99%	-3.43%	-1.77%	-1.20%
85%	-21.09%	-23.88%	-23.29%	-2.79%	-2.20%
Multiplier	9.89%	8.03%	8.60%	-1.87%	-1.29%
11	6.74%	4.58%	5.18%	-2.16%	-1.56%
12	8.43%	6.44%	7.02%	-1.99%	-1.41%
13	9.89%	8.03%	8.60%	-1.87%	-1.29%

14	11.19%	9.42%	9.99%	-1.77%	-1.20%
15	12.35%	10.66%	11.23%	-1.69%	-1.12%

[* Compare with Cain page 33 of 52](#)

As one might expect, lower growth of revenues has a big effect on IRRs; IRRs are also sensitive to changes in initial revenues. Likewise, changing the ratio of Year 10 sale price to income has a big effect (which could be why Cain shows only the result to a very high ratio).

For example, CB strongly endorses the MDS conclusion that \$12,000/mo rental rates are reasonable from a modeling perspective due to high local incomes and the costs of building new competitive facilities . But published data on assisted living rental rates and occupancies are well below the MDS rates that CB endorses. What if the rates are but half of those assumed? What if Covid-19 virus concerns lower the predicted currently initial rates in 2024? Basically, this alternative model shows that IRRs could be dramatically lower and the project could even lose money.

[Discussion](#)

CB presents data without acknowledging the many assumption they use, then don't show how, if they are wrong, results could change dramatically.

CB employs revenue and growth rates in the model, but CB neither explains the basis for stipulated growth rates nor does CB consider what happens if lower rates for net revenues come to fruition. It is one thing for a consultant to claim that its forecasts are “reasonable,” but another for BCHD to fail to face the risk that the forecasts are wrong.

CB focuses only on pre-tax IRRs. But for tax-exempt organizations, pre-tax returns mean *nothing*. Only after-tax returns matter. The model here was analyzed while incorporating (1) income taxes and (2) depreciation allowances. Not surprisingly, incorporating the effect of income taxes, while recognizing depreciation shields, *lowers* after-tax IRRs. While we can't know what after-tax rates are feasible while raising investment funds, we are sure that it is the after-tax return (not revealed by CB) that matter.

CB's entire analysis relies on obtaining debt funds at 4% a year (while assuming comparable annual increase in revenues and costs). Lenders demand trivial returns on a 40+ year loan?

CB assumes the project is sold-off after ten years. Such an assumption may simply avoid looking further out into the future for analytic purposes, but it is a improbable scenario. In any case, CB stipulates that the “sale” price would be 13 times year 10 pre-tax returns. CB doesn't explain this multiple, nor why they use pre-tax rather than after tax returns. In any case, working only with the spreadsheet model, one can see that 75% to 80% of the “value” of the RCFE comes from the estimated sale price. With no evidence, can BCHD go forward without knowing the range of plausible multiples. Our modeling shows that at a multiple of 11 rather than 13 (Cain, 90% percentile) would dramatically lower predicted IRRs.

3.1.6 Letter to BCHD March 30 2020

March 30, 2020

BY E-MAIL (Tom.Bakaly@bchd.org)
Carbon Copies as Indicated Below Tom

Bakaly, CEO
Beach Cities Health District 514
N. Prospect Ave.
Redondo Beach, CA 90277

Re: Request for Clarification as to Certain Unresponsive Elements of Mr. Bakaly's March 27, 2020 Letter

Dear Mr. Bakaly:

Thank you for your March 27, 2020 response to my March 19, 2020 letter. This letter seeks further clarification as to a number of items in your letter, and is sent without prejudice to any and all rights and remedies which may now exist, or hereafter arise, all of which are expressly and wholly preserved.

In that regard, I provide a list of queries, below. The items on the list are not all inclusive, but instead are meant as a starting point to begin the process of receiving from BCHD specific, fact based, evidence supported information which directly addresses the concerns raised by the finding on BCHD property of numerous dangerous toxic substances, all of which are known to cause cancer or produce other serious harms. BCHD is invited to engage in this process because the disclosures made by BCHD, including those in your letter, are couched in vague, conclusory, or self-serving language. We earnestly seek your cooperation in providing clarity to your employees, residents, tenants, and neighbors concerning this dangerous situation.

Tom Bakaly, CEO
March 30, 2020 Page
Two

I have the following:

1) PCE was located in 96.7% of the soil- vapor samples taken by Converse. Further, the levels of PCE detected were in amounts up to 150 times the allowable screening levels. Similarly, chloroform was found at up to 13 times allowable levels, while benzene was present in concentrations at a high of over 6 times maximum levels.

a. These facts were not addressed in the press release. Disclosing the true, full, and accurate facts would further the BCHD stated goal of fully transparent disclosure. Why the omission?

b. Same with your letter addressed to me.

c. These facts contradict the statement made in your letter to me that there is not "any immediate concern for human health arising from site conditions identified in the Report." Do you disagree? If so, please explain.

d. Please provide copies of all documentation which supports your claims.

2) Converse specifically found, quoting from their Phase 2 report, that "The highest concentrations were generally detected in deeper samples". This reference is to the toxic chemicals found in the soil-vapor samples, and we also know that no deeper borings were made despite the fact that the further Converse bored, the more contaminants they found. We know Converse had the capacity to take 30foot borings, because they did conduct a campus site sample at a thirty-foot depth, but inexplicably only one.

a. Having the capacity to do so, why did Converse not drill deeper seeking to find the full extent of the pollution problem in areas where there was factual evidence that "higher concentrations" of pollutants were found "in deeper samples"?

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b. Did BCHD prevent further boring so as to hide the true extent of the toxic waste problem?

Tom Bakaly, CEO March
30, 2020

c. Please provide copies of all documentation which supports your claims.

3) BCHD knew in 2019 that harmful chemicals, including carcinogens, existed at very high levels on BCHD premises. (Again, PCE was found levels at 150 times allowable levels, chloroform at 13 times allowable levels, and benzene concentrations over 6 times maximum levels).

a. It is inevitable those toxins will leach into the underlying groundwater. What has BCHD done to confirm or negate groundwater contamination?

c. Please provide copies of all documentation which supports your claims.

4) The March 2, 2020 "press release" which you attached to your March 27, 2020 letter (which curiously, and correct me if I am wrong, cannot be found in the "press release" portion of the BCHD the website):

a. Did not mention the ambient air testing results at all. Why not?

b. Referred to “chemical” (singular) although BCHD knew that chemicals (plural) were found both in soil-vapor samples and ambient air testing. Why leave out critical facts?

c. Provided a vague timeline at the end of the press release which identifies months during which things are claimed to have happened, but not the days (which is not in fact then an actual timeline). What is the reason for this omission?

Tom Bakaly, CEO

March 30, 2020

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d. Note also that the press release by line is dated February 28, 2020,

but the date on the document you provided to me is March 2, 2020. That seems incongruent, but perhaps you can provide an explanation.

e. Please provide copies of all documentation which supports your claims.

5) BCHD was aware during 2019 of documented, factual threats from toxic chemicals to persons stemming from the air and water. The claims of reporting to governmental agencies are non-specific and need be clarified:

a. You state your first report was to the Los Angeles County Fire Department. Your letter to me states the Fire Department was “unlikely to take a lead agency role”, while the press release you provided to me states only that BCHD “attempted to establish contact with Los Angeles County Fire Department”.

1. Government agencies have different levels of jurisdiction and roles in addressing toxic waste sites. How did you conclude there would be one “lead” agency managing the governmental response?

2. Generally, one contacts a fire department when there is an imminent threat to life, or to public safety in general. Why was the Los Angeles County Fire Department BCHD’s first point of contact for a finding of toxic pollution in the air, water, and ground?

3. BCHD unrefutably had clear evidence of multiple toxins in the air around BCHD property, but did not report to any agency responsible for air

quality. Why not?

b. BCHD knows, or should know, that the CalEPA has a unified, coordinated reporting system. Their mandate is to gather the information and then assign the pollution control task to the correct agency or agencies (it is common that more than one agency will be involved). Why did BCHD not contact the CalEPA?

Tom Bakaly, CEO March
30, 2020

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c. Please include in your response by e-mail attachment or mail, as you prefer, all copies of documents showing that in fact BCHD made reports about toxic pollution of any type to governmental agencies, and supplements, if any; and all government responses.

6) The harmful chemicals were found in not only the northern and eastern parts of BCHD property, but on all parts of the property, including the extreme western edge, in a location adjacent to Prospect Avenue.

a. Disclosing this fact to the public would have revealed the true and accurate nature of the entire problem, consistent with complete transparency, but this fact not contained in the press release. Why the omission?

b. Same with your letter addressed to me.

c. Please provide copies of all documentation which supports your claims.

7) Your March 27, 2020 letter referenced in general “environmental issues”. Your March 27, 2020 letter did not, however, mention that Converse found in the ambient air of BCHD premises multiple harmful chemicals. The results of the ambient air samples taken by Converse are disclosed in their Phase 2 report. From page 13 of that report verbatim:

Six (6) VOCs were reported in one (1) or more of the ambient air samples **in excess of their residential** SL: benzene, bromodichloromethane, chloroform, ethylbenzene, 1,1,2,2- tetrachloroethane, and vinyl chloride. (Emphasis added)

a. Why was that information not provided in the press release?

b. Why was that information not reported to governmental agencies responsible for assuring air quality?
Tom Bakaly, CEO March
30, 2020
Page Six

c. Please provide copies of all documentation which supports your claims.

8) The BCHD site is large, with many buildings, all of which are multistory. Yet, ambient air testing by Converse was extremely limited. Six locations were tested, which is essentially one for each large building.

a. What was the justification for limiting the testing?

b. Please provide copies of all documentation which supports your claims.

9) In that regard, in certain documents, Converse notes that BCHD refused to allow ambient air testing in some buildings or locations.

a. How can a fair and accurate ambient air testing be accomplished where access is denied to Converse by BCHD?

b. What legitimate reason could possibly exist to prevent testing?

c. Please provide copies of all documentation which supports your claims.

10) The Phase 2 report documented that ambient air samples found the presence of the toxic chemicals benzene, bromodichloromethane, chloroform, ethylbenzene, 1,1,2,2-tetrachloroethane, and vinyl chloride on BCHD property.
Tom Bakaly, CEO March
30, 2020

a. What actions has BCHD taken to ensure that these harmful substances are not being borne by the winds, which generally blow from west to east, onto Towers Elementary School.

b. What actions has BCHD taken to ensure that these harmful substances are not being borne by the winds, which generally blow from west to east, onto employees, residents, tenants, or neighboring businesses and residents.

c. Please provide copies of all documentation which supports your claims.

11) BCHD is obligated to comply with all laws governing protecting the environment, which could include, but not be limited to, the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act (more commonly known as "RCRA"), the Comprehensive Environmental Response, Compensation, and Liability Act (more commonly known as "CERCLA"), the Safe Drinking Water Act (more commonly known as "SDWA"), the Air Resources Act, as well as various other California Health & Safety Code and Water code sections.

a. What actions has BCHD taken to ensure compliance with all applicable environmental laws?

b. Please explain how the delay in taking action since 2019 when BCHD was aware of the findings of the Converse Phase 2 report are consistent with BCHD's duties to comply with such environmental laws.

Tom Bakaly, CEO March
30, 2020

c. Please provide copies of all documentation which supports your claims.

12) At a minimum, toxic chemicals found in the soils, water, and air on BCHD property constitute a public nuisance, a private nuisance, or both.

a. What actions has BCHD taken to abate these nuisances?

b. Please provide copies of all documentation which supports your claims.

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13) The Converse findings appear to give rise to the necessity of BCHD issuing a Proposition 65 warning.

- a. Has that been accomplished?
- b. Please provide copies of all documentation which supports your claims.

14) BCHD failed to include, from a reading of the press release contained in the link provided to me, disclosure of the fact that the Converse's Phase 2 report found more than one chemical during testing (what you provided references PCE only), and that contaminated air was present on BCHD property.

- a. How do those failures to inform the public comport with BCHD's oft-stated goal of "complete transparency?"
Tom Bakaly, CEO March 30, 2020

- b. Please provide copies of all documentation which supports your claims.

15) BCHD property is situated on a toxic waste site.

- a. How can what BCHD refers to as a "Healthy Living Campus" co-exist with toxic chemicals and pollutants in the soil and air of such a site?

- b. Please provide copies of all documentation which supports your claims.

16) Your March 27, 2020 letter responsive to mine of March 19, 2020 references no actions taken whatsoever to remove the toxic chemicals found in the soil and air on BCHD premises.

- a. If I am incorrect in any fashion, please provide the details of actions actually taken to remove toxic soils and alleviate polluted air.

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- b. Please provide copies of all documentation which supports your claims.

17) You did not address the four items at the end of my March 19, 2020

letter. Here they are again in order that BCHD remedy this oversight.

a. Please provide a full, complete disclosure of the toxic chemical
Tom Bakaly, CEO March
30, 2020

situation on the BCHD site to the general public, disseminated in the broadest possible way by using any and all means at BCHD's disposal to do so.

b. Similarly, given the fact that BCHD has had close to a month to evaluate its options, please provide details of your action plan designed to eliminate the ongoing harm to the public, including to the vulnerable elderly and student population which lives and (will hopefully soon resume in a nonchemically polluted environment) studying nearby.

c. Provide evidence that BCHD has reported its finding of toxic substances at extraordinarily high levels in the air and water in and around its property to appropriate governmental authorities,

d. Along with each governmental entities' response.

We look forward to receiving BCHD's response at your convenience.

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CC:

BY E-MAIL

michelle.bholat@bchd.org

noel.chun@bchd.org

jane.diehl@bchd.org

Tom Bakaly, CEO March

30, 2020

vanessa.poster@bchd.org

vish.chatterji@bchd.org

BY E-MAIL (EIR@bchd.org)

Wood Environment & Infrastructure Solutions

Attention: Mr. Nick Meisinger, NEPA/CEQA Project Manager

3.1.7 Pages 1-2 from CEO Report to BCHD Board of Directors 10/28/2020



Live Well. Health Matters.

Memorandum

To: Board of Directors
From: Tom Bakaly, Chief Executive Officer
Date: October 22, 2020
Subject: Staff Report of Activities

ADMINISTRATION

COVID 19 Response and Recovery Objectives: Testing on our campus continues with roughly 300 reservations a day and we plan to continue free testing in partnership with LA County at least through December 2020. Recovery continues to be a priority and we are doing lots of work with schools. We are assisting schools with tools to ensure that staff can safely be in the schools as well as students when the time comes. We have recently launched a "Safe in the South Bay" program with the Chambers of Commerce in the area that recognizes businesses that are taking the initiative to comply with County reopening guidelines. We are also hosting our third Safe in South Bay Series session: Living Well during COVID-19 on Wednesday December 9th from 5:00 – 6:30 on zoom. We will also continue to focus on the following objectives and please refer to our COVID-19 Dashboard for metrics. [Click here to view the full Dashboard.](#)

- 1) Maintain a COVID-19 diagnostic testing site and pursue immunity testing research
- 2) Support at-risk older adults in the community
- 3) Provide healthy adults an opportunity to be of use to the community
- 4) Continue to disseminate timely and accurate information to the community
- 5) Provide health and well-being tips, tools and virtual classes and 6) Recovery Planning and implementation for BCHD operations and the community.

Healthy Living Campus: We are proceeding with the DRAFT Refined Master Plan as the basis of the Environmental Impact Review (EIR). No decisions on the project have been made. We will be exploring project alternatives as part of the EIR process. We hope to have a draft EIR for the community to review in late 2020/early 2021. The public comment period for the EIR will be 90 days, which is twice as long as the requirement.

BOARD QUESTIONS:

Question: During the Half-Day there was a poll on expanding services, shrink or keep services the same. Was 98% correct?

Answer: Unfortunately when we asked the first poll question, we didn't grab a screen grab of the actual poll, but we went back and double checked the results.

Do you agree or disagree that it's essential that BCHD continues its funding model and develop new sources of revenue to sustain and expand our capabilities to fund free programs and services for residents and impact more people in our community?

- 98% Agree
- 2% Disagree

Question: In the Center for Health & Fitness CEO Report section, is there a way to know hits vs people on the listed numbers.

Answer: Staff has recorded and posted 109 videos challenging our adult and senior populations to get moving and stay fit. These videos have 34,316 views to date. We are not able to track individual views, just total views.

Question: Is there any need or discussion on a bike path on Prospect? Is it feasible? Within our jurisdiction?

Answer: At the September Board meeting, there was a referral to staff asking whether the city of Redondo Beach is considering adding bike lanes to Prospect Avenue, given that our Measure M-funded bike path on Flagler Lane/Diamond Street from Beryl Street to Prospect Avenue is under design. While the South Bay Bicycle Master Plan does indicate Class II bike lanes on Prospect from Redondo Beach's northern city limits to Pacific Coast Highway, staff has indicated that preliminary engineering and design found that bike lanes won't fit in the existing right of way without removing parking or travel lanes. As such, the city of Redondo Beach is not considering adding a bike lane to Prospect Avenue in the near term.

The City of Redondo Beach is considering adding bike lanes on Beryl Street from Flagler Lane to Prospect Avenue when the street gets resurfaced, so that there will be connectivity with the existing bike lanes on Beryl Street from 190th Street to Flagler Lane. In the longer term the South Bay Bicycle Master Plan indicates bike lanes on Beryl Street all the way past Pacific Coast Highway (due west), but the timeline for those additions are unknown.

October 22, 2020

3.1.8 Request for Attendance Information

November 10, 2020

Beach Cities Health District
514 N. Prospect Ave, Suite 102
Redondo Beach, CA 90277 email:
communications@BCHD.org
Attention: CPRA Coordinator

PRA Coordinator:

Pursuant to Section 6253 of the California Public Records Act, I am requesting the following records and documentation.

BCHD held a Strategic Planning Meeting Half Day on Sept. 11 2020. Please send all attendees on virtual call and break down by:

- Number of attendees
- Role (assigned to attendee at the virtual meeting)
- Association or group affiliation with BCHD
- Name (if able)

In addition send all presentations, breakout presentations, surveys (questions and results), polls (questions and results).

3.1.9 Reply with Attendance Affiliation

First Name	Last Name	Title	Dept
Tiffany	Amith	BCHD Staff	BZP
Melissa	Andrizzi-Sobel	BCHD Staff	Community Services
Stacy	Armato	Youth Steering Committee	Community Committee
Tom	Bakaly	BCHD Staff	Executive Administration
Mishell	Balzer	BCHD Staff	Youth Services
Charlotte	Barnett	BCHD Staff	Community Services
Michelle	Bholat, M.D.	BCHD Board Member	Board
Karen	Blanchard	BCHD Volunteer Advisory Committee	Community Committee
Karen	Brandhorst	BCHD Restaurant Ambassador	Community Committee
Ida	Canlas	BCHD Intern	Community Services
Terry	Cannon	Power 9 Committee	Community Committee
Cindy	Carcamo	BCHD Staff	Youth Services
Vish	Chatterji	BCHD Board Member	Board
John	Chou	BCHD Intern	BZP
Noel	Chun, M.D.	BCHD Board Member	Board
Kelvin	Chung	BCHD Staff	Communications
Lakeshia	Crosby	BCHD Staff	CHF
DeeAnn	Davis	BCHD Staff	Finance
Leslie	Dickey	BCHD Staff	Real Estate
Jane	Diehl	BCHD Board Member	Board
Pat	Drizler	Former Board Member/CWG	Former Board Member
Mary	Drummer	BCHD Community Health Committee	Board Sub-committee
Simrit	Dugal	BCHD Staff	HR
Joan	Edelmann	BZP Committee Member	Community Committee
Kate	Ekman	BCHD Staff	HR
Rick	Espinoza	BCHD CWG	CWG
Joey	Farrales	BCHD Strategic Planning Committee	Board Sub-committee
Howard	Fishman	BCHD Community Health Committee	Board Sub-committee
Cindy	Foster	BCHD Staff	H & F Operations
Lyman	Fox	Strategic Planning	Board Sub-committee
Ciara	Freeman	BCHD Intern	BZP
Erin	Frost	BCHD Intern	BZP

Diana	Garcia	BCHD Staff	Community Services
Tessa	Garner	BCHD Staff	Youth Services
Moe	Gelbart	Youth Steering Committee	Community Committee
Steve	Gerhardt	BCHD Livability Committee	Community Committee
Geoff	Gilbert	Community Working Group	Community Committee
Laurie	Glover	BCHD CWG	CWG
John	Gran	Youth Steering Committee	Community Committee
Virginia	Green	BZP Committee Member	Community Committee
Jim	Hannon	BCHD Volunteer Advisory Committee	Community Committee
Dennis	Heck	BCHD Volunteer Advisory Committee	Community Committee
Whitney	Hernandez	BCHD Staff	CHF
Jennefer	Hernandez	BCHD Staff	Community Services
Cristan	Higa	BCHD Staff	Communications
Joseph	Hocking	BCHD Staff	Community Services

First Name	Last Name	Title	Dept
Vijay	Jeste	BCHD Strategic Planning Committee	Board Sub-committee
Aja	Jordan	BCHD Staff	AdventurePlex
Amy	Josefek	BCHD Restaurant Ambassador	Community Committee
Tami	Kachel	BCHD Staff	Youth Services
Kerianne	Lawson	BCHD Staff	Lifespan Services
Charlotte	LeBlanc	BCHD Strategic Planning Committee	Board Sub-committee
Valerie	Lee	BCHD Staff	HR
Bernadette	Lewis	BCHD Staff	CHF
David	Liu	BCHD Strategic Planning Committee	Board Sub-committee
Julie	Lumbao	BCHD Staff	Center for Health & Fitness
Denise	Luna	BCHD Staff	HR
Nicole	Lunde	BCHD Staff	Lifespan Services
Fred	Manna	BCHD Volunteer Advisory Committee	Community Committee
Valerie	Martinez	VMA Consulting	Consultant
Laura	McIntire	Youth Steering Committee	Community Committee
Jade	McKnight	BCHD Staff	Youth Services
Jasmine	Morales	BCHD Staff	AdventurePlex
Teri	Mufic, Neurstaedter	BCHD Power 9	Community Committee
Lauren	Nakano	BCHD Staff	BZP
Colleen	Otash	BCHD Power 9	Community Committee
Laura	Petros	Restaurant Ambassador	Community Committee
Yuliya	Pigrish	BCHD Staff	Finance
Vanessa	Poster	BCHD Board Member	Board
Wayne	Powell	BCHD Finance Committee	Board Sub-committee
Marie	Puterbaugh	BCHD Community Health Committee	Board Sub-committee
Marilyn	Rafkin	BCHD Staff	Executive Administration
Rosalie	Rapas	BCHD Staff	Community Services
Amanda	Reid	BCHD Intern	Community Services
Ricardo	Reznichak, M.D.	BCHD Strategic Planning Committee	Board Sub-committee
Tiana	Rideout-Rosales	BCHD Staff	BZP
Jessica	Rodriguez	BCHD Staff	Finance

Hailey	Sachs	BCHD Intern	Human Resources
George	Schmeltzer	Community Working Group / BZP	Community Committee
Joy	Schmidt	BCHD Staff	Community Services
Cindy	Sheu	BCHD Staff	Finance
Alejandra	Sierra	BCHD Staff	HR
Dan	Smith	BCHD Staff	Communications
Bruce	Steele	Community Working Group	Community Committee
Mary Ann	Stein	BZP Committee Member	Community Committee
Joan	Stein Jenkins	Youth Steering Committee	Community Committee
Ali	Steward	BCHD Staff	Youth Services
Kelly	Stroman	Youth Steering Committee	Community Committee
Jacqueline	Sun	BCHD Staff	BZP
Anthony	Taranto	Youth Steering Committee	Community Committee
First Name	Last Name	Title	Dept
Kathleen	Terry	BZP Committee Member	Community Committee
Sogia	Thach	BCHD Staff	BZP
Arnette	Travis	BCHD Restaurant Ambassador	Community Committee
Annelise	Tripp	BCHD Staff	CHF
Charlie	Velasquez	BCHD Staff	Executive Administration
Megan	Vixie	BCHD Staff	HR
Christian	Wendland	BCHD Strategic Planning Committee	Board Sub-committee
Sydney	Whittaker	BCHD Staff	Community Services
Angela	Wilson	Youth Steering Committee	Community Committee
Sherah	Wyly	BCHD Community Health Committee	Board Sub-committee
Celia	Estrada	BCHD Staff	HR
Breckin	Runquist	Youth on SP Committee	Community Committee
Gary	Tsai	Youth Steering Committee	Community Committee
Mary	Wadman	BCHD Volunteer	Community Committee
Shana	Martinez	BCHD Staff	
Joah	Lee	Youth on SP Committee	Community Committee
Lisa	Daggett	Youth Steering Committee	Community Committee
Mary Jo	Ford	Livability Committee	Community Committee
Jackie	Berling	BCHD Staff	H&F Operations
Alice	Kuo, MD	Youth Steering Committee	Community Committee
Joanne	Sturgis	CWG	Community Committee
Jan	Buik	CWG	Community Committee
Monica	Suaa	BCHD Staff	Finance
Emory	Chen	BCHD Staff	Youth Services
Craig	Cadwallader	CWG	Community Committee
Morgan	Bulen	Volunteer Advisory Council	Community Committee
Dency	Nelson	CWG	Community Committee

Jamie	Fresques	BCHD Staff	Finance
Michael	Ramirez	BCHD Staff	AdventurePlex

3.1.10 Excerpts from the Wall Street Journal 11/16/2020

Excerpts from an article in the Wall Street Journal of 11/16/2020 titled "How Covid-19 Will Change Aging and Retirement" by Anne T. Ergesen "You will see a lot more focus on aging at home and figuring out how to shift the financial incentives to make that work" says Ezekiel Emanuel, vice provost of global initiatives at the University of Pennsylvania. (After Dr. Emanuel was interviewed for this article, he was appointed to President-elect Joe Biden's task force on coronavirus.). Community-based programs will expand, including the Program of All-Inclusive Care (PACE) for the Elderly, a Medicare-sponsored service that is currently helping 50,000 people with such needs as medical services, day care, home care and transportation."

...

"Pinchas Cohen, dean of the Leonard Davis School of Gerontology at the University of Southern California, predicts that federal or state governments will expand programs, including one under Medicaid, that pay some family caregivers, typically an adult child. Generally, the amount depends on an assessment of the elderly individual's needs, as well as the average wage for a home care aide in the state and geographic region in which one lives."

...

"A movement away from nursing homes might prompt Americans to also rethink other forms of age-segregated housing, including 55-plus communities, predicts Marc Freedman, president of Encore.org, a nonprofit working to bridge generational divides."

"Age segregation "has not prepared us well for living longer lives," says Mr. Freedman. With relatively little day-to-day contact between younger generations and elders, "each life stage we move into we are utterly unprepared for."

"Age segregation "has not prepared us well for living longer lives," says Mr. Freedman. With relatively little day-to-day contact between younger generations and elders, "each life stage we move into we are utterly unprepared for."

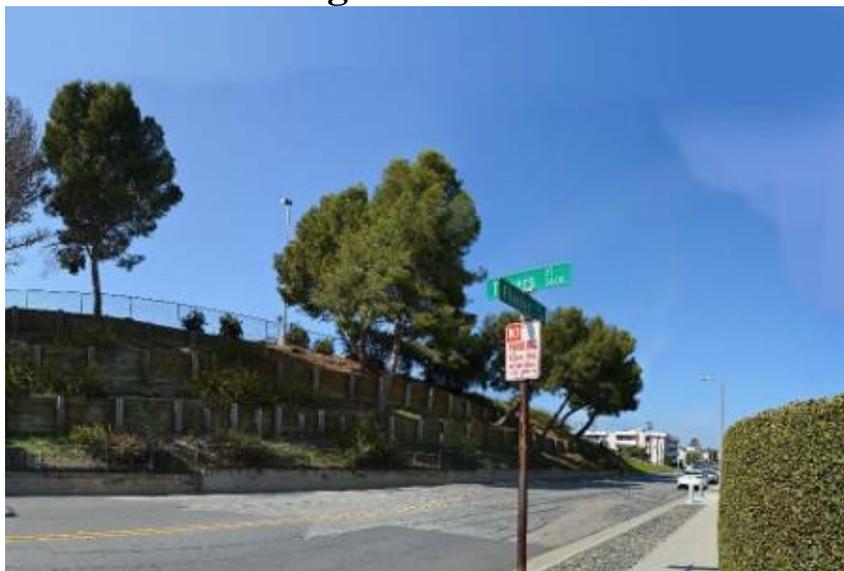
"Age segregation, he says, encourages a view that an aging population is "a problem to be solved" rather than "a repository of social, intellectual and community capital."

3.1.11 EIR Presentation for Public Meeting_032421-2.pdf - pg.42

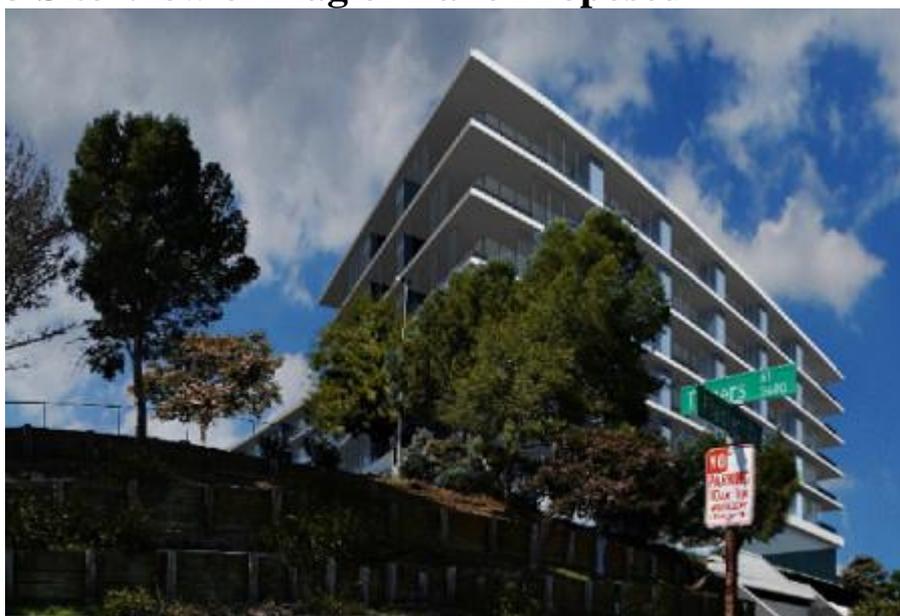
Phase 1 – Construction Noise

Construction Activity	West Terrace Residences adjacent to Flagler AVE (80 feet)		West Terrace Residences adjacent to Flagler Lane (80 feet)		Redondo Beach Residences along Beryl Street to the North (118 ft)		Redondo Beach Residences along North Prospect Avenue (240 ft)		Redondo Beach Residences along Diamond Street (290 ft)		Towers Elementary School to the East (350 feet)		On-site Beach Cities Health Center Memory Care/ Child Care Facilities (200 feet)	
	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}	L _{eq}	30-day avg. L _{eq}
Excavation/ Shoring	85	77	85	79	82	77	75	71	74	69	72	68	72*	69
Foundations	85	77	85	79	82	77	75	71	74	69	72	68	72*	69
Structural	86	78	86	80	83	78	76	70	75	69	73	68	73*	70
External Finishing	87	79	87	80	84	79	76	70	75	69	74	69	74*	70
Demolition	85	77	85	79	82	77	75	71	74	69	72	68	72*	69
Exceeds L _{eq} Threshold of 80 dBA?	Yes		Yes		Yes		No		No		No		No	
Exceeds 30-day avg. L _{eq} Threshold of 75 dBA?		Yes		Yes		Yes		Yes		No		No		No

3.1.12 Site View of Flagler Lane Now



3.1.13 Site View of Flagler Lane Proposed



3.1.14 Site View of Beryl Street Now



3.1.15 Site View of Beryl Street Proposed



3.1.16 Lead Agency Brief

**1. NO VIABLE PROJECT EXISTS FOR THE EIR TO ASSESS;
AND, EVEN IF IT DID, BCHD IS PRECLUDED FROM
PRESENTING AN EIR AS A PURPORTED LEAD AGENCY.**

A. Introduction.

1) Background.

In a March 2021 document called the “Environmental Impact Report for the Beach Cities Health District Healthy Living Campus Master Plan” (herein “EIR”), the Beach Cities Health District (herein “BCHD”) claims to propose a massive development plan (the “Project”). In the

EIR, BCHD asserts that it is the “Lead Agency” under CEQA for the Project.

BCHD errs on two key points.

First, no “Project” actually exists. The undisputed facts demonstrate unequivocally that there is no structure or plan in place to build anything at all, let alone proof in the EIR that there exists an identifiable and stable project.

Second, even if there were a “Project” identified in the EIR, BCHD may not serve as the Lead Agency.

Parenthetically, it is worth noting here that BCHD did not disclose a number of salient facts in the EIR. BCHD must have known that disclosure of all relevant facts would show, on its face, that the CEQA process has been ignored by it, and that the EIR they promulgated is a nullity.

2) *Applicable law.*

Without admitting same, were one to assume that some sort of Project actually existed, the law is clear that BCHD could not serve as the Lead Agency for same. 14 CCR §15051 (b)(1)) provides:

“If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

“(1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.”

3) *Preliminary facts applied to legal analysis.*

Under the law, BCHD may not serve as the Lead Agency for multiple reasons.

First, although no Project now exists, it is undisputed any Project

which may later exist will be private.

Second, under such circumstances where a nongovernmental Project is proposed, a single or limited purpose agency (such as BCHD) is not the proper Lead Agency. Instead, a city (here, Redondo Beach) with general governmental powers serves as Lead Agency.

Third, despite their conclusory, boilerplate statement to the contrary, BCHD has little or no, let alone the “greatest” responsibility for “supervising or approving the project as a whole.” This fact is true on both the practical level (BCHD will have no input into what may later be proposed because they will have no legal ability to supervise or approve any aspect of a Project); and, on the governmental level (BCHD has no apparatus or infrastructure to which would allow them to supervise or approve the necessary elements of any Project)

On the practical level, BCHD intends at some undetermined point to become a minority partner in some undefined venture. As a junior owner, BCHD will totally lose control over the financing, development, and operation of any Project. In short, BCHD will, if and when there actually is a Project, not be able to supervise or approve any part of same.

Shockingly, the EIR does not provide any information whatsoever about the legal entity which will in fact supervise, approve, and control any Project. There is a reason for this. That entity does not currently exist. And, we are not told when the actual party who will supervise, approve, and control any Project will be formed. BCHD is not even sure what form that entity will take. Any of these issues alone are a fatal defect in the EIR. All of them together prove bad faith on BCHD’s part.

On a governmental level, BCHD, as a single or limited purpose agency, has no structure or authority which would allow them to “approve” any aspect of this project at all.

Indeed, as a Health District, BCHD merely provides various services to the community, not massive construction projects. As such BCHD is relegated to the role of a Health “district which will provide a public service or public utility to the project.”

For all these reasons, BCHD cannot act as a Lead Agency.

The only governmental entity which could possibly serve in that role is the City of Redondo Beach, which has the governmental apparatus and structure in place to supervise and approve construction and building. However, merely because the City of Redondo Beach is the only potential legally authorized Lead Agency does not mean they must accept that role. To make a determination, the City of Redondo Beach would need to start the assessment of this Project over from day one.

Thus, to the extent any Project exists at all, which it does not, for a number of reasons BCHD is barred from serving as the Lead Agency on the Project.

The EIR is thus null and void.

B. The Nonexistent “Project” is Envisioned in the Future as a Private, not a Public Development.

1) The “Project” is in fact entirely specious.

Shockingly, there is in fact no Project to assess in this EIR. No Project at all exists because there is no plan for it to move forward and there is no legal entity which currently exists to own or operate any Project.

Yet, in order to justify spending more than double their annual tax revenue on merely considering a Project, BCHD commissioned over the years various “feasibility” studies. Those studies, and subsequent actions, prove the point.

One such “study” was accomplished by one of the few investment banking firms remaining after the Financial Crisis of 2008, the “Cain Brothers”. Their report was dated June 12, 2020 (hereinafter “Cain”), after which it was hurriedly presented to the BCHD Board of Directors on June 17, 2020.

On page 9 of the portion titled “PACE Growth Strategies Next Steps”, Cain recommended that BCHD “...develop a **“business plan with joint-venture governance structure”**”. (Emphasis added)

Nearly a year has passed, and that was not done. But, the story does not end there. On March 12, 2021, Monica Suua, the CFO of BCHD, issued a report to the Finance Committee of BCHD. In that report, the Committee is asked to:

“Please review and consider a potential action item by the Committee to recommend to the District Board to **continue to engage experts (architectural, financial, legal, etc.) and generate more detailed financial information about the Healthy Living Campus (HLC) project. These efforts will also create a legal organizational structure with operator/developer partners** for both PACE (Program for All Inclusive Care for the Elderly) and RCFE (Residential Care for the Elderly) that will assist funding the District’s future programs and services if the project is approved.” (Emphasis Added)

The EIR was issued March 10, 2021. The CFO memo was dated two days later. As of the issuance of the EIR, there was no plan, no entity, no Project. Instead, we are left guessing as to what will be “created” at some undefined point in the future.

As of today, however, BCHD admits that no such “legal organizational structure” is in place. There is no legal entity which can move forward with a “Project”. Thus, no “Project” exists. As such, CEQA has not been complied with, the EIR is not now ripe. The EIR is premature and need be wholly disregarded.

2). Any Eventual “Project” will be privately owned and operated.

The true facts are clear, but those essential, critical facts are missing from the Draft EIR. The Project is a private project, which will be financed with private funds, which will be built and operated by (as shown, some as of now non-existent entity). Whatever and whenever some new and different “legal organizational structure with operator/developer partners” (perhaps an LLC or LLP) is created, as a matter of law, this Project will “be carried out by a nongovernmental person or entity.”

That fact is corroborated by the reality that BCHD has no funds to build this Project. (BCHD does have the power to tax and to issue

bonds, but they have assiduously avoided the public finance route one would typically associate with a public works/construction project. This is yet more evidence that this Project is one which “is to be carried out by a nongovernmental person or entity..”

The Cain report further confirms factually that the “proposed” non-Project “Project” described in the EIR is a private venture.

On page 1 of the “AL / MC Summary”, Cain stated verbatim as follows:

“Background

“Based on local community needs, the Beach Cities Health District (the “District”) is considering the development of an Assisted Living (AL) and Memory Care (MC) facility as part of the redevelopment of its Healthy Living Campus

“To develop/operate/finance the facility, the District will seek a “best of breed” Joint Venture partner

“The District sought confirmation as to what number and mix of AL/MC units will produce acceptable profitability to attract JV interest...” (emphasis added)

If and when it has a legal existence, the “Project” is private. Hence, it is one as defined in 14 CCR §15051 (b)(1) which is one which “is to be carried out by a nongovernmental person or entity.”

C. BCHD is as a Matter of Law is “an agency with a single or limited purpose” Which Will Provide a Public Service to the Project.

The discussion immediately above demonstrates the “project is to be carried out by a nongovernmental person or entity”. Thus, that element of 14 CCR §15051 (b)(1) is established, which triggers the general rule that BCHD, as a single or limited purpose agency, may not serve as the Lead Agency for an EIR under CEQA.

There is no doubt BCHD is a single or limited purpose agency. They tell us that: BCHD is a “California Healthcare District”. (EIR,

Section 1.2. In addition, it is clear that BCHD in its limited purpose as a Health District will instead “...**provide a public service...to the project.**” (14 CCR §15051 (b)(1), emphasis added)

In fact, all BCHD has ever done (as will be further explained below), and all BCHD does is provide, by their own admission, is “... a range of evidence-based health and wellness programs with innovative services...”

Here is how BCHD describes itself, in its own words in the EIR:

“BCHD offers a range of evidence-based health and wellness programs with innovative services and facilities to promote health and well-being and prevent diseases across the lifespan of its service population – from pre-natal and children to families and older adults. Its mission is to enhance community health through partnerships, programs, and services focused on people who live and work in the Beach Cities. In many BCHD services are also available to residents throughout the South Bay. BCHD strives to provide its service population with a center of excellence for intergenerational community health, livability, and well-being (see Section 2.4.1, *BCHD Mission*).” (Emphasis in original. See Section 1.2, page 1A-2 of EIR)

The above is, in its entirety, BCHD’s “factual” statement as to why it is an adequate Lead Agency.

Instead, what we see is telling and direct: BCHD will “provide services” to the private party who “finances, develops, and operates” the Project. In short, it is abundantly clear that BCHD’s only role in the Project is to provide services to the Project **after** completion. All other phases of the project (as specified in its own words); finance, development, and operation, are in private hands to which BCHD will provide services.

As such, BCHD may not serve as the Lead Agency for this EIR.

D. The City of Redondo Beach is the Only Entity Viable as a Lead Agency.

1) *Introduction.*

The general rule of law is that: “The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.” 14 CCR §15051 (b)(1)

Here, that only candidate for Lead Agency on this EIR is Redondo Beach.

2) *Redondo Beach has responsibility for the entire project.*

Under the undisputed facts which are devastating to BCHD’s “power grab” in anointing itself as the Lead Agency, BCHD may not in fact serve as the Lead Agency for the Project.

Instead, under the law, the Lead Agency “... shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.” 14 CCR §15051 (b)(1)

That is not BCHD. As a “special purpose” Health District, BCHD does not have a Municipal Code. Thus, BCHD has no building code; it has no Building Department; it, has no building inspectors. BCHD has no Public Works Department.

BCHD has no City Manager to strategize or coordinate impacts. BCHD has no Police Department, no Fire Department.

BCHD has never marshalled through an EIR. BCHD does not “build” anything; they simply provide the services they described themselves.

Redondo Beach has every element of government listed above. Redondo Beach is an “...agency with general governmental powers, such as a city or county.” Redondo Beach is very familiar with EIRs and public works. Redondo Beach will suffer the Police and Fire Department impacts of any Project.

Every decision on every aspect of this project will need to be made by the City of Redondo Beach. There is no fact, reason, purpose, or law which would allow a deviation from this general rules. Redondo

Beach is “the public agency with the greatest responsibility for supervising or approving the project as a whole”.

Even if BCHD were a proper lead agency, which it is not, the fact they “acted first” in an apparent attempt to usurp the City of Redondo Beach’s role as lead agency, does not avail them.

In *Fudge v. Laguna Beach*, the Court of Appeals of California, Fourth District, Division Three, in a decision filed November 15, 2019, No. G056403, issued an unpublished decision on the issue of which entity was the proper lead Agency between a limited purpose entity and general-purpose governmental entity. Although not precedent, we find language which still provides some illumination. The court noted:

“But under section 15051, subdivision (b)(1), of the Guidelines, **a city or county has precedence over the Coastal Commission, which has the single or limited purpose** of protecting and developing coastal areas under the Coastal Act. Therefore, the City is the lead agency for the Scout Camp project even though it was not the first party to act on the project.” Therefore, **the City is the lead agency for the Scout Camp project even though it was not the first party to act on the project.**” (Emphasis added)

BCHD may not serve as the Lead Agency on this Project. That role is exclusively that, at its discretion, of the City of Redondo Beach.

3) BCHD will have no input into supervising any actual project.

The Cain report is here again dispositive.

From page 3 of the “Observations” portion of the Cain report:

“– Cain Brothers also calculated the estimated internal rate of return both for the project itself as well as for the JV investor on both an 80/20% and 75/25% JV split – actual JV ownership percentages will be negotiated going forward”.

From page 3 of the “AL / MC Project Analysis” portion of the Cain report:

“• Cain Brothers also calculated the estimated internal rate of return both for the project itself as well as for the JV investor on both an 80/20%

and 75/25% JV split

– actual JV ownership percentages will be negotiated going forward”

From page 13 of the “AL / MC Unit Mix, Financing, and Operations Projections Summary” of the Cain report:

“If BCHD is the 25% owner of this facility...”

As a factual, practical, and legal matter, BCHD will, at some undefined point in the future, cease to exist vis a vis the Project. Some “joint venture” will replace BCHD. Thus, BCHD has no control over, input into, or supervisory authority with regard to any Project which may (or may not) at a later point exist.

If and when the new joint venture exists which is the actual proponent of this project, they can seek the City of Redondo Beach’s input into how they should proceed under CEQA.

E. Additional Considerations.

First, BCHD knows it cannot be the Lead Agency. Their failure to disclose critical facts concerning the legal structure (or lack thereof) which may (or may not) own the Project, if it exists at some future date, is telling. BCHD’s failure to disclose the who might finance, develop, and operate at some point a Project had to be for a reason. And, only two come to mind. Either BCHD is so inept that they “did not know” they couldn’t be a Lead Agency or BCHD knew, but concealed relevant facts pertinent to that analysis.

Under either scenario, one cannot condone BCHD’s subterfuge. Their failure to disclose those critical facts discussed above has two impacts.

First, as meticulously detailed, BCHD cannot serve as the Lead Agency.

Second, it seems likely that BCHD’s concealment of facts in their EIR had a purpose of attempting to circumvent the public vote required by Redondo Beach Measure DD.

In that Measure DD addition to the Redondo Beach Municipal

Code, BCHD is specifically named as one of the limited purpose agencies in Redondo Beach which cannot transfer public land to private. Measure DD provides in pertinent part:

“The proposed change in allowable land use would change a public use to a private use. A major change in allowable land use in this category shall include a change of use on (i) land designated for a public use or a public right-of-way; (ii) land designated as a utility right-of-way; (iii) land donated, bequeathed or otherwise granted to the city; (iv) land used or designated for Redondo Beach school property; (v) **land allocated to the Beach Cities Health District;...**” (Emphasis added)

One final point. In section 1.5 of the EIR, “Required approvals”, found on pages 1-5 and 1-6, tellingly, BCHD omits approvals required by City of Torrance, even though BCHD admits the Project is subject to the Torrance General Plan and land use ordinances, but fails to mention them.

While this point will be discussed separately, BCHD’s pattern of omitting salient facts from the EIR is a recurring pattern which is disturbing.

3.1.17 Land Use Brief

April 4, 2021

1. THE EIR’S LAND USE DISCUSSION IS DEFICIENT IN A NUMBER OF WAYS.

A. Introduction.

1) Background.

In a March, 2021 document called the “Environmental Impact Report for the Beach Cities Health District Healthy Living Campus Master Plan” (herein “EIR”), the Beach Cities Health District (herein “BCHD”) claims to propose a massive development plan (the “Project”). In the EIR, under CEQA, BCHD was required to discuss how the Project might be inconsistent with various general and specific Land Use plans.

Certain relevant portions of the City of Torrance General Plan (as well as various Specific Plans) and the General and Specific Plans of the City of Redondo Beach are not only inconsistent with the Project, they prohibit this Project from going forward. The same holds with certain ordinances and rules applicable to the Project promulgated by the cities which are involved.

BCHD must have been aware of these facts because the EIR carefully neglects to engage in any discussion or analysis of the applicable ordinances, as well as certain portions of the General and Specific Plans of both cities. Similarly, the EIR's discussion of other pertinent aspects of those General and Specific Plans and laws and rules are not fully analyzed or discussed. On occasion where discussion found, the EIR analysis is often cursory, inaccurate, and inadequate.

2) *Applicable law.*

In the EIR, BCHD was required by CEQA to discuss, disclose, and provide an analysis of the following:

“The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” (Emphasis added. 14 CCR §15125 (d).)

The EIR was also to provide “A general description of the project’s technical, economic, and environmental characteristics...” (14 CCR §15124 (c))

3) *Summary discussion of facts applied to law.*

The EIR fails to comply with CEQA in a number of ways with regard to this absolute requirement to discuss inconsistencies with land use general and specific -plans, and thus BCHD may not proceed with the Project.

While the EIR purports to address the Torrance General Plan (“TGP”) at length (see, for example, EIR at pages 3.1-25, et. seq.; Table 3.1-3; and, continues to do so with essentially a “cut and paste” “discussion” throughout various sections of the EIR), the EIR wholly and completely ignores crucial parts of the Torrance General Plan (specifically, the Torrance Hillside Overlay Zone “THOZ”).

In addition, the EIR minimizes and fails to adequately discuss others (Local Street Access portions of the General and Specific Plans); and similarly gives short shrift to their “discussion” of Redondo Beach voter approved land use restrictions, commonly known as “Measure DD”.

Even more galling is the narrow view of the CEQA obligation to discuss and analyze the EIR imposes on the TGP. The EIR states in pertinent part: “...the analysis of potential conflicts with the Torrance General Plan **is limited** to the proposed development within the City of Torrance right-of-way.” (Emphasis added, EIR, at page 3.1-64).

The attempt to “limit” discussion is absurd, at best. The Project BCHD proposes consists of several hundred thousand feet of floor space, towering 6 stories which looms more than 100 feet immediately adjacent to the THOZ; and, which project will be accessed by utilizing roads created by construction and shoring *within* the THOZ. (EIR, at pages 2-25 to 2-27, and Figure 2-5 and 2-6).

The established pattern of BCHD in ignoring, artificially minimizing the importance of, or conducting a cursory, dismissive discussion of salient CEQA required and relevant Land Use discussions and analysis of General and Specific Plans which directly limit the Project is neither within the letter or spirit of CEQA.

Hence, the EIR need be rejected.

B. A Discussion of the THOZ is Completely Ignored in the EIR.

1) The Zone is a Crucial and Important Part of the TGP, and Applies to Prevent Construction such is the Project.

The THOZ is part of the TGP, and hence BCHD in their EIR was obliged by law (“shall”) to “...discuss any inconsistencies between the proposed project and applicable general plans, specific plans...” The EIR failed in its obligation.

The Hillside and local coastal “overly” district (sic), with an “R-H” class designation, is such a district; is shown on the appropriate City of Torrance maps; and the EIR itself (in Figure 3.10-2, on page 3.10-7) recognizes that fact.

The “Official Land Use Plan for the City of Torrance” was established to ensure “...orderly planned use of land resources, and to conserve and promote the public health, safety and general welfare...” (Torrance Municipal Code Section 91.1.1, “TMC”) The Division of the TMC “...shall be known as the "Official Land Use Plan" of the City of Torrance...” (TM Code Section 91.1.2)

The Torrance Land use plan is “binding” on: “All governmental bodies, officers, agencies, including, but not limited to the County of Los Angeles, and all officers and agencies thereof...**all special taxing or assessment districts**, including, but not limited to sanitation districts, **hospital districts**, and air pollution control districts.” (Emphasis added. TMC Section 91.1.1 b) 2))

Within the Torrance General Plan, a variety of land use “districts” were created. The Plan’s goal in creating such districts was to make sure development was suitable for the “uses and densities” in those districts **and** to make sure the districts were consistent with “adjacent” areas. (TMC Section 91.3.1)

The purpose section found in TMC Section 91.3.1 a) states:

“It is hereby declared that in the creation by this Article of the respective classes of districts set forth herein, the City Council has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangement of the various uses and densities of population in accordance with a well considered plan for the development of the City, and in relation to established plans in adjoining unincorporated areas of the County of Los Angeles, and in the incorporated areas of adjacent municipalities.”

That purpose section (TMC Section 91.3.1 b)) goes on to state:

“The boundaries of such districts as are shown upon the maps adopted by this Article or amendments thereto, are hereby adopted and approved and the regulations of this Division **governing the use of land and buildings, the height of buildings**, building site areas, the sizes of yards about buildings and other matters as hereinafter set forth, are hereby established and **declared to be in effect upon all land included within the boundaries of each and every district shown upon said maps.**” (Emphasis added)

The districts are established under TMC section 91.3.2, and their

purpose is to “...classify, regulate, construct and segregate the use of land and buildings, to **regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings**, twenty-five (25) classes of districts are hereby established, which said several classes of districts are shown and delineated on that certain **series of maps entitled "City of Torrance - Official Land Use Plan" which are hereby adopted and made a part of this Chapter by this reference:**” (Emphasis added)

2) *Despite Knowing the Project Falls Within the THOZ, the EIR Fails to Discuss the Fatal Inconsistencies between the TGP and the Project.*

BCHD admits that the Project falls within Torrance’s THOZ, the “Hillside Overlay District”. (See EIR, Project Description, at pages 2-17 and 2-18; and, figure 3.10-2, at EIR page 3.10-7)

Indeed, the Project proposes construction on and in the THOZ, including, but not limited to: A curb cut within the THOZ; a driveway traversing and mainly within the THOZ; that grading be accomplished within the THOZ; that construction of retaining walls be accomplished within the THOZ; and, that landscaping be done within the THOZ. (EIR, Introduction, page 1-3)

Conspicuously absent, however, is the CEQA required discussion and analysis in the EIR of the fact that the THOZ land use restrictions prohibit building proposed by the Project.

There can be no dispute about this. BCHD in the EIR proposes substantial construction upon and (presumably) perpetual use of the Flagler Lane land, which is within the THOZ. BCHD is bound by the TGP and the Specific Plan with is the THOZ. They know about it. Yet, they ignore it. They were required to discuss it.

There is good reason BCHD ignores this discussion in its EIR, because it is fatal to their Project. Here are the “planning and design” requirements imposed by the TGP in THOZ, per TMC Section 91.41.6, in their entirety:

“No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and size of the

remodeled or enlarged portions of the building or structure, **have been planned and designed in such a manner as to comply with the following provisions:**

a) The proposed development **will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity;**

b) The development has been **located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity;**

c) The design provides **an orderly and attractive development in harmony with other properties in the vicinity;**

d) **The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;**

e) Granting such application **would not be materially detrimental to the public welfare and to other properties in the vicinity;**

f) The proposed development **will not cause or result in an adverse cumulative impact on other properties in the vicinity.”**
(Emphasis added)

The BCHD project must satisfy all of those criteria. In fact, it impinges on each and every one of them. The failure of the EIR to discuss renders the description of the environment (14 CCR §15124 (c) of the Project and the required analysis of “any inconsistencies” (14 CCR §15125 (d)) between the Project and the TGP wholly inadequate. The EIR is a nullity.

3) *The Inescapable Conclusion is that the EIR Willfully and Deliberately Ignored a CEQA Required Land Use Discussion of The City of Torrance Hillside Zone.*

The HLC Plan (the Project) ignores the THOZ.

C. The Project Proposes to Access Local City of Torrance Streets in Violation of Law and General and Specific Torrance Plans.

The TMC, in Section 92.30.8 (entitled “Access to Local Streets Prohibited”) states in its entirety.

“No vehicular access shall be permitted to a local street from a commercially or industrially zoned through lot which also has frontage on a major or secondary street. In no case shall a commercial or industrial lot be developed in such a manner that traffic from the commercial or industrial uses on it will be channeled onto any residential streets.”

Nothing could be clearer. BCHD proposes by its Project to access Flagler Lane, a “local street” it is barred from accessing based on the nature and scope of the Project.

The EIR engages in a curious discussion of 92.30.8. (See EIR, page 3.10-43). In that section, they muse about “rubbish” and “signs” (language not included within that section). The EIR notes that there is a “potential conflict” between the Project and Torrance’s “Local Access” restriction.

Yet, BCHD ignores the actual language of 92.30.8 and somehow concludes there is “no significant impact”. What BCHD ignores is that the ordinance advances a land use objective of the TGP (which they do not discuss), and that the law prevents the Project from moving forward. Their tortured reading of the plain language of the ordinance defies credulity.

Further, as noted above, the EIR “parses” the impacts, and fails to consider the overall impact of the Project and the applicable rules.

Finally, the EIR in the “Required Approvals” discussion (EIR, at pages 1-5 and 1-6) omits a discussion of 92.30.8. This section would need to be **repealed** by the Torrance City Council. The EIR discussion that the project merely needs “City Engineer” approval of Torrance (the 8th “bullet” point, at EIR page 1-5) is disingenuous at best and most likely deliberately false and misleading

D. The EIR’s Perfunctory Discussion of City of Redondo Beach’s Measure DD, Which Requires the Public Vote on the Project, is False and Misleading.

It is undisputed that the Project will result in the de facto or de jure transfer of public land owned by BCHD to a private venture. It is equally undisputed that the EIR carefully concealed this crucial fact.

The reason for the failure of BCHD in its EIR to discuss the “public to private” transfer of the Project is such a move would require a public vote, per the land use restriction which is commonly known as Redondo Beach Measure DD.

Because the EIR is required to discuss and conduct an analysis of “any inconsistencies” (14 CCR §15125 (d)) between the Project and general or specific plans, such as Measure DD, the EIR is defective.

Measure DD was approved by Redondo Beach voters in 2008, and is codified as part of the municipal codes entitled “Article XXVII. Major Changes in Allowable Land Use”.

BCHD knows of the existence of Measure DD and its necessity for a vote (EIR, at pages 5-11 and 5-29). BCHD wants to avoid a vote. Thus, the EIR simply ignores a discussion of Measure DD in any substantive sense.

That Measure DD requires a vote of all Redondo Beach residents on whether the Project in any form can move forward is unambiguous.

Section 27.4 (a) of Measure DD states in relevant part: “Each **major change** in allowable land use **shall** be put to a **vote of the People...**” (Emphasis added).

Section 27.2 of Measure DD contains extensive definitions to guide our analysis. Below are quoted the verbatim definitions from that voter approved measure which are pertinent here:

“(f) “Major Change in Allowable Land Use” means any proposed amendment proposed amendment, change, or replacement of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City’s zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) meeting any one or more of the following conditions:

(g) “Peak Hour Trips” means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of

Transportation Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change.

(1) The proposed change in allowable land use would significantly increase traffic, density or intensity of use above the as built condition in the neighborhood where the major change is proposed.

(2) The proposed change in **allowable land use would change a public use to a private use**. A major change in allowable land use in this category shall include a change of use on (i) land designated for a public use or a public right-of-way; (ii) land designated as utility right-of-way; (iii) land donated, bequeathed or otherwise granted to the City; (iv) land used or designated for Redondo Beach school property; (v) **land allocated to the Beach Cities Health District**; (vi) land owned, controlled or managed by the City, including all land and water within the City's Harbor Enterprise; (vii) the beaches, as defined in subdivision (a)(4) of Section 10-5.2204 of the Redondo Beach Municipal Code; and (viii) the tidelands and all other public trust lands, as defined in subdivision (a)(139) of Section 10-5.402 of the Redondo Beach Municipal Code." (Emphasis added)

Simply put: BCHD wholly ignores that what it proposes to do with its Project ("public use to private use") is specifically within Measure DD. Note that "land allocated to the Beach Cities Health District" is particularly and clearly mentioned and encompassed within Measure DD.

BCHD claims only a "zoning change" (EIR, at pages 5-11 and 5-29) falls within Measure DD. BCHD errs in four key areas. First, as noted above, any "major change" in use requires a vote of the people. A "public to private" change in use specifically is included; and, to top it off, BCHD is specifically named as falling within this Measure DD provision. The Project may not proceed without a vote.

Second, a zoning change is not the only thing which triggers a DD vote. A "major change" in land use does; and BCHD's "public to private" goal of the Project is specifically identified in DD as a defined major change.

Third, the Project is so out of line with the laws and ordinances of Redondo Beach and Torrance, is so inconsistent with the TGP, the

Redondo Beach general plan, and the specific plans of both (including Measure DD), that without a zoning change, the Project cannot proceed.

Fourth, and finally, the EIR is unequivocal that a Conditional Use Permit (“CUP”) will be needed from the City of Redondo Beach for the proposed Project to proceed. Given the overwhelming variance between the Project and the laws and ordinances of Redondo Beach and Torrance; the inconsistency of the Project with the TGP as demonstrated above, and with the Redondo Beach general plan, and the specific plans of both (including Measure DD), any application of BCHD for a CUP would be a “de facto” request for a zoning change.

One final note: BCHD’s choice to not disclose in the EIR salient, critically important facts; to omit required land use discussions; and, to attempt to mislead readers of the EIR renders the Project “unstable”.

In short, we can’t tell from the EIR exactly what BCHD will need to do in terms of land use applications for zoning changes, CUPs, permits from various entities, with any accuracy or clarity. The Project is so ill defined, so malleable, so unstable, that in essence the EIR is a work of fiction.

The scope of the Project and its impacts remain undefined in the EIR. That is not acceptable in any practical or legal sense.

E. Conclusion.

A proposed Project which presents an EIR which does not comply with CEQA’s requirements is not valid. The Project cannot be fairly considered based on the EIR document presented; and thus, must be rejected.

3.1.18 Views of a BCHD Community Working Group Member

Since late 2017 the BCHD has been promoting its Healthy Living Campus as a "Community Health Need" for our elder Beach City seniors. In the many info flyers from BCHD's own marketing department, BCHD sponsored newspaper articles, and BCHD public forums, we have been warned about the "tidal wave" of elder residents within our community and the serious lack of residential care facilities within the Beach Cities. Our elder residents who will no longer be able to live independently in their own homes will have nowhere in their own community to go. "Facilities

within a 10-mile radius of our three cities are filled to capacity".

According to BCHD, the lack of residential elder care facilities in our area is a health need for our residents. The lack of this type of housing is forcing older adults to leave their community, family, and friends. This causes many health and emotional issues and exacerbates any existing health issues. The connection between lack of housing and the health of our community is the message BCHD is making very clear to us. And within its same messaging, BCHD's Healthy Living Campus is our community's answer to this problem.

The BCHD has gone out of its way to assure us the HLC has been planned and designed for our "at need" seniors. The HLC starts where the long-closed Beach Cities Hospital left off, as a community health care facility for the residents of Redondo, Hermosa and Manhattan Beaches.

It is not.

The residential care facility for the elderly (RCFE), which is the core of the HLC is nothing more than a profit driven, private development, in the same manner as the Sunrise and Kensington facilities. It is to be managed and operated by a third party, independent company, except it is being built on our community public property with our tax dollars. It is not being built for our general Beach City senior citizens. Residency in the Beach Cities is not even a criterion for admission.

Instead, it is for very affluent seniors from anywhere, who can afford the estimated \$12,500 per month (\$150,000 annual) base cost. When pressed if there would be any concession for BC residents of limited financial means, BCHD's director Bakaly offered that a 10% discount (\$11,250/month) perhaps might be considered.

There is in fact nothing in the HLC's plans or marketing study (there is no business plan) nor direction from BCHD's Board of Directors that give any preference to Beach Cities residents. Residents who are financially strapped are not even considered. In other words, only if you have the money, its first come, first served.

So, this massive, intrusive, and very expensive to build project (not to mention the many environmental and health issues from demolition and construction) isn't directly for our communities nor residents at all!

If it's not for us, why build it?

A member of the audience (whose background is the elder care business) attending a BCHD Board Meeting had the answer: "For the money".

Even with the reduced 220 units, the RCFE would generate around \$33,000,000 in annual base revenue (\$150,000/year x 220 units)! That number increases significantly with double occupancy and additional service costs. That why!

Why didn't BCHD come out and explain this from the beginning (actually, they still haven't done this)?

Because the BCHD senior management and Board of Directors very well knew they would never get the overall approval from the Beach Cities voters if the true nature of the RCFE were known.

"Selling" the true purpose of the RCFE would be most difficult unless it could be disguised or "tweaked" into a "Community Need for Our Seniors Residents".

Including studies, statistics and the detrimental effects faced by the elderly without adequate housing "within their community" also helped misdirect and mislead the public's impression that this was a "community driven" Beach Cities Elder Care Facility and hide the fact it is a "commercial development and enterprise".

The other "community" features highlighted in BCHD's promotional campaign for the HLC are the "Community Wellness Pavilion", Center for Health and Fitness and recently added, "Aquatics Center".

These are secondary in terms of importance to the RCFE and are planned in the "second phase" of construction (but actual construction of phase 2 was not confirmed by BCHD).

BCHD's Bakaly could not provide any details for the Aquatics Center (size, occupancy, for adults or children) but it's out there as something the public asked for.

The open green space area and walking paths were actually a design feature for the RCFE before the CWG suggested it also be for the community's use. The green space and paths allowed BCHD to declare

its RCFE was more advanced and innovative over the traditional elder care home, usually surrounded by blacktop parking. There was no mention with regards to any advanced or innovative level of care of the BCHD facility.

During the "community input" phase of the project, BCHD solicited ideas, suggestions, comments and criticisms from the Community Working Group. I and a neighbor joined the group a few months after it was organized. The first design rendition eliminated the green zone buffer area between our Diamond Street homes and the hospital buildings and replaced it with a huge multi storied parking structure. Our street would also be turned into the HLC's primary service road to the back of the campus. We would also lose our direct access to Prospect Blvd. Pedestrian traffic, mostly school children, walking from Flagler Ave along the Flagler/Diamond St. alley would also be sharing the road with the HLC service trucks and employee vehicles.

We had hoped we could get BCHD to make design changes so this wouldn't happen. While BCHD listened to our concerns, this flawed design stayed much the same until the campus was completely redesigned because of other reasons (BCHD claims seismic problems with the 514 building but its own commissioned seismic engineers don't back this up).

My neighbor and I truly felt the CWG really served as a public group only to support the "mission" of HLC. Never was the true purpose of the RCFE brought up during our time with the CWG. Members who joined at the beginning did say the commercial nature of the facility was revealed, yet there was no reference to this from the time we joined.

Usually, we were given the latest updates for the project and BCHD asked if these were acceptable by the group. The positive "community" responses were noted in the CWG reports.

We saw some public surveys produced by BCHD and I noted to the group that the surveys were written to get positive responses and not get the true opinion of the person taking the survey. I found them to be very unprofessional if not deliberately contrived to get the responses desired by BCHD..

This "manipulation" continues today with the introduction of the DIER. Very few of the Beach City residents know that the EIR was commissioned by the BCHD using BCHD contractors. More so, they

don't know that the BCHD is the official body to review and approve its own EIR!

The BCHD Management and Board of Directors are totally unconcerned with regards to the residents needs or health or "Blue Zone" living standards as long as they get their "Healthy" Living Elder Care Factory built.

The champaign promoting the RCFE and HLC is a carefully orchestrated marketing ploy that is nothing more than a means to either fool the public or lull them into a state of unresponsiveness by hiding the facts in plain sight.

The fact that neighbors of the HLC have secured over 1000 signature to protest its construction has done nothing to slow down this project. In reality, it has sped up BCHD's desire to get the EIR rubber stamped and approved before the rest of the community wakes up to the reality of this self-serving project.

3.1.19 Email from BCHD to Torrance

Paul Murdoch
Finton Steve

Ted semaan; Jacaeline sun; eslie Dickey; ed Alnuæa; Tom Bakaly;
Bilezerian. CraiQ; Santana. Danny

Michael Kennedy; Ben Hidalgo

Subject: F,v: BCHD Bike Path
Date: Wednesday, January 27, 2021 7:44:34 PM
Attachments: BCHD Bike Path - Flagler SB Closure.pdf
BCHD Bike Path Option 4 - Torrance.pdf

Wednesday, January 27, 2021

Steve

Attached are the two latest concepts as a result of our call last week. Each assumes no curbside parking on the east side of Flagler Lane.

The drawing labeled "Option 4 Torrance" shows the preferred option we presented last week but with the pre-cast curb sections removed to be just striping buffer, per Craig's direction. Note that this officially changes the bikeway classification for Flagler to Class II, albeit a Class I I "plus" since we do have some form of buffer. This should still be okay for meeting the Metro grant requirements.

The "Flagler SB Closure Option" closes the southbound roadway and adjusts the striping at the Beryl/Flagler intersection to not conflict with the new traffic scheme. The location of the planters is about where we'd expect Torrance to install either construction barriers or planters during the trial stage. We left the SB roadway undefined given the fluid nature of the situation, but we imagine that if this is a long term thing, filling in that space to sidewalk level and providing bike and ped pathways would be best.

Thanks,

Paul Murdoch President, AIA, LEED AP

3.1.20 LAMTA Quarterly Progress Report - Itemized Expenses

LACMTA FA MEASURE M ATTACHMENT D-2 QUARTERLY PROGRESS/EXPENDITURE REPORT

Grantee To Complete	
Invoice #	BCHD6050-81
Invoice Date	28-Jul-20
FA#	9200000000M460201
Quarterly Repor FY 19-20 Q4	

GRANTEES ARE REQUESTED TO EMAIL THIS REPORT TO
ACCOUNTSPAYABLE@METRO.NET

or submit by mail to:
 Los Angeles County Metropolitan Transportation Authority
 Accounts Payable
 P. O. Box 512296
 Los Angeles, California 90051-0296

Please note that letters or other forms of documentation may **not** be substituted for this form. Refer to the Reporting and Expenditure Guidelines (Attachment D) for further information.

SECTION 1: QUARTERLY EXPENSE REPORT

Please itemize grant-related charges for this Quarter on Page 5 of this report and **include totals in this Section.**

LACMTA Measure M MSP Grant \$	
Project Quarter Expenditure	
This Quarter Expenditure	\$22,905.53
Retention Amount	\$1,145.28
Net Invoice Amount (Less Retention)	\$21,760.25
Project-to-Date Expenditure	
Funds Expended to Date (Include this Quarter)	\$29,514.00
Total Project Budget	\$1,833,877
% of Project Budget Expended to Date	1.61%
Balance Remaining	\$1,804,363.00

PROJECT TITLE: Diamond St to Flagler Lane Bicycle Lane

FA #: 9200000000M460201

QUARTERLY REPORT SUBMITTED FOR:

Fiscal Year : 2018-19 2019-20 2020-21
 2021-22 2022-23 2023-24

Quarter : Q1: Jul - Sep Q2: Oct - Dec
 Q3: Jan - Mar Q4: Apr - Jun

DATE SUBMITTED: 7/29/2020

Measure M Multi-Year Subregional Program Type: Transportation System & Mobility Improvement Program

LACMTA Project Manager	Name:	Annie Chou
	Phone Number:	213.418.3453
	E-mail:	choua@metro.net

Grantee Contact / Project Manager	Contact Name:	Jacqueline Sun, MPH
	Job Title:	Senior Policy Analyst
	Department:	
	City / Agency:	Beach Cities Health District
	Mailing Address:	1200 Del Amo Street, Redondo Beach CA 90277
	Phone Number:	310.374.3426 x266
	E-mail:	Jacqueline.Sun@bchd.org

SECTION 3 : QUARTERLY PROGRESS REPORT
1. DELIVERABLES & MILESTONES

List all deliverables and milestones as stated in the FA, with start and end dates. Calculate the total project duration. **DO NOT CHANGE THE ORIGINAL FA MILESTONE START AND END DATES SHOWN IN THE 2ND AND 3RD COLUMNS BELOW.**

Grantees must make every effort to accurately portray milestone dates in the original FA Scope of Work, since this will provide the basis for calculating any project delay. If milestone start and/or end dates change from those stated in the Original FA Scope of Work, indicate the new dates under Actual Schedule below and re-calculate the project duration. However, this does not change the original milestones in your FA. PER YOUR FA AGREEMENT, ANY CHANGES TO THE

FA Milestones	Original FA Schedule in Scope of Work		Actual Schedule	
	Start Date	End Date	Start Date	End Date
Environmental				
Design	3/1/2020	12/30/2020	3/1/2020	12/30/2020
Right-of-Way Acquisition				
Construction	6/1/2021	3/30/2022	6/1/2021	3/30/2022
Vehicle Purchase				
Others				
Ground Breaking Event				
Ribbon Cutting Event				
Total Project Duration (Months)		25		25

2. PROJECT COMPLETION

A. Based on the comparison of the original and actual project milestone schedules above, project is (select only one) :

- On schedule per original FA schedule
 Less than 12 months behind original schedule
 Between 12-24 months behind original schedule
 More than 24 months behind original schedule

B. Was the project design started within 6 months of the date originally stated in the FA?

- Yes
 No
 Not Applicable

C. Was a construction contract or capital purchase executed within 9 months after completion of design / specifications?

- Yes
 No
 Not Applicable

3. TASKS / MILESTONES ACCOMPLISHED

List tasks or milestones accomplished and progress made this quarter.

Consultants started design work on the project and schematic design documents are 90% complete

4. PROJECT DELAY

If project is delayed, describe reasons for delay (this quarter). Pay particular attention to schedule delays. If delay is for the same reason as mentioned in previous quarters, please indicate by writing "Same as Previous Quarter".

Project is not delayed.

5. ACTION ITEMS TO RESOLVE DELAY

If the project is delayed (as described in #4), include action items that have been, or will be, undertaken to resolve the delay.

N/A

12.06.19

4

Measure M Funding Agreement - MSP
Attachment D-2 Quarterly Progress/Expenditure Report

SECTION 4. ITEMIZED LISTING OF EXPENSES AND CHARGES THIS QUARTER

All expenses and charges must be itemized and listed below. Each item listed must be verifiable by an invoice and/or other proper documentation. The total amounts shown here must be equal to this quarter's expenditures listed on page 1 of this report. All expenses and charges must be reflective of the approved budget and rates as shown in the FA Attachment B, Scope of Work. Use additional pages if needed.

ITEM	INVOICE #	TOTAL EXPENSES CHARGED TO LACMTA MEASURE M GRANT
1 Design - Project Management	Timesheet Cost	\$2,475.72
2 Administration - Project Management	Timesheet Cost	\$1,113.37
3 Design - Paul Murdoch Architects	Invoice 01	\$4,500
4 Design - Paul Murdoch Architects	Invoice 02	\$13,066.44
5 Design - Ed Almanza & Associates	11	\$787.50
6 Design - Ed Almanza & Associates	10	\$962.50
7		
8		
9		
10		
11		
12		
13		
TOTAL		\$22,905.53

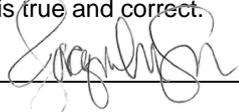
Note:

All receipts, invoices, and time sheets, attached and included with this Expense Report must be listed and shown under the Invoice Number column of the Itemized Listing (above).

Invoice Payment Information:

LACMTA will make all disbursements electronically unless an exception is requested in writing.
 ACH Payments require that you complete an ACH Request Form and fax it to Accounts Payable at 213-922-6107.
 ACH Request Forms can be found at www.metro.net/callforprojects.
 Written exception requests for Check Payments should be completed and faxed to Accounts Payable at 213-922-6107.

I certify that I am the responsible Project Manager or fiscal officer and representative of Beach Cities Health District and that to the best of my knowledge and belief the information stated in this report is true and correct.



Signature

7/29/2020

Date

Jacqueline Sun

Name

Senior Policy Analyst

Title

3.1.21 Premature Approval Legal Brief

**BCHD's UNWAVERING COMMITMENT TO THE PROJECT
 IRREVOCABLY TAINTS THE EIR, RENDERING IT INVALID.**

A. Introduction.

1) *Background.*

In a March, 2021 document called the “Environmental Impact Report for the Beach Cities Health District Healthy Living Campus Master Plan” (herein “EIR”), the Beach Cities Health District (herein “BCHD”) claims to propose a massive development plan (the “Project”).

An EIR, under CEQA, is meant to be an objective, factual report on impacts which a proposed project would have on the environment. Therefore, an agency, such as BCHD is prohibited from “approving” the Project before the EIR process established by CEQA is complete. Here, however, from a time even before the release of the EIR, BCHD has, under the law, improperly “approved” the Project.

There are certain actions which can be taken by an agency (such as BCHD) which have been identified as evidencing an improper, premature Project “approval”. Some actions identified in the law which show Project “approval” can include: Favoring a project, defending a project against opposition, devoting extensive public resources to it, as well as others.

BCHD has taken a number of actions which evidence their “approval” of the Project in a premature and invalid fashion. Thus, the EIR need be withdrawn, or at a minimum recirculated.

2) *Applicable law.*

In *Save Tara v. City of West Hollywood, etc., et. al.*, 45 Cal.4th 116 (2008), the California Supreme Court interpreted the rules and regulations under which an agency, such as BCHD, can be deemed to have “approved” a project prematurely. Such “approval” violates the letter and spirit of the CEQA review process.

The Court in *Save Tara*, supra, discussed the rules regarding the analogous situation of improper early “approval” of private developments (which in fact the BCHD Project is). The actions taken by BCHD both on its own and as the stalking horse for a private developer demonstrate that BCHD, even before the release of the EIR, has in fact “approved” the Project. In doing so, they have acted in a wholly improper and illegal manner.

The *Save Tara* Court found that:

“When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending it over objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project's final approval.” (45 Cal.4th 116, at 135)

Later, the Court continued:

“Second, the analysis should consider the extent to which the record shows that the agency or its staff have committed significant resources to shaping the

project. If, as a practical matter, the agency has foreclosed any meaningful options to going forward with the project, then for purposes of CEQA the agency has 'approved' the project." (*Id.* at p. 71.)" (45 Cal.4th 116, at 139)

The definition of "approval" is found in 14 CCR §15352, which states:

"(a) "Approval" means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

"(b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project."

Finally, in an EIR, the Project objectives must be stated. 14 CCR §15124 (b) provides:

"A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits."

3) *Summary discussion of facts applied to law.*

The purpose of the Project is found in the "Project Objectives discussion in the EIR at page 2-24. There it is stated:

"Based on these Project Pillars, BCHD developed six Project Objectives:

"□ *Eliminate seismic safety* and other hazards of the former South Bay Hospital Building (514 North Prospect Avenue).

"□ Generate sufficient *revenue* through mission-derived services to replace revenues that will be lost from discontinued use of the former South Bay Hospital Building and support the current level of programs and services.

"□ Provide sufficient public open space to accommodate programs that meet community health needs.

"□ Address the growing need for assisted living with on-site facilities designed to be integrated with the broader community through intergenerational programs and shared gathering spaces.

"□ Redevelop the Project site to create a modern campus with public open space and facilities designed to meet the future health needs of residents, with meeting

spaces for public gatherings and interactive education.

“□ Generate sufficient *revenue* through mission-derived services and facilities to address growing future community health needs.

“The underlying purpose of the proposed BCHD Healthy Living Campus Master Plan is to *solve the current seismic issues* associated with the former South Bay Hospital Building and establish a center of excellence for community health. Implementation of the proposed Project is intended to meet the six objectives described above and therefore achieve the underlying purpose of the proposed Project.” (Emphasis added)

The first two objectives are about money. In fact, each and every Project objective relates, directly or indirectly, to generating revenue. Indeed, this is consistent with BCHD’s early Project “approval.” Years of BCHD board and committee meetings focus on the Project as a cash cow. While in the abstract, taking steps to raise revenue is not untoward, BCHD has made clear that the “only” way to do so is this Project. BCHD exudes a “this Project or bust” mentality.

With such a singular focus, BCHD is not open to any suggestions other than “we want this Project”. In fact, the Board directed staff to find a way to bring in revenues other than using those powers agencies such as have. BCHD has eschewed using their power to tax or to borrow. Further, with a payroll nearly double their tax revenue, BCHD could cut costs. There are many options BCHD has to accomplish their objectives, but their laser like focus on this Project has long since reached the level of “approval”. Below is a more detailed factual analysis which confirms the conclusion that BCHD has “approved” the Project, even in advance of the release of the EIR.

B. BCHD, the Lead Agency, Has Improperly Approved the Project Before Even Issuing the EIR. The Project May Not Proceed Under the Law.

1) BCHD Defends the Project Over Extensive Opposition.

The opposition to the Project is rational, has substantial public support, and is long standing. When faced with opposition to the Project, BCHD has done everything it can to ignore, minimize, and denigrate those who are against it.

As an example, take the 2020 election for the BCHD board of directors. During the election campaign, candidate Martha Koo, M.D. took a published, public position stating her opposition to the Project moving so fast, and asserting that the Project needed further assessment and public input before moving forward. Dr. Koo was (easily) the lead vote getter in that 2020 election. An incumbent candidate who publicly and vigorously supported the Project was defeated.

2) BCHD Marginalizes Board Members Who Oppose the Project.

The Board Chair has publicly stated that BCHD is “different” than other agencies, and that BCHD “likes” unanimous board votes. Leading vote getter Dr.

Koo has consistently voted in the minority to slow the project down. For example, Dr. Koo has voted against expenditures (and other items) which have come before the Board which are designed to advance the “fast tracked” Project.

The result? Dr. Koo has been ostracized (she is prohibited from speaking with anyone except the CEO about the Project, including her fellow board member), marginalized, and publicly chastised.

3) BCHD Shows Every Inclination to Favor the Project.

The above demonstrates amply that BCHD favors “their” Project, this Project, and no other option, including no Project.

The handling of the issue of the required re-abandonment of the “Oil Well” on the Project premises demonstrates and amply reinforces this conclusion.

While the “Oil Well” issue is discussed in separate public comments (which comments are incorporated herein by this reference as if set forth in full), they bear summarizing here.

Where there is an Oil Well on site which has not been located, and which is required by law to be re-abandoned, no project, including this Project, cannot be fairly evaluated. The design and placement of the building structure necessitates knowing about the Oil Well’s location. BCHD knew the Oil Well was an issue; the record is clear on that point. Yet, BCHD choose to delay until **after** the EIR was released studying the Oil Well issue in detail. Thus, decision makers and the public cannot determine from the EIR what will be built where and how.

To make matters worse, the EIR promulgated deliberately misleading information about the Oil Well.

Why would BCHD prematurely release a deceptive EIR if not for their bias in favor of this exact Project?

4) BCHD Has Poured Absurd Levels of Resources into This Project.

If one is left with any doubt about whether BCHD has “committed significant resources to shaping the project”; or, whether BCHD is committed to a “definite course of action in regard to a project; or, whether BCHD “as a practical matter... foreclosed any meaningful options to going forward with the project...”, consider these facts.

Per their Fiscal Year 2019-2020 audited financial statement (the latest available), which contains figures current as of June, 2020, BCHD has actually spent on the Project of \$4,182,284. (The total budget for the Project is \$7,550,000).

Note that the \$4,182,284 spent and the total of \$7,550,000 to be spent on the Project is for the CEQA/EIR process only. The Project itself will cost to build

more than one third of a *billion dollars*.

To give us some context, the BCHD audited financials tell us that their property tax revenue for FY 2019-2020 was \$3,930,505.

That means BCHD has spent 106.41% of its FY 2019-2020 prop tax revenue on the Project to date. (Calculated \$4,182,284 spent on the Project, divided by the \$3,930,505 in tax receipts).

What do we see for that money spent? An incomplete, premature, and misleading EIR.

And, BCHD plans to spend 192.09% of its FY 2019-2020 prop tax revenue in total to complete the CEQA EIR process. (Calculated \$7,550,000 proposed to spend on the EIR for the Project, divided by \$3,930,505 tax receipts).

Placed in the most pointed of contexts, what BCHD has actually expended to date is like State of California spending more than \$217,935,120,000 (FY 2019-2020 budget for California was \$204,807,000,000) on an EIR process.

And, what BCHD proposes to spend is the same as State of California budgeting \$393,413,760,000 for an EIR process only. (Again, based on FY 2019-2020 budget of \$204,807,000,000)

Bringing it closer to home, what BCHD has spent to date is the same as the City of Redondo Beach actually spending \$136,962,290 for what is only the first part of a (defective) EIR. (Using Redondo Beach's FY 2019-2020 budget of \$128,711,862 for the calculation)

Finally, what BCHD proposes to spend on the CEQA/EIR process alone is equivalent to the City of Redondo Beach allocating \$247,242,610 so far on an EIR process for a project with not a single bit of construction. (Using Redondo Beach FY 2019-2020 budget of \$128,711,862 for the comparison).

5) We Can See that BCHD Will Not be Deterred from This Project.

With all of the evidence, including “breaking the bank” on this Project, is there any doubt that BCHD is fully, desperately, and irrevocably committed to this Project?

How could BCHD possibly be open to any other alternatives than this Project?

The only reasonable conclusion is that BCHD has “approved” this Project in advance. The EIR is invalid.

3.1.22 AES Power Station Letter



Live Well. Health Matters.

May 6, 2020

Chairman E. Joaquin Esquivel and Board Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Opposition to the Extension of AES Redondo Beach Operations beyond its Scheduled Retirement Date of December 31, 2020.

Dear Chairman Esquivel and members of the Board:

Beach Cities Health District (BCHD) is a preventive health agency serving the residents of Hermosa Beach, Manhattan Beach and Redondo Beach. On behalf of the BCHD Board of Directors, I am writing in opposition to the proposed extension of the AES Redondo Beach power plant beyond its scheduled retirement date of December 31, 2020 given the continued health impacts associated with its operation.

BCHD supported Redondo Beach's grant request to the California Natural Resources Agency through Prop 68 for wetlands restoration and creation of open and green spaces on the AES Redondo Beach site. Additional park and open space will greatly enhance the quality of life and contribute to enhanced physical and social-emotional health outcomes. Along with the rest of the community, we look forward to the having the power plant decommissioned, remediated and transformed into open and green spaces as quickly as possible.

We appreciate your consideration to not extend the current compliance date that requires power plants like AES Redondo Beach to cease operations by December 31, 2020.

Respectfully,

Michelle Bholat, M.D.
Board President
Beach Cities Health District

1200 Del Amo Street, Redondo Beach, CA 90277
Phone: (310) 374-3426 • Fax: (310) 376-4738 • www.bchd.org

3.1.23 View of BCHD from Sunnyglen Park



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2.8.1	3.2.118	https://seniorhousingnews.com/2020/10/15/senior-housing-occupancy-falls-to-another-record-low-in-q3/	
2.8.1	3.2.119	https://homehealthcarenews.com/2020/07/biden-announces-775b-plan-to-boost-the-caregiver-economy-support-in-home-care-providers/	
2.3.2	3.2.120	http://usa.chinadaily.com.cn/china/2013-10/28/content_17061997.htm	
2.3.2	3.2.121	http://iee-sf.com/expert-witness-services/index.html	
2.15.2	3.2.122	https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf	
2.15.2	3.2.123	http://www.greenrooftechnology.com/green-roof-blog/reflecting-surfaces-an-environmental-nightmare	
2.5.4	3.2.124	https://www.bchd.org/committee-meetings	Select Strategic Planning Committee 2021 , then January 13, 2021, then Presentation. Look in Downloads and go to pg. 11
2.5.4	3.2.125	https://www.dailybreeze.com/2021/04/20/public-review-begins-for-manhattan-beachs-first-senior-living-facility/	
2.15.2	3.2.126	https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf	
2.3.5	3.2.127	https://caselaw.findlaw.com/ca-supreme-court/1867838.html	
2.3.5	3.2.128	https://www.latimes.com/opinion/story/2021-04-22/biden-carbon-goal-climate-change-summit	
2.3.5	3.2.129	https://energyinnovation.org/	
2.3.5	3.2.130	https://theclimatocenter.org/	
2.3.5	3.2.131	https://ballardking.com/firm-profile/	
2.3.5	3.2.132	https://www.nsga.org/research/nsga-research-offerings	
2.3.5	3.2.133	https://www.nsga.org/globalassets/products/product-images/single-sport-participation-2017-edition---example.pdf	
2.4.4	3.2.134	reserved	
2.4.4	3.2.135	http://lalafco.org/wp-content/uploads/documents/msr/South%20Bay%20Final%20MSR.pdf	
2.4.4	3.2.136	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB2698	
2.9.1	3.2.137	https://www.cancer.org/cancer/cancer-causes/diesel-exhaust-and-cancer.html	
2.4.3	3.2.138	https://digitalcommons.law.ggu.edu/do/search/?q=ceqa%20design%20build&start=0&context=1436324&facet=	Select Volume 2, Issue 2, Article 2

Sec #	Ref #	Reference Link	Note
2.4.3	3.2.139	https://www.bchd.org/board-directors-meetings	Select 2021/4/28 and then Agenda for download. Go to page 60
2.5.5	3.2.140	https://votersedge.org/ca/en/election/2020-11-03/alameda-county/washington-township-health-care-district/measure/measure-xx].	
	3.2.141	reserved	
2.5.5	3.2.142	https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/900306/1._BOD_Memo_-_Cain_Brothers_RCFE_Partner_Selection_042321.pdf	
2.2.2	3.2.143	https://www.bchdcampus.org/sites/default/files/archive-files/December-2019-Presentation_CWG.pdf	Look in download folder
2.12.2	3.2.144	https://www.ncbi.nlm.nih.gov/books/NBK232733/	
2.12.2	3.2.145	https://psc.wi.gov/Documents/Brochures/Impacts%20of%20Substations.pdf	
2.7.4	3.2.146	https://www.bchdcampus.org/campus	
2.7.4	3.2.147	https://bchd.granicus.com/player/clip/427?view_id=2&redirect=true	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.148	https://www.bchd.org/docs/financial/BCHD-Budget-2010-2011.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.149	https://www.bchd.org/docs/financial/BCHD-Budget-2011-2012.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.150	https://www.bchd.org/docs/financial/BCHD-Budget-2012-2013.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.151	https://www.bchd.org/docs/financial/BCHD-Budget-2013-2014.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.152	https://www.bchd.org/docs/financial/BCHD-Budget-2014-2015.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.153	https://www.bchd.org/docs/financial/BCHD-Budget-2015-2016.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.154	https://www.bchd.org/docs/financial/BCHD-Budget-2016-2017.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.154	https://www.bchd.org/docs/bchd/FY17-18BCHDBudget.pdf	Go to the Budget Page Number listed in the text for each year.

Sec #	Ref #	Reference Link	Note
2.7.3	3.2.155	https://www.bchdfiles.com/docs/bchd/finance/BCHD_FY18-19_Budget-FINAL2.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.156	https://www.bchdfiles.com/docs/bchd/finance/BCHD%20FY19-20%20BUDGET.pdf	Go to the Budget Page Number listed in the text for each year.
2.7.3	3.2.157	https://www.bchdfiles.com/docs/bchd/finance/BCHD%20FY20-21%20Budget%20Final_links2.pdf	Go to the Budget Page Number listed in the text for each year.
2.17.1	3.2.158	AB 52 and Tribal Cultural Resources in CEQA (ca.gov)	
2.17.1	3.2.159	Kizh Nation (gabrielenoindians.net)	
2.17.1	3.2.160	SB-18 Traditional tribal cultural places. (ca.gov)	