

Martinez, Oscar

From: Harbaugh, Arianne on behalf of City Clerk
Sent: Friday, May 28, 2021 7:38 AM
To: Martinez, Oscar
Subject: FW: Public Comments to BCHD DEIR

From: Joyce Stauffer [REDACTED]
Sent: Thursday, May 27, 2021 7:21 AM
To: EIR@bchd.org
Cc: cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; superintendent@tUSD.org; stowe.tim@tUSD.org; rbpta@rbusd.org; torranceptas@gmail.com; communications@bchd.org; pnovak@lalafco.org
Subject: Public Comments to BCHD DEIR

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As long-time residents of Torrance, we strongly oppose the massive plans to redevelop the South Bay Hospital site for the following reasons:

5+ years of construction = PERMANENT damage to our community and quality of life.

MASSIVE

CLEARLY INCOMPATIBLE WITH SURROUNDING NEIGHBORHOODS

- BCHD proposed buildings are wholly incompatible with the surrounding neighborhoods, and disruptive for the location. Completed construction is 300% larger than currently exists.
 - Though BCHD claims the revised version of the campus is "smaller" the Phase 1 design is actually TALLER (6 stories vs. 4 and 103 ft. tall vs. 60 ft.
 - The massive luxury Assisted Living Facility (RCFE) would be the TALLEST building in all three of the beach cities (save two condos built in the early 1970s in Redondo Beach). It's on a HIGHLY visible elevated site rising 30 ft. above street level. The massive facility is 103 ft. tall and sits 133.5 ft. above homes.
- The proposed 6-story, city blocks-long assisted living building and 8-story parking garage will block views, reduce sunlight, cast long shadows and impact the privacy of surrounding homes in all directions.
- The 11-acre construction site sits on a bluff, 30 ft. above street level, and another 30 ft. above homes to the east.

NOISE CANNOT BE MITIGATED

- Per the DEIR: CONSTRUCTION NOISE CANNOT BE MITIGATED – EXCEEDS Federal Transit Administration (FTA) THRESHOLD for the entire 5+ years of construction. Impact is Significant.
 - “The 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.

- From the DEIR: “Construction-related noise would be significant. Construction activities associated with proposed Project... would result in a temporary, but prolonged increase in noise levels at the following noise-sensitive residential areas:
 3. Beryl Street between North Prospect and Flagler Lane
 4. Flagler Lane and Flagler Alley between Beryl Street and North Prospect Avenue
 5. Diamond Street between Flagler Alley and North Prospect Avenue
 6. North Prospect Avenue between Diamond Street and Beryl Street.”
- More than 60 hours of construction per week. 6 days a week of construction; (7:30 a.m. to 6:00 p.m. Monday through Friday; and 9:00 a.m. to 5:00 p.m. on Saturdays)

TRAFFIC

- Increased traffic, congestion and safety issues will overwhelm nearby neighborhood streets with nearly **10,000 heavy haul trips** planned during construction, not counting worker trips.
- **Heavy haul truck route** - Hawthorne Blvd in Torrance to Del Amo Blvd to N. Prospect on to the site past homes and West High School. Heavy haul truck egress is from Flagler site to Beryl, directly behind Towers Elementary to 190th; directly on busy school drop-off and pick-up zone.
- All major surrounding thoroughfares and intersections in the cities of Redondo Beach and Torrance will be impacted.

HAZARDS

- The proposed project will expose thousands of residents, the public, and nearby schools to a minimum of 5 ACTIVE years of demolition and construction, hazardous cancer-causing pollutants, noise, vibration, and daily disruptions.
 - Towers Elementary school with 600+ school children aged 4-10, teachers and staff is located just 350 ft. downwind from the demolition and construction site
 - Beryl Heights Elementary school with 450+ school children is ~900 ft. away
 - Redondo Union and West High schools with over 5,000 students combined are 0.3 and 0.7 miles away.
- Hazardous VOCs (volatile organic compounds) and carcinogens were found on the site. According to the Phase II Environmental Assessment Report by Converse Consultants dated 2/26/20. PCE (perchloroethylene) was detected in 29 of 30 samples, with findings of levels in amounts up to 150 times the allowable residential screening level.

POOR USE OF TAXPAYER FUNDS

- **The BCHD project would be the ONLY neighborhood incompatible use of a P-CF zoned site in Redondo Beach.** All other 6 P-CF zoned parcels besides BCHD are 2 stories or less: Andrews Park, North Branch Library, Grant Fire Station, Broadway Fire Station, Beryl Maintenance Yard/Police Range, etc.
- Land zoned P-CF should not be used for private developers. RCFEs are commercial enterprises that belong in commercial/residential zones.
- The public health district has strayed far beyond its mission, now planning to "gift" public land in a very long-term lease (likely ~50 to 100-years) to private developers for it's massive \$374M assisted living project.
- BCHD plans a 20/80 business partnership where they retain only 20% interest.

- BCHD is using \$7.6M of taxpayer money for HLC Pre-development planning
- According to the Market Feasibility Study performed by their consultants MDS
 - 80% of target renters are from outside the Beach Cities
 - Only 9% of the target renters live in Redondo Beach,
- Redondo Beach public services such as Fire Department/Paramedics will be excessively taxed with the 24/7 operation of the proposed 325-bed assisted living and 400+ PACE program.
- BCHD refuses to take responsible actions that any public entity is required to do - live within their means and reduce expenses when necessary
- South Bay Hospital - the only construction ever voter-approved on the site, was sized exclusively for the Beach Cities.

BCHD - MISSION CREEP and NON-TRANSPARENCY

- BCHD is the BOTH the Lead Agency and Certifier/Approver of its own EIR. They can cite “overriding considerations” to un-mitigatable hazards, which are already included in a budgeted line item in BCHD EIR financials.
- Rather than going for a public vote for a bond to finance a retrofit of the building, as is common for public agencies, BCHD has chosen to avoid going to the taxpayer/owners and chose "development" over this option, as Bakaly stated in the Dec. 2020 Board meeting.
- BCHD's perceived "moneymaker" - the massive luxury RCFE is built in Phase 1. Phase 2 is the "Community" portion of the project is not funded.
- BCHD's seismic consultants clearly stated that there is no legal obligation to retrofit the 514 hospital building and that it can likely be used until 2040. Ultimately, retrofitting and remodeling the building is clearly a responsible choice.

Joyce & John Stauffer



Torrance, CA 90503

Martinez, Oscar

From: Harbaugh, Arianne on behalf of City Clerk
Sent: Friday, May 28, 2021 10:47 AM
To: Martinez, Oscar
Subject: FW: BCHD Project Will Cause a Wide Array of Peer-Reviewed Health Impacts and Health Damages
Attachments: BCHD Damages.pdf

-----Original Message-----

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Friday, May 28, 2021 10:38 AM
To: EIR <eir@bchd.org>
Cc: Brandy Forbes <brandy.forbes@redondo.org>; Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>
Subject: BCHD Project Will Cause a Wide Array of Peer-Reviewed Health Impacts and Health Damages

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BCHD DEIR is defective as it failed to recognize, quantify and mitigate the many significant health impacts caused by the project construction and operation on surrounding neighborhoods. The attached documents provides peer-reviewed medical and health damages from the BCHD proposed project impacts.

cc: Redondo Beach Mayor, Council, Planning Commission, Torrance Mayor and Council

**Beach Cities Health Damages of the Proposed BCHD Project
DEIR Comments**

**BCHD MORAL OBLIGATION STANDARD OF HEALTH DAMAGES
BCHD CEO Bakaly's Stated Obligation of BCHD toward Community Health is below:**

Source: https://www.youtube.com/watch?v=RCOX_GrreIY

Bakaly Transcript

it (ordinance or statute driven seismic upgrades of 514) is currently not required

00:41

to be upgraded however we are a health

00:44

district we are a health district

00:46

that has a moral obligation to be

00:48

proactive

00:49

and protect the people in our community

00:52

As such, BCHD has asserted an obligation to protect the health of the community beyond any published standards, laws, or ordinance.

BCHD NEGATIVE HEALTH IMPACTS

The following are negative health impacts on the community, along with a long, long list of peer-reviewed citations:

Aesthetics

Negative Impacts: Glare, Blue Sky Reduction, Excess Nighttime Lighting, Shadowing/Shading

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety

Air Quality/Emissions

Negative Impacts: Particulate Matter, Fugitive Dust, Known VOCs, Medical Waste, Medical Radioactive Waste, Hauling Debris, Concrete Lime Dust

Negative Health Impacts: Developmental Delays, Asthma, COPD, Shortening of Lifespan, Cancer, Alzheimer's, Child-onset Alzheimer's, Breast Cancer, Elderly & Child Pulmonary Disease, Bladder Cancer, Neuroinflammation

Land Use

Negative Impacts: Inconsistency with Surrounding Land Uses, Environmental Injustice, Economic Injustice

Negative Health Impacts: Acute Stress, Chronic Stress, Diminished Health and Nutrition from Reduced Housing Values

Noise

Negative Impacts: Construction Noise, Construction Vibration, Construction Traffic, Intermittent Noise, Operational Noise, Parking Ramp Noise, Special Event Noise, Maintenance Noise, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay

Recreation

Negative Impacts: Shading/Shadowing of Towers Elementary fields, Shading Shadowing of Residential Uses

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Obesity

Traffic

Negative Impacts: Safety, Emissions, Delays, Noise, Vibration, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay, Increased Accidental Injury and Death Rates, Chronic Stress to Commuters and Residents, Breast Cancer, Elderly & Child Pulmonary Disease

PEER REVIEWED STUDIES OF BCHD NEGATIVE HEALTH IMPACTS

The Following are the Peer-Reviewed Health Damages from the BCHD Development Induced Negative Impacts:

Chronic Stress

Citations (representative, non-exhaustive):

<https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>

<https://www.bluezones.com/2012/03/maximize-health-and-longevity-using-these-stress-management-strategies/>

<https://americanbrainsociety.org/stress-the-silent-killer/>

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. <https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk
Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Health effects caused by noise: evidence in the literature from the past 25 years

For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress

hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages From Emissions and Noise

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis

Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical outcomes in children with asthma, suggesting that when pollution exposure is more modest, vulnerability to asthma exacerbations may be heightened in children with higher chronic stress.

Sirens/Emergency Vehicles Impacts Leading to Chronic Stress Health Damages and PTSD

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6540098/>

Impact of Stressful Events on Motivations, Self-Efficacy, and Development of Post-Traumatic Symptoms among Youth Volunteers in Emergency Medical Services

Chronic Stress Impacts on the Brain

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5573220/>

Neurobiological and Systemic Effects of Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5579396/>

The Impact of Stress on Body Function

Sleep and Related Mental Health Disorders

Causes (includes but not limited to): sources of excess nighttime lighting, including but not limited to signage, security lighting, building window lighting, emergency vehicles, and reflected glare.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4863221/>

Increased Traffic Induced Safety Hazards

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6823720/>

Road traffic safety: An analysis of the cross-effects of economic, road and population factors

https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html

Pedestrian Safety

<http://www.tandfonline.com/doi/abs/10.1080/17457300.2010.517321>

Older adult pedestrian injuries in the United States: causes and contributing circumstances.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4656869/>

Pedestrian injuries in children: who is most at risk?

<https://pubmed.ncbi.nlm.nih.gov/23684342/>

Effect of nocturnal road traffic noise exposure and annoyance on objective and subjective sleep quality

Increased Traffic Induced Emissions Health Hazards

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2844969/>

Cardiovascular health and particulate vehicular emissions: a critical evaluation of the evidence

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4129915/>

Air pollution and detrimental effects on children's brain. The need for a multidisciplinary approach to the issue complexity and challenges

<https://ehp.niehs.nih.gov/doi/10.1289/ehp299>

Multiple Threats to Child Health from Fossil Fuel Combustion: Impacts of Air Pollution and Climate Change

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4311079/>

Adverse effects of outdoor pollution in the elderly

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5559575/>

Psychological Impact of Vehicle Exhaust Exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

Outdoor particulate matter (PM₁₀) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Increased Construction and Ongoing Delivery Vehicle Diesel Emissions

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4894930/>

Diesel exhaust: current knowledge of adverse effects and underlying cellular mechanisms

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5976105/>

Diesel, children and respiratory disease

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5123782/>

Bladder cancer and occupational exposure to diesel and gasoline engine emissions

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3102559/>

Pulmonary effects of inhaled diesel exhaust in aged

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3423304/>

Health effects research and regulation of diesel exhaust: an historical overview focused on lung cancer risk (INCLUDES SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

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<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Increased PM_x Particulates from All BCHD Sources

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

The impact of PM_{2.5} on the human respiratory system (INCLUDES CHILD ASTHMA)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017593/>

How air pollution alters brain development: the role of neuroinflammation (INCLUDES IMPACTS ON SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

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Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

<https://ehp.niehs.nih.gov/doi/full/10.1289/EHP4434>

Prenatal Exposure to PM_{2.5} and Cardiac Vagal Tone during Infancy: Findings from a Multiethnic Birth Cohort

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>
PM2.5 and Cardiovascular Diseases in the Elderly: An Overview

<https://pubmed.ncbi.nlm.nih.gov/27567860/>
Cerebrospinal Fluid Biomarkers in Highly Exposed PM2.5 Urbanites: The Risk of Alzheimer's and Parkinson's Diseases in Young Mexico City Residents

Base and Increased Emergency Vehicle Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3915252/>

Fighting Noise Pollution: A Public Health Strategy
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3915267/>

Environmental Noise Pollution in the United States: Developing an Effective Public Health Response
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3502302/>

Experimental Chronic Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6735857/>

Effects of traffic noise exposure on corticosterone, glutathione and tonic immobility

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>
Noise Exposure and Public Health

Window Glare Health Damages

<https://www.ncbi.nlm.nih.gov/books/NBK218977/>

Light and Glare

<https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf>

Facade Design

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3972772/>

Disability Glare in the Aging Eye.

<https://www.researchgate.net/>

Investigation on Visual Discomfort Caused by Reflected Sunlight on Specular Building Facades

Shading/Shadowing Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997/>

Benefits of Sunlight: A Bright Spot for Human Health

<https://pubmed.ncbi.nlm.nih.gov/26098394/>

Sunlight and Vitamin D: Necessary for Public Health

<https://www.nrel.gov/docs/fy02osti/30769.pdf>

A Literature Review of the Effects of Natural Light on Building Occupants

<https://www.tandfonline.com/doi/full/10.1080/13574809.2018.1472523>

Place value: place quality and its impact on health, social, economic and environmental outcomes

Night Time Lighting (Signs, Parking Lots, Reflective Glare)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2974685/>

Artificial Lighting as a Vector Attractant and Cause of Disease Diffusion

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627885/>

Switch On the Night: Policies for Smarter Lighting

<https://pubmed.ncbi.nlm.nih.gov/26179558/>

Is part-night lighting an effective measure to limit the impacts of artificial lighting on bats?

<https://pubmed.ncbi.nlm.nih.gov/25526564/>

Protecting the melatonin rhythm through circadian healthy light exposure

<https://www.nih.gov/news-events/news-releases/outdoor-light-linked-teens-sleep-mental-health>

Outdoor light linked with teens' sleep and mental health (Teen Sleep Disorders) excess night lighting from signage,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2974685/>

Artificial Lighting as a Vector Attractant and Cause of Disease Diffusion

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627885/>

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Outdoor light linked with teens' sleep and mental health (Teen Sleep Disorders)

Negative Impacts of Operational Noises

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3531357/>

Noise Levels Associated with Urban Land Use (Health Impacts)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3971384/>
Cardiovascular effects of environmental noise exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068638/>
A Multilevel Analysis of Perceived Noise Pollution

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3988259/>
Auditory and non-auditory effects of noise on health

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4608916/>
Environmental noise and sleep disturbances: A threat to health

<https://pubmed.ncbi.nlm.nih.gov/23684342/>
Effect of nocturnal road traffic noise exposure and annoyance on objective and subjective sleep quality

Increased Crime from Development, Construction, and the Unhoused

<https://spectrumnews1.com/ca/la-west/news/2019/05/07/crime-among-the-homeless-explodes-in-los-angeles>

Crime Rate Among Homeless Skyrockets in Los Angeles

<https://popcenter.asu.edu/content/homeless-encampments-0>
The Problem of Homeless Encampments

<https://xtown.la/2020/06/23/homeless-crime-los-angeles/>
The number of homeless crime victims and suspects outpaces rise in homeless population

Health Impacts in Flagler Alley

<https://spectrumnews1.com/ca/la-west/news/2019/05/07/crime-among-the-homeless-explodes-in-los-angeles>

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The Problem of Homeless Encampments

<https://xtown.la/2020/06/23/homeless-crime-los-angeles/>
The number of homeless crime victims and suspects outpaces rise in homeless population

Fugitive Dust from Construction

<https://www3.epa.gov/ttn/chief/ap42/ch13/final/c13s02.pdf>
Fugitive Dust Sources

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>
Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>
Outdoor particulate matter (PM₁₀) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Construction Noise Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4608916/>

Environmental noise and sleep disturbances: A threat to health

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068638/>

A Multilevel Analysis of Perceived Noise Pollution

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3162363>

Environmental Stressors: The Mental Health Impacts of Living Near Industrial Activity

Asbestos Poisoning Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4202766/>

Asbestos Exposure among Construction Workers During Demolition

<https://www.sokolovelaw.com/blog/buildings-demolished-without-asbestos-abatement/>

Can Buildings Be Demolished Safely Without Asbestos Abatement?

<https://www.epa.gov/sites/production/files/2016-07/documents/453-b-16-002a.pdf>

Guidelines for Enhanced Management of Asbestos in Water at Ordered Demolitions

https://www.epa.gov/sites/production/files/2017-06/documents/asbestos_scope_06-22-17.pdf

Scope of Risk Evaluation

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5036735/>

GHG and Asbestos

https://www.niehs.nih.gov/health/assets/docs_f_o/

[homeowners and renters guide to asbestos cleanup after disasters 508.pdf](https://www.niehs.nih.gov/health/assets/docs_f_o/homeowners_and_renters_guide_to_asbestos_cleanup_after_disasters_508.pdf)

Homeowners guide to asbestos cleanup

Water Runoff Construction and Continuing Operations

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5954058/>

Evaluation of the impact of construction products on the environment by leaching of possibly hazardous substances

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448005/>

Public Health Effects of Inadequately Managed Stormwater Runoff

<https://pubmed.ncbi.nlm.nih.gov/21902038/>

Leaching of additives from construction materials to urban storm water runoff

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4149883/>

Storm water contamination

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1862721/>

The challenge posed to children's health by mixtures of toxic waste

Negative Impacts of Reduced Privacy

<https://www.aia.org/pages/22356-designing-for-invisible-injuries-an-explorat?tools=true>
Designing for Invisible Injuries

<https://bridgehousing.com/PDFs/TICB.Paper5.14.pdf>
Trauma Informed Community Building

Cardiovascular Risk from Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3971384/>
Cardiovascular effects of environmental noise exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>
The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>
Noise Exposure and Public Health

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6078840/>
The acute effect of exposure to noise on cardiovascular parameters in young adults

Blue Zones (Dan Buettner/BCHD) Damages from Stress/Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6125071/>

Dan Buettner - Blue Zones Lessons From the World's Longest Lived

"Stress leads to chronic inflammation, associated with every major age-related disease"

<https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>

How Stress Makes Us Sick

<https://www.bluezones.com/2012/03/maximize-health-and-longevity-using-these-stress-management-strategies/>

Stress Management Strategies

<https://www.bluezones.com/2018/01/20-habits-healthier-happier-life/>

Avoid Chronic Stress

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/Noise and Stress: A comprehensive approach impaired cognitive function/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/Noise%20and%20Stress%3A%20A%20comprehensive%20approach%20impaired%20cognitive%20function/)

Noise and Stress: A comprehensive approach

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3162363/>

Environmental Stressors: The Mental Health Impacts of Living Near Industrial Activity

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Traffic-related Air Pollution and Chronic Stress: Effects on Asthma

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222511/>

Critical Biological Pathways for Chronic Psychosocial Stress

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Monday, June 7, 2021 8:22 AM
To: Martinez, Oscar
Subject: FW: Public Comment to BCHD DEIR
Attachments: BCHD May Board Report Shows EIR Self-Approval Moved up to August.pdf

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: Glen and Nancy Yokoe [REDACTED]
Sent: Friday, June 4, 2021 10:11 AM
To: CityClerk@Redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; superintendent@tUSD.org; stowe.tim@tUSD.org; rbpta@rbusd.org; torranceptas@gmail.com; Beach Cities Health District <communications@bchd.org>; eir@bchd.org; pnovak@lalafco.org; pnovak@lalafco.org; CityClerk@Redondo.org
Subject: Public Comment to BCHD DEIR

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Ladies and Gentlemen,

Speaking for my family and hundreds of concerned neighbors, including the elderly, developing pre-school and school-aged children, we oppose the proposed BCHD HLC project.

The traffic nightmares and dangers, increased noise, dust, and 24-7 air pollution(irritants and confirmed carcinogens)occurring over 5+ years will harm our community to benefit a private money-making enterprise of an oversized, incompatibly designed and placed assisted living facility looming over our homes in west Torrance.

The HLC is dubiously speeding forward by BCHD and most of its Board of Directors, ignoring and defying an overwhelming opposition to it by the surrounding and nearby citizenry, who disapprove of it for a myriad of good reasons.

The attached BCHD DEIR deficiencies noted are extensive and are rife with misrepresentations, inaccuracies, and omissions. These are well pointed out and documented by the City of Torrance Community Development Department, whose letter to Mr. Nick Meisinger, Environmental Planner, Wood Environment & Infrastructure Solutions, Inc., regarding the DEIR has been approved by the Torrance

City Council. Councilmembers, at their May 25th meeting voiced similar concerns of the residents being negatively affected in our neighborhood.

This project is an affront to the legitimate health and well-being concerns of affected families young and old who have chosen this area of the south bay for its clean air, top schools, and like-minded safety and health-conscious neighbors and leaders.

Respectfully,

Glen and Nancy Yokoe
Residing on Tomlee Ave, north cul de sac

6. BCHD Air Emissions Significant Impacts will Create Premature Alzheimers in Children and is a Significant, Negative, Unethical and Immoral Act

Here is the legacy that the current BCHD Board of Directors and executive management are actively targeting: PREMATURE ALZHEIMER'S IN CHILDREN. Is BCHD building an 800 car, 10-story parking garage and a 793,000 sqft, South Bay Galleria sized complex largely for non-residents of the 3 Beach Cities that own BCHD worth destroying the future of our children? The children of Towers and Beryl Heights schools should not suffer more PM2.5 lodged in their brain stems because BCHD's Board wants to let developers lease our taxpayer owned campus for 50-100 years. RBUSD and TUSD will be grossly negligent if they allow our children to be bombarded by 3-5 generations of increased, unnecessary pollution as the result of non-residents of the area. The areas around Beryl Heights and Towers schools, and the children and residents must not be sacrificed for the ego needs of the BCHD Board and executive management to serve 95% non-local renters and PACE participants in their over-development project.

Peer-reveiwed references from the UC system and other expert resources.

<https://www.universityofcalifornia.edu/news/air-pollution-impacts-childhood-development-study-shows>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6617650/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>

<https://airqualitynews.com/.../evidence-of-alzheimers.../>

https://www.who.int/ceh/publications/Advance-copy-Oct24_18150_Air-Pollution-and-Child-Health-merged-compressed.pdf?ua=1

7. BCHD Noise Impacts are Significant; Violate the ADA at Towers and West High Schools, and BCHDs Noise Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following noise topics: Analysis Fails to Consider Intermittent Noise and is Defective; Intermittent Noise Significantly Impacts Education at Towers Elementary; Intermittent Noise Significantly Impacts ADA IEP and 504 Plan Implementation at Towers Elementary; Significant Noise Impacts on the Health of Surrounding Residents; Event Noise Analysis is Insufficient and Defective; and BCHD Fails to Use Proper Noise Standards for Intermittent Noise and the Analysis is Defective.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its "moral obligation." If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in

session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHD’s more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise. (emphasis added)*

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature’s intent for “freedom from excessive noise” is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to

Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts on students to protect their Legislative Intent right to freedom from excessive noise and not violate the Americans with Disabilities Act. BCHD must always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

8. BCHD Noise Impacts Represent a Public Health Hazard

The peer-reviewed article below demonstrates the PUBLIC HEALTH HAZARD of excessive noise. BCHD's analysis fails to incorporate intermittent noise, and demonstrates that BCHD has no concern about the health of the surrounding neighborhoods.

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>

Exposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. For other effects such as changes in the immune system and birth defects, the evidence is limited. Most public health impacts of noise were already identified in the 1960s and noise abatement is less of a scientific but primarily a policy problem. A subject for further research is the elucidation of the mechanisms underlying noise induced cardiovascular disorders and the relationship of noise with annoyance and nonacoustical factors modifying health outcomes. A high priority study subject is the effects of noise on children, including cognitive effects and their reversibility. Noise exposure is on the increase, especially in the general living environment, both in industrialized nations and in developing world regions. This implies that in the twenty-first century noise exposure will still be a major public health problem. Key words: annoyance, cardiovascular effects, children's health, environmental health, environmental noise, hearing impairment, noise exposure, noise metrics, occupational noise, performance.

9. BCHDs Recreation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following recreation topics: Design Results in a Taking of Sunlight from Public Recreation at Towers and Significant Negative Impacts; and Design Results in a Taking of Sunlight from Student Health and Recreation at Towers and Significant Negative Impacts.

In BCHD CEQA EIR NOP comments filed by Mark Nelson, the following admonition was made to BCHD after it exempted any analysis of Recreation impacts a priori:

RECREATION

Appropriate study required. The NOP errs in its a priori speculative finding that the project will not have an adverse physical impact on the environment. I was recently made aware that according to a newspaper article <https://easyreadernews.com/redondo-beach-homelessness-resident-anger/> the 9th Circuit Court of Appeals in Martin versus the City of Boise decision, neither BCHD nor the City of Redondo Beach will be able to bar the unsheltered from camping on the public space created as part of this public project without providing adequate shelter to house all the unsheltered. BCHD as a public entity will de facto be an invitation for unsheltered housing as endorsed by the 9th Circuit. As a private entity has no such obligation, a similar project with exactly the same characteristics could be legally protected from becoming such a magnet. Thus, the mere creation of the public space by removing the concrete, and the public nature of BCHD, creates a non-mitigable impact for the project. Also see <https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

As such, the DEIR is FLAWED, MUST BE REANLYZED and RECIRCULATED.

10. BCHD Fails to Analyze Recreation Impacts and BCHD DEIR has Deficiencies and Errors

BCHD fails to evaluate and declare the following: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation of Recreation Impacts.

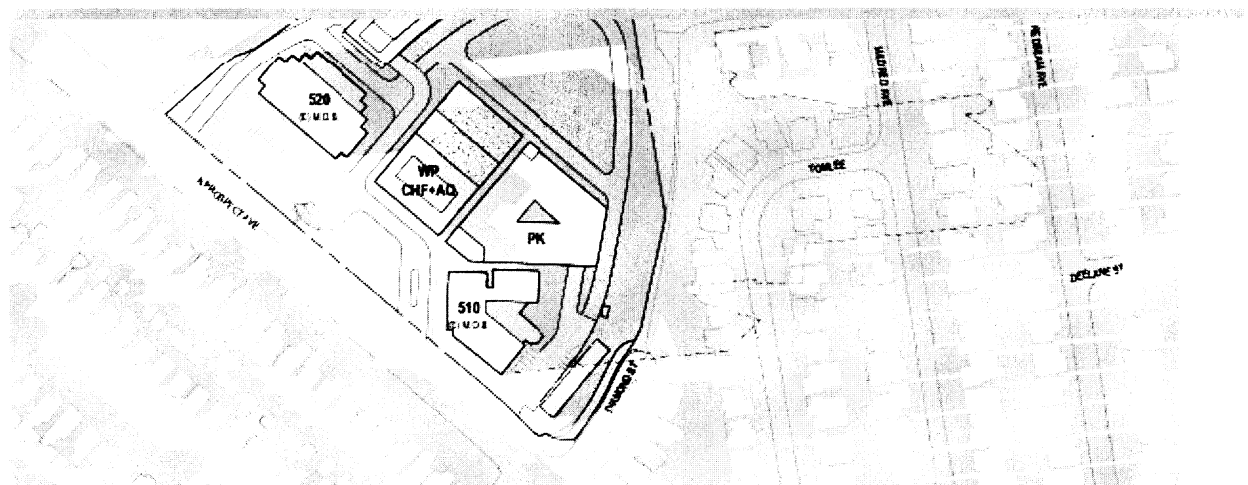
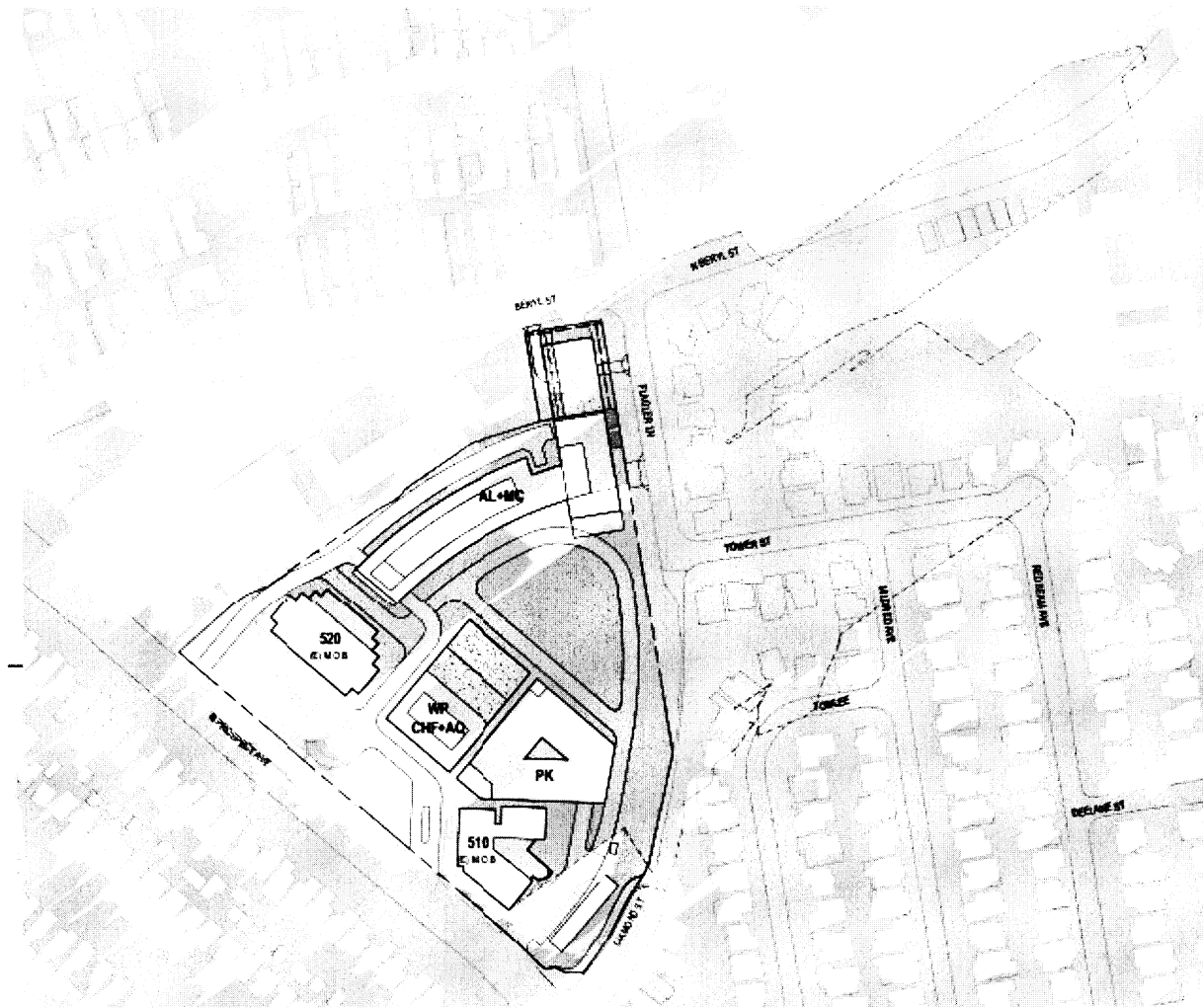
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health

impacts of shading/shadowing, it must be corrected, reissued, and recirculated for comment in order to adequately address recreation impacts.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses. In the specific case of the Towers fields, BCHD is “taking” sunlight and thereby having a significant, negative impact on school and public recreation.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.

WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)



11. BCHD Traffic/Transportation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following traffic/transportation topics: Thousands of Heavy Haul Truck Trips will have Significant Traffic Impacts; Tens of Thousands of Worker Commuter Trips will have Significant Traffic Impacts, and BCHD Plans Traffic Management; and Flaggers that will have Significant Traffic Impacts. Further, impacts on the health, education, and ADA/504 accommodations under the ADA of students at Towers Elementary are willfully ignored.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its “moral obligation.” If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms caused by BCHD negative, significant traffic impacts.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration caused by traffic is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise regardless of cause.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic,*

natural, scenic, and historic environmental qualities, *and freedom from excessive noise.* (emphasis added)

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature's intent for "freedom from excessive noise" is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts caused by BCHD induced traffic on students to protect their Legislative Intent right to freedom from excessive noise regardless of cause, and not violate the Americans with Disabilities Act. BCHD must also always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

12. BCHD Has No Comprehensive Employee Analysis for RCFE or PACE Participants, Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the RCFE and PACE daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

13. BCHD Has No Comprehensive Employee Analysis for Phase 2 Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the Phase 2 daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

14. BCHD Knowingly Plans to Impact Community Chronic Stress, the Blue Zones Silent Killer Chronic Stress Causes and Damages

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. Given that BCHD spent \$2M of our taxpayer funds on Blue Zones, it should be clear that that BCHD either believes and acts consistent with Blue Zones, or, BCHD is chronically malfeasant. <https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

Title: The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

Title: Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Title: Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Title: Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Title: Health effects caused by noise: evidence in the literature from the past 25 years

For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Title: Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Title: Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis

Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Title: Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Title: Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical outcomes in

children with asthma, suggesting that when pollution exposure is more modest, vulnerability to asthma exacerbations may be heightened in children with higher chronic stress.

Sirens/Emergency Vehicles Impacts Leading to Chronic Stress Health Damages and PTSD

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

Title: The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6540098/>

Title: Impact of Stressful Events on Motivations, Self-Efficacy, and Development of Post-Traumatic Symptoms among Youth Volunteers in Emergency Medical Services

Chronic Stress Impacts on the Brain

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5573220/>

Title: Neurobiological and Systemic Effects of Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5579396/>

Title: The Impact of Stress on Body Function

As is seen in many, many peer-viewed studies and published frequently by Blue Zones, a vendor of BCHD that BCHD paid \$2M, chronic stress is a direct result of noise, traffic, emergency vehicles and other stressors that BCHD has, and intends to inflict on the surrounding neighborhoods. According to the Bakaly "moral obligation" standard, BCHD must abate any chronic stress impacts to proactively prevent damages to the community.

NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

- [Ref. 2]: Ashburner J, Friston KJ (1999) Nonlinear spatial normalization using basis functions. *Hum Brain Mapp* 7:254–266. doi:10.1002/(SICI)1097-0193(1999)7:4%3C254::AID-HBM4%3E3.0.CO;2-G pmid:10408769
- [Ref. 3]: Ashburner J, Neelin P, Collins DL, Evans A, Friston K (1997) Incorporating prior knowledge into image registration. *Neuroimage* 6:344–352. doi:10.1006/nimg.1997.0299 pmid:9417976
- [Ref. 4]: Baddeley A., Gathercole S., Papagno C. (1998). The phonological loop as a language learning device. *Psychol. Rev.* 105, 158–173 10.1037/0033-295X.105.1.158
- [Ref. 5]: Beaman C. P. (2005). Auditory distraction from low-intensity noise: a review of the consequences for learning and workplace environments. *Appl. Cogn. Psychol.* 19, 1041–1064 10.1002/acp.1134
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- i https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf
- ii <https://www.bchdcampus.org/faq>
- iii https://www.youtube.com/watch?v=RCOX_GrreIY
- iv https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEOA_Statutes_and_Guidelines.pdf
- v http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- vi <https://bchdcampus.org/communityworkinggroup>
- vii https://www.bchdfiles.com/docs/bchd/BCHD%20Healthy%20Living%20Campus%20Master%20Plan_NOP_IS%20Checklist_062719.pdf
- viii California Public Records Act response from BCHD "Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Dec 5, 2019, 6:02 PM"
- ix http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- x http://www.bchdfiles.com/docs/hlc/BCHD_HLC_scoping_comments_oct2.pdf
- xi https://bchd.granicus.com/DocumentViewer.php?file=bchd_4733c5665b9cb92bb847803b1c2e1459.pdf&view=1
- xii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org> Subject: Comments regarding the BCHD Living Campus Master Plan EIR
- xv Bruce Steele (pt. 2) Torrance, June 17, 2020 BoD Meeting
- xvi Susan Earnest 06/17/20 6:32 PM BoD Meeting
- xvii Gary Dyo Torrance 06/17/20 4:16 PM BoD Meeting
- xviii Bruce Szeles Torrance 06/17/20 7:05 PM BoD Meeting
- xix James Light Redondo Beach 06/17/20 8:14 PM BCHD BoD Meeting
- xx Redondo Beach RESOLUTION NO. CC- 1606- 052
- xxi [REDACTED], Max height 75-feet, Avg height under 35-feet
- xxii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>
- xxiii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5299389/>
- xxiv <https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=onepage&q&f=false>
- xxv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>
- xxvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2972983/>
- xxvii <https://pubmed.ncbi.nlm.nih.gov/15677104/>
- xxviii <https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf>
- xxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2728098/>
- xxx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3779905/>
- xxxi From: Lauren Berman [REDACTED] Sent: Wednesday, July 24, 2019 11:56 AM To: EIR <eir@bchd.org> Subject: Health District Project Concerns
- xxxii Randy & Pamela Quan Torrance 06/15/20 8:55 PM June 17, 2020 BoD Mtg
- xxxiii From: Philip de Wolff [REDACTED] Sent: Sunday, July 28, 2019 11:40 AM To: EIR <eir@bchd.org> Subject: BCHD Environmental Report
- xxxiv Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xxxv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org> Subject: Comments regarding the BCHD Living Campus Master Plan EIR
- xxxvi From: Wayne Craig [REDACTED] Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org> Subject: BCHD - EIR Public Comments Att Nick Meseinger
- xxxvii <https://pubmed.ncbi.nlm.nih.gov/31514400/>
- xxxviii https://www.eurekalert.org/pub_releases/2020-08/b-apl081720.php
- xxxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>
- xl <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-019-0501-7>
- xli <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740122/>
- xlii <https://jamanetwork.com/journals/jama/article-abstract/2667069?redirect=true>
- xliii <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>
- xliv <https://pubmed.ncbi.nlm.nih.gov/31746986/>

xlvi <https://pubmed.ncbi.nlm.nih.gov/26426942/>
xlvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>
xlvii Dr. Frank and Glenda Briganti [REDACTED] Torrance, CA 90503 July, 26, 2019
xlviii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
xlix From: Stephanie Dyo [REDACTED] Sent: Saturday, July 20, 2019 12:13 AM To: EIR <eir@bchd.org>
Subject: CONCERNS to be Addressed in the EIR
l <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3757288/>
li <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901841/>
lii <https://www.edweek.org/leadership/low-level-classroom-noise-distracts-experts-say/2015/01>
liii <https://www.researchgate.net/publication/264730841> The Effect of a Noise Reducing Test Accommodation on Elementary Students with Learning Disabilities
liv <http://www.edaud.org/journal/2001/4-article-01.pdf>
lv DEIR Figure 2-10 shows Towers Elementary and West High on Haul Route
lvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/pdf/envhper00310-0128.pdf>
lvii <https://asa.scitation.org/doi/10.1121/1.2812596#:~:text=While%20at%20school%20children%20are,%2C%20motivation%2C%20and%20reading%20ability.>
lviii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>
lix <https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>
lx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6460614/>
lxi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6033330/>
lxii From: Wayne Craig [REDACTED] Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org> Subject: BCHD - EIR Public Comments Att Nick Meseinger
lxiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
lxiv From: peggy north [REDACTED] Sent: Sunday, July 28, 2019 11:44 AM To: EIR <eir@bchd.org>
lxv From: Aileen Pavlin [REDACTED] Sent: Saturday, July 27, 2019 9:48 AM To: EIR <eir@bchd.org> Cc: OMartinez@torranceca.gov <OMartinez@torranceca.gov> Subject: Beach Cities Health District Project

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Monday, June 7, 2021 8:22 AM
To: Martinez, Oscar
Subject: FW: BCHD DEIR PUBLIC COMMENTS - Return Receipt Requested from BCHD ONLY
Attachments: FINAL BCHD DEIR DETAILED COMMENTS W TOC TO FILE.pdf; BCHDamages.pdf

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: BCHD DEIR <bchd.deir@gmail.com>
Sent: Friday, June 4, 2021 11:47 AM
To: eir@bchd.org
Cc: [REDACTED] cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; Tim Stowe <stowe.tim@tUSD.org>; rbpta@rbusd.org; torranceptas@gmail.com; pnovak@lalafco.org
Subject: BCHD DEIR PUBLIC COMMENTS - Return Receipt Requested from BCHD ONLY

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Please find attached public comments to the BCHD DEIR from Janet Smolke [REDACTED]. A receipt of these comments is requested by email from BCHD Only to bchd.deir@gmail.com. Thank you.

i

**Beach Cities Health Damages of the Proposed BCHD Project
DEIR Comments**

**BCHD MORAL OBLIGATION STANDARD OF HEALTH DAMAGES
BCHD CEO Bakaly's Stated Obligation of BCHD toward Community Health is below:**

Source: https://www.youtube.com/watch?v=RCOX_GrreIY

Bakaly Transcript

it (ordinance or statute driven seismic upgrades of 514) is currently not required

00:41

to be upgraded however we are a health

00:44

district we are a health district

00:46

that has a moral obligation to be

00:48

proactive

00:49

and protect the people in our community

00:52

As such, BCHD has asserted an obligation to protect the health of the community beyond any published standards, laws, or ordinance.

BCHD NEGATIVE HEALTH IMPACTS

The following are negative health impacts on the community, along with a long, long list of peer-reviewed citations:

Aesthetics

Negative Impacts: Glare, Blue Sky Reduction, Excess Nighttime Lighting, Shadowing/Shading

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety

Air Quality/Emissions

Negative Impacts: Particulate Matter, Fugitive Dust, Known VOCs, Medical Waste, Medical Radioactive Waste, Hauling Debris, Concrete Lime Dust

Negative Health Impacts: Developmental Delays, Asthma, COPD, Shortening of Lifespan, Cancer, Alzheimer's, Child-onset Alzheimer's, Breast Cancer, Elderly & Child Pulmonary Disease, Bladder Cancer, Neuroinflammation

Land Use

Negative Impacts: Inconsistency with Surrounding Land Uses, Environmental Injustice, Economic Injustice

Negative Health Impacts: Acute Stress, Chronic Stress, Diminished Health and Nutrition from Reduced Housing Values

Noise

Negative Impacts: Construction Noise, Construction Vibration, Construction Traffic, Intermittent Noise, Operational Noise, Parking Ramp Noise, Special Event Noise, Maintenance Noise, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay

Recreation

Negative Impacts: Shading/Shadowing of Towers Elementary fields, Shading Shadowing of Residential Uses

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Obesity

Traffic

Negative Impacts: Safety, Emissions, Delays, Noise, Vibration, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay, Increased Accidental Injury and Death Rates, Chronic Stress to Commuters and Residents, Breast Cancer, Elderly & Child Pulmonary Disease

PEER REVIEWED STUDIES OF BCHD NEGATIVE HEALTH IMPACTS

The Following are the Peer-Reviewed Health Damages from the BCHD Development Induced Negative Impacts:

Chronic Stress

Citations (representative, non-exhaustive):

<https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>

<https://www.bluezones.com/2012/03/maximize-health-and-longevity-using-these-stress-management-strategies/>

<https://americanbrainsociety.org/stress-the-silent-killer/>

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. <https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk
Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Health effects caused by noise: evidence in the literature from the past 25 years

For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress

hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages From Emissions and Noise

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis

Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical outcomes in children with asthma, suggesting that when pollution exposure is more modest, vulnerability to asthma exacerbations may be heightened in children with higher chronic stress.

Sirens/Emergency Vehicles Impacts Leading to Chronic Stress Health Damages and PTSD

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6540098/>

Impact of Stressful Events on Motivations, Self-Efficacy, and Development of Post-Traumatic Symptoms among Youth Volunteers in Emergency Medical Services

Chronic Stress Impacts on the Brain

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5573220/>

Neurobiological and Systemic Effects of Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5579396/>

The Impact of Stress on Body Function

Sleep and Related Mental Health Disorders

Causes (includes but not limited to): sources of excess nighttime lighting, including but not limited to signage, security lighting, building window lighting, emergency vehicles, and reflected glare.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4863221/>

Increased Traffic Induced Safety Hazards

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6823720/>

Road traffic safety: An analysis of the cross-effects of economic, road and population factors

https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html

Pedestrian Safety

<http://www.tandfonline.com/doi/abs/10.1080/17457300.2010.517321>

Older adult pedestrian injuries in the United States: causes and contributing circumstances.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4656869/>

Pedestrian injuries in children: who is most at risk?

<https://pubmed.ncbi.nlm.nih.gov/23684342/>

Effect of nocturnal road traffic noise exposure and annoyance on objective and subjective sleep quality

Increased Traffic Induced Emissions Health Hazards

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2844969/>

Cardiovascular health and particulate vehicular emissions: a critical evaluation of the evidence

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4129915/>

Air pollution and detrimental effects on children's brain. The need for a multidisciplinary approach to the issue complexity and challenges

<https://ehp.niehs.nih.gov/doi/10.1289/ehp299>

Multiple Threats to Child Health from Fossil Fuel Combustion: Impacts of Air Pollution and Climate Change

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4311079/>

Adverse effects of outdoor pollution in the elderly

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5559575/>

Psychological Impact of Vehicle Exhaust Exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

Outdoor particulate matter (PM₁₀) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Increased Construction and Ongoing Delivery Vehicle Diesel Emissions

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4894930/>

Diesel exhaust: current knowledge of adverse effects and underlying cellular mechanisms

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5976105/>

Diesel, children and respiratory disease

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5123782/>

Bladder cancer and occupational exposure to diesel and gasoline engine emissions

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3102559/>

Pulmonary effects of inhaled diesel exhaust in aged

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3423304/>

Health effects research and regulation of diesel exhaust: an historical overview focused on lung cancer risk (INCLUDES SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM2.5 in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

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<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Increased PMx Particulates from All BCHD Sources

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

The impact of PM2.5 on the human respiratory system (INCLUDES CHILD ASTHMA)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017593/>

How air pollution alters brain development: the role of neuroinflammation (INCLUDES IMPACTS ON SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM2.5 in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

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Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

<https://ehp.niehs.nih.gov/doi/full/10.1289/EHP4434>

Prenatal Exposure to PM2.5 and Cardiac Vagal Tone during Infancy: Findings from a Multiethnic Birth Cohort

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>
PM2.5 and Cardiovascular Diseases in the Elderly: An Overview

<https://pubmed.ncbi.nlm.nih.gov/27567860/>
Cerebrospinal Fluid Biomarkers in Highly Exposed PM2.5 Urbanites: The Risk of Alzheimer's and Parkinson's Diseases in Young Mexico City Residents

Base and Increased Emergency Vehicle Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3915252/>

Fighting Noise Pollution: A Public Health Strategy
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3915267/>

Environmental Noise Pollution in the United States: Developing an Effective Public Health Response
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

The acute physiological stress response to an emergency alarm and mobilization during the day and at night
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3502302/>

Experimental Chronic Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6735857/>

Effects of traffic noise exposure on corticosterone, glutathione and tonic immobility

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>
Noise Exposure and Public Health

Window Glare Health Damages

<https://www.ncbi.nlm.nih.gov/books/NBK218977/>

Light and Glare

<https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf>
Facade Design

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3972772/>
Disability Glare in the Aging Eye.

<https://www.researchgate.net/>
Investigation on Visual Discomfort Caused by Reflected Sunlight on Specular Building Facades

Shading/Shadowing Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997/>

Benefits of Sunlight: A Bright Spot for Human Health

<https://pubmed.ncbi.nlm.nih.gov/26098394/>

Sunlight and Vitamin D: Necessary for Public Health

<https://www.nrel.gov/docs/fy02osti/30769.pdf>

A Literature Review of the Effects of Natural Light on Building Occupants

<https://www.tandfonline.com/doi/full/10.1080/13574809.2018.1472523>

Place value: place quality and its impact on health, social, economic and environmental outcomes

Night Time Lighting (Signs, Parking Lots, Reflective Glare)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2974685/>

Artificial Lighting as a Vector Attractant and Cause of Disease Diffusion

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627885/>

Switch On the Night: Policies for Smarter Lighting

<https://pubmed.ncbi.nlm.nih.gov/26179558/>

Is part-night lighting an effective measure to limit the impacts of artificial lighting on bats?

<https://pubmed.ncbi.nlm.nih.gov/25526564/>

Protecting the melatonin rhythm through circadian healthy light exposure

<https://www.nih.gov/news-events/news-releases/outdoor-light-linked-teens-sleep-mental-health>

Outdoor light linked with teens' sleep and mental health (Teen Sleep Disorders) excess night lighting from signage,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2974685/>

Artificial Lighting as a Vector Attractant and Cause of Disease Diffusion

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627885/>

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Outdoor light linked with teens' sleep and mental health (Teen Sleep Disorders)

Negative Impacts of Operational Noises

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3531357/>

Noise Levels Associated with Urban Land Use (Health Impacts)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3971384/>

Cardiovascular effects of environmental noise exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068638/>

A Multilevel Analysis of Perceived Noise Pollution

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3988259/>

Auditory and non-auditory effects of noise on health

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4608916/>

Environmental noise and sleep disturbances: A threat to health

<https://pubmed.ncbi.nlm.nih.gov/23684342/>

Effect of nocturnal road traffic noise exposure and annoyance on objective and subjective sleep quality

Increased Crime from Development, Construction, and the Unhoused

<https://spectrumnews1.com/ca/la-west/news/2019/05/07/crime-among-the-homeless-explodes-in-los-angeles>

Crime Rate Among Homeless Skyrockets in Los Angeles

<https://popcenter.asu.edu/content/homeless-encampments-0>

The Problem of Homeless Encampments

<https://xtown.la/2020/06/23/homeless-crime-los-angeles/>

The number of homeless crime victims and suspects outpaces rise in homeless population

Health Impacts in Flagler Alley

<https://spectrumnews1.com/ca/la-west/news/2019/05/07/crime-among-the-homeless-explodes-in-los-angeles>

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The Problem of Homeless Encampments

<https://xtown.la/2020/06/23/homeless-crime-los-angeles/>

The number of homeless crime victims and suspects outpaces rise in homeless population

Fugitive Dust from Construction

<https://www3.epa.gov/ttn/chief/ap42/ch13/final/c13s02.pdf>

Fugitive Dust Sources

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM2.5 in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

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Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

Construction Noise Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4608916/>

Environmental noise and sleep disturbances: A threat to health

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Auditory and non-auditory effects of noise on health

<https://pubmed.ncbi.nlm.nih.gov/23684342/>

Effect of nocturnal road traffic noise exposure and annoyance on objective and subjective sleep quality

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3162363>

Environmental Stressors: The Mental Health Impacts of Living Near Industrial Activity

Asbestos Poisoning Impacts

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4202766/>

Asbestos Exposure among Construction Workers During Demolition

<https://www.sokolovelaw.com/blog/buildings-demolished-without-asbestos-abatement/>

Can Buildings Be Demolished Safely Without Asbestos Abatement?

<https://www.epa.gov/sites/production/files/2016-07/documents/453-b-16-002a.pdf>

Guidelines for Enhanced Management of Asbestos in Water at Ordered Demolitions

https://www.epa.gov/sites/production/files/2017-06/documents/asbestos_scope_06-22-17.pdf

Scope of Risk Evaluation

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5036735/>

GHG and Asbestos

https://www.niehs.nih.gov/health/assets/docs_f_o/homeowners_and_renters_guide_to_asbestos_cleanup_after_disasters_508.pdf

Homeowners guide to asbestos cleanup

Water Runoff Construction and Continuing Operations

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5954058/>

Evaluation of the impact of construction products on the environment by leaching of possibly hazardous substances

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448005/>

Public Health Effects of Inadequately Managed Stormwater Runoff

<https://pubmed.ncbi.nlm.nih.gov/21902038/>

Leaching of additives from construction materials to urban storm water runoff

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4149883/>

Storm water contamination

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1862721/>

The challenge posed to children's health by mixtures of toxic waste

Negative Impacts of Reduced Privacy

<https://www.aia.org/pages/22356-designing-for-invisible-injuries-an-explorat?tools=true>

Designing for Invisible Injuries

<https://bridgehousing.com/PDFs/TICB.Paper5.14.pdf>

Trauma Informed Community Building

Cardiovascular Risk from Noise

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3971384/>

Cardiovascular effects of environmental noise exposure

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>

Noise Exposure and Public Health

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6078840/>

The acute effect of exposure to noise on cardiovascular parameters in young adults

Blue Zones (Dan Buettner/BCHD) Damages from Stress/Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6125071/>

Dan Buettner - Blue Zones Lessons From the World's Longest Lived

"Stress leads to chronic inflammation, associated with every major age-related disease"

<https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>

How Stress Makes Us Sick

<https://www.bluezones.com/2012/03/maximize-health-and-longevity-using-these-stress-management-strategies/>

Stress Management Strategies

<https://www.bluezones.com/2018/01/20-habits-healthier-happier-life/>

Avoid Chronic Stress

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/Noise and Stress: A comprehensive approach impaired cognitive function/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/Noise%20and%20Stress%3A%20A%20comprehensive%20approach%20impaired%20cognitive%20function/)

Noise and Stress: A comprehensive approach

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3162363/>

Environmental Stressors: The Mental Health Impacts of Living Near Industrial Activity

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Traffic-related Air Pollution and Chronic Stress: Effects on Asthma

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222511/>

Critical Biological Pathways for Chronic Psychosocial Stress

Public Comments to BCHD Board and BCHD DEIR
Public Comments to BCHD Owing Cities Hermosa Beach and Manhattan Beach
Public Comments to Responsible Agencies, Redondo Beach and Torrance
Public Comments to RBUSD and TUSD in Defense of Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student Health
Public Comment to LALAFCO

by email to cityclerk@redondo.org, cityclerk@torranceca.gov, citycouncil@hermosabeach.gov,
cityclerk@citymb.info, skeller@rbusd.org, superintendent@tUSD.org, stowe.tim@tUSD.org,
rbpta@rbusd.org, torranceptas@gmail.com, communications@bchd.org, eir@bchd.org,
pnovak@lalafco.org

The following public comments below are provided in response to the BCHD DEIR and as public record comments to the agencies and organizations above.

Public Comments to BCHD Board and BCHD DEIR
Public Comments to Responsible Agencies, Redondo Beach and Torrance
Public Comments to BCHD Owing Cities Hermosa Beach and Manhattan Beach
Public Comments to RBUSD and TUSD in Defense of Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student Health
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7. BCHD Noise Impacts are Significant; Violate the ADA at Towers and West High Schools, and BCHDs Noise Impact and Mitigation Analysis is Flawed
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CITATIONS: NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

END NOTES

DETAILED COMMENTS

A. BCHD HAS DISENFRANCHISED TAXPAYER-OWNERS WITH SECRET NEGOTIATIONS

1. BCHD Misrepresented its Project's Net Impacts to Redondo Beach to a City Official

Background

According to a letter from BCHD counsel dated February 15, 2019 discussing non-public negotiations that predated the letter, BCHD counsel asserts the following false or unsubstantiated statement

Clearly, the Healthy Living Campus Project will be of significant benefit to the residents of the City of Redondo Beach, allowing for BCHD to improve its community health center programs and services, create an intergenerational hub of well-being and grow a continuum of programs, services and facilities to help older adults age in their community. BCHD is eager to

Full content: <https://bit.ly/BCHDLiesToRBAtty>

Analysis – BCHD Fails to Disclose the Data to the City Attorney

According to BCHD's consultant, MDS, less than 5% of the residential care for the elderly tenants in the estimated \$9,000 to \$12,500 per month facility will be from south Redondo Beach 90277, the area of Redondo Beach sustaining 100% of the negative environmental and economic justice impacts of the project. Further, the entire benefit to the City of Redondo Beach residents is estimated to be less than 10% of the project based on the same MDS tenant study. Given that the City of Redondo Beach overall sustains 100% of the damages and less than 10% of the benefits, it is not possible that the project has a net benefit to the residents of Redondo Beach, as asserted by BCHD counsel. BCHD provides no data demonstrating net benefit.

Further, when directly requested for the net benefit of historic programs, BCHD replied to a California Public Records Act (CPRA) request that it does not budget, conduct cost accounting, or compute net benefits for its programs. As such, BCHD has no fact base to make representations of benefits. BCHD assertions to the City Attorney were misrepresentations at best, or deliberate falsehoods at worst.

Analysis – City of Redondo Beach Obligation to Vet Facts

If BCHD did disclose to the City of Redondo Beach and City Attorney that it had no facts to support its assertion, then the City of Redondo Beach appears negligent in protecting its residents. Sufficient benefits from any BCHD project must accrue to the City of Redondo Beach residents under P-CF zoning to offset the totality of damages. Any finding of fact that does not affirmatively demonstrate that net benefits are positive cannot be used to allow this BCHD project to move forward.

Statement of Fact

BCHD withheld the 2019 letter from the public until July of 2020. BCHD withheld the secret negotiations from the Community Working Group in 2018 and 2019 and 2020.

Conclusion

BCHD admits in public records act responses it has no net benefits computation for its programs, and especially important, for its impacts on the City of Redondo Beach residents that suffer 100% of the environmental and economic justice damages. Yet, BCHD asserts without fact, that it will have significant benefits to the residents of Redondo Beach. It appears that BCHD may have misrepresented its project's net environmental and economic damages to the residents of Redondo Beach for the purposes of misleading the City Attorney, given that BCHD cannot provide any net benefits analysis of its project. The City Attorney's findings are based on BCHD's misrepresentation and must be set aside.

B. BCHD IS VIOLATING GOVERNING LAW AND REQUIRED APPROVALS

1. BCHD Cannot Allow Workers, Contractors, or Meeting Attendees (e.g., AA, etc.) to Smoke on Redondo Beach Streets, Sidewalks, Parkways, or other Public Property

As BCHD is well aware, the City of Redondo Beach has an ordinance that bans smoking in any public location, except a MOVING vehicle on the street. BCHD must add this ordinance to governing law and since second hand smoke is a toxic air contaminant, add smoking prevention to it DEIR mitigation. Willfully planning to break the ordinance is significant impact to the public health in Redondo Beach, as will be failure to enforce a smoking ban on BCHD employees, contractors and meeting attendees.

ORDINANCE NO. 0-3193- 19 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS AND DISALLOWING POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS ON SCHOOL GROUNDS

WHEREAS, **It is the intent of the City Council in enacting this Ordinance to provide for the public health, safety, and welfare** by discouraging the inherently dangerous behavior of smoking around non-tobacco users; by protecting children from exposure to smoking where they live and play; by protecting the public from nonconsensual exposure to secondhand smoke and the potential health risks related to a- cigarettes; by preventing the re-normalization of smoking that results from the expanded use of a- cigarettes; to declare smoking tobacco in public a nuisance; and by reducing smoking waste to protect the marine environment.

2. RCFE Is Prohibited Under Governing Law

RCFE Financing is Expressly Forbidden

California code, including 15432 (14) expressly prohibits financing of residential care for the elderly (RCFE) under the California Health Facilities Financing Authority Act. If the Legislature intended health districts to have the ability to develop or finance RCFE, then the Legislature would not have specifically excluded RCFE.

The Legislature Repeatedly Mandates “Non-profit” as a Requirement for Financing – California Code, including 15432 (HEALTH FACILITIES FINANCING AUTHORITY ACT) repeatedly refers to nonprofit agencies and clinics. BCHD facility will be market-priced, for-profit. Further, it is planning to use commercial financing (FHA insured) instead of issuing low-cost, tax-free bonds.

3. The BCHD Proposed Project Failed to Conform to the Conditions by which the Prior RCFE Required

According to public records, the following conditions were evaluated and required for the Kensington RCFE project:

65852.9. The proposed facility is compatible with the type, character, and density/intensity of the adjacent residential and commercial uses and provides residential care for the elderly. The project site is owned by the Redondo Beach United School District. The project applicant would enter into a long-term lease with the District, resulting in the operation of a private use on public property. As the proposed project would be a private use on a public site, the use would be subject to standard property taxes, contributing revenue to the City. The proposed project would therefore be consistent with the General Plan policies listed above.

1) The BCHD proposed facility is NOT consistent with the type of the adjacent land uses. BCHD is proposing a market-rate, for-profit facility with approximately 80% of ownership and net revenues being provided to a for profit developer. The surrounding neighborhoods are largely residential, with the exception of the Vons strip mall that almost exclusively serves the surrounding neighborhoods that also bear its environmental impacts.

2) The BCHD proposed facility is NOT consistent with the character of the adjacent residential land uses. Simply put, both Torrance and Redondo Beach have design guidelines limitations that BCHDs plan at 133.5-feet above street level is incompatible with.

3) The BCHD proposed facility is NOT consistent with the density/intensity of the adjacent land uses. Adjacent land uses are generally R-1 with some RMD. BCHD is planning a 6-story, 1-acre footprint building, and a total of nearly 800,000 sqft of development. That is larger than the entire Beryl Heights neighborhood combined.

4) The City is clear that Kensington is a commercial, not public use. BCHD is also proposing a commercial use on public property and the net benefits to Redondo Beach are non-positive. BCHD has no budgeting, cost-accounting, or cost-effectiveness assessment of its expenditures or programs, and as such, no quantifiable measure of any net benefit of the existing operation, absent the 50-100 years of additional environmental and economic injustice it proposes on the area and Redondo Beach.

Conclusion

BCHD fails all the conditions of Kensington and therefore fails to meet the Conditional Use and precedent for its facility.

4. BCHD Proposed Overdevelopment is Inconsistent with the Issuance of a Conditional Use Permit`

Background

In order to proceed with RCFE, BCHD requires a CUP under P-CF zoning requirements. Relevant requirements of the CUP ordinance are:

1. From a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties nor

disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

Discussion of 1. From a) to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties

Surrounding Properties and Quiet Enjoyment and Use will be Adversely Impacted by BCHD 103-foot Tall, 800,000 sf Development

Surrounding property uses are as follows:

West – Residential R-1 with 30 foot height limit and Beryl Heights neighborhood design guidelines

South – Residential R-1 with 30 foot height limit

North – Residential RMD with 30 foot height limit

North – Light Commercial C-2 with 30 foot height limit

East – Torrance Residential R-1 Hillside Overlay with 14 foot height limit

East – Torrance Residential R-1 with 27 foot height limit

East – Torrance PU Towers School

BCHD Proposal Causes Surrounding Property Adverse Impacts

BCHD is proposing a 103 foot nominal building on a 30 foot elevation (exceeding 130 feet tall relative to the surrounding properties on the North and East, BCHD is proposing a 65 foot nominal 10 and one-half-story, 600-800 car parking structure on the South West on a 30 foot elevation (approximately 100 to 150 feet tall relative to surrounding South, West, and East properties), and BCHD is proposing a 75 foot nominal, 4-story health club, meeting and aquatic center building along Prospect between the 510 and 520 MOBs (approximately 80 feet tall relative to West properties.) All surrounding properties will be adversely affected by 1) privacy invasion, 2) reflected noise, 3) reflected light and glare, 4) direct noise, 5) construction, and 6) related traffic and pollution. Towers Elementary students will be especially impacted by PM2.5 and PM10 emissions, noise and vibration from heavy construction traffic in an intermittent fashion disturbing cognitive function and development, as well as educational progress.

BCHD is proposing a significant alteration by moving campus buildings from a center of campus, internal, visual mass minimizing, privacy preserving design to a perimeter extremity model, where the North and West perimeters are lined with buildings that are 3-5 times the height of surrounding uses and structures and an 8-story South parking structure that impacts West, South and East residential uses on a 24/7/365. This proposed BCHD campus redesign bears no resemblance to the current campus is height, square feet, or building placement. It is structured to maximize impacts on the surrounding community while preserving the internal campus for BCHD exclusive use.

The current campus has only 0.3% (968 sqft) of space at 75-feet, while the proposal is for nearly an acre of RCFE at higher than 75-feet tall, with all new construction at the north, west and south perimeter intruding on private residential uses. The average height of the 514 building is slightly over 30-feet and should serve as the limit for any future development.

Discussion of 2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

The 10+ Acre Publicly-Owned Site Must be Used to Mitigate Neighborhood Impacts

Based on the analysis and conclusion that the BCHD commercial development significantly impacts the surrounding property as proposed by BCHD, the language of the ordinance requires that setbacks ... other features be used to adjust the use of the BCHD site. Accordingly, a series of changes need to occur, including, but not limited to: 1) increased setbacks, 2) reduced structure heights, 3) perimeter structures that do not exceed the design guidelines and height limits of adjoining uses and properties (generally 30-feet or less), perimeter landscaping that hides the proposed development, etc.

Two general examples are the other P-CF developments in Redondo Beach which are all either the same height or lower than surrounding uses and properties, including the Kensington development of over 100 units on approximately 2 acres based on aerial measurement in Google Earth Pro.

Absent CUP Required Accommodations, BCHD Proposal is Inconsistent with Existing Uses in the Neighborhoods and Must be Denied

BCHD must be required to increase setbacks, decrease heights to 30 feet, and move development to the center of the campus. The current plan is inconsistent with neighborhood uses.

Discussion of 3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

BCHDs PACE Facility and 8-story, 800+ Car Ramp are Inconsistent with the Existing Use of Prospect Ave and Beryl St.

BCHD's proposed PACE facility is duplicative with existing PACE facilities that service the same area. Therefore the marginal benefit to local residents is low, and it is highly likely that most, if not all, participants will be bused in to the PACE site at Beryl & Flagler. Flagler is a Torrance residential street, and commercial use is prohibited. Beryl is the main path to avoid the steep 190th hill, and increasing the

traffic, and PM2.5 and PM10 loads on students at Towers Elementary will leave their brainstems with increased particulate loads, resulting in Alzheimer's like symptoms and delayed development.

BCHD's proposed 8-story, 800+ Car Ramp at Prospect & Diamond will compete with existing uses of RUHS, Parras, and commuters. The ramp will enter and exit from Prospect northbound, between Diamond and the 514 building main entrance. As such, it is inconsistent with existing uses and the existing roughly 800 car capacity of BCHD spread evenly across 3 ingress/egress points.

BCHD's Proposed Commercial Development Burdens the Community and is Inconsistent with Existing Streets and Uses

Because the proposed PACE facility is duplicative of existing PACE services to the 3 beach cities that own and fund BCHD, any proposed traffic is necessary. Delivering 200 to 400 non-residents on a daily basis to the corner of Beryl and Flagler via Beryl is infeasible. An alternative plan, or denial of the use of the site for PACE, is required. Further, the highly concentrated 8-story, 800+ car parking ramp at Prospect & Diamond is also inconsistent with the existing uses and roads. Any solution that fails to use all 3 BCHD campus driveways in a relatively equal manner is infeasible.

Discussion of 4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

As Currently Proposed, BCHD's Plan has Adverse Effects on Abutting Property and Must be Denied

The adverse impacts on abutting property have been discussed at length above. The current plan has been demonstrated to have adverse effects on abutting property. Therefore, if unchanged, the CUP must be denied by a plain English reading of the Ordinance.

Absent Height Limits, Exterior Landscaping, Distributed Parking, and Discontinuance of the PACE Facility, BCHD's Proposed Project Must be Denied

Potential mitigation, all within the purview and obligation of the City of Redondo Beach, include, but are not limited to, height restrictions to 30 feet, increased setbacks, perimeter landscaping, evenly distributed parking, and reduced bus traffic.

Discussion of 5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

In order to meet the specific requirements of the CUP ordinance as set forth, a number of specific design modifications must occur, including but not limited to project height reduction, project setbacks increased, project moved to the center of the campus, project buffered by landscaping from the surrounding neighborhoods, project traffic spread evenly across the 3 entrances of BCHD campus (roughly, 510, 514, and 520 driveways) and traffic to the duplicative PACE facility denied access to Beryl St from Flagler to 190th to preserve the students' brainstems and lungs at Towers Elementary. Further, construction traffic must also be denied the path down Beryl from Flagler to 190th.

Based on the specific heights by BCHD of the Phase 1 RCFE and Phase 2 Pavilion, BCHD is proposing a set of structures located on the parcel perimeter that will be up to 168-feet above surrounding residential uses that are in 27 and 30-foot development limits. The CUP cannot allow such degradation of surrounding neighborhoods and uses.

BCHD ELEVATIONS ABOVE BASE		
Address	RCFE	Health Club/Pavilion
1317 Beryl	121	90
511 Prospect	104	74
514 Prospect	94	64
1408 Diamond	134	103
510 Prospect	101	70
520 Prospect	99	69
1224 Beryl	123	92
19313 Tomlee	125	94
5674 Towers	117	87
5641 Towers	156	126
5607 Towers	167	136
19515 Tomlee	130	100
501 Prospect	111	80
1202 Beryl	122	92
19936 Mildred	168	138

Source: USGS, all measurements in feet

See RBMC 10-2.2506 Conditional Use Permits.

5. BCHD Provides Net Negative Benefits to the Redondo Beach and No CUP Can be Issued

BCHD Direct Statement in its FAQs (2020)

HAS BCHD CAUSED DAMAGE TO THE SURROUNDING NEIGHBORHOODS?

BCHD has not denied there are effects on neighbors from our operations, similar to other organizations, schools or businesses located near residences.

Further, the draft Environmental Impact Report currently being prepared will assess and analyze any impacts associated with the proposed Healthy Living Campus upgrade.

Since BCHD's Campus opened in 1960, neighbors were certainly aware the campus was nearby before they moved in, especially if they lived adjacent or across the street and could see campus activity. The South Bay Hospital was operating through 1998 in addition to medical office space on the campus at 510 and 520 buildings -- yet neighbors still made the decision to accept the normal activities of a functioning hospital across the street from or near their property. Only now has this become an issue. “

Analysis – South Bay (emergency) Hospital Benefits

BCHD fails to recognize that South Bay emergency Hospital (SBH) operated an emergency room and thereby provided lifesaving benefits to the surrounding neighborhoods. The time to access an emergency room is well understood to be a significant factor in emergency outcomes of morbidity and mortality (see studies, such as <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2464671/>). Unlike BCHD which is largely an office operation without specific medical need to be located on its current campus, the emergency hospital and emergency room, like fire stations, required neighborhood integration.

SBH from 1960 through 1998 provided neighborhood emergency lifesaving services. BCHD provides no such services, and in fact, there is no evidence that BCHD needs to be in its current location, nor even in the any of the 3 beach cities that own and fund BCHD. BCHD intends to “import” tenants according to its MDS study. 95%+ of tenants are expected to be from outside 90277. Further, the duplicative PACE facility will bus in its patients and could also be located elsewhere.

Analysis – BCHD Proposed Commercial Services to Non-residents

As BCHD attempts to transition to an RCFE and PACE model, the tenants and participants will be 80% from outside the 3 beach cities for RCFE and will be transported in buses. All 3 beach cities are already served by PACE, as are all surrounding zip codes, so BCHDs service is duplicative and unneeded locally and provides no incremental services benefit.

As such, BCHD cannot draw any analogy of the neighborhood tolerance and preferences for an emergency hospital to BCHD commercially developed services to serve primarily non-residents. Furthermore, BCHD provides 100% of local disbenefits to the south Redondo Beach 90277 area, while only providing a projected 5% of project benefits according to BCHDs MDS research report. As south Redondo Beach 90277 is already serviced for PACE, BCHD provides no incremental services or benefits with its duplicative proposed programs.

Analysis – BCHD Lack of Support for Net Benefits

When explicitly requested to provide a net benefits analysis of its 40+ so-called “evidence based” programs in California Public Records Act (CPRA) requests, BCHD responded that 1) it does not and never has budgeted by program, 2) it does not track costs by program, 3) it does not evaluate and monetize benefits by program and 4) it does not compute net benefits by program. As such, BCHD is unable to provide any support that it provides net benefits to south Redondo Beach 90277 (the area that suffers 100% of BCHD economic and environmental injustice impacts) or to Redondo Beach in aggregate. BCHD failed to disclose its lack of data and misrepresented its RCFE benefits in writing to the Redondo Beach City Attorney, claiming that “clearly” the RCFE would provide “significant benefits” to the residents of Redondo Beach. BCHD has no evidence as it responded in its public record responses. Furthermore, BCHDs consultant MDS expects less than 5% of RCFE residents to be from 90277 and 4% from 90278, therefore, Redondo Beach will suffer 100% of the impacts for less than 10% of the benefits.

Analysis – BCHD Impact on Local Neighborhoods from Covid Testing

Based on BCHD public records act responses, approximately 85% of Covid tests were conducted for non-residents of the 3 beach cities that own and fund BCHD. There is no analysis of the specific number of tests completed for south Redondo Beach 90277 that was subjected to 100% of the negative impacts of traffic, exhaust, and noise. There was also no analysis of the total number of tests conducted for all of Redondo Beach. Based on simple population shares, Redondo Beach was burdened with 100% of the negative environmental justice damages and received 8% or less of the benefits from BCHD testing activity. Furthermore, LA County Health has the funding and mandate to provide testing, and BCHD residents could have received testing with no impacts to Redondo Beach or the beach cities using other county sites. Therefore, BCHD provided only damages, and no incremental benefits from local testing. Furthermore, BCHD has no data to demonstrate local benefits, especially compared to the negative Environmental Justice (EJ) impacts.

Conclusion

BCHD data shows that it cannot quantify any benefits explicitly to 90277 and 90278, and its MDS study clearly demonstrates that less the 10% of RCFE tenants and benefits are expected to accrue to Redondo Beach, which suffers 100% of the EJ damages. Absent the quid pro quo of the emergency room of South Bay Hospital providing positive proximal benefits to the surrounding neighborhoods, BCHD provides significantly more impact than value. As such, no Conditional Use Permit can be issued.

6. BCHDs Proposed Overdevelopment is Inconsistent with More Current P-CF Zoned Development

Based on information from the City of Redondo Beach, there are seven (7) P-CF parcels in Redondo Beach. They are:

- | | |
|-----------------------------------|--|
| 1) Andrews Park | 1801 Rockefeller Ln, Redondo Beach, CA 90278 |
| 2) Beach Cities Health District | 514 N. Prospect Av, Redondo Beach, CA 90277 |
| 3) Broadway Fire Station (#1) | 401 S Broadway, Redondo Beach, CA 90277 |
| 4) City of Redondo Beach Facility | 1513 Beryl St, Redondo Beach, CA 90277 |
| 5) Grant Fire Station (#2) | 2400 Grant Ave, Redondo Beach, CA 90278 |

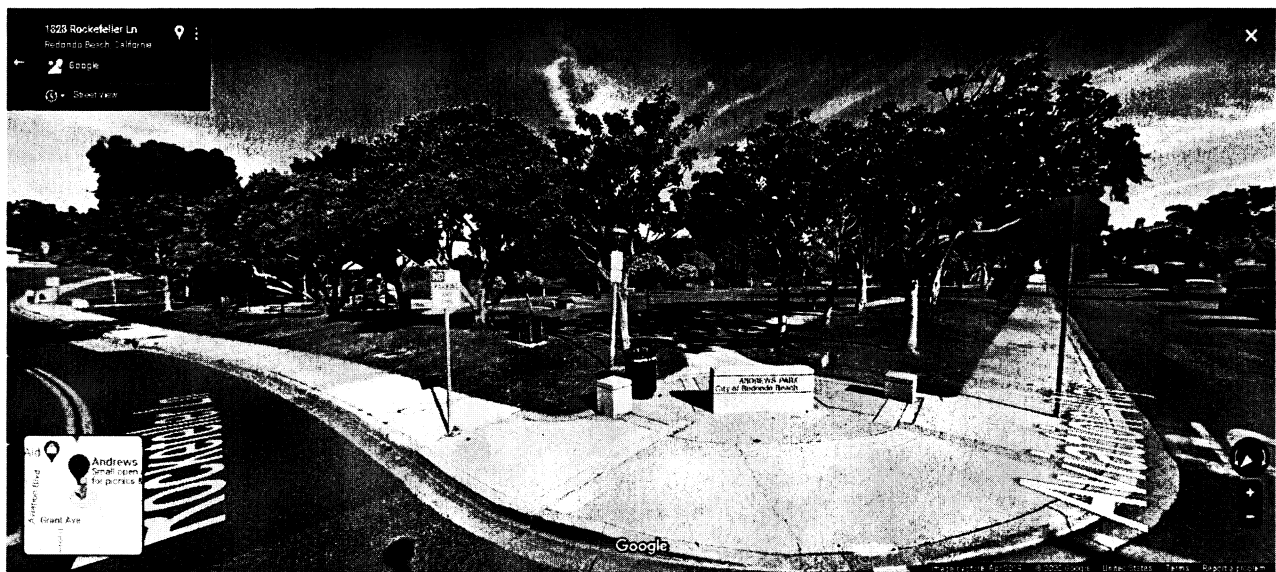
- 6) Kensington Assisted Living
- 7) North Branch Library

801 S Pacific Coast Hwy, Redondo Beach, CA 90277
2000 Artesia Bl, Redondo Beach, CA 90278

With the exception of BCHD, the former South Bay Hospital parcel and the City of Redondo Beach multiple use facility, the remaining five (5) P-CF parcel uses appear to be consistent with surrounding land uses from a design, height, and traffic perspective. Both the current BCHD and the 103-foot tall, 800,000 sqft proposed overdevelopment are inconsistent with more current, allowed P-CF development.

Andrews Park

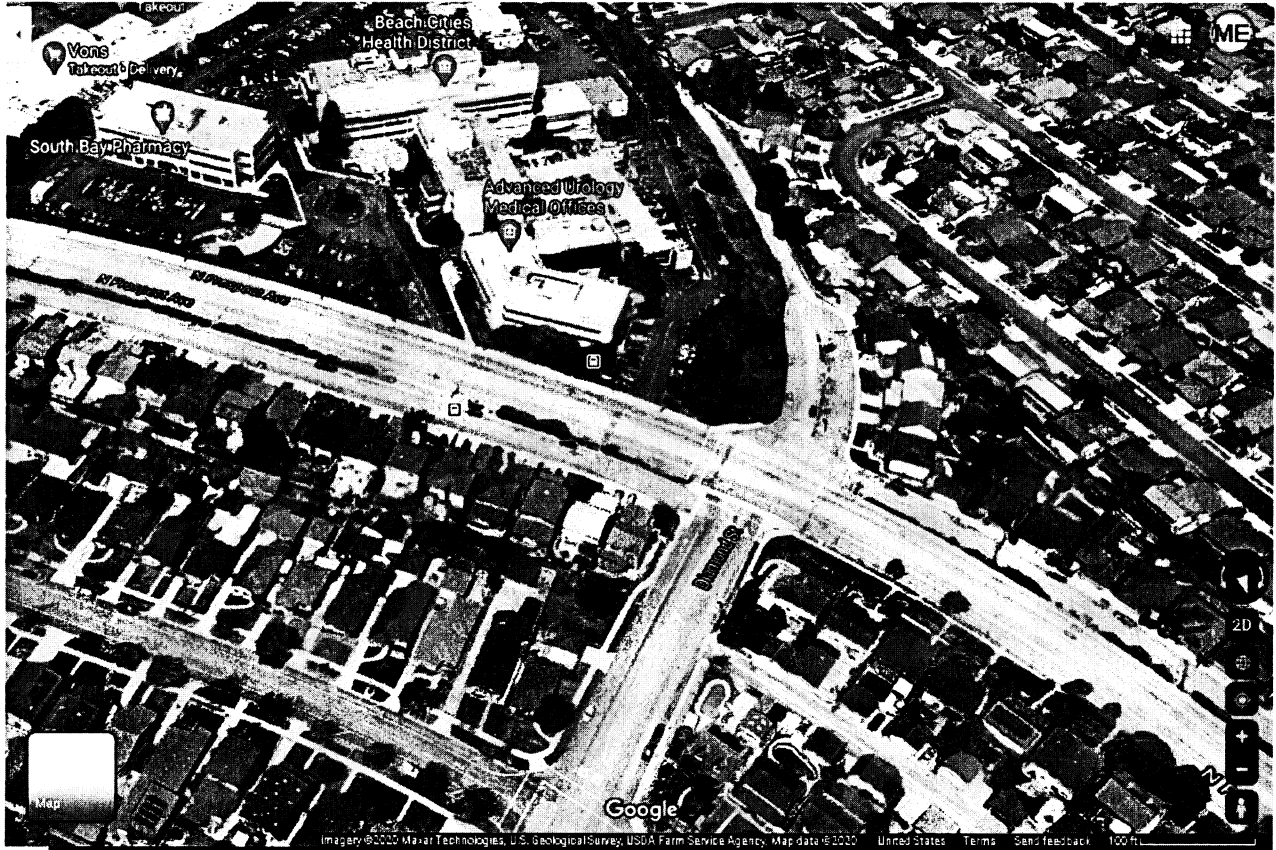
Per the City of Redondo Beach, Andrews Park is local neighborhood recreation facility, “Andrews Parkette is a 1.61 acre park located just north of Grant Avenue in Redondo Beach. The park features grass, trees, play equipment, picnic tables and picnic shelter.” Based on observation, there are no features at Andrews Park, such as commercial buildings or tall parking structures that are inconsistent with the surrounding neighborhood uses and design. Andrews Park is a recreation facility per the City of Redondo Beach.



Beach Cities Health District (BCHD)

BCHD was renamed from South Bay Hospital District (SBHD) in 1993 following the 1984 failure of South Bay Hospital as a publicly-owned emergency hospital, and the subsequent failure as a leased facility to AMI/Tenet. Per Google Earth Pro (GEP) measurements, the hospital towers are generally 4-story, 60-feet tall. Per BCHD, there is a single, 968-sqft “penthouse” mechanical room atop the 514 N. Prospect hospital building at 75-feet. That represents 0.3% of the approximately 300,000-sqft of the existing campus buildings. At 75-feet, BCHD is 250% the height of surrounding 30-foot height zoning limits. SBHD also allowed construction of two (2) medical office buildings on land it leased to third (3rd) parties. These buildings are both 3-stories and 40-feet, also according to GEP measurements. They are both 130% of local zoning height restrictions and the 510 N. Prospect building is built at the

west-most lot line, increasing its mass, noise reflection, and visual height to a maximum for its construction. At 130% to 250% in excess of surrounding zoning height limits, with concrete sound-reflective walls, substantial reflective glass, night time outdoor lighting, traffic, and emergency siren activity, BCHD is not consistent with the surrounding neighborhoods in function nor design.



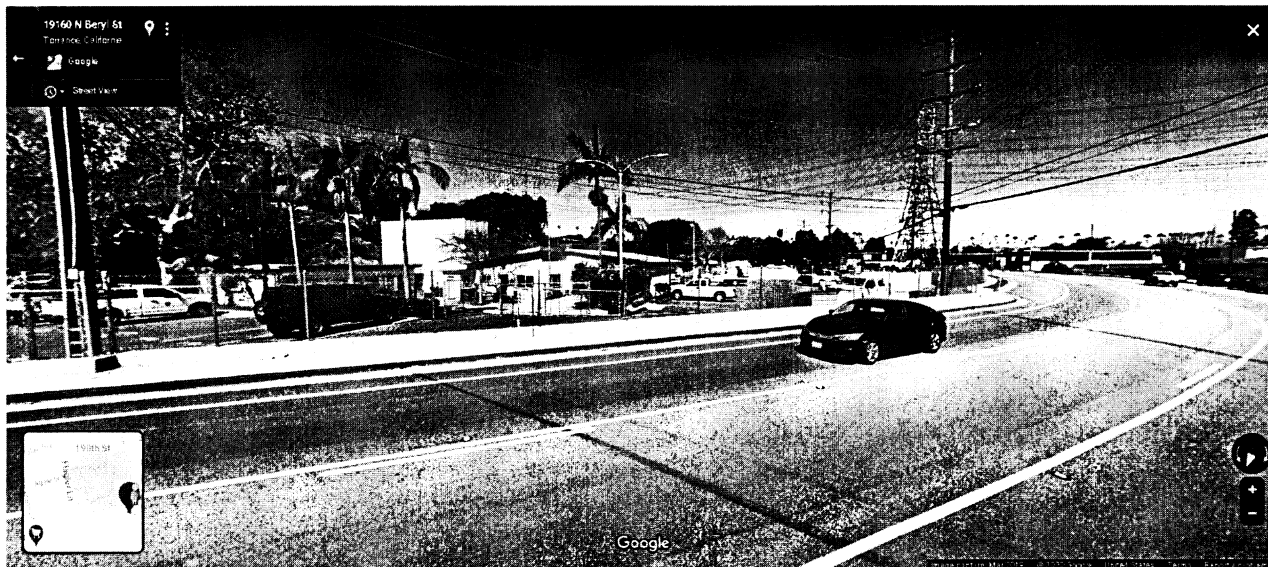
Broadway Fire Station (#1)

Per in-person visual inspection, the Broadway Fire Station is a corner lot with general building height of 1-story, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities and built in a not dissimilar architectural design to minimize its impacts.



City of Redondo Beach Facility (Beryl St)

Per in-person visual inspection, this multi-use facility houses both the police shooting range and a number of public works functions. It is in the southeastern most corner of the Dominguez Park parcel, adjacent to the Edison right-of-way and across the street from Towers Elementary. The Edison right-of-way to the north is utility/industrial use and the park to the west is public use and significantly elevated above the parcel. The Torrance public facility, Towers Elementary is to the south. There is some residential to the east behind a sound wall. On three (3) sides, the use of this parcel is consistent with its surrounding public facility zoning, although the police shoot range has decades of controversy surrounding it. The residential to the east is buffered by a strip of land and the road. Most of this parcel's surrounding neighbors are consistent uses.



Grant Fire Station (#2)

Per in-person visual inspection, the Grant Fire Station is a corner lot with general building height of 1-1/2-stories, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities except for the specialized tower, and built in a not dissimilar architectural design to minimize its impacts.



Kensington Assisted Living

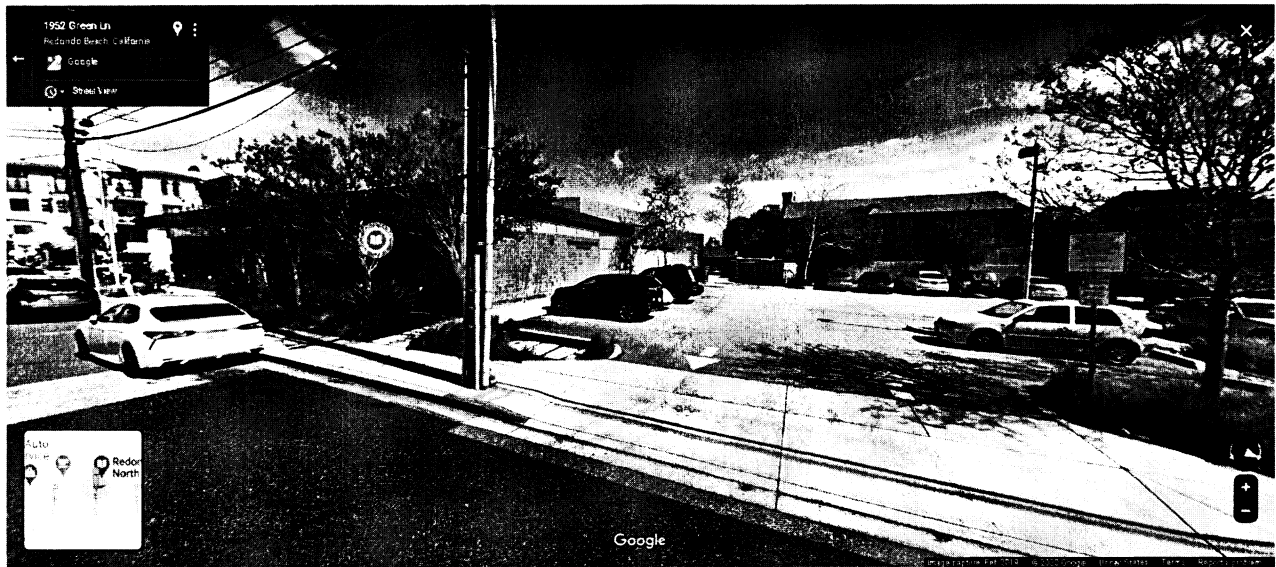
Per the City of Redondo Beach EIR, the project includes an 80,000-square foot assisted

living facility with 96 suites and 11,000-sqft of common space on 3.37 acres gross. The footprint of the facility buildings is 1.15 acres based on aerial analysis. The architecture and design is earth tone Spanish revival and at 33-foot maximum height is very consistent with the surrounding single and multifamily residential.



North Branch Library

Based on aerial analysis and GEP, the North Library is approximately 12,000 sqft footprint and surrounded on three (3) sides by commercial development. To the south is multifamily residential. Based on in-person inspection, the interface of the tallest point of the library and the multi-family to the south are approximately equal height at two (2) stories. The mixed use to the north of the Library is nominally 4-stories and more visually massed than the Library. The Library has clean design and is consistent with the adjoining land uses visually and in terms of height, is lower than the land use to the north.



Conclusion

Based on this analysis, only BCHD is vastly out of scale and design with surrounding neighborhoods. Except for a small, local servicing strip mall to its north, the 30-foot elevated site of BCHD is visible to all residential construction on all four (4) sides of the lot. Noise, aesthetic blight, glare, reflection, night time lighting, traffic, sirens, and associated PM2.5 emissions are inconsistent with surrounding land uses, notwithstanding any CEQA self-certification by BCHD.

Further, BCHD had developed a moral obligation to protect the community standard that is more stringent than laws and ordinances. This moral obligation standard was used by BCHD to justify seismic retrofit or demolition of the 514 hospital building. Consistent application of the standard to the surrounding neighborhoods, 60+ years of economic and environmental injustice by SBHD and BCHD, and a proposed 50-100 years more of economic and environmental injustice renders this overdevelopment unbuildable.

Last, the current BCHD has only 0.3% of its campus sqft at 75-feet tall. The 514 building is on average just slightly over 30-feet tall, and as such, that average height should serve as the average height cap to any future site development under a CUP for P-CF zoning.

Redondo Beach Code Conformance

The current BCHD at 312,000 sqft does not appear to conform with existing Redondo Beach code for issuance of a Conditional Use Permit. The proposed 793,000 sqft, 103-feet tall, 6-story senior apartments and 10-1/2 story, car parking structure violate the following RBMC section based on height, noise, invasion of privacy, and excess generated traffic. In addition, the proposed BCHD overdevelopment is inconsistent with design guidelines for Beryl Heights.

Reference: 10-2.2506 Conditional Use Permits.

(a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to **insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties** nor disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

(b) Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this section:

(1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to **adjust such use with the land and uses in the neighborhood.**

(2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

(3) **The proposed use shall have no adverse effect on abutting property or the permitted use thereof.**

7. BCHD Must Dedicate All Open Land to Unrestricted Public Use or No CUP Can be Considered

BCHD Plans to Allow a Commercial Developer to Build, Own and Operate the RCFE

In public discussions with Cain Brothers/KeyBanc, the investment bankers for BCHD, the discussion has centered around forming a joint venture (JV) between a majority owner, commercial real estate developer and BCHD. That JV could easily remove the proposed openspace from public use. As such, BCHD must place deed restrictions on the openspace and dedicate them to the perpetual use of public recreation. No ownership of any public land can be permitted by any JV, nor can any lease arrangement place any restrictions on public use of openspace.

C. BCHD PROJECT DESCRIPTION AND PROJECT ALTERNATIVES ARE INVALID

1. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

BCHD ignores laws and ordinances when declaring that the failed hospital building must be seismically renovated or demolished. There are no codes or ordinances requiring demolition, therefore, BCHD falsely makes the claim that the 514 N. Prospect must be demolished in both its preferred project description and No Project Alternative. BCHD has multiple Phase 2 descriptions, denying the public the right to intelligent participation using a stable and finite project description. BCHD insufficiently defines Phase 2 in order for environmental analysis or public comment.

2. BCHD Fails to Meet Programmatic EIR Requirements

BCHD fails to provide a sufficient information, and therefore excessive uncertainty, regarding Phase 2 for the public to intelligently review it or for BCHD to make meaningful assessment of impacts.

3. BCHD Project Alternatives are Inadequately Developed and Flawed

BCHDs No Project alternative is flawed and asserts that the failed hospital has a current seismic defect. BCHD rejected a more valid No Project alternative of no seismic retrofit by creating unnecessarily restrictive objectives and assuming a false narrative of termination of all renter leases to retrofit. BCHD has provided no analysis of the future 514 N Prospect building changes, costs, or timing. Further BCHD falsely asserts that all tenants must be removed for remodeling. If that is the level of BCHDs commercial expertise, it should not be in the commercial rentals business at all.

4. BCHD Failed to Consider Cessation of Operations and Return of Property to Taxpayer-Owners in the form of a Community Garden

Summary

BCHD failed to consider the appropriate No Project Alternative of Cessation of Operations. BCHD errs when assumes that seismic upgrade or demolition is required. However, if demolition is voluntarily elected, the quid pro quo mitigation for the environmental damage of demolition, hauling, noise, etc. is cessation of operations and establishment of a taxpayer-owner community garden.

History of the Parcel, Failure of South Bay Hospital

In 1955, voters of Hermosa Beach, Redondo Beach and Manhattan Beach approved a charter for the South Bay Hospital District (SBHD) for the express purpose to build, own and operate an emergency hospital sized for the three beach cities. Subsequently, voters approved both a bond measure for purchase of the Prospect Avenue campus in Redondo Beach and also construction of the hospital, along with a property tax levy. According to the Daily Breeze, the publicly owned hospital started operation in 1960, was expanded in 1970, and was in poor financial condition by the late 1970s. By 1984 the publicly owned and operated hospital ceased operation and the shell of the hospital was rented out. In 1993, when it was clear that the hospital was not going to be an ongoing rental concern, the SBHD renamed itself Beach Cities Health District (BCHD), kept the property, financial resources, and annual property taxes and ultimately shuttered the emergency hospital in 1998.

The quid pro quo with the community for the Environmental and Economic Injustice to the surrounding neighborhoods was 24/7 Emergency Medical Services.

BCHD was Not Voter Approved

BCHD was not voter approved and does not serve the only voter-approved mandate of the district, that is, provision of an emergency hospital.

BCHDs Overdevelopment is for Wealthy Non-Residents

Despite the fact that South Bay Hospital was sized and built for the three beach cities, BCHD is proposing an 800,000 sqft, \$400M development on the taxpayer-owned campus that serves mainly non-residents. Per BCHD consultants, 80% of tenants of the \$12,000/month “upscale” assisted living will be NON-RESIDENTS of the three beach cities, and primarily from Palos Verdes Peninsula and outside the south bay.

South Bay Hospital Building Does Not Require Retrofit or Demolition

BCHD Board and executive management have declared that the 514 N Prospect Ave hospital is no longer fit for use and must be retrofit or demolished. While this is not technically accurate per BCHDs own engineers, it is the path BCHD is pursuing. The cost of demolition is estimated at \$2M plus the cost to remove hazardous waste, such as asbestos and nuclear medical waste. The district has sufficient cash on hand for the demolition activity. The 510 and 520 N Prospect Ave medical office buildings (MOB) are privately owned and on leased public land. The 510 MOB lease is up in the mid-2030s (estimated), while the 520 MOB lease is up in 2060 (estimated).

Re-development Should Occur as a Community Garden

To cure the Environmental and Economic Justice impacts to the three beach cities and the local neighborhoods, the publicly owned campus can become a community garden. The 514 N Prospect Ave hospital building can be demolished and the approximately 8 acres parking lots and former building site, along with the Flagler and Beryl parcel, can be redeveloped into the Beach Cities Community Garden (BCCG). The BCCG will be developed and maintained by the net revenues from the 510 and 520 MOB. As each building comes to the end of its lease, it can be demolished and its footprint added to the park.

Residents of the three beach cities would be entitled to a one-year, lottery-based use of plot of to-be-determined size. If all plots are not subscribed, non-residents will be rented the plots. At such time after 2060 when no revenues are received from the 520 MOB, rents would be determined for residents and non-residents in a 1:4 ratio, that is, non-resident rent would be 4-times that of resident rents.

BCHD Would be Repurposed and Properly Operated

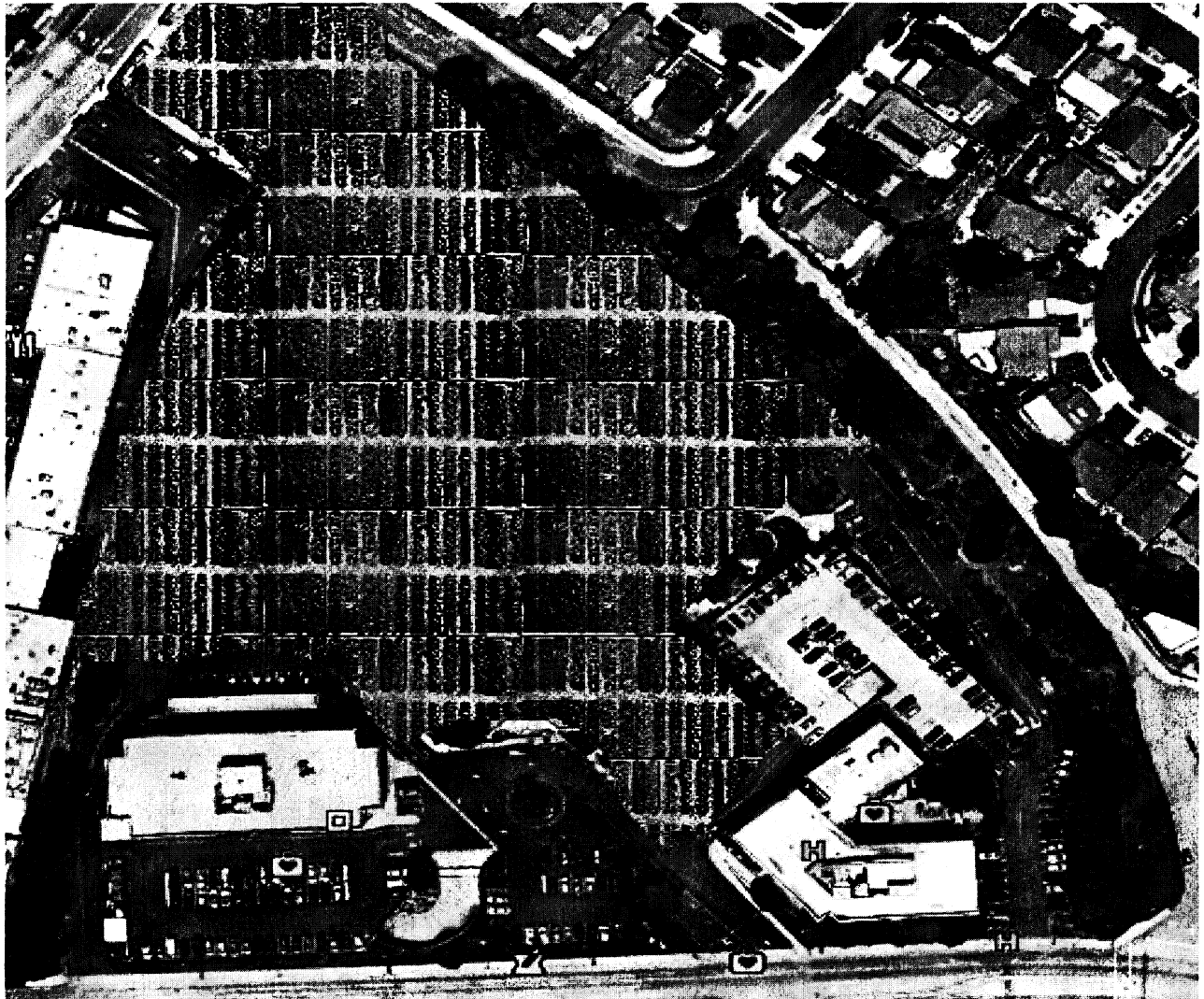
BCHD would be repurposed to receive only the revenues from property taxes and its existing Joint Ventures until such time as they are dissolved. At that time, BCHD would receive only the property tax revenues. BCHD staff and operations would be significantly downsized, and BCHD would become only a property management and financial grant entity. That is, it would serve only as an administrator of funding for third parties based on its revenues outlined above. The current CEO and Board would be dismissed and replaced with a CEO and Board with mandated expertise in property and grant management as determined by a committee of the three beach cities that own BCHD. This would be codified in the voter-approved charter amendment for the repurposed BCHD. In the event the charter

could not be legally amended, BCHD would be dissolved, a three city community garden established, and BCHD assets liquidated and put into a non-wasting trust to maintain the community garden.

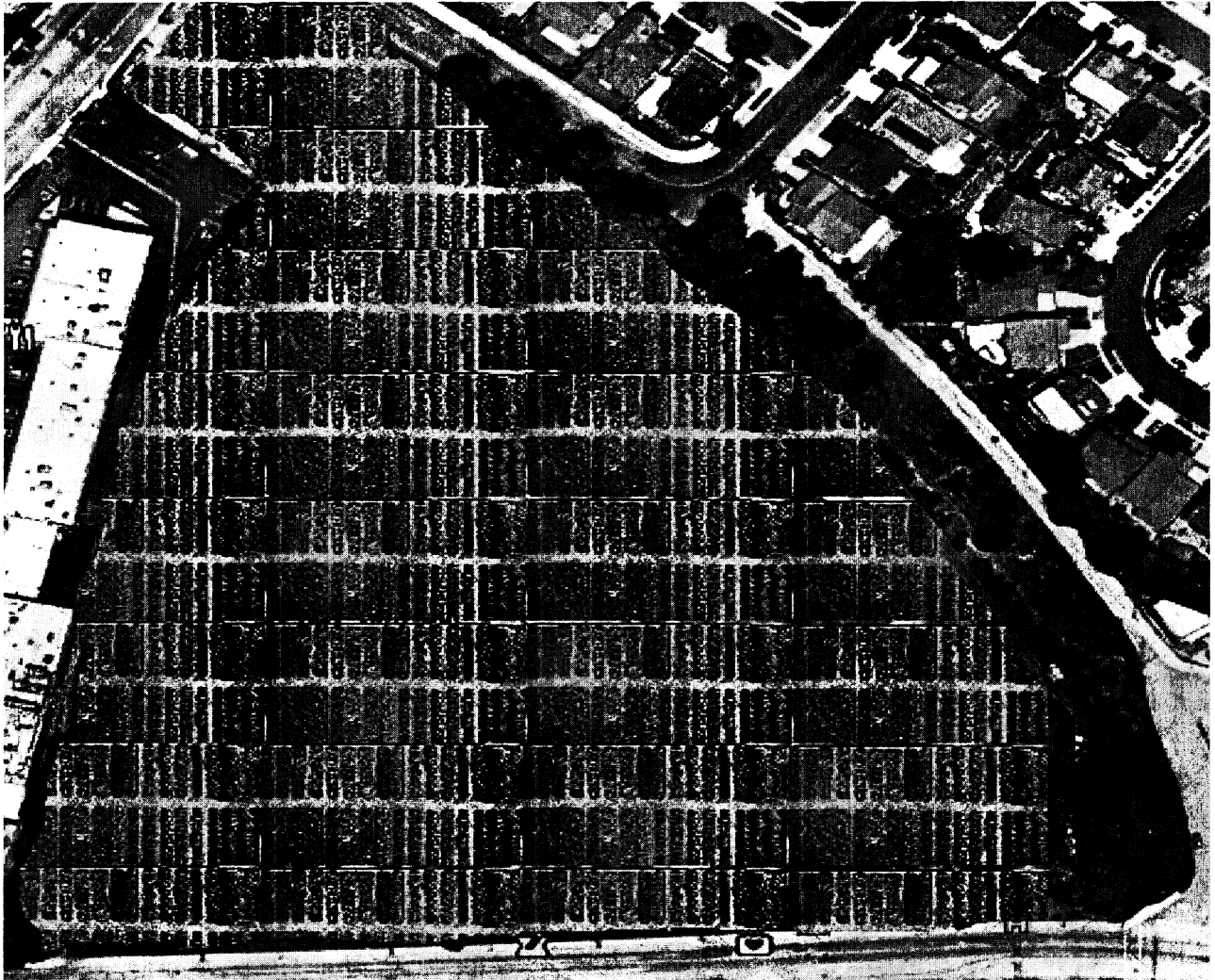
Current Campus



Beach Cities Community Garden 2025 Post 514 N Prospect Demolition







5. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

Background

The Project involves the demolition of the failed South Bay Hospital and expansion of the current BCHD facilities. Specifically, the project would consist of approximately 800,000 sqft of surface buildings with a height of 103-feet. The Draft EIR for the project provides the project would be developed in two successive phases.

BCHD Description of Phase 2 Fails the Accurate, Stable and Finite Test

An EIR must contain a detailed statement of all significant effects on the environment of the proposed project. (Pub. Resources Code § 21100.) The courts have stated, “An accurate, stable and finite project

description is the sine qua non of an informative and legally sufficient EIR.” (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192-93.) “The defined project and not some different project must be the EIR’s bona fide subject.” (M.M. Homeowners v. San Buenaventura City (1985) 165 Cal.App.3d 357, 365, emphasis added.)

By its own presentation, BCHD provides multiple views of Phase 2, thereby providing a de facto failure of accurate, stable and finite. The public is denied cost-effective, intelligent participation in the CEQA process because it is required to analyze multiple scenarios, all of which cannot be developed on the same space.

BCHD must account for the reasonably foreseeable future phases of the Project. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393-399.) The Guidelines provide that “project” means “the whole of the action.” (Guidelines, § 15378, subd. (c).) An agency cannot treat one integrated large project as a succession of smaller projects, none of which, by itself, causes significant impacts. Phase 2 is insufficiently specified cannot be adequately analyzed given the lack of specificity that BCHD provided in its defective DEIR.

The law governing recirculation of an EIR is set forth in CEQA Guidelines Section 15088.5(a): A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. Specifically BCHD must provide the public with an accurate, stable and finite (one single description of a proposed Phase 2) and recirculate.

D. BCHD “PURPOSE AND NEED” IS INVALID

1. BCHD Duplicative PACE Facility Purpose and Need is Invalid Based on Lack of Evidence and Need

Background

BCHD is requesting permission as a publicly owned entity to provide public services and in the process do irreversible damage to the environment for generations.

BCHD’s prior three healthy living campus designs did not contain any PACE component. Not until the never-before-seen June 12, 2020 at 605PM Friday after close of business plan was PACE provided to the public. In an online search of over 1,300 documents and pages on the BCHD.org site, there are no occurrences of the PACE concept prior to the June 12, 2020 release. That includes public notices, RFQs, and public informational documents. It would appear that inadequate consideration was provided to the decision to add a PACE facility. All zipcodes of BCHD are already served by PACE, as are all surrounding zipcodes.

Summary of Cain Bros. (Investment Bankers) PACE Information in BCHD Public Documents Fails to Provide any Justification of Need to the 3 Beach Cities Given that LA Coast PACE Services the Area

“PACE – Program for All-Inclusive Care for the Elderly is a program designed to maintain an individual’s ability to live in their home and minimize medical costs while increasing quality of life through active support of social determinants of health, activities of daily living and early medical intervention and wellness programs through adult day center and primary care clinic”

BCHD misrepresents its primary interested in the commercial money-making opportunity and provides no health need or benefit of the duplicative PACE proposal

“Sub-contracting revenues from an adjacent PACE in the form of meals, housekeeping, security, van transportation might be viewed as advantageous by AL/MC JV partners as they could be charged at “cost-plus” rates to the PACE site”

“Leading PACE sites can generate 12-15%+ EBITDA with annual dual Medicare/Medi-Cal capitation revenues that can reach \$90K per enrollee/per annum”

“Enrollment scales rapidly and increases profitability incentivizing the need for 14,000 sq. ft. space so as to accommodate up to 200 daily users or the equivalent of 400 PACE enrollees”

“Prudent program for “highest cost utilizers” out of MA/ACO plans so a potential discharge destination for Kaiser [NOTE: Is this a RECYCLED Kaiser Presentation?] and health systems or large physician groups that have capitated financial risk”

“Wide range of medical, home care, rehab services and building/maintenance costs can be subcontracted by the District at “cost-plus” rates”

PACE Financial Overview

Development Budget and Resulting Sources & Uses of Funds (Preliminary, Subject to Change)

The tables below show the development budget for construction of a new PACE Center on BCHD's Healthy Living Campus and the resulting financing in order to fund the construction. Under the assumption that construction takes place over 14 months and the District obtains permanent financing for a term of 30 years at an interest rate of 4.00%, approximate annual net level debt service would be ~\$667,780

PACE Operator will provide funds for start-up working capital and state required reserve – approximately \$4 million

Hard Costs (14,000 sq. ft. @ \$400 per sq. ft.)	\$5,600,000
Soft Costs (14,000 sq. ft. @ \$100 per sq. ft.)	1,400,000
Parking	2,000,000
Equipment / FF&E	2,000,000
Land	2,000,000
Total	\$13,000,000
Tax-Exempt Debt Funding	\$11,000,000
Equity Contribution (Land Value)	2,000,000
Total	\$13,000,000
PACE Project Fund	\$11,000,000
Land	\$2,000,000
Total	\$13,000,000

CAIN BROTHERS
 HEALTH CARE CAPITAL MARKETS, ONE

6

PACE Financial Overview

Debt Service Coverage and Revenue at Stabilization

Beach Cities Health District has two potential revenue streams if it were to develop a PACE facility on its Healthy Living Campus:

- 20% of the "free cash flows" from the PACE operations (assuming BCHD is the minority stakeholder in an 80% / 20% JV Partnership with a PACE operator)
- The difference between the rent from the PACE JV and the debt service on the funds borrowed to finance construction of the PACE Center.

Aggregate Operating Revenues	\$43,814,302
Aggregate Operating Expenses	(38,355,056)
Aggregate Operating Income (Deficit)	\$5,459,246
Add Backs	
Depreciation	\$431,165
EBITDA	\$5,890,411
JV Distributions	
80% of EBITDA to PACE Operator JV Partner	\$4,712,329
20% of EBITDA to BCHD	\$1,178,082
BCHD Projected Annual Cash Flow	
Difference between PACE Lease / Rent and Debt Service	\$118,763
Total PACE Revenues to BCHD (not including van or in-home subcontracts)	\$1,296,845
Debt Service	\$667,780
Debt Service Coverage	1.94x

PACE is Likely a Poor Fit for the 3 Beach Cities

Based on the PACE association, 90% of PACE participants are funded by both Medicare and Medicaid, while 9% are Medicaid and 1% are cash plus potentially Medicare. As such, it is quite unknown if the demographics of the three beach cities that own, fund and operate BCHD will have many qualifying participants. BCHD provides no need justification.

Conclusion

Cain Bros. provides only the barest fact base for the PACE program, a never-before-seen component of the healthy living campus plan that was introduced to the public by BCHD after close of business June 12, 2020 and approved as part of the BCHD plan three (3) business days later on June 17, 2020. The list below of open issues is recognized from the Cain document and highlights the open questions that existed at the time of BCHD Board approval.

1. Cain sizing recommendation of 400 participants is less than the California PACE program average size for mature California programs. Cain provides no reasoning, support or data.
2. Cain provides no market research for local area, nor any competitive analysis. For example, all BCHD zipcodes as listed in the MDS market study are already service for PACE by LA Coast PACE.

LA Coast	Los Angeles County	90045, 90066, 90094, 90230, 90232, 90245, 90254, 90266, 90274, 90275, 90277, 90278, 90291, 90292, 90293, 90501, 90502, 90503, 90505, 90701, 90703, 90710, 90715, 90716, 90717, 90731, 90732, 90744, 90745, 90755, 90802, 90803, 90804, 90806, 90807, 90808, 90810, 90813, 90814, 90815, 90831
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3. Like BCHD contractor MDS, Cain provides no “voice of the customer” direct surveys of residents of the three beach cities to assess need, interest or eligibility.
4. Cain fails to provide and research of detail on the three beach cities resident qualifications for MediCal, since PACE is 99% funded by Medicaid (MediCal) or Medicare and Medicaid and only 1% cash pay according to the National Pace Association, npaonline.org.
5. Cain fails to provide a path for PACE funding for BCHD, that is, how will BCHD raise the funds and will a public vote of indebtedness be required?

Cain Bros. Public Presentation

https://www.bchdcampus.org/sites/default/files/archive-files/Cain%20Borthers_Financial%20Analysis_2020.pdf

2. BCHD RCFE Purpose and Need is Invalid Based on BCHDs MDS Research Study

Summary

Little need in Redondo Beach for Additional, Public-land RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further,

the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

Little Need in the 3 Beach Cities for Publicly Developed, Market Price RCFE – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD Studies Present No Evidence of Public Development Need – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

BCHD Continues to Misstate any Need – BCHD falsely claims that it needs to build RCFE to meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

Voter Approved Hospital was Sized for ONLY the 3 Beach Cities – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

Analysis

Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre-tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.

EXHIBIT 1-6

**MINIMUM QUALIFYING CASH FLOW INCOME REQUIREMENTS FOR
A NEW ASSISTED LIVING AND MEMORY CARE DEVELOPMENT IN REDONDO BEACH, CALIFORNIA**

Based on 2021 Monthly Service Fees

<u>Unit Type</u>	<u>Number of Units</u>	<u>Monthly Fee</u>	<u>Annualized Monthly Fee</u>	<u>Total Annual Cash Flow Requirement After Tax ¹</u>	<u>Likely Annual Cash Flow Before Tax ²</u>
<u>Assisted Living Units</u>					
One Bedroom	102	\$9,250 - \$12,250	\$111,000 - \$147,000	\$138,750 - \$183,750	\$154,167 - \$204,167
<u>Memory Care Units</u>					
Studio - Semi-Private	60	\$8,985	\$107,820	\$126,847	\$140,941

MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.

EXHIBIT 3-3

SUMMARY OF INCOME QUALIFIED AGE 75+

HOUSEHOLDS BY ZIP CODE IN THE PRIMARY MARKET AREA

After Income Screen

<u>Zip Code / Community</u>	<u>Total 2019 Age 75+ Households</u>	<u>\$150,000 + Qualifying Income Screen</u>			<u>Absolute 2019-2024</u>	<u>Average Annual % Change</u>
		<u>2019</u>	<u>2021</u>	<u>2024</u>		
* 90275 Rancho Palos Verdes	3,550	787	887	1,062	275	6.2%
* 90274 Palos Verdes Peninsula	2,425	744	826	965	221	5.3%
90503 Torrance	2,386	152	182	238	86	9.4%
* 90505 Torrance	2,287	196	233	303	107	9.1%
* 90277 Redondo Beach **	1,890	194	232	305	111	9.5%
* 90266 Manhattan Beach	1,612	338	397	506	168	8.4%
90504 Torrance	1,542	79	96	129	50	10.3%
90278 Redondo Beach	1,344	134	167	234	100	11.8%
90254 Hermosa Beach	691	119	145	196	77	10.5%
90260 Lawndale	656	21	27	39	18	13.2%
90245 El Segundo	577	67	80	104	37	9.2%
Total	18,960	2,831	3,277	4,081	1,250	7.6%

Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall, Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area

BCHD Consultant MDS 2019 Marketing Results 2019 Income Qualified Prospective Renters (by area)	
Palos Verdes	37.9%
> 10 mile Radius	30.0%
*90254+*90266	11.3%
*90278	3.3%
*90277	4.8%
Torrance	11.5%
Other	1.2%
CONTROL TOTAL	100.0%
Redondo Beach Total	8.1%
*=BCHD Owners Total	19.4%

South Bay Hospital District Services Sized Exclusively for the Three Beach Cities

According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future was

becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon

A. Public Records Request MEN 20191109-0:

1) “Informational Items”

Please find below the link to the presentation provided by The District in response to this request. 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.

<https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/476050/Finance Committee 2019 11 12 Final 111 22019 Website.pdf>

2) “Specifically Regarding 4. RCFE Community Needs & Market Assessment Study”

- a. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the exclusive use of the “Beach Cities” that chartered the BCHD? To avoid ambiguity, the “Beach Cities” is defined as exclusively the residents of Manhattan, Hermosa and Redondo Beach. Any zip code level analysis must be entirely within the “Beach Cities” as defined.

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- b. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a shortfall in the supply of RCFE units for the “Beach Cities”.

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- c. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a significant change in market cost of RCFE for the “Beach Cities” due to a short fall in the total supply of units without the BCHD units? If a change is identified, what is the estimated value per month paid by average RCFE tenant of the change?

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

Market Studies are Incomplete and Flawed

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities they formed and funded South Bay Hospital District and execution was conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

BCHD Relies on No Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY-STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2019_0.pdf

CEQA Fails Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHD's lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

E. BCHD PROJECT OBJECTIVES ARE UNSUPPORTED AND OVERLY RESTRICTIVE

1. BCHD Project Objectives are Generally Flawed

BCHD has Fabricated a Current Need for Seismic Retrofit or Demolition

No laws or ordinances require any retrofit or demolition. The “best practice” ordinance of the City of LA (not applicable) would allow up to 25 years for action. There is NO CURRENT SEISMIC NEED.

Net Benefits of Current and Future Programs are Not Quantified and May be Negative

BCHD asserts that it needs replacement and future revenues. Since its inception in 1993, BCHD have had no program budgets, cost-accounting or benefits assessment, according to the widely understood US CDC methods. Therefore, BCHD cannot assert any of its programs provides benefits above its costs to residents of the three Beach Cities. Therefore BCHD project objectives asserting public need or benefits are unsupported.

Revenue Requirements for Programs with Net Benefits are Non-existent

BCHD provides no pro formas of future benefits or the revenue requirements to gain such revenues. Therefore both if its Project Objectives regarding revenue are unsupported.

BCHD Has No Evidence of Net Benefits of RCFE to the Three Beach Cities or Redondo Beach

BCHD asserts market-priced (approximately \$12,000+ monthly rent) is required by the three Beach Cities to be developed on scarce Public land. BCHD undermines its own case by demonstrating less than 20% of residents will be from all three Beach Cities and less than 5% will be from 90277, the Redondo Beach target of 100% of the Environmental and Economic Injustice impacts.

BCHD Project Objectives are Overly Restrictive and Deny Environmental Protections by Targeting Only the Proposed Project and Extremely Similar Projects

BCHD has authored interlocking, unsupported, and some outright false Project Objectives that are so restrictive when taken as a whole that no alternatives or changes to the project are acceptable. This is flatly unacceptable in CEQA.

2. BCHD Project Objectives are Not Evidence-Based and are Not Valid

The following are BCHD stated Project Objectives along with evidence-based discussions of their lack of validity.

BCHD Project Objective #1

Eliminate seismic safety and other hazards of the former hospital building (514 Building)

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)

BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents "Best Practice"" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

BCHD Project Objective #2

Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a Community Wellness Pavilion with meeting spaces for public gatherings and interactive education.

Discussion of and Rebuttal to Objective #2s Validity

When requested in a California Public Records Act (CPRA) Request, BCHD responses indicated that it had no scientifically valid reason for the need for open space nor the size of the open space if required. BCHD referred to documents that assumed the existence of open space, but provided no reasoning for the need. In fact in one document, BCHD provided attendees a presentation in advance of the discussion that contained the requirements and definitions, thereby mooting the outcome of the public discussion. The definitions are below.

BCHD Direction - "What is a "Wellness Community"?"

A wellness community seeks to optimize the overall health and quality of life of its residents through conscious and effective land plans and facility designs, complimentary programming, and access to related resources and support services. It is also part of the DNA of the community to place emphasis on connecting people to one another as well as to nature.

BCHD Direction - What is a "Healthy Living Campus"?"

An arrangement of buildings and shared open spaces proactively developed with the holistic health of its residents, guests, environment – both natural and built – and local community in mind."

Citation: BCHD CPRA Response "On Mon, Sep 14, 2020 at 3:48 PM Charlie Velasquez <Charlie.Velasquez@bchd.org>"

Citation: (<https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%202020Report.pdf>)

BCHD Project Objective #3

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

Discussion of and Rebuttal to Objective #3s Validity

BCHD has no voter-approved mission. BCHD was formed from the failed South Bay Hospital District in 1993 according to a CPRA response from BCHD. Furthermore, the hospital district was formed to build, own and operate a taxpayer funded facility that was sized for the residents of the three beach cities (Hermosa Beach, Manhattan Beach and Redondo Beach) that voter authorized the formation of the hospital district. As such, BCHD mission is arbitrary with respect to its taxpayer-owners.

BCHD is electively discontinuing use of the Hospital Building based on the invalid assumption that it requires seismic hazard reduction. As demonstrated above, BCHD's own Youssef Associates has stated no upgrade is required.

BCHD has no evidence that its current level of services is needed or cost-effective. Since 1993, BCHD has failed to budget, cost-account, evaluate, or conduct benefit-to-cost analysis of its programs. US CDC has both methodologies and thorough recommendations for public health program evaluation and cost-effectiveness that BCHD has ignored. Therefore, BCHD assertion that there is any need to generate revenue for its voter-unapproved mission and programs of unknown value is objectively invalid.

BCHD's contractor Bluezones has refused to provide any documentation of its benefit methodology and asserts confidentiality. Therefore no Bluezones program benefits can be counted by BCHD. I have provided Bluezones legal counsel with a demand to show proof of their process.

Last, BCHD claimed full credit for all positive effects of LiveWell Kids, despite the fact that evaluation experts at LA County Department of Health, likely versed in appropriate CDC methodologies, were clear to state, "this study was not a formal program evaluation and, importantly, lacked a control group." LA County Department of Health is honest, experienced and competent and was clear that BCHD had failed to complete a program evaluation.

It is quite clear that BCHD lacks the needed information to demonstrate: 1) it has a clear, voter approved mission, 2) its programs have value based on objective evaluation and net benefits, and therefore there is any legitimate reason to damage the environment to circumvent BCHD approaching taxpayers for a funding vote, and 3) it should be rewarded for the premature closure and demolition of the South Bay Hospital building that has 20-25 more years of use according to BCHD's own consultants and has no current ordinance obligating retrofit or demolition.

Citation: Youssef Presentation above

Citation: BCHD CPRA Response "RE: PRA Request - 40 programs Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Aug 13, 2020, 12:50 PM

BCHD Project Objective #4

Provide sufficient public open space to accommodate programs that meet community health needs.

Discussion of and Rebuttal to Objective #4s Validity

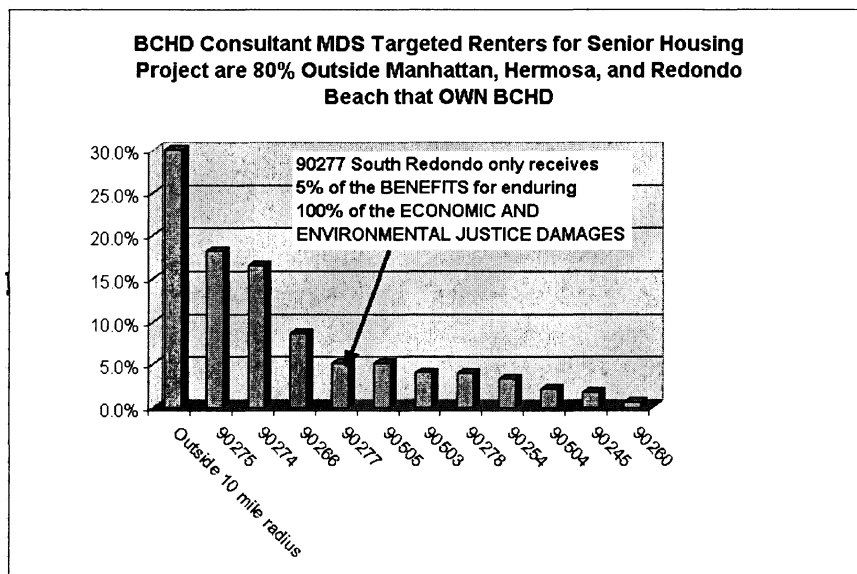
As cited in Objective #2 above, BCHD’s CPRA response demonstrated that it has no scientific or quantitative basis for the definition of “sufficient” or any substantiation of why community health needs require open space at this location.

BCHD Project Objective #5

Address the growing need for assisted living with onsite facilities designed to be integrated with the broader community through intergenerational programs and shared gathering spaces.

Discussion of and Rebuttal to Objective #5s Validity

BCHD is owned and operated by the taxpayer-owners of Redondo, Hermosa and Manhattan Beach. According to BCHD’s consultant, MDS, the residential care for the elderly (RCFE) facility is expected to house 35% non-resident tenants from the Palos Verdes area, 30% non-resident tenants from outside a 10 mile radius of the BCHD, and less than 20% resident tenants from within the three beach cities. Further, the facility will impact south Resondo Beach 90277 with nearly 100% of its economic and environmental injustices, as did South Bay Hospital before it, yet less than 5% of tenants are expected to be from 90277.



Furthermore, BCHD’s consultants MDS and investment bankers Cain Brothers/KeyBanc anticipate monthly full market rents for both residents and non-residents with the exception of a potential small number of small subsidy units. The anticipated monthly rents are below and in cases exceed \$13,700/month.

ALF / MC Unit Mix, Financing, and Operations Projections

Preliminary Financial Results at Stabilization

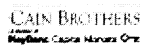
Scenario: 6 Story

The table below provides unit mix, assumed occupancy, estimated monthly service projected annual revenue (in today's dollars) for the BCHD Assisted Living / Memory

Revenue Stream	Available Units/Beds	Occupancy (%)	Occupancy (#)	Rate	Additional Notes
AL – "Premium" Units	30	95	28.5	\$12,500	11,475 - 13,725
AL – "Regular" Units	114	95	108.3	\$12,000	None
AL – "Affordable" Units	16	95	15.2	\$7,500	
MC (60 Semi-Private Units)	120	95	114.0	\$10,000	
Admission Fees ⁽¹⁾	N/A	N/A	~89 (Turnovers)	\$15,000	
Second Persons ⁽²⁾	N/A	N/A	~30 (2 nd Persons)	\$1,500	
Additional Personal Care Service ⁽³⁾	N/A	N/A	~99	\$1,500	

Total Operating

- ⁽¹⁾ 1/3 of All Occupied Units = Annual Turnover
- ⁽²⁾ 20% of Occupied AL Units are couples
- ⁽³⁾ 1/3 of all Residents require additional Personal Care Services



It is quite clear from the BCHD consultant studies that the RCFE facility is not being built to serve the three beach cities that own and operate BCHD. Further, it is clear that the typical monthly rents for the "upscale" facility (as described by Cain Brothers executive Pomerantz) are \$12,000+ per month and outside the reach of most aged residents. Cain Brothers has recognized the affordability problem and executive Pomerantz has suggested taking the equity in seniors homes. That is clearly unacceptable.

Lastly, BCHD is a government agency, yet, it is pursuing market-priced RCFE rather than cost-based housing as it typical for nearly every governmental unit providing services in California. For example, the Redondo Beach Fire and Police Departments are not profit centers. Nor is the building department. Nor was the publicly owned version of South Bay Hospital, the only voter approved use for the campus. If BCHD were to take its public mission seriously, it would reduce the cost of the development using public, tax-free financing and charge cost-of-service monthly fees that would eliminate the steep profit made by operators.

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2019_0.pdf

Citation: Cain Brothers/KeyBanc June 2020 BCHD Finance Committee presentation

BCHD Project Objective #6

Generate sufficient revenue through mission derived services or facilities to address growing future community health needs.

Discussion of and Rebuttal to Objective #6s Validity

As of 2/19/21 there was no published forecast of the “sufficient revenue” to “address growing future community health needs” nor is there a definition of “future community health needs.” It is unclear if BCHD will be replying to CPRA requests in a timely fashion or not. If not, the objective must be removed.

3. BCHD Project Objective #1 is Invalid Because No Laws or Ordinances Exist Requiring Seismic Upgrade or Demolition of the 514 N Prospect Building

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)

BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents “Best Practice”" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

1. In FAQs - BCHD recognizes this is an elective activity without any objective obligation.

DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a proactive approach to these seismic issues.

2. In his YouTube, the CEO asserts a BCHD policy of a moral obligation standard, however, BCHD fails to apply this standard to any other impacts, therefore, it is invalid.

BCHD HAS A SELF-ASSERTED MORAL OBLIGATION POLICY BEYOND CEQA, STATUTES, AND ORDINANCES TO PROTECT THE COMMUNITY

According to CEO Bakaly (https://www.youtube.com/watch?v=RCOX_GrreIY) the standard that BCHD uses is moral obligation and proactive protection of the community. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use is moral obligation uniformly. Clearly in the DEIR, BCHD uses typical, minimum standards. It ignored the intermittent noise and vibration impacts on students at Towers Elementary. It ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles. BCHD selectively applied its moral obligation standard, and therefore rendered it invalid along with the objective.

Conclusion

BCHD must remove it's Project Objective #1 regarding seismic retrofit as false and invalid.

4. BCHD Project Objective #2 is Invalid Because in 27+ Years of Operation, BCHD has not Budgeted, Completed Cost Accounting or Evaluated Cost-effectiveness or Net Benefits of its Programs

Discussion of and Rebuttal to Objective #2s Validity

In response to California Public Records Act requests, BCHD acknowledged that it has not budgeted at the program level, has no corresponding cost-accounting at the program level, nor does it have any cost-effectiveness analysis to demonstrate that the public health benefit of its taxpayer expenditures exceed their costs.

In Board comments, member Poster asserted that BCHD is not required to track program level budgets, costs or cost-effectiveness. On its face, the statement is admission of malfeasance and abdication of fiduciary responsibility to taxpayers.

Also in comments, the CEO noted that some residents want accounting "to the penny", yet another ridiculous statement from an executive with earnings in excess of \$300,000 annually and budget responsibility for \$14.9M annually,

As a result, it is quite clear that BCHD Objective #2 is unfounded and unsupported, and therefore invalid. Project objectives are required to support the environmental damages of the project. In this case, BCHD fiduciary action is so deficient, that it cannot even support the cost-effectiveness of the agency's programs.

Background

BCHD asserts that it delivers 40+ programs, however, based on inspection it appears to have fewer than 10 programs and number of measures that could reasonably be grouped into programs. BCHD further asserts that they are "evidence based", however, when California Public Record Act (CPRA) requests were made to BCHD, their response was not medically or research based. BCHD provided reference to public opinion surveys of public desire for programs, and provided no evidence that

BCHD implementation of programs was based on medical necessity, lack of public or private sector provision, or medical effectiveness. Further they provided no evidence that their programs were a cost-effective expenditure of taxpayer-owner funds.

BCHD has had no Program Level Budgeting nor Cost Accounting for 27 Years of Operation

According to CPRA responses, BCHD was renamed from the failed South Bay Hospital District in 1993. Also according to CPRA responses, BCHD has not budgeted nor tracked costs at the program level in the subsequent 27 years of its operation. As a result, BCHD has no historic fiscal record of its 40+ “evidence based” programs budgets, costs or benefits. BCHD in CPRA responses offered broad brush accounting summaries that aggregated overall costs at a functional level without program specificity and provided no basis for forecasting individual program costs, nor the cost-effectiveness of institutional efficiency of delivery of BCHD.

BCHD has no Cost-effectiveness nor Net Benefit Measurement of its Programs

Also according to CPRA responses, BCHD acknowledges that it has no cost-effectiveness nor net benefit measurements of its programs from its 27 years of operation. Since BCHD fails to budget, track costs, or conduct quantitative evaluations of benefits, it is incapable of providing any evidence that any of its 40+ “evidence based” programs deliver any net benefits, that is, benefits beyond the public funds expended on them. In fact, BCHD cannot demonstrate that each and every program would not be delivered more effectively by private entities or other public entities, or that each program should not be discontinued.

Vanessa Poster, BCHD Longest Sitting Board Member Since 1996 Demonstrates a Lack of Understanding of Health Economics

In a recent 2020 candidate forum, a question was posed to the 5 candidates regarding the delivery and cost-effectiveness of BCHD programs. Board member Poster replied, paraphrasing, that BCHD had no need to gain any program revenues and she demonstrated no understanding of classic health care effectiveness measures. Health care economics is a well understood field, and in general, the evaluation of health programs is conducted by evaluating the programs medical effectiveness, and then computing costs of other health care measures that were avoided due to the program. A simple example is a vaccine, where the effectiveness of the vaccine is tested, the costs of vaccination are determined, and based on the prior “no vaccine” medical treatment data from the groups that are to be vaccinated, the net benefits of the vaccine are computed. It is a straightforward process that had been utilized for decades in medical product and health care delivery, yet, BCHD after 27 years of existence fails to conduct such analysis, instead opting to spend over \$14M annually of taxpayer funds without analysis.

Vanessa Poster can be seen and heard demonstrating a lack of understanding of health economics as it applies to BCHD at <https://youtu.be/2ePOD95YvWk?t=1051>.

BCHD Fails to Adhere to the Well Understood CDC Polaris Economic Evaluation Framework

BCHDs failure to adhere to CDC economic program analysis can be easily recognized by comparing BCHDs lack of program budgets, costs, evaluations, or cost-effectiveness analysis to the CDC framework provided at <https://www.cdc.gov/policy/polaris/economics/index.html>. One of thousands of articles regarding the computation of health benefits over the past decades can be found at: <https://pubmed.ncbi.nlm.nih.gov/3921321/>.

BCHD Relies on Anecdotal Program Information and Not Formal Evaluations of Effectiveness According to the Los Angeles Department of Public Health

One CPRA response by BCHD for evaluation of its programs cited a case study by the Los Angeles County Department of Public Health. On page 8 of that case study, the Department of Public Health states "... this study was not a formal program evaluation and, importantly, lacked a control group ...". As a result, the authors clearly state that it is not a program evaluation, indicating BCHDs lack of understanding of both program evaluation and health economics.

BCHD lacks any rigorous analysis of program budgets, costs, program benefits, or program cost effectiveness using any reasonably accepted health economics methodology, such as the US CDC Polaris model. This lack of program accounting and evaluation appears to have existed since BCHD was formed in 1993 from the failure of South Bay Hospital District. As such, BCHD cannot support any future programs based on measured cost-effectiveness or net benefits, and BCHD spends approximately \$14M annually of taxpayer funds absent any showing of net benefits beyond the expenditures.

Conclusion

BCHD must remove its Project Objective #2 regarding the need for replacement income from the 514 building that BCHD is electively taking out of service needlessly as false and invalid.

5. BCHD Project Objective #3 is Unsupported and Invalid

Summary

BCHD asserts that it requires open space for the public health benefit. However, BCHD provides no rationale for the size of the required openspace. BCHD is adjacent to the 22-acre Dominguez Park which provides ample outdoor space without requiring the negative and significant aesthetic, shading/shadowing, and right-to-privacy robbing impacts of a 103-foot tall building. If limited to the 30-foot standards of all surrounding parcels, those impacts would be mitigated.

When a California Public Records Act request was used to request the specific programs, space requirements, and health requirements of the use of this specific size of open space on this specific parcel, BCHD claimed its “privilege” and yet again denied the public’s right to know.

BCHD is asking for permission to irreversibly further damage the surrounding neighborhoods for an additional 50-100 years. BCHD as a public agency has an absolute obligation to provide the public case and stop hiding behind its “privilege.”

In its prior response, BCHD provided no scientific studies, or any studies at all, that determined 1) the “need” for any openspace beyond the 22 acres at Dominguez Park, 2) the need for any specific amount of openspace, of 3) any peer-reviewed studies.

BCHD CPRA Responses – Claim of Privilege and Lack of Substantiation

RE: PRA Request

Inbox



Charlie Velasquez <Charlie.Velasquez@bchd.org>

Fri, Jan 15, 12:55 to me
PM

Mark,

Please see below for the District's response to your public records request dated 12/17/20 that reads:

As BCHD noted in its response, there was supposedly no BCHD determination of the open space requirement as of the date of the response, despite BCHD's published table identifying a very precise 2.45 acres.

I dispute that assertion that BCHD had not made a determination at the time of the BCHD Board Approval of the "3-Day Approval Plan" on June 17, 2020. A final determination of open space was in fact made in order for the Board's approval vote, down to 1/100th of an acre (which would be to the nearest 436 sqft)

1. Provide documents demonstrating that derivation of the 2.45 acres that was allocated to open space in the plan that was approved by the Board on June 17, 2020. If no documents, state such.
2. As the open space was reduced from 3.6 acres in the 2019 "Great wall of Redondo Plan" to the current proposed 2.45 acres, provide documents demonstrating that the space cannot be further reduced. If no documents, state such.

The District has previously responded to your prior request regarding open space. **Design drafts pertaining to proposed open space are derived internally and with consultants and remain properly withheld pursuant to the deliberative process privilege**, as discussed in the context provided in the original response below.

Provide all scientific studies or analysis that BCHD relies upon to make the determination that any open space or greenspace is required on the BCHD campus. The District will comply with all Redondo Beach ordinances. See City of Redondo Beach Municipal Code.

Provide all scientific studies, analysis, or methodology that BCHD relies upon or will rely upon to determine the precise size of any open space or greenspace on the BCHD campus.

Healthy Living Campus site renderings for the revised master plan are available on the District website: <https://www.bchdcampus.org/>

Please also see attached link for PDF document from Study Circle #2 - Creating Community Gathering Places: <https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%202%20Report.pdf>

Conclusion

BCHD is asking for the right to irreversibly damage the environment for the next 50-100 years. BCHD and SBHD before it have damaged the local environment since the 1950s. The only authorized use of the parcel by voters was for a publicly owned emergency hospital that failed in 1984. At the time of the 1984 failure, the hospital shell was rented and subsequently the quid pro quo with the local neighborhoods for the environmental and economic injustice (EJ) impacts was closed – namely the Emergency Room.

BCHD has no public authorization for continued multi-generational EJ impacts on the surrounding neighborhoods and using its “privilege” to hide decision making and data from the public only cements that case.

6. BCHD Project Objective #4 is Invalid Based on BCHDs MDS Research Study

Summary

LITTLE NEED IN REDONDO BEACH FOR HIGH COST RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further, the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

LITTLE NEED IN THE 3 ENTIRE 3 BEACH CITIES – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD ASSERTS NEED, BUT HAS NO EVIDENCE OF NEED – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

STATED PROJECT OBJECTIVE #4 IS INVALID – BCHD falsely claims that it needs to build RCFE to meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

VOTER APPROVED SOUTH BAY HOSPITAL WAS SIZED ONLY FOR THE 3 BEACH CITIES – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay

Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre-tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.

EXHIBIT 1-6

**MINIMUM QUALIFYING CASH FLOW INCOME REQUIREMENTS FOR
A NEW ASSISTED LIVING AND MEMORY CARE DEVELOPMENT IN REDONDO BEACH, CALIFORNIA**

Based on 2021 Monthly Service Fees

<u>Unit Type</u>	<u>Number of Units</u>	<u>Monthly Fee</u>	<u>Annualized Monthly Fee</u>	<u>Total Annual Cash Flow Requirement After Tax ¹</u>	<u>Likely Annual Cash Flow Before Tax ²</u>
<u>Assisted Living Units</u>					
One Bedroom	102	\$9,250 - \$12,250	\$111,000 - \$147,000	\$138,750 - \$183,750	\$154,167 - \$204,167
<u>Memory Care Units</u>					
Studio - Semi-Private	60	\$8,985	\$107,820	\$126,847	\$140,941

MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that

the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.

EXHIBIT 3-3

SUMMARY OF INCOME QUALIFIED AGE 75+

HOUSEHOLDS BY ZIP CODE IN THE PRIMARY MARKET AREA

After Income Screen

<u>Zip Code / Community</u>	<u>Total 2019 Age 75+ Households</u>	<u>\$150,000 + Qualifying Income Screen</u>			<u>Absolute 2019-2024</u>	<u>Average Annual % Change</u>
		<u>2019</u>	<u>2021</u>	<u>2024</u>		
* 90275 Rancho Palos Verdes	3,550	787	887	1,062	275	6.2%
* 90274 Palos Verdes Peninsula	2,425	744	826	965	221	5.3%
90503 Torrance	2,386	152	182	238	86	9.4%
* 90505 Torrance	2,287	196	233	303	107	9.1%
* 90277 Redondo Beach **	1,890	194	232	305	111	9.5%
* 90266 Manhattan Beach	1,612	338	397	506	168	8.4%
90504 Torrance	1,542	79	96	129	50	10.3%
90278 Redondo Beach	1,344	134	167	234	100	11.8%
90254 Hermosa Beach	691	119	145	196	77	10.5%
90260 Lawndale	656	21	27	39	18	13.2%
90245 El Segundo	577	67	80	104	37	9.2%
Total	18,960	2,831	3,277	4,081	1,250	7.6%

Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to

occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall, Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area

BCHD Consultant MDS 2019 Marketing Results	
2019 Income Qualified Prospective Renters (by area)	
Palos Verdes	37.9%
> 10 mile Radius	30.0%
*90254+*90266	11.3%
*90278	3.3%
*90277	4.8%
Torrance	11.5%
Other	1.2%
CONTROL TOTAL	100.0%
Redondo Beach Total	8.1%
*=BCHD Owners Total	19.4%

South Bay Hospital District Services Sized Exclusively for the Three Beach Cities

According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed

during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future was becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon

A. Public Records Request MEN 20191109-0:

1) "Informational Items"

Please find below the link to the presentation provided by The District in response to this request. 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.

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/476050/Finance_Committee_2019_11_12_Final_11122019_Website.pdf

2) "Specifically Regarding 4. RCFE Community Needs & Market Assessment Study"

- a. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the exclusive use of the "Beach Cities" that chartered the BCHD? To avoid ambiguity, the "Beach Cities" is defined as exclusively the residents of Manhattan, Hermosa and Redondo Beach. Any zip code level analysis must be entirely within the "Beach Cities" as defined.

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- b. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the "Beach Cities" that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a shortfall in the supply of RCFE units for the "Beach Cities".

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- c. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the "Beach Cities" that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a significant change in market cost of RCFE for the "Beach Cities" due to a short fall in the total supply of units without the BCHD units? If a change is identified, what is the estimated value per month paid by average RCFE tenant of the change?

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

Conclusion

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities the formed and funded South Bay Hospital District and execution was conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY-STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

CEQA Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHD’s lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

7. BCHD Project Objective #5 is Invalid Based on BCHD’s Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #5, “5. Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a Community

Wellness Pavilion with meeting spaces for public gatherings and interactive education” is invalid cannot be relied up for the project.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. As such, BCHD Objective 5 is clearly invalid and must be discarded.

8. BCHD Project Objective #6 is Invalid Based on BCHDs Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #6, “Generate sufficient revenue through mission-derived services or facilities to address growing future community health needs” is invalid cannot be relied up for the project. BCHD cannot assert a project objective using non-quantified revenue requirement. That deprives the public of any manner to evaluate the project size and environmental damage vs. quantifiable benefits.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Absent a quantitative forecast of future needs, costs and net benefits, BCHD objective 6 is undefined and meaningless.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. BCHD provides no metric of the

cost of future programs, and therefore the public is denied intelligent participation in both evaluating the project and the Objective. As such, BCHD Objective 6 is clearly invalid and must be discarded.

F. BCHD ANALYSES, IMPACTS, AND DAMAGE MITIGATIONS ARE FLAWED AND INCORRECT

1. BCHD Fails to Use Consistent Standards for Evaluating Impacts

BCHD Must Utilize its Moral Responsibility Standard to Prevent Community Health Harm for All Impact Analysis and Mitigation

BCHD developed a “moral responsibility” standard for taking action and assessing impacts that it only utilized to bolster its desire to demolish the failed South Bay Hospital Building. BCHD must use a consistent standard for all actions, or, BCHD must correct its error in asserting that the 514 N Prospect building requires retrofit or demolition, since there are no codes or ordinances that require any seismic retrofit.

BCHD has Established a “Moral Obligation” Standard that it Must Utilize for Evaluating the Significance of All Impacts

According to their presentation made to the BCHD Community Working Group, Youssef & Associates stated that the 514 N Prospect Ave building (the former South Bay Hospital) meets all applicable seismic codes. Further, Youssef states that even if subjected to the “best practice” ordinance of the City of Los Angeles, there is no near term need for demolition or retrofit of the 514 building. However, BCHD CEO Bakaly with BCHD Board approval has asserted a more stringent “moral obligation” standard and overrode the technical finding in order to justify demolition of the 514 building. Youssef & Associates presentationⁱ includes the following:

1. "No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)
2. BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)
3. "Ordinance represents “Best Practice”" (Page 6)
4. "City of Redondo Beach has not adopted ordinance" (Page 6)
5. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

BCHD, in a public FAQⁱⁱ, recognized that any seismic retrofit or demolition is an elective activity without any objective obligation based on ordinances. The FAQ is below.

FAQ: DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a proactive approach to these seismic issues.

Further, CEO Bakalyⁱⁱⁱ asserted a BCHD policy of a “moral obligation” standard in his further discussion of BCHDs much more stringent than City or County ordinance action regarding seismic at the 514 building. An excerpt of the transcript from his video is below.

“[I]t [the 514 building] is currently not required to be upgraded however we are a health district that has a moral obligation to be proactive and protect the people in our community”

BCHD self-asserted “moral obligation” standard must be applied to the health and safety of all surrounding residents. BCHD cannot apply such a standard only when it fits the District’s narrative. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use its “moral obligation” standard uniformly to protect all surrounding residents in Torrance and Redondo Beach without limit to the minimum standards of CEQA.

BCHD DEIR is Defective When Evaluated on a “Moral Obligation” Standard of Impacts and Mitigations

Clearly in the DEIR, BCHD uses typical, minimum CEQA standards. For example, BCHD ignored the intermittent noise and vibration impacts on students at Towers Elementary. BCHD ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles.

2. BCHD Misrepresented the Magnitude and Breadth of Public Controversy

BCHD Understated the Public Controversy in the DEIR

As evidence that BCHD is ignoring much of the public concern regarding impacts, the BCHD DEIR had an inadequate Know Public Controversy summary.

BCHD Unnecessarily Limited Public Input Sources

CEQA Guidelines^{iv} Section 15123 specifies that “[a]n EIR shall contain a brief summary of the proposed actions and its consequences” and that “[t]he summary shall identify: ... [a]reas of controversy known to the Lead Agency including issues raised by agencies and the public.”

According to the DEIR^v, BCHD has unnecessarily limited the sources from which it identified areas of controversy from the public by utilizing only the record from “community meetings held between 2017 and 2020 as well as agency and public comment letters received on the NOP.”

With respect to community meetings held between 2017 and 2020, it is unclear if BCHD refers only to formal, filed public comments to those meetings, or if it included BCHDs own meeting summaries. HIn the case of the BCHD Community Working Group (CWG)^{vi}, a BCHD-organized group of residents, leaders and stakeholders, BCHD was exclusively responsible for the interpretation, documentation and transmittal of meeting content and results without CWG review or approval. As such, there was written disagreement and dispute of BCHDs interpretation by members, demonstrating BCHD drafting bias, or at a minimum, BCHD inaccuracy. BCHD fails to discuss whether it used the same approach to document public meetings. BCHD also utilized input from its NOP^{vii} comments, however this action limits public comments on areas of controversy to the very narrow period of June 27, 2019 to July 29, 2019.

The period of time from which BCHD could gain knowledge of Areas of Controversy is substantial. BCHD first provided the public with plans for a campus redevelopment in July 2009 at the BCHD Board of Directors Master Planning Session 1^{viii}. In the subsequent 12 years since that public release, BCHD has received comments in the ordinary course of business, such as public Board and Committee

comments, disclosing areas of known public controversy regarding South Bay Hospital campus redevelopment that BCHD apparently chose to ignore.

CEQA Factor	Included in DEIR ^{ix}	Ignored Comments ^{xxi}	Negative Impacts requiring “Moral Obligation” Mitigation
Aesthetics	<ul style="list-style-type: none"> • Building height compatibility (e.g., bulk, mass, and scale) and potential impacts to the existing public views and shade/shadows, particularly within the adjacent residential neighborhoods (see Section 3.1, <i>Aesthetics and Visual Resources</i>). 	<p>Numerous comments specifically refer to visual impact of perimeter construction vs interior of campus.^{xii}</p> <p>Concern on excessive nighttime lighting and glare impacts.^{xiii}</p> <p>Concern about elevated site amplifying visual impacts.^{xiv}</p> <p>BCHD increased the height of the project from 2019 to 2020/21 despite complaints.^{xv}</p> <p>BCHD increased the square feet of the development from 2019 to 2020/21.^{xvi xvii}</p> <p>2020/21 sqft too large still.^{xviii}</p> <p>Parking ramp is too big/too tall.^{xix}</p>	<p>Failure to consider average height as per Legado approval^{xx xxxi}</p> <p><u>Excess Nighttime Lighting</u></p> <p>Cancer^{xxii}</p> <p>Depression^{xxiii}</p> <p>Ecological Damages^{xxiv}</p> <p>Sleep Deprivation^{xxv}</p> <p>Weight Gain^{xxvi}</p> <p><u>Glare</u></p> <p>Fatigue^{xxvii}</p> <p>Nuisance to Neighbors^{xxviii}</p> <p><u>Shadow/Shading/Reduced Sunlight</u></p> <p>Cognitive Impairment^{xxix}</p> <p>Mental Disorders^{xxx}</p>
Agriculture/ Forestry			
Air Quality	<ul style="list-style-type: none"> • Potential construction-related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby 	<p>Numerous comments expand the area of specific concern to at least Torrance Tomlee, Towers, Mildred, and Redbeam.^{xxxii}</p> <p>Similar comments place specific concern on Redondo Beach Diamond.^{xxxiii}</p> <p>Future operating air emissions impacts on surrounding residents, students, etc.^{xxxiv}</p>	<p><u>Particulate Matter</u></p> <p>Alzheimer’s Development^{xxxvii}</p> <p>Child Asthma^{xxxviii}</p> <p>Child Brain Development^{xxxix}</p> <p>Child Development^{xl}</p> <p>Heart Disease^{xli}</p> <p>Legal Levels Increase Mortality^{xlii}</p> <p>Lung Function^{xliii}</p> <p>Memory Decline^{xliiv}</p> <p>Reduced IQ^{xlv}</p>

	<p>parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> • Potential impacts related to fugitive dust emissions and human health risk during construction activities, particularly within the adjacent residential neighborhoods (see Section 3.2, <i>Air Quality</i>). 	<p>Future traffic emissions.^{xxxv} Specific impacts on up to 7 surrounding schools from site and traffic emissions.^{xxxvi}</p>	Senior Mortality ^{xlvi}
Biological Resources	<ul style="list-style-type: none"> • Potential impacts to existing biological resources (e.g., mature trees and landscaping along Flagler Lane; (see Section 3.03, <i>Biological Resources</i>) 	Concern regarding displaced wildlife and vermin infestation at school and homes from construction. ^{xlvii}	
Cultural Resources	<p>Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).</p>		
Energy			
Geology/Soils	<ul style="list-style-type: none"> • Seismicity, soil stability, and other related on-site geologic hazards (see Section 3.6, <i>Geology and Soils</i>). 		

Greenhouse Gas Emissions	<ul style="list-style-type: none"> • GHG emissions associated with construction and operational activities of the proposed Healthy Living Campus Master Plan (see Section 3.7, <i>Greenhouse Gas Emissions</i>). 		
Hazards/ Hazardous Materials	<ul style="list-style-type: none"> • The potential for exposure to hazardous materials including but not limited to asbestos, lead-based paints, mold, and other materials associated with the former South Bay Hospital (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with the previously decommissioned oil and gas well on the vacant Flagler Lot (e.g., exposure to hazardous substances) (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with contaminants from adjacent land uses (e.g., tetrachloroethylene [PCE] associated with historical dry-cleaning operations; see Section 3.8, <i>Hazards and Hazardous Materials</i>). 	Concerns regarding nuclear/radioactive medical waste. ^{xlviii}	
Hydrology/ Water Quality	<ul style="list-style-type: none"> • Compliance with the National Pollutant Discharge Elimination System Program and 		

	development of a Stormwater Pollution Prevention Plan that addresses erosion, particularly along Flagler Lane and Flagler Alley (see Section 3.09, <i>Hydrology</i>).		
Land Use/Planning	• Land use and zoning compatibility (see Section 3.10, <i>Land Use and Planning</i>).		
Mineral Resources			
Noise	<ul style="list-style-type: none"> • Potential construction-related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>). • Duration and extent of on- and off-site noise and vibration impacts associated with the use of heavy construction equipment. (see Section 3.11, <i>Noise</i>) • Construction planning and monitoring (e.g., standard construction 	Concern for harm to developing children at Towers from noise/vibration processing. ^{xlix}	<u>Intermittent Noise</u> Cognitive development ^{i li} Learning delay ^{lii} Disabilities Impacts ^{liii} Damaging Dose Level Unknown ^{liiv} Towers Elementary ^{lv} Health Impacts ^{lvi} Reduced Memory ^{lvii}

	<p>times, heavy haul truck routes, temporary road and sidewalk closures, construction flaggers, etc.) (see Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> Noise impacts associated with operations under the proposed Healthy Living Campus Master Plan (e.g., frequency of emergency response and associated noise from sirens; see Section 3.11, <i>Noise</i>). 		
Population/Housing	<ul style="list-style-type: none"> <u>Increased instances of emergency response</u> and potential effects on public service demands (see Section 3.12, <i>Population and Housing</i>). 	BCHD has miscategorized the CEQA impacts of emergency services as Pop/Housing	Acute Physiological Stress ^{lviii} Blue Zones Silent Killer ^{lix} Chronic Stress ^{lx} Sleep Interruption/Deficit ^{lxi}
Public Services		Increased emergency, police, fire needs. ^{lxii}	
Recreation		BCHD omitted recreation analysis. Impacts include shading/shadowing at Towers decreasing school and public recreation. ^{lxiii}	
Transportation	<p>Potential construction-related impacts on pedestrian and bicycle safety, especially as it relates to truck traffic within the vicinity of nearby residential neighborhoods, parks, and schools (see Section 3.14, <i>Transportation</i>).</p> <ul style="list-style-type: none"> On-site parking requirements and potential impacts to off-site parking 	<p>School dropoff/pickup traffic concerns.^{lxiv}</p> <p>General traffic impacts during construction and operations.^{lxv}</p>	

	<p>(see Section 3.14, <i>Transportation</i>).²</p> <ul style="list-style-type: none"> • Cut-through traffic through nearby residential neighborhoods in Torrance (see Section 3.14, <i>Transportation</i>). • Potential for circulation changes related to the vehicle driveways associated with the proposed Project and the potential increased risk of hazards along Flagler Lane, Towers Street, and other local roadways (see Section 3.14, <i>Transportation</i>). • Integration with existing and proposed multi-modal transportation connections (see Section 3.14, <i>Transportation</i>). 		
Tribal Cultural Resources	<p>Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).</p>		
Utilities/Service Systems	<ul style="list-style-type: none"> • Potential increases in utility usage at the Project site (i.e., water, sewer, electricity; see Section 3.15, <i>Utilities and</i> 		

	<i>Service Systems).</i>		
Wildfire			

3. BCHD Aesthetics Impacts are Significant: BCHD Study Aesthetics Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following aesthetics topics: Plan is Inconsistent with Surrounding Uses; Design Maximizes Visual Bulk and Mass Damages to the Surrounding Community; Design Results in a Taking of Blue/Open Sky, Design Results in a Taking of Daytime Sunlight; Analysis Fails to Provide Hourly Shading/Shadowing Simulations, Analysis Fails to Provide Sufficient Key Viewing Location (KVL) Simulations; Design Results in a Taking of Palos Verdes Peninsula (PVP) Views; Design Results in Negative Health Impacts of Shading/Shadowing and Reduced Sunlight; Design will Result in Excessive Glare and Reflection into Surrounding Neighborhoods; and Design will Result in Excessive Night Time Lighting into Surrounding Neighborhoods.

Significant Visual Impacts and BCHD DEIR Deficiencies and Errors Include: Illegal Taking of Blue Sky Views; Excessive Height Compared to Surrounding Land Uses; BCHD Failure to Choose Accurate “Maximum Elevation” KVL on 190th; BCHD Failure to Provide Modeling of Sufficient KVLs; BCHD Failure to Provide Accurate KVLs without Fake Mature Trees; and Failure to Adequately Provide Phase 2 Simulations. In all, the impacts are Significant, Incompatible with Issuance of a Conditional Use Permit, and Incompatible with Redondo Beach Precedent Requirements.

The simulations in Appendix A are from Google Earth Pro and were required to be completed by the public in order to intelligently participate in the DEIR process as a direct result of BCHD insufficient and inaccurate DEIR.

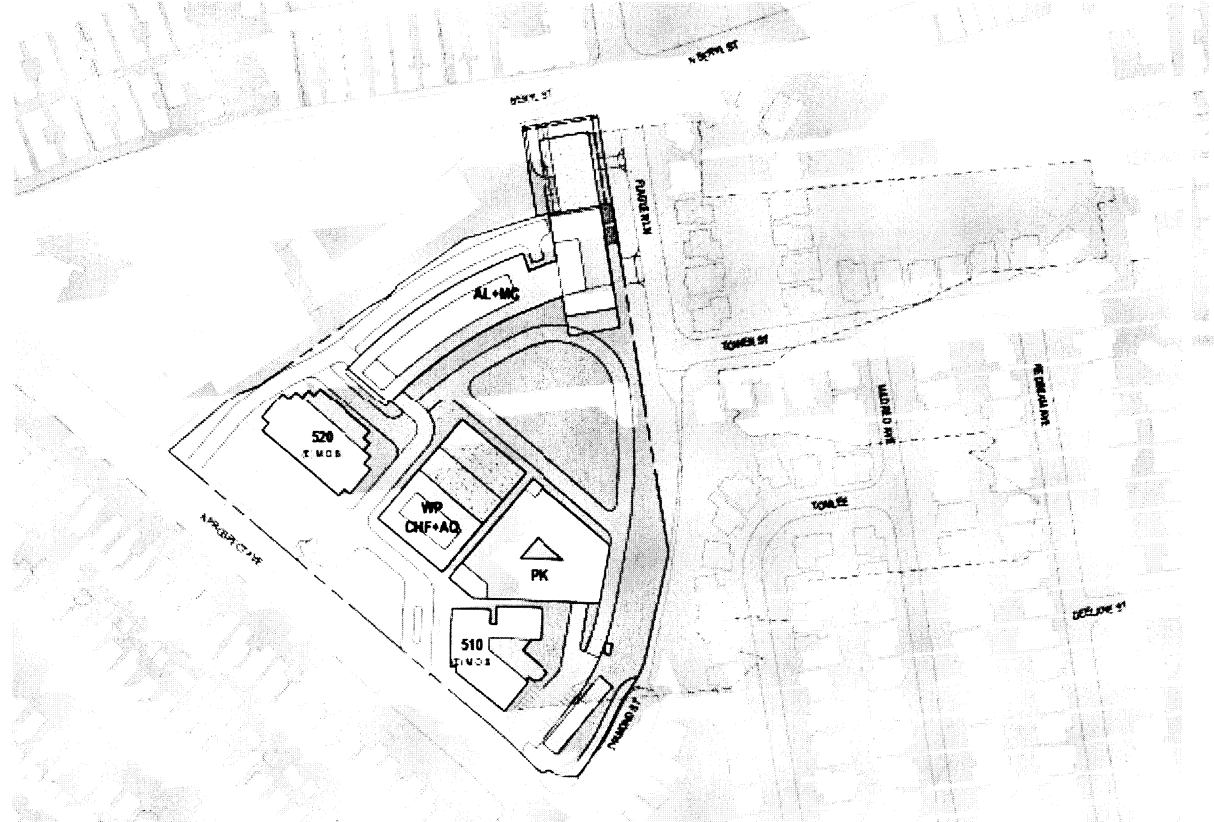
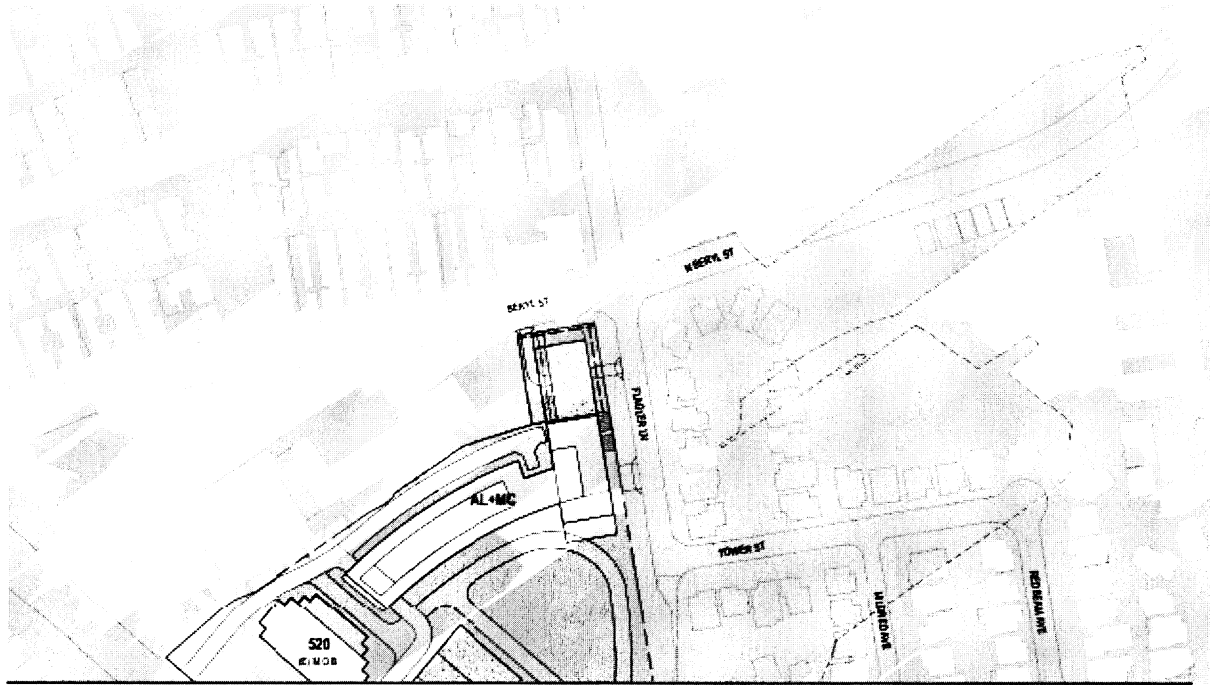
Significant Shading/Shadowing Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation.

Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health impacts of shading/shadowing, it must be correct, reissued, and recirculated for comment.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact

to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.
WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)



4. BCHD Visual Impact is Significant; BCHD VIS-3 Is Faulty and Must Consider SBHD/BCHD Negative Behavior and Health Impacts on the Community

The DEIR incorrectly asserts that VIS-3 is less than significant. Due to decades of direct experience with SBHD and BCHD, it is a demonstrated fact that BCHD lacks the technical or maintenance ability to manage the negative health impacts of its excessive outdoor lighting. Direct evidence of BCHD non-directional lighting, lighting left on all day, and lighting without maintained deflectors is presented. As BCHD is incapable of meeting RBMC requirements, it must recognize that its proposed lighting is a significant impact.

Further, CEO Bakaly’s policy statement that BCHD has a moral obligation to protect the community further restricts the use of outdoor lighting. Excess nighttime lighting, such as SBHD and BCHDs existing unrestricted lighting has unequivocally negative health impacts on surrounding neighborhoods. BCHD cannot unevenly apply its policy of moral obligation only to 514 and seismic and ignore the health and well-being of the surrounding neighborhoods. At a minimum, if BCHD proceeds with a finding of less than significant, the conditional use permit must be denied.

Background

Since the early 2000s, neighbors have complained to Beach Cities Health District regarding the local impacts of excess noise, and non-directional excessive nighttime parking lot lighting, excessive nighttime glare impacts from the parking lot lighting and the building glass, and excessive nighttime signage lighting. The neighborhood situation escalated until the 510 medical office building (MOB) reduced its outdoor lighting. Neither the 514 nor 520 buildings followed suit. In fact, the 514 (former South Bay Hospital) building even added more excessive outdoor lighted signage.

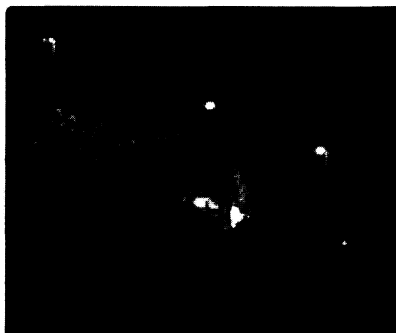
As a health district, BCHD has failed its proactive obligation to not harm surrounding neighbors’ health.

Evidence

The following nighttime photos represent both the excessive, non-directional lighting of BCHD, as well as, the poor state of repair of the one, single shield that was installed by BCHD at some past time. The shield was likely installed to reduce impacts on the adjacent residential homes.



IMG_6791.jpg



IMG_6793.jpg



IMG_6798.jpg



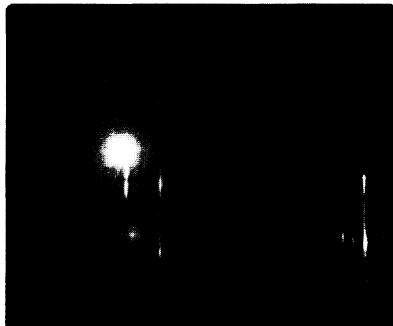
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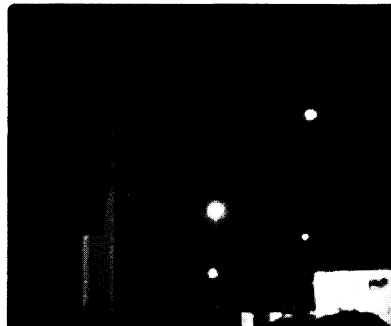
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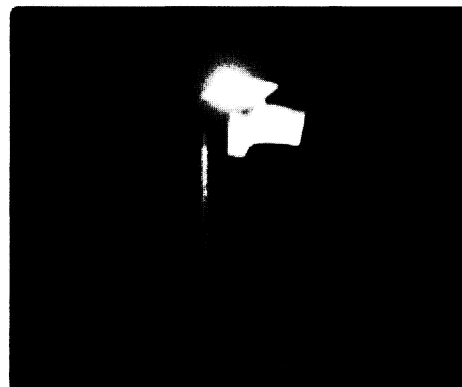
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IMG_6817.jpg



IMG_6825.jpg



IMG_6827.jpg

Peer Reviewed Medical Studies Supporting Health Damages by BCHD Actions

BCHD is directly damaging the health and welfare of the surrounding neighborhoods with excess nighttime lighting. The studies from NIH on excess nighttime light pollution are in agreement of the damages.

Missing the Dark: Health Effects of Light Pollution

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>

Artificial Outdoor Nighttime Lights Associate with Altered Sleep Behavior in the American General Population

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4863221/>

Health Consequences of Electric Lighting Practices in the Modern World: A Report on the National Toxicology Program's Workshop on Shift Work at Night, Artificial Light at Night, and Circadian Disruption

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5587396/>

Artificial light during sleep linked to obesity

<https://www.nih.gov/news-events/nih-research-matters/artificial-light-during-sleep-linked-obesity>

Significant Nighttime Lighting Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Darkness Required for Sleep, Physical Health and Mental Health; and SBHD/BCHD Prior and Current Failures to Control Nighttime Lighting by Both Faulty Design and Operation.

Conclusion

The negative impacts of excess night lighting are peer-reviewed and consistent. BCHD has made no significant effort to reduce its negative impacts on the surrounding neighborhoods, and this is yet another environmental injustice impact by BCHD on the surrounding neighborhoods.

Furthermore, BCHD has established a precedent of supplanting required legal requirements for safety action (such as seismic retrofit) and any best practices (such as the most stringent seismic ordinance in the United States that would allow continued operation of the 514 building until 2040) and replacing them with their own, more stringent standards. In this case, notwithstanding and municipal ordinances, this is a clear peer-reviewed danger to the surrounding neighbors and BCHD must both cease its current damages, and refrain from future damages from the existing campus and any future development.

5. BCHD Air Quality Impacts are Significant; BCHD's Air Quality Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following air quality topics: Lesser Polluting Engines Still Pollute and Damage Students, the Elderly, and Persons with Disabilities Health through Increased Marginal Emissions; Covered Hauling Trucks Will Have Significant Particulate Emissions; and BCHD 10-story Parking Ramp at Prospect and Diamond Will Have Significant Emissions. Many of these impacts will be to Towers and West High students along the defined haul route, along with nearby residents and residential uses that are stationary and will have 24/7/365 damages.

Peer-reviewed Science is Clear that Particulates Lodge in the Brain stems of Young Student with Significant, Negative Impacts

BCHD is electing to deposit incremental particulates into the air along the main haul path for trucking leaving those sites at Towers and West High sports fields laden with brain stem filling debris. BCHD, as a Health District, has both moral and ethical obligations not to damage both the near term and long term health surrounding children and neighborhoods. But for BCHDs deliberate choice to demolish the 514 building despite and law or ordinance requiring seismic retrofit, BCHDs deliberate choice of heavy haul routes past schools, BCHDs deliberate failure to apply the Bakaly “moral obligation” to Torrance’s school children, and BCHD’s deliberate choice to add incremental emissions to the surrounding neighborhoods, including Beryl Heights Elementary, these health damages would not occur.

The following peer-reviewed studies demonstrate BCHDs intended health damages from excess PMx particulates, including brain, memory, pulmonary and cardiac damages:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

The impact of PM2.5 on the human respiratory system (INCLUDES CHILD ASTHMA)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017593/>

How air pollution alters brain development: the role of neuroinflammation (INCLUDES IMPACTS ON SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM2.5 in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

Outdoor particulate matter (PM10) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

<https://ehp.niehs.nih.gov/doi/full/10.1289/EHP4434>

Prenatal Exposure to PM2.5 and Cardiac Vagal Tone during Infancy: Findings from a Multiethnic Birth Cohort

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>

PM2.5 and Cardiovascular Diseases in the Elderly: An Overview

<https://pubmed.ncbi.nlm.nih.gov/27567860/>

Cerebrospinal Fluid Biomarkers in Highly Exposed PM2.5 Urbanites: The Risk of Alzheimer's and Parkinson's Diseases in Young Mexico City Residents

6. BCHD Air Emissions Significant Impacts will Create Premature Alzheimers in Children and is a Significant, Negative, Unethical and Immoral Act

Here is the legacy that the current BCHD Board of Directors and executive management are actively targeting: PREMATURE ALZHEIMER'S IN CHILDREN. Is BCHD building an 800 car, 10-story parking garage and a 793,000 sqft, South Bay Galleria sized complex largely for non-residents of the 3 Beach Cities that own BCHD worth destroying the future of our children? The children of Towers and Beryl Heights schools should not suffer more PM2.5 lodged in their brain stems because BCHD's Board wants to let developers lease our taxpayer owned campus for 50-100 years. RBUSD and TUSD will be grossly negligent if they allow our children to be bombarded by 3-5 generations of increased, unnecessary pollution as the result of non-residents of the area. The areas around Beryl Heights and Towers schools, and the children and residents must not be sacrificed for the ego needs of the BCHD Board and executive management to serve 95% non-local renters and PACE participants in their over-development project.

Peer-reviewed references from the UC system and other expert resources.

<https://www.universityofcalifornia.edu/news/air-pollution-impacts-childhood-development-study-shows>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6617650/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>

<https://airqualitynews.com/.../evidence-of-alzheimers.../>

https://www.who.int/ceh/publications/Advance-copy-Oct24_18150_Air-Pollution-and-Child-Health-merged-compressed.pdf?ua=1

7. BCHD Noise Impacts are Significant; Violate the ADA at Towers and West High Schools, and BCHDs Noise Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following noise topics: Analysis Fails to Consider Intermittent Noise and is Defective; Intermittent Noise Significantly Impacts Education at Towers Elementary; Intermittent Noise Significantly Impacts ADA IEP and 504 Plan Implementation at Towers Elementary; Significant Noise Impacts on the Health of Surrounding Residents; Event Noise Analysis is Insufficient and Defective; and BCHD Fails to Use Proper Noise Standards for Intermittent Noise and the Analysis is Defective.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its "moral obligation." If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in

session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHD’s more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise. (emphasis added)*

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature’s intent for “freedom from excessive noise” is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to

Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts on students to protect their Legislative Intent right to freedom from excessive noise and not violate the Americans with Disabilities Act. BCHD must always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

8. BCHD Noise Impacts Represent a Public Health Hazard

The peer-reviewed article below demonstrates the PUBLIC HEALTH HAZARD of excessive noise. BCHD's analysis fails to incorporate intermittent noise, and demonstrates that BCHD has no concern about the health of the surrounding neighborhoods.

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>

Exposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. For other effects such as changes in the immune system and birth defects, the evidence is limited. Most public health impacts of noise were already identified in the 1960s and noise abatement is less of a scientific but primarily a policy problem. A subject for further research is the elucidation of the mechanisms underlying noise induced cardiovascular disorders and the relationship of noise with annoyance and nonacoustical factors modifying health outcomes. A high priority study subject is the effects of noise on children, including cognitive effects and their reversibility. Noise exposure is on the increase, especially in the general living environment, both in industrialized nations and in developing world regions. This implies that in the twenty-first century noise exposure will still be a major public health problem. Key words: annoyance, cardiovascular effects, children's health, environmental health, environmental noise, hearing impairment, noise exposure, noise metrics, occupational noise, performance.

9. BCHDs Recreation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following recreation topics: Design Results in a Taking of Sunlight from Public Recreation at Towers and Significant Negative Impacts; and Design Results in a Taking of Sunlight from Student Health and Recreation at Towers and Significant Negative Impacts.

In BCHD CEQA EIR NOP comments filed by Mark Nelson, the following admonition was made to BCHD after it exempted any analysis of Recreation impacts a priori:

RECREATION

Appropriate study required. The NOP errs in its a priori speculative finding that the project will not have an adverse physical impact on the environment. I was recently made aware that according to a newspaper article <https://easyreadernews.com/redondo-beach-homelessness-resident-anger/> the 9th Circuit Court of Appeals in Martin versus the City of Boise decision, neither BCHD nor the City of Redondo Beach will be able to bar the unsheltered from camping on the public space created as part of this public project without providing adequate shelter to house all the unsheltered. BCHD as a public entity will de facto be an invitation for unsheltered housing as endorsed by the 9th Circuit. As a private entity has no such obligation, a similar project with exactly the same characteristics could be legally protected from becoming such a magnet. Thus, the mere creation of the public space by removing the concrete, and the public nature of BCHD, creates a non-mitigable impact for the project. Also see <https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

As such, the DEIR is FLAWED, MUST BE REANLYZED and RECIRCULATED.

10. BCHD Fails to Analyze Recreation Impacts and BCHD DEIR has Deficiencies and Errors

BCHD fails to evaluate and declare the following: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation of Recreation Impacts.

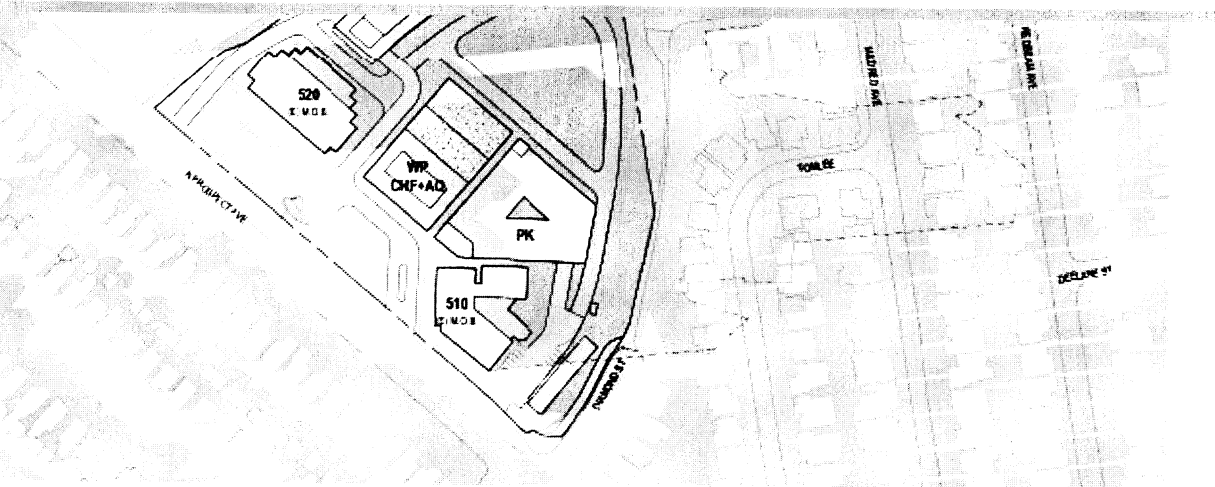
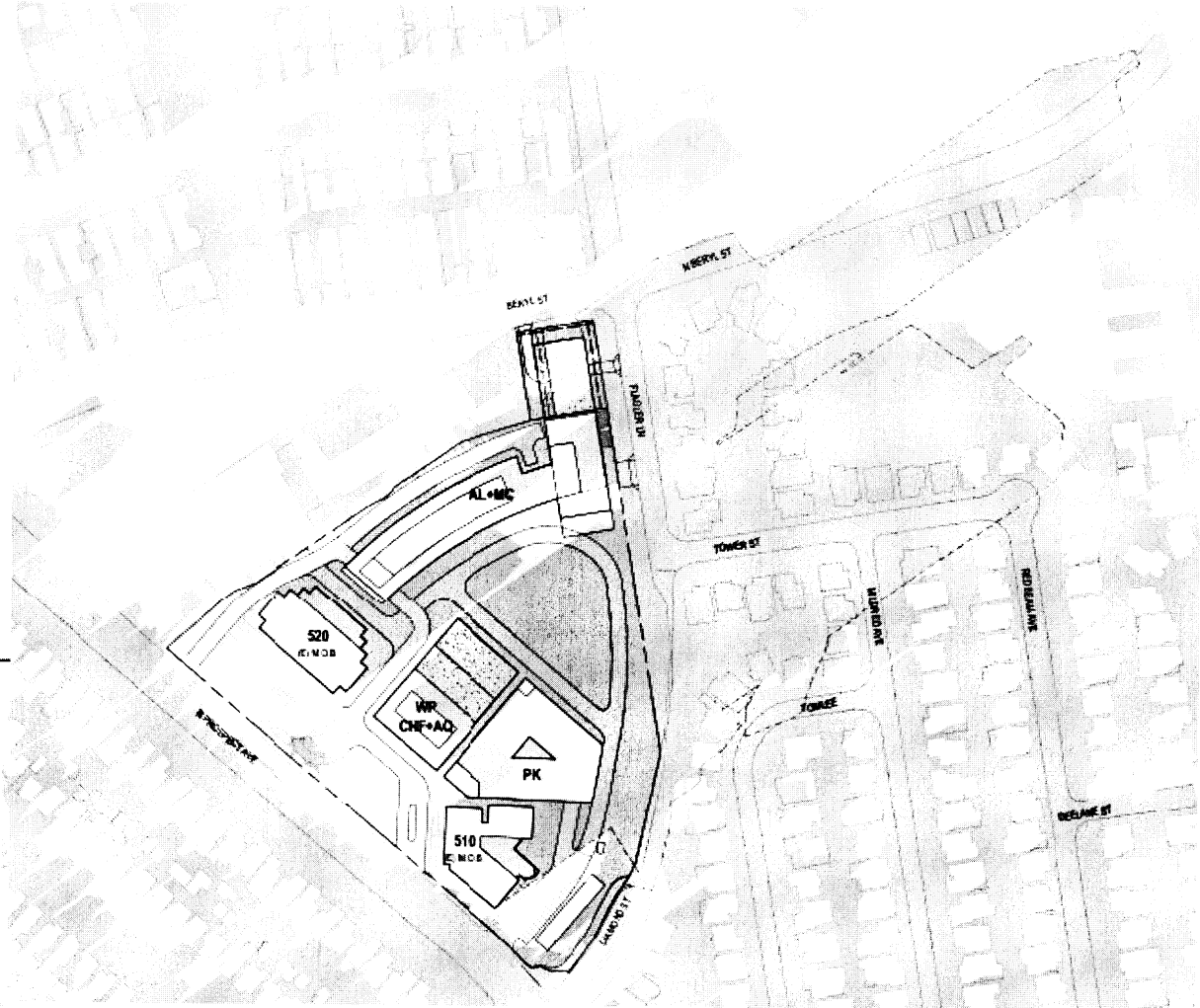
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health

impacts of shading/shadowing, it must be corrected, reissued, and recirculated for comment in order to adequately address recreation impacts.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses. In the specific case of the Towers fields, BCHD is “taking” sunlight and thereby having a significant, negative impact on school and public recreation.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.

WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)



11. BCHD Traffic/Transportation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following traffic/transportation topics: Thousands of Heavy Haul Truck Trips will have Significant Traffic Impacts; Tens of Thousands of Worker Commuter Trips will have Significant Traffic Impacts, and BCHD Plans Traffic Management; and Flaggers that will have Significant Traffic Impacts. Further, impacts on the health, education, and ADA/504 accommodations under the ADA of students at Towers Elementary are willfully ignored.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its “moral obligation.” If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms caused by BCHD negative, significant traffic impacts.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration caused by traffic is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise regardless of cause.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic,*

natural, scenic, and historic environmental qualities, *and freedom from excessive noise.* (emphasis added)

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The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature's intent for "freedom from excessive noise" is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

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The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts caused by BCHD induced traffic on students to protect their Legislative Intent right to freedom from excessive noise regardless of cause, and not violate the Americans with Disabilities Act. BCHD must also always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

12. BCHD Has No Comprehensive Employee Analysis for RCFE or PACE Participants, Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the RCFE and PACE daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

13. BCHD Has No Comprehensive Employee Analysis for Phase 2 Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the Phase 2 daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

14. BCHD Knowingly Plans to Impact Community Chronic Stress, the Blue Zones Silent Killer Chronic Stress Causes and Damages

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. Given that BCHD spent \$2M of our taxpayer funds on Blue Zones, it should be clear that that BCHD either believes and acts consistent with Blue Zones, or, BCHD is chronically malfeasant. <https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

Title: The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

Title: Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Title: Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Title: Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Title: Health effects caused by noise: evidence in the literature from the past 25 years

For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Title: Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Title: Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis

Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Title: Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Title: Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical outcomes in

children with asthma, suggesting that when pollution exposure is more modest, vulnerability to asthma exacerbations may be heightened in children with higher chronic stress.

Sirens/Emergency Vehicles Impacts Leading to Chronic Stress Health Damages and PTSD

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

Title: The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6540098/>

Title: Impact of Stressful Events on Motivations, Self-Efficacy, and Development of Post-Traumatic Symptoms among Youth Volunteers in Emergency Medical Services

Chronic Stress Impacts on the Brain

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5573220/>

Title: Neurobiological and Systemic Effects of Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5579396/>

Title: The Impact of Stress on Body Function

As is seen in many, many peer-viewed studies and published frequently by Blue Zones, a vendor of BCHD that BCHD paid \$2M, chronic stress is a direct result of noise, traffic, emergency vehicles and other stressors that BCHD has, and intends to inflict on the surrounding neighborhoods. According to the Bakaly "moral obligation" standard, BCHD must abate any chronic stress impacts to proactively prevent damages to the community.

NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

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- ii <https://www.bchdcampus.org/faq>
- iii https://www.youtube.com/watch?v=RCOX_GrreIY
- iv https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEOA_Statutes_and_Guidelines.pdf
- v http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- vi <https://bchdcampus.org/communityworkinggroup>
- vii https://www.bchdfiles.com/docs/bchd/BCHD%20Healthy%20Living%20Campus%20Master%20Plan_NOP_IS%20Checklist_062719.pdf
- viii California Public Records Act response from BCHD "Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Dec 5, 2019, 6:02 PM"
- ix http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- x http://www.bchdfiles.com/docs/hlc/BCHD_HLC_scoping_comments_oct2.pdf
- xi https://bchd.granicus.com/DocumentViewer.php?file=bchd_4733c5665b9cb92bb847803b1c2e1459.pdf&view=1
- xii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org> Subject: Comments regarding the BCHD Living Campus Master Plan EIR
- xv Bruce Steele (pt. 2) Torrance, June 17, 2020 BoD Meeting
- xvi Susan Earnest 06/17/20 6:32 PM BoD Meeting
- xvii Gary Dyo Torrance 06/17/20 4:16 PM BoD Meeting
- xviii Bruce Szeles Torrance 06/17/20 7:05 PM BoD Meeting
- xix James Light Redondo Beach 06/17/20 8:14 PM BCHD BoD Meeting
- xx Redondo Beach RESOLUTION NO. CC- 1606- 052
- xxi [REDACTED], Max height 75-feet, Avg height under 35-feet
- xxii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>
- xxiii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5299389/>
- xxiv <https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=onepage&q&f=false>
- xxv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>
- xxvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2972983/>
- xxvii <https://pubmed.ncbi.nlm.nih.gov/15677104/>
- xxviii <https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf>
- xxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2728098/>
- xxx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3779905/>
- xxxi From: Lauren Berman [REDACTED] Sent: Wednesday, July 24, 2019 11:56 AM To: EIR <eir@bchd.org> Subject: Health District Project Concerns
- xxxii Randy & Pamela Quan Torrance 06/15/20 8:55 PM June 17, 2020 BoD Mtg
- xxxiii From: Philip de Wolff [REDACTED] Sent: Sunday, July 28, 2019 11:40 AM To: EIR <eir@bchd.org> Subject: BCHD Environmental Report
- xxxiv Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xxxv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org> Subject: Comments regarding the BCHD Living Campus Master Plan EIR
- xxxvi From: Wayne Craig [REDACTED] Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org> Subject: BCHD - EIR Public Comments Att Nick Meseinger
- xxxvii <https://pubmed.ncbi.nlm.nih.gov/31514400/>
- xxxviii https://www.eurekalert.org/pub_releases/2020-08/b-apl081720.php
- xxxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>
- xl <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-019-0501-7>
- xli <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740122/>
- xlii <https://jamanetwork.com/journals/jama/article-abstract/2667069?redirect=true>
- xliii <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>
- xliv <https://pubmed.ncbi.nlm.nih.gov/31746986/>

xlvi <https://pubmed.ncbi.nlm.nih.gov/26426942/>
xlvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>
xlvi Dr. Frank and Glenda Briganti [REDACTED] Torrance, CA 90503 July, 26, 2019
xlvi Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
xlix From: Stephanie Dyo [REDACTED] Sent: Saturday, July 20, 2019 12:13 AM To: EIR <eir@bchd.org>
Subject: CONCERNS to be Addressed in the EIR
l <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3757288/>
li <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901841/>
lii <https://www.edweek.org/leadership/low-level-classroom-noise-distracts-experts-say/2015/01>
liii <https://www.researchgate.net/publication/264730841> The Effect of a Noise Reducing Test Accommodation on Elementary Students with Learning Disabilities
liv <http://www.edaud.org/journal/2001/4-article-01.pdf>
lv DEIR Figure 2-10 shows Towers Elementary and West High on Haul Route
lvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/pdf/envhper00310-0128.pdf>
lvii <https://asa.scitation.org/doi/10.1121/1.2812596#:~:text=While%20at%20school%20children%20are,%2C%20motivation%2C%20and%20reading%20ability.>
lviii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>
lix <https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>
lx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6460614/>
lxi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6033330/>
lxii From: Wayne Craig <wayne@waynecraighomes.com> Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org> Subject: BCHD - EIR Public Comments Att Nick Meseinger
lxiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
lxiv From: peggy north [REDACTED] Sent: Sunday, July 28, 2019 11:44 AM To: EIR <eir@bchd.org>
lxv From: Aileen Pavlin [REDACTED] Sent: Saturday, July 27, 2019 9:48 AM To: EIR <eir@bchd.org> Cc: OMartinez@torranceca.gov <OMartinez@torranceca.gov> Subject: Beach Cities Health District Project

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Monday, June 7, 2021 8:23 AM
To: Martinez, Oscar
Subject: FW: BCHD DEIR PUBLIC COMMENTS - Return Receipt Requested from BCHD ONLY
Attachments: BCHD Damages.pdf; FINAL BCHD DEIR DETAILED COMMENTS W TOC TO FILE.pdf

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: BCHD DEIR <bchd.deir@gmail.com>
Sent: Friday, June 4, 2021 12:24 PM
To: eir@bchd.org
Cc: Pennie [REDACTED] cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; Tim Stowe <superintendent@tusd.org>; Tim Stowe <stowe.tim@tusd.org>; rbpta@rbusd.org; torranceptas@gmail.com; pnovak@lalafco.org
Subject: BCHD DEIR PUBLIC COMMENTS - Return Receipt Requested from BCHD ONLY

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Please find attached public comments to the BCHD DEIR from Pennie [REDACTED]. A receipt of these comments is requested by email from BCHD Only to bchd.deir@gmail.com. Thank you.

----- Forwarded message -----

From: Pennie [REDACTED]
Date: Thu, Jun 3, 2021 at 3:46 PM
Subject: File Comments for me
To: <BCHD.DEIR@gmail.com>

Sent from my iPhone

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Monday, June 7, 2021 8:34 AM
To: Martinez, Oscar
Subject: FW: BCHD proposed building project on Prospect

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: LINDA Zelik [REDACTED]
Sent: Sunday, June 6, 2021 9:05 PM
To: cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; superintendent@tUSD.org; stowe.tim@tUSD.org; rbpta@rbusd.org; torranceptas@gmail.com; communications@bchd.org; eir@bchd.org; pnovak@lalafco.org; Chen, George <GChen@TorranceCA.gov>
Cc: [REDACTED]
Subject: BCHD proposed building project on Prospect

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

To whom it may concern;

I am a 36 year resident of north west Torrance and live less than 2 blocks from the proposed building site.

My husband and I, as well as our neighbors, have been actively involved for years and frequently voiced our opinions against this terrible travesty at both the in-person and zoom meetings. Unfortunately all of our very valid concerns not only have fallen on deaf ears, but the project's proposed square footage and height keeps mushrooming, getting more absurd each year. Tragically, the adverse consequences for the community are much worse now than even when originally proposed.

We are vehemently opposed to this ill-advised monstrosity for many reasons:

***Health hazards.** The demolition and **construction** for 5-10 years will result in fallout from the airborne contaminants including concrete dust, asbestos, lead, PCB's & probable mold, among others.

These contaminants will certainly be detrimental to the local residents, particularly school children, seniors and persons with asthma. It is not hard to anticipate many **expensive lawsuits** from this. Within a one mile perimeter there are five schools whose students will be adversely affected, Towers Elementary, Parras Middle School, Beryl Heights, West High and Redondo High. Most especially Towers as their playground is less than 100 feet away! Have you considered that the **children will not be able to play outside for well over five years?** Have you even cleared this with the respective school boards?

***Illegal Zoning.** This 11 acre plot of land was never intended for a **commercial, for-profit business.** This was always intended to be for the use of, and the betterment of, the local residents. This high priced business venture to house rich senior citizens **absolutely does not qualify!** Therefore you are **breaking the longstanding laws and codes** put in place to protect local citizens.

***Traffic/Safety Issues.** The streets around Prospect, Beryl, Flagler and Del Amo (which surround a large strip mall) are already extremely congested. This project would not only double the traffic congestion but would cause severe safety issues for the children attending the five schools mentioned above. Children cross these surrounding streets by foot, on bikes and on skateboards. Again, our children should not be subject to these life and death dangers that this project will create. If you don't care about children's lives, do you at least care about the lawsuits that will result?

***Quality of Life for Redondo and Torrance residents.** This mammoth project does **not fit** into this residential community! Building something the size of The Staples Center in a residential area is detrimental to our quality of life in many respects. One of which is that it will block sunlight and ocean breeze for the nearby residents. Not to mention, our property values have decreased because this over-building plan **might** go to fruition.

I implore you, please DO NOT go forward with this proposed project! Certainly you can find other, more community friendly uses for this land.

Linda and Joe Zelik
[REDACTED] Torrance

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Monday, June 7, 2021 8:34 AM
To: Martinez, Oscar
Subject: FW: Public Record Comments to BCHD Owing Cities Redondo Beach, Hermosa Beach and Manhattan Beach

Sorry, I forwarded the wrong message just now; please disregard.

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: Ann Cheung [REDACTED]
Sent: Sunday, June 6, 2021 4:57 PM
To: cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; cityclerk@citymb.info; torranceptas@gmail.com; communications@bchd.org; eir@bchd.org; cityclerk@hermosabeach.gov
Subject: Public Record Comments to BCHD Owing Cities Redondo Beach, Hermosa Beach and Manhattan Beach

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Please verify sender before opening attachments or clicking on links.

Honorable elected officials:

I am writing to you to express my opposition to the Beach Cities Health District's **Healthy Living Campus** Project. If you are inclined to endorse the project, please consider the following before you decide:

- Is there a need for: a) Residential Care for Elderly (RCFE) Building with 157 new Assisted Living units, 60 Memory Care units (replacing the existing Silverado Beach Cities Memory Care Community located within Beach Cities Health Center), b) 14,000 sf of space for the Program of All-Inclusive Care for the Elderly (PACE), **in the cities of Redondo Beach, Manhattan Beach and Hermosa Beach?** If your answer is no, your decision should be obvious.
- Do you know what you are being asked to approve/support? While Phase 1 of the DEIR presents many unsolvable logistic issues, Phase 2 is even more murky. It is merely "a more general development program based on the design guidelines of the proposed Healthy Living Campus Master Plan and the best available planning information at this time." Would you go forward and invest your personal funds on such an incomplete program plan? If you answer "no" to the question, then you should not support the project.
- Are you familiar with the area, specifically nearby schools and traffic conditions, in which the Health Living Campus is to be built? Traffic will be unbearable for nearby residents. BCHD provides no comprehensive, detailed analysis of the RCFE and PACE daily commuters including participants, employees, contractors, medical professionals and visitors in the DEIR. In addition, the description of how thousands of heavy haul truck trips during the construction period could be managed is a stretch;

Del Amo Blvd., Prospect Avenue and Beryl street will come to a screeching halt. If you read the traffic mitigation plan in the DEIR, you will learn that even BCHD cannot dodge the traffic problem..

- Lastly, could you live by a construction site and be subjected to construction noise and dust/pollution for 6 days a week for years? This is what the residents in Redondo Beach and Torrance will be subjected to if the BCHD's project is to proceed. A hazardous environment even for the healthy let alone our senior residents with health conditions.

I implore all of the elected officials to act justly in deciding the fate of the Healthy Living Project. Thank you for your consideration.

Respectfully,
Ann Cheung

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Tuesday, June 8, 2021 11:57 AM
To: Martinez, Oscar
Subject: FW: PUBLIC Comment on BCHDs Defective DEIR

Michelle Peña

Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Tuesday, June 8, 2021 11:46 AM
To: EIR <eir@bchd.org>; Communications <communications@bchd.org>; City Clerk <CityClerk@TorranceCA.gov>; Eleanor Manzano <cityclerk@redondo.org>; Brandy Forbes <brandy.forbes@redondo.org>
Cc: superintendent@tusd.org; han.james@tusd.org; Steven Keller <skeller@rbusd.org>; Paul Novak <pnovak@lalafco.org>; torranceptas <torranceptas@gmail.com>; rbpta <rbpta@rbusd.org>; rflinn@rbusd.org
Subject: PUBLIC Comment on BCHDs Defective DEIR

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Public Comment to BCHD Board, Redondo Beach and Torrance Mayors and Councils, Redondo Beach Planning Commission
EIR Comment to BCHD

In *Sierra Club v. County of Fresno* (2018) 2018 Cal.LEXIS 9831, the California Supreme Court held that an EIR must (1) include “sufficient detail” to enable readers to understand and to “consider meaningfully” the issues that the proposed project raises, and, (2) make a “reasonable effort to substantively connect” the Project’s significant air quality impacts to likely health consequences.

Not only has the BCHD DEIR failed to “substantively connect” the Project’s air quality impacts to likely health consequences, but the DEIR fails to “substantively connect” ANY impacts to likely health consequences. Absent that connection, the public is unable to “consider meaningfully” the issues of the Project as determined by the California Supreme Court in the case above.

This is particularly troubling given 1) BCHDs status as a health district, 2) BCHDs published mission of “to enhance community health”, not further harm health, and 3) CEO Bakaly’s moral obligation standard that states “health district ... has a moral obligation ... to protect ... the community.” Furthermore, it is troubling given BCHDs CPRA responses acknowledging that it failed to evaluate its claimed 40+ programs for cost-effectiveness at the program level, the Blue Zones company's refusal to provide any documentation of analysis for the BCHD service area, and LA County Department of Public Health's comments on BCHDs LiveWell Kids program that it failed to have a program evaluation and BCHD failed to have even the most basic "control group", rendering evaluation impossible.

Thus, BCHD presents a defective DEIR that has not correlated its proposed environmental damages with likely health consequences. Further, BCHD EIR project schedule includes a statement of overriding consideration as part of its self-certification, and it's clear from CPRA responses that BCHD has no valid assessment of its benefits to compare to its proposed health damages. At an absolute legal minimum, BCHD must be required to substantively connect the project's environmental impacts with likely negative health impacts in order to have meaningful, intelligent public participation.

As the agency responsible in CEQA for protection of the residents of Redondo Beach, it is incumbent on the City of Redondo Beach to provide strong comments to BCHD to ensure their compliance with the letter and intent of the California Supreme Court ruling. Clearly, since BCHD determined that health impacts were insufficiently important to include in the DEIR, it has also determined that it will certify a defective EIR. That is unacceptable to the residents of the community and counter to the California Supreme Court decision above.

The City of Torrance, and the school districts also have obligations to comment on these damages to their students, and all have previously received detailed comments on the unanalyzed BCHD project damages to health.

By way of this comment, both the Responsible and Lead Agencies have been notified that BCHD DEIR is defective, must be remediated, and recirculated to comply with the 2018 Decision. The City of Torrance and the TUSD and RBUSD have also been notified.

This is not a request for extraordinary action, it is a notice that the BCHD DEIR is not in compliance with the California Supreme Court Decision above, nor with BCHD's mission or the CEOs Moral Obligation standard established for BCHD.

Specific Negative Environmental Impacts Requiring Correlation to Health Impacts

Reduction of Blue Sky View and Sunlight, Increase in Shadowing/Shading - Correlated to Physical and Mental Health

Significant Construction Noise - Correlated to Physical and Mental Health

Significant Intermittent Noise - Correlated to Physical and Mental Health, ADA Violations for Student IEP and 504 Plans at Towers Elementary

Vibration - Correlated to Physical and Mental Health

Incremental Air Emissions - Correlated to Physical and Mental Health (especially children, the elderly, and disabled)

Reduced Recreation at Towers Elementary Fields - Correlated to Physical and Mental Health (especially children)

cc: Public Comment TUSD Board and Superintendent, RBUSD Board and Superintendent, LALAFCO, Torrance and Redondo Beach PTAs

Mark Nelson
Redondo Beach
3+ Year Volunteer BCHD Community Working Group

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Tuesday, June 8, 2021 11:58 AM
To: Martinez, Oscar
Subject: FW: Beach Cities Health District Healthy Living Campus Project, DEIR No. 2019060258 AKA HLC Draft Environmental Impact Report ("DEIR")
Attachments: CEQA 15088.5 Recirculation - Areas of Known Controversy - California Code of Regulations.html; Screenshot 2.0 Project Description Torrance Redondo Border.png; 3.1 Aesthetics Phase 2 environmental analysis is insufficient.png; petitions_zipped.zip; Torrance CC item 9B_-_STAFF_REPORT - Adopted (2).pdf; Draft City of Redondo Beach Comment Letter on BCHD DEIR 2021-06-08 w highlights.pdf; bchd deir pub comments .docx

Michelle Peña
Deputy City Clerk I – Office of the City Clerk
City of Torrance | 3031 Torrance Boulevard | Torrance, CA 90503
(310) 781-7532 voice | (310) 618-2931 fax

From: B W [REDACTED]
Sent: Tuesday, June 8, 2021 11:14 AM
To: EIR <EIR@bchd.org>
Cc: Bill.brand@redondo.org; todd.loewenstein@redondo.org; nils.nehrenheim@redondo.org; christian.horvath@redondo.org; laura.emdee@redondo.org; zein.obaji@redondo.org; eleanor.manzano@redondo.org; joe.hoefgen@redondo.org; Furey, Pat <PFurey@TorranceCA.gov>; Chen, George <GChen@TorranceCA.gov>; TGoodrich@TorranceCA.Gov <TGoodrich@torranceca.gov> <TGoodrich@torranceca.gov>; Griffiths, Mike <MGriffiths@TorranceCA.gov>; Mattucci, Aurelio <AMattucci@TorranceCA.gov>; Ashcraft, Heidi <HHashcraft@TorranceCA.gov>; Kalani, Sharon <SKalani@TorranceCA.gov>; City Clerk <CityClerk@TorranceCA.gov>
Subject: Beach Cities Health District Healthy Living Campus Project, DEIR No. 2019060258 AKA HLC Draft Environmental Impact Report ("DEIR")

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

Dear Mr. Meisinger:

In addition to other comments I have filed, enclosed are some additional general comments (bchd deir pub comments) and several attachments, including CEQA Section 15088.5, regarding why I find the BCHD Project DEIR inadequate and incomplete, and lacking sufficient mitigations to ensure the environmental safety of Torrance and Redondo Beach residents who will suffer most if this project is approved.

Thank You,

Brian Wolfson
City of Torrance

Nick Meisinger re: Healthy Living Campus
Wood Environment & Infrastructure Solutions, Inc.
9177 Sky Park Ct.
San Diego, CA 92123

Regarding:
Beach Cities Health District Healthy Living Campus Project, DEIR No.
2019060258
AKA HLC
Draft Environmental Impact Report (“DEIR”)

Dear Mr. Meisinger:

In addition to other comments I have filed, enclosed are some additional general comments regarding why I find the DEIR inadequate and incomplete, and lacking sufficient mitigations to ensure the environmental safety of Torrance and Redondo Beach residents who will suffer most if this project is approved.

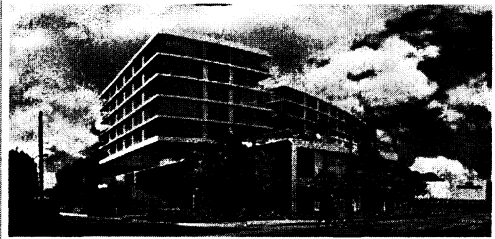
2.0 The Project

3.1 AESTHETICS AND VISUAL RESOURCES

Representative View 3: Flagler Lane & Beryl Street Intersection (Facing Southwest)



Representative View 3: Views of the Project site from this location are characterized by the vacant Flagler Lot in the foreground, which is currently covered with grass and weeds vegetation and is located as a staging area for construction equipment. The proposed BHE Building would rise up to 133.5 feet above Flagler Lot and would be more visually prominent from this location given its location along the northern perimeter of the BCHD campus. Source: VTA's 2021



The proposed Project calls for the demolition of the existing 5-story, 158,000-sf Beach Cities Health Center and the attached 3,200- sf maintenance building under Phase 1 and a more general long range redevelopment program under Phase 2. The DEIR says Phase 1 will take 29 months to build. Phase 2 will take about 28 months. Construction for each is for 6 days a week.

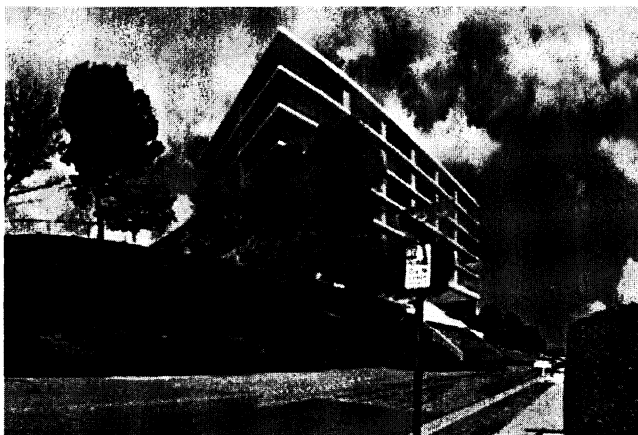
Phase 1 includes - a 6-story, 203,700-square-foot (sf) Residential Care for the Elderly (RCFE) Building with 157 new Assisted Living units and 60 Memory Care units, 14,000 sf of space for the Program of All-Inclusive Care for the Elderly (PACE), 6,270 sf of space for Community Services, and a 9,100- sf Youth Wellness Center. The proposed RCFE Building would have a height of 103 feet. It will be funded privately.

Phase 2 – is for a Wellness Pavilion of up to 37,150 sf, an Aquatics Center of up to 31,300 sf (including 24,000 sf of indoor space and 7,300 sf of outdoor space), a Community Health and Fitness Facility of up to 20,000 sf, and a Parking structure with up to 2 subterranean levels and up to 8.5 above ground levels. It is a general outline of what could be built. It is unfunded and the BCHD has no funds to build it.

The project site extends east into the City of Torrance right-of-way by about 26 feet along Flagler Lane between Beryl Street to the north and approximately halfway thru Flagler Alley to the south. See map, page 122 of the DEIR. The Project site is bordered by single-family residences to the east across Flagler Lane and Flagler Alley, in an area zoned R-LO (Low Density Residential) by the City of Torrance (refer to Figure 2-2)

I live one block away from the site on Tomlee Ave and walk by the property daily. Even with the lower elevation, I can see multiple buildings on the campus including the maintenance building, childcare center, and parking garage. As the DEIR states, the BCHD is not required to upgrade the Beach Cities Health Center or other buildings on the campus for seismic-related structural reasons (DEIR page 140) as they initially claimed. They are primarily committed to redeveloping the site to generate additional revenue as noted in their Project objectives per CEQA.

3.1 Aesthetics



The proposed Beach Cities Health District (BCHD) Healthy Living Campus Master Plan (Project) proposed for the site is incompatible based on the regulations, policies, and design guidelines of the City of Redondo Beach and City of Torrance governing aesthetics and visual resources as defined by the California Environmental Quality Act (CEQA). The massive six-story 203,700-square-foot (sf) Residential Care for the Elderly (RCFE) Building with 157 new Assisted Living units and 60 Memory Care units proposed for Phase One is unsuitable for the surrounding neighborhood and inappropriate for the commercial and residential zones that determines what can be built at the site. Its height and mass will far exceed the existing 5-story, 158,000-sf Beach Cities Health Center that it will replace, and the placement of the building will severely alter existing views in all directions.

As stated in the DEIR, the natural environment plays an important role in defining the visual setting in this area. Yet, the DEIR inaccurately describes the visual resources that makes the area unique and fails to recognize that the views leading up to the marina and the Portofino Hotel are noteworthy local landmarks, page 202. As residents know and visitors realize the two defining scenic resources are the view of the skyline and the views of the Palos Verdes Ridgeline seen from all major streets. The expansive view of open sky is a striking visual resource, and an economic asset that affects property values and commerce throughout the area. There are several unique view corridors within the area that extend between streets to provide unfettered views of the bay and sunsets (page 204 of the DEIR shows one) that enhance the natural beauty. Phase 1 would compromise that experience and the views by dominating sightlines and obscuring the natural features of the

Commented [BW1]:

area. It is so massive and prominent it will also alter the panoramic public views from Wilderness Park and other high points including Palos Verdes. Although these sites are mentioned in the DEIR (page 200) there is no acknowledgement that the public view from these high points are compromised by the Project and there's no analysis of what the environmental impacts would be on aesthetics or other relevant CEQA category like glare. See attached photos. The EIR as presented is incomplete. The impact of the Project on public views must be studied before the BCHD Board of Directors takes action on the final EIR.

Ref: Photo from Wilderness Park, RB of Project site



In Addition, the zoning codes of the cities of Redondo Beach and Torrance clearly prohibit several of the project features including the rooftop patio at Flagler Lane and Beryl and the entrance/exit onto a residential street that has a driveway on a commercial street.

See: attached Public Comments from the Cities of Redondo Beach and City of Torrance.

However, the DEIR is incomplete in numerous other areas that must be studied per CEQA. Page 228 of the DEIR states incorrectly that the Project would not create "direct sight lines into private interior living spaces of nearby residences due to the

distance and high angle of the views” however, the DEIR fails to study the impact the RCFE building will have on the multistory residential units to the north of the site. Most of the rooms within the 203,700-square-foot (sf) Residential Care for the Elderly (RCFE) Building will have direct sight lines into private interior living spaces of these residences. It must be analyzed.

Omissions in the DEIR seem indicative of the Lead Agency’s incompetence or willingness to disregard public input. In my experience they have demonstrated a propensity to mislead residents to get what they want. They have shown a cynicism for the public process and boasted they can use their “political capital” to get the Project approved. As a longtime government employee, if the BCHD is allowed some sort of special treatment it undermines all elected and appointed representatives. The CEQA process must be treated objectively. No individual or agency is above the law.

When the Project site was first developed as a hospital it was surrounded by farmland, oil rigs and a city dump. Over the last 60 years, it has been built out as residential and small scale commercial development. No one who purchased property imagined the public views and aesthetics would be “for sale” or that it could be eliminated with the district’s “political capital.”

The misuse of the BCHD’s “political capital” is used even more egregiously to undermine the public’s understanding of Phase Two. As noted in the public comments made by the city of Torrance, the DEIR lacks required details regarding Phase Two. Representative View 1: Tomlee Avenue (Facing West) doesn’t show Phase Two. How is this allowed?

Representative View 2 on page 241 of the DEIR states,

The Project would substantially reduce access to open sky from this view and would change the visual character of this view from the residences in this West Torrance neighborhood as well as travelers along Flagler Lane and Towers Street. Source: VIZf/x 2021

Yet, no mitigation measures are provided to address the impacts as required by CEQA. Representative View 3 on page 242 of the DEIR states, the 6-story RCFE would be,

“Visually prominent from this location given its location along the northern perimeter of the BCHD campus.”

Again, the impact of Phase Two is not addressed as required by CEQA. Representative View 4 is characterized by the low-rise commercial buildings that comprise the Redondo Village Shopping Center. As stated in the DEIR page 244,

The proposed Project would reduce access to open sky with development of the RCFE Building during implementation of the Phase 1 preliminary site development plan. Source: VIZf/x 2021.

The DEIR fails to provide a mitigation measure for the visual impact on the open sky as required but does acknowledge that the open sky is hidden from view from this location. On page 245, the DEIR caption under the image of the site as it appears today says,

Given the location of the proposed RCFE Building along the northern perimeter of the Project site, the height, bulk, and scale of the proposed development would be greater than the existing development on campus. Therefore, the perceived height of the RCFE Building from the pedestrian perspective would be more pronounced from this location.

Representative View 5: North Prospect Avenue and Central Driveway Intersection (Facing Northeast) again fails to include any of the Phase Two buildings and fails again to provide the public a clear visual aid to properly determine how the Project will alter the visual character of the site.

As presented, only through the erection of PROPER silhouettes will potentially-affected locals learn about the existence and/or massive size of this proposed development and be able to comment should further discussion take place. Homeowners to the east and north worried that upper-floor RCFE residents will see into their houses and fenced yards will lose their right to privacy without just compensation or due process. Other properties will be covered in shade for hours each day and will lose out on sunlight used to power rooftop solar panels.

Conclusion: MM VIS-1 is flawed. It is subjective and lacks sufficient data to be conclusive. The size and orientation of the Project conflicts with Policy 1.46.5 of the Redondo Beach General Plan. The proposed Project will have a significant visual impact on the area as defined by CEQA. The open sky, Pacific Ocean and Palos Verdes ridge line are recognized aesthetic and visual resources. The BCHD has no authority to alter this view and must be required to provide the necessary visual aids to evaluate Phase Two.

Section 3.1, Light Pollution

The DEIR fails to state if Phase Two of the Project will increase artificial light in the neighborhood. Light pollution compromises health, disrupts ecosystems, and spoils aesthetic environments. It creates an unwarranted and unwelcome intrusion upon residents.

The programmatic Phase Two is insufficient. The DEIR fails to analysis the environmental impacts of Phase Two on aesthetics. The impacts must be determined to inform the public of what the environmental impacts will be as required by CEQA.

Section 3.2 Air Pollution

Phase 1 and 2 with its , 203,700-square-foot (sf) Residential Care for the Elderly (RCFE) Building with 157 new Assisted Living units and 60 Memory Care units, 14,000 sf of space for the Program of All-Inclusive Care for the Elderly (PACE), 6,270 sf of space for Community Services, a 9,100- sf Youth Wellness Center, Wellness Pavilion of up to 37,150 sf, an Aquatics Center of up to 31,300 sf (including 24,000 sf of indoor space and 7,300 sf of outdoor space), a Community Health and Fitness Facility of up to 20,000 sf, and a Parking structure with up to 2 subterranean levels and up to 8.5 above ground levels will significantly increase air, noise, and light pollution. The Air pollution impacts spread fugitive dust from exposed soil surfaces far from the Project site as outlined in the DEIR in tables 3.2.7, 3.2.8 and 3.2.9. Yet, the mitigation measures fail to provide details to ensure how far north of the site the contaminants will go. The shopping center to the north is not even mentioned in Appendix B or addressed in the air quality modeling. How is it that the closest commercial property to the project was ignored? What will be the impacts on the public and the employees? The DEIR admits that fugitive dust will blow throughout the site and beyond in all directions. Yet, the mitigation measures don't provide details on how they will be enforced or if violations will result in fines against the BCHD. What are the legal remedies that the public is entitled to have to ensure their health and safety?

Section 3.10 Land Use and Planning

Table 3.10.5 Policy LU 4.3 Torrance General Plan. This section is noted in the DEIR as no conflict. This should be changed, and the text modified to note that Flagler Lane is a residential street and cannot be used as a commercial roadway per the City of Torrance Muni code. See the attached Public Comments made by the City of Torrance. The Project pickup and drop off location proposed for Flagler Lane must be moved to Beryl and a recirculated DEIR made public. Any additional

traffic would make the air quality impacts worse, harming humans, pets, and wildlife in the vicinity.

Table 3.10.5 Policy LU.9.1. This table must be changed to note that the native species proposed for the landscaping have been determined to attract coyotes. The city of Torrance coyote abatement strategy notes that this type of landscaping attracts breeding coyotes and conflicts with the city municipal code and general plan. The DEIR must be changed to reflect this conflict and recirculated.

Table 3.10.5 Policy LU 11.9. This section needs to be changed from no conflict to conflicts. The DEIR says that the project is within the city of Torrance right-of-way along Flagler. The Project, which will destroy the existing landscaping and mature trees on the hillside, conflicts with the Torrance hillside overlay ordinance. It is not permitted and will cause a significant environmental impact to the residential homes to the east of the site as noted by the Torrance City Council at its public meeting on Tuesday May 25, 2021. The DEIR must be recirculated, and the design plans modified to show the project doesn't impact Flagler Lane or the Torrance hillside in any way. The project must be moved west as proposed by both the city of Redondo Beach and City of Torrance. The best Alternative is no-project.

Section 3.11 Noise Pollution

Apart from the excessive noise generated by the construction and the weekly outdoor events the BCHD is proposing as ongoing public events, the "party patio" atop the two-story PACE structure at the corner of Beryl and Flagler Lane will lead to noise bouncing off the structures to the detriment of Torrance and Redondo Beach residents. The DEIR inexplicably fails to address the environmental impacts of this activity from this location. People who bought their homes knew of the current zoning & general plan, which did not include greatly increasing the number of buildings and square footage of the existing campus. Residents had no reason to expect a high-density high-rise campus or its attendant noise. This development will greatly increase noise as noted in the DEIR and deprive residents of their quiet neighborhoods without adequate compensation or due process of law.

High noise levels can contribute to an increased incidence of coronary artery disease. In animals, noise can increase the risk of death by altering predator or prey detection and avoidance, interfere with reproduction and navigation, and contribute to permanent hearing loss. While the elderly may have cardiac problems due to noise, according to the World Health Organization, children are especially vulnerable to noise, and the effects that noise has on children may be permanent. Noise poses a serious threat to a child's physical and psychological health and may negatively interfere with a child's learning and behavior. The second story outdoor "party patio" must go. The DEIR must then be recirculated.

The noise from the planned events will permanently change the character of the neighborhood and the mitigation measures to control the operational sound are insufficient and prone to human error.

Section 3.4 Cultural Resources and Tribal Cultural Resources

To prevent further on-site and off-site impacts to Native American cultural resources, additional mitigation conditioned in the EIR, and future agreements, must include the following: avoid disturbing tribal cultural resources. If redevelopment cannot be moved to another site the Lead Agency must identify specific steps to ensure on-site or off-site creation, enhancement, restoration, and/or protection and management of ancestral lands in perpetuity.

The mitigation measures proposed in the DEIR on page 3.8.30 of Appendix B create a conflict with the mitigation measures required to ensure that any native American cultural resources are not disturbed and/or removed from the site.

The DEIR states on page 524 that soil cutting during the excavation and installation of soldier piles shall be disposed of off-site with any affected soils from the deep excavation.

To comply with the cultural resource mitigations outlined in the DEIR, the mitigations in the section on Air Quality for excavation and shoring must be stopped. The project set-back should be increased to avoid disturbing tribal cultural resources as required by CEQA, the City of Redondo Beach and the City of Torrance.

The DEIR should be amended and recirculated to state that the site of the Project is Native American land. Andrew Salas of the Gabrieleño Band of Mission Indians – Kizh Nation states that the entire area was once home to a massive native community that numbered in the thousands. Avoiding further damage to the site must be prioritized. Any ground disturbances may cause significant damage to historic artifacts similar to what occurred at the Playa Vista site. In that case, the California Second District Court of Appeal found that the Los Angeles City Council violated the California Environmental Quality Act (CEQA) after it approved an environmental impact report that permitted construction for the development's second phase in 2005.

[9hh663HS5zMVPeChbXFXJ89XP1_j-ICGJq8NSj3f3qK7bmedi-GlyU-NDifnqge0tosi3UYIkP6Y9MXB0 \(ca.gov\)](https://www.ca.gov/9hh663HS5zMVPeChbXFXJ89XP1_j-ICGJq8NSj3f3qK7bmedi-GlyU-NDifnqge0tosi3UYIkP6Y9MXB0)

Tribe members also say, the “backfilled” soil from earlier excavation often contains the original cultural resources that were disturbed and that these too must be

preserved, protected, and respected as required by the state of California. Historic records show that this area, including the AES site, was frequently used by the Gabrieleño Band of Mission Indians to cure meats and sea foods and for trading with other tribes up and down the inland coast. These cultural resources are more than 10,000 years old. Yet, the DEIR mitigation measures do not acknowledge the significant impact any and all development would cause. Throughout this area ancestral artifacts have been discovered within two feet of the topsoil.

Conclusion: The mitigation measures need to be modified to avoid desecrating the site. The air quality mitigations conflict with the cultural resources mitigations and must be amended to ensure that any cultural resources are preserved. If the developers ignore its cultural significance, site monitors are an insufficient mitigation measure. Greater mitigations are needed. If artifacts are discovered, the site must be avoided, and all work stopped to determine how to proceed. The Lead Agency must adopt a clear method for reporting concerns, filling complaints, and determining damages for noncompliance.

Section 1.8 Areas of Known Public Controversy

CEQA Guidelines Section 15123 states that an EIR shall identify areas of controversy known to the lead agency, including issues raised by public agency as well as interested members of the public.

Section (a) of Section 15123 says the EIR shall contain a summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical. (b) The summary shall identify: (1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and (3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

Although slowed by the Covid Restrictions and quarantine, a petition with more than 1200 signatures from people who oppose the project for multiple reasons including the abuse of the design build/ design bid-build approach normally used for public projects and that the Project is beyond the scope of services the BCHD is authorized to provide was brought to the attention of the district. Upon learning of the protest, the BCHD discounted the public controversy created by the Project and never addressed the concerns as required by CEQA. **PDF copies of the petitions and signatures is attached.** The public controversy concerns must be addressed as required by CEQA and the DEIR recirculated.

June 8, 2021

Nick Meisinger re: Healthy Living Campus
Wood Environment & Infrastructure Solutions, Inc.
9177 Sky Park Ct.
San Diego, CA 92123
EIR@bchd.org

RE: Review and Comments on Draft Environmental Impact Report (EIR) for the proposed Beach Cities Health District Healthy Living Campus

Dear Mr. Meisinger:

On behalf of the City of Redondo Beach, California, please accept this letter as the City's official written comments on the Draft Environmental Impact Report (DEIR) for the Beach Cities Health District (BCHD) Healthy Living Campus Master Plan.

The City of Redondo Beach, as a Responsible Agency for the project, appreciates being notified of the DEIR and being provided an opportunity to submit feedback on the California Environmental Quality Act (CEQA) review of the proposed project. The City respectfully submits these comments to BCHD, as the Lead Agency for the project, for consideration in the environmental analysis to be included in the Final Environmental Impact Report (FEIR).

BCHD has proposed a two-phase development which generally includes in Phase 1 a new Residential Care Facility for the Elderly (RCFE), a space for the Program of All-Inclusive Care for the Elderly (PACE), space for Community Services, and a Youth Wellness Center. The entirety of Phase 1 is proposed to be 233,070 square feet of space. In the DEIR, Phase 1 is evaluated at a project level of detail, whereas Phase 2 was reviewed at a programmatic level of detail, since the specific details for Phase 2 have not yet been planned. Phase 2 is expected to have a new Wellness Pavilion, Aquatic Center, and a relocation of the Center for Health and Fitness back on campus. It is during Phase 2 that the parking structure is proposed. The project proposes the redevelopment of Phase 1 to occur over 29 months and Phase 2 over 28 months.

The DEIR addresses Phase 2 at a programmatic level, but there are significant details that were not evaluated since that phase is not fully determined, especially regarding which parking typology would be implemented. Any future consideration for

development of Phase 2 should begin with a comprehensive environmental analysis in the form of a Subsequent EIR to ensure that the potentially significant impacts are appropriately mitigated. A Subsequent EIR would provide for public noticing and allow those who may potentially be impacted an opportunity to comment.

The City of Redondo Beach is very concerned with the Project's significant impacts regarding the following land use implications:

- The DEIR has mitigation measure MM VIS-1 to reduce the building height. The implementation of this mitigation measure may reduce concerns of privacy and possibly shade/shadow effects. However, by solely mentioning the reduction of the height of the building as a mitigation measure, yet not addressing this specific mitigation measure of reduced height as an Alternative, it seems that future mitigating redistribution of the square footage would result in unstudied implications, potentially creating unknown impacts. The potential environmental impacts of the height reduction and the options of redistributing the square footage should be studied in the DEIR. Although the DEIR did consider Alternative 6 as a reduced height option (that was determined not preferred), that does not address how the MM VIS-1 will be met under the proposed project. The DEIR gives general comments on how there would be reductions in construction impacts due to the reduced number of floors to be built, but doesn't address how or if the square footage would be constructed otherwise. If this square footage is to be distributed elsewhere on the site, the various categories of impacts should be evaluated. The proposed project should be reviewed with consideration of the execution and impacts of implementing MM VIS-1.
- All of the "build" Alternatives presented in the DEIR expect that the floor area ratio (FAR) on that site will exceed 0.5 FAR on the Flagler Lot. However, as noted in the DEIR, that is not allowed per the Redondo Beach Municipal Code. The DEIR assumes throughout the Land Use and Planning analysis chapter that this project is allowed since "the Redondo Beach General Plan Land Use Element allows for the development of housing for senior citizens by permitting such housing to vary from the development standards in the zone in which it is located..." Yet, the C-2 Zoning site (Flagler Lot) is clearly described as being used as support facilities rather than housing for senior citizens. Exceeding the FAR would require a zoning variance, with distinct criteria that must be met. The DEIR does not explain the impacts to the Project if findings for a variance cannot be made. There should be an Alternative that addresses meeting the restriction of 0.5 FAR in the C-2 Zoning.
- The DEIR acknowledges that there would be a Redondo Beach Planning Commission Design Review required for this project. There is a Conditional Use Permit requirement, as well. The RBMC does not specify maximum FAR, height restrictions or setbacks in the P-CF Zone, but rather leaves that determination to the Planning Commission Design Review. Yet, the DEIR seems to assume that because the Redondo Beach Municipal Code doesn't specify these and

otherwise leaves the determination up to the Planning Commission, that there would not be a height or FAR or setback limit imposed. The DEIR should address the uncertainty resulting from the discretion of the Planning Commission, and potential project response alternatives.

In addition to the significant concerns noted above regarding Land Use, Attachment A to this letter details additional comments from the City of Redondo Beach that should be addressed in the Final EIR document.

These comments are to address the CEQA-required DEIR document and the environmental impacts. As a Responsible Agency, the City of Redondo Beach will address any municipal application(s) related to the project presented in this DEIR through the appropriate discretionary approval process. If there are any questions for the City of Redondo Beach regarding this comment letter, please contact Community Development Director Brandy Forbes by email at brandy.forbes@redondo.org or by telephone at (310) 318-0637 x2200.

Sincerely,

Mayor William Brand

cc. City Council Members, City of Redondo Beach
Joe Hoefgen, City Manager, City of Redondo Beach
Brandy Forbes, Community Development Director, City of Redondo Beach

ATTACHMENT A
Comments on DEIR for proposed Beach Cities Health District Healthy Living Campus

Section/Page	Comment
[General]	There are several reports listed throughout that would need to be prepared as part of mitigation measures. Those should be listed along with when each particular report would be due.
[General]	There are several references to the Redondo Beach Municipal Code (RBMC) Section 10-5. This is the coastal zoning and does not apply to this site. Rather, the RBMC 10-2 is applicable since this site is not within the coastal zoning. Although often these codes parallel each other, there are some differences. BCHD should do a search of the document to ensure that all references are corrected, and when language from the code is directly included in the DEIR, verify that the text is correct based on RBMC 10-2.
<u>Executive Summary Section</u>	
ES-16	Regarding MM GEO-2a, although the workers may be trained or educated for awareness of paleontological resources, there does not seem to be a consequence if the workers don't stop the job. The document points out on page 3-3 that mitigation measures must be fully enforceable, but there does not appear to be an insurance of such for this mitigation measure.
ES-29	The Mitigation Measure states that compliance with the City's construction hour regulations will be, "to the maximum extent feasible, in accordance with RBMC..." It is unclear why "to the maximum extent feasible" is needed if it is going to follow the construction hour regulations. This should be clarified or just acknowledge that the project will be in compliance with the construction hour regulations.
ES-40	Under the last bullet point on this page, it states that work within the public right-of-way outside of the hours would require issuance of an after-hours construction permit. In Redondo Beach, that is issued by the Public Works Department, Engineering Division rather than the Community Development Department.
ES-41	The second to the last bullet notes that Approvals may take up to 2 weeks per each submittal, but it is unclear which approvals are referenced. Various agencies and City divisions may have different timeframes. It seems more appropriate to note approximate timeframes rather than appearing to limit an agency when the District doesn't have that authority.

ES-43 There is mention of increase in water demand under Impact UT-2, but there is not mention of having to comply with the City's adopted Model Water Efficiency Landscape Ordinance (MWELo). The MWELo does need to be followed.

ES-46 The table on this page lists the Project and Alternatives 1-5 (Alternative 1 being the No Project Alternative), but is missing Alternative 6. Therefore, this impact comparison table is only useful in comparing the Project to the No Project Alternative, but it is unclear which of the other alternatives was excluded in order to determine what Alternatives 2-5 are. Without this table being accurate, it is more cumbersome to compare the various Alternatives from the text.

Readers Guide Section

RG-17 In the last paragraph under 3.9, there is mention of 0.30 to 1.50 inches of rainfall, but it doesn't explain if that is a rate (i.e., per hour) or overall total. This should be clarified in the Final EIR.

Introduction Section

I-5 There isn't mention of the required Planning Commission Design Review in addition to the Conditional Use Permit. As well, bullet #3 only mentions the P-CF zone, but not the zoning on the Flagler Lot (C-2), which also must get permits.

I-5 The bullet addressing shared parking would be the Redondo Beach Planning Division oversight, not the Building & Safety Division.

Project Description Section

2-36 The bicycle facilities listed don't describe if they are available to the general public or to just the employees. This should be clarified to determine the extent of the benefit of these amenities. In the table on page 3.10-30 it states that shower and locker facilities for visitors and employees would be provided. This should be clarified and consistent throughout.

2-37 A "gas yard" is shown on the various site plans throughout the document. However, there does not appear to be a description of it or explanation of the mechanical equipment and any impacts it may have. It seems this may fit under utilities and services, but it is unclear since not described. The impacts of this gas yard should be evaluated.

2-37 An "electrical yard" is shown on the various site plans throughout the document. However, there does not appear to be a description of it or explanation of the mechanical equipment and any impacts it

may have. It seems this may fit under utilities and services, but it is unclear since not described. The impacts of this electrical yard should be evaluated.

2-39

Under Section 2.5.1.6 Construction Activities, the following should be considered for addressing construction impacts:

- Maintain ingress/egress of construction vehicles to be from the southerly and northerly driveways. Do not use signalized access for construction activities, maintain it for staff and clients/guests of BCHD. Also, this minimizes construction activity conflicts with pedestrian and transit operations/stop activities adjacent to signalized site entrance.
- Consider interim preferential (permit) parking along westerly Prospect (Beryl to Diamond), Prospect frontage road, and surrounding streets (i.e. first blocks of Diamond and Beryl). This will keep BCHD employees, guests/visitors and construction workers from parking in the residential neighborhood streets.
- Provide dust and noise screening/blankets along project periphery.

Environmental Impact Analysis and Mitigation Measures Section

3-3

At the bottom of the page there is mention that a Mitigation Monitoring and Reporting Program will be provided following public review. As noted in a previous comment, it is critical that there is a listing of all of the expected reports to be prepared and the specific triggers/due dates of those reports so that tracking of such can be in one location.

Aesthetics and Visual Resources Section

3.1-21

Under the goals and policies listed, a few additional citations should be added. Specifically, Goal 1K and Objective 1.46 which correspond to Policies 1.46.4, & 1.46.5, Objective 1.53 which corresponds to Goal 1N and Policies 1.53.6, 1.53.7, 1.53.10, and 1.53.11, and Goal 1O which corresponds to Objective 1.57 and Policies 1.57.3 and 1.57.4.

Goal 1K "Provide for public uses which support the needs and functions of the residents and businesses of the City."

Objective 1.46 "Provide for the continuation of existing and expansion of governmental administrative and capital, recreation, public safety, human service, cultural and educational, infrastructure, and other public land uses and facilities to support the existing and future population and development of the City."

Objective 1.53 “Attain residential, commercial, industrial and public buildings and sites which convey a high-quality visual image and character.”

3.1-21 Policy 8.2a.8 is not applicable to the site. This policy as well as the overarching objectives and goals are only specifically applicable to the Coastal Area of the city.

3.1-38 MM VIS-1 is a mitigation measure to reduce the building height. The implementation of this mitigation measure may reduce concerns of privacy and possibly shade/shadow effects. That was not discussed under the “Residual Impacts” heading on this page. As well, by not addressing this required mitigation measure of reduced height as an Alternative, it seems that how the square footage would otherwise be distributed may have implications on other impacts.

3.1-56 In terms of Aesthetics, the last paragraph on page 3.1-56, the Parks and Recreation Element shouldn't be applicable to this site as it is not dedicated parkland.

3.1-70 The paragraphs under VIS-4 mention how both the 121.5' building and the 133.5' building create a 404.5' shadow during the Winter Solstice. It seems that the 133.5' building would create a shadow longer than the 121.5' building. This should be explained or corrected.

[General] To adequately assess potential impacts to Aesthetic and Visual Resources, additional visual representations need to be included in the form of conceptual design renderings and photo simulations that demonstrate compliance with the cited Goals, Objectives, and Policies as well as noted design related Redondo Beach Zoning Ordinance “criteria”. Conceptual renderings and photo simulations of the “project” and “alternatives” are necessary to adequately assess potential impacts and determine if additional mitigation is required. Additionally, a conceptual rendering and photo simulation of the project with the determined mitigation (MM VIS-1) also needs to be included in the FEIR.

Biological Resources Section

3.3-12 Policies 1.55.8-1.55.10 from the Land Use Element should be added which align with the City's and State's MWELo goals.

Cultural Resources and Tribal Cultural Resources Section

- 3.4-8, There is a reference to the Redondo Beach Preservation Commission reviewing the historic status of the medical buildings, however, it does not appear that those buildings have been formally reviewed at a public hearing. It would be more accurate to state that the medical buildings are not identified as potential resources in the City's Historic Resource Survey and do not meet the criteria outlined within the Preservation Ordinance.
- 3.4-10 The property 328 N. Gertruda Avenue is referenced (Table 3.4-1) as a designated resource nearby, however, this is only one of many properties within the Gertruda Avenue Historic District. Please reference the entire district.
- 3.4-11 The property at 820 Beryl Street is listed as a designated resource (Table 3.4-1) near the project site. Please clarify that this is a potentially historic resource within the City survey, but is not currently designated as a local landmark. This is further supported by the fact that within Table 3.4-1, there is no given name to the site - the formal name is assigned at the time of designation.

Geology and Soils Section

- 3.6-25 MM GEO-1 says that the Cities' compliance staff "shall observe and ensure compliance". That is not the authority of BCHD. Rather BCHD will comply with the recommendations and specifications with Cities' having oversight and enforcement capabilities.
- 3.6-30 As noted previously regarding MM GEO-2a, although the workers may be trained or educated for awareness of paleontological resources, there does not seem to be a consequence if the workers don't stop the job. The document points out on page 3-3 that mitigation measures must be fully enforceable, but there does not appear to be an insurance of such for this mitigation measure.
- 3.6-30 Although MM GEO-2a notes that workers will be trained, there doesn't seem to be a contingency for employees that may be hired mid-project after the initial training has been conducted.

Greenhouse Gas Emissions and Climate Change Section

- 3.7-15 Include City of Redondo Beach General Plan Policy 16 can be included which states, "Encourage flex hours in work environments."
- 3-7 Project 12. Description should be changed to Slurry Seal roadway. This is completed. Need to add the project again as Proposed for FY's 22-23 to 22-24. Caltrans will be "Resurfacing

asphalt roadway, upgrading signal systems, and implementing ADA improvements” for the entire stretch of PCH in the South Bay.

Hazard and Hazardous Materials Section

3.8-19 There seems to be secondary reference to the Redondo Beach Local Hazard Mitigation Plan in this particular environmental category, when it seems that this would be the most pertinent location for it to be considered as part of the environmental review. In the Geology and Soils section, the LHMP was fully consulted. Concern that the Hazards and Hazardous Materials section did not take into consideration Redondo Beach’s adopted LHMP. Torrance’s LHMP was addressed in its own subheading, so unsure why it was not considered for Redondo Beach.

Land Use and Planning Section

3.10.22 Under the review of the Land Use Element and zoning, the “no conflicts” section states, “However, this portion of the proposed RCFE Building would exceed the 0.5 FAR requirement.” The next section notes a potential conflict with the same statement. On page 3.10-23 under Policy 1.5.2 it states that the Flagler Lot portion of the site will have a “portion of the RCFE Building that would support the Assisted Living and PACE services.” It seems that there will not be actual residences on the Flagler Lot. The proposed Project assumes throughout the Land Use and Planning analysis chapter that this project is allowed since “the Redondo Beach General Plan Land Use Element allows for the development of housing for senior citizens by permitting such housing to vary from the development standards in the zone in which it is located...” Yet, the C-2 site is clearly described as being used as support rather than housing for senior citizens. Exceeding the FAR would require a zoning variance, with distinct criteria that must be met. This DEIR does not address that. The DEIR does not explain the alternatives to the Project if findings for a variance cannot be made.

Noise Section

3.11-16 There are several Goals and Policies in the Redondo Beach General Plan related to noise, loading and deliveries, mixed use, etc. that were not included in the analysis. The Final EIR should address Goal 10.4 and Policies 10.4.1 and 10.4.5; Policies 10.5.1 and 10.5.5; Goal 10.6 and Policies 10.6.1 and 10.6.2; and Goal 10.8 and Policy 10.8.1.

3.11-42 The first paragraph lists operations that generate noise. If the Electrical Yard or Gas Yard areas will generate any noise, this

should be incorporated in this Chapter and the impacts should be analyzed.

Population and Housing Section

3.12-15 The assumption is that the population increase as a result of residents moving into these units is a 1 for 1 replacement. However, the dwelling unit being vacated when someone moves into a unit at BCHD Project would free up for the average 2.34 persons per dwelling unit, thus creating a greater population increase.

Transportation Section

[General] Although the VMT is addressed, there is concern about circulation in the vicinity, especially if Torrance closes south bound Flagler Lane at Beryl. Although that would not be an impact of the BCHD Healthy Living Campus project, it is important that BCHD consider how employees and visitors to the site would navigate those revised roadway configurations.

Page 3.14-66. The first paragraph refers to *County Department of Transportation (DOT)*. That reference should be changed to "City of Torrance" (CDD and/or PW).

Page 3.14-67 The second bullet from the top states "*Trucks shall only travel on approved construction routes. Truck queuing/staging shall only be allowed at approved locations. Limited queuing may occur on the construction site itself.*" The bullet needs to further state that "*No truck queuing/staging shall occur on any public roadway in the vicinity of the project*".

Utilities and Service Systems Section

3.15-12 Policy 6.1.10 should be added to this section for review for water supplies. The policy notes to examine the feasibility of using reclaimed water for irrigation for both public and private facilities.

3.15-13 For water conservation, Policy 1.55.7 regarding drought tolerant species, Policy 1.55.8 regarding drought conscious irrigation, and Policy 1.55.9 regarding automated irrigation systems should all be added and addressed.

3.15-27 This section of the Chapter on Utilities and Services Systems seems to have missed the City of Redondo Beach Local Policies and Regulations related to sanitary and storm. The General Plan Policies that would apply are Policy 6.1.5 regarding development contingent upon being served with sanitary sewer, Policy 6.2.3 regarding approvals of new development served with adequate

storm drainage, and Policy 6.2.7 addressing improvements or expansion borne by the project proponent.

[General]

The discussion regarding impacts on the sewer system seem to be incomplete. Although UT-3 and UT-4 address some of the impacts on the immediate sewer system and on the greater capacity for treatment, there is no mention that the City of Redondo Beach sewage collection system or Sanitation Districts of LA County transmission system were evaluated for impact. Only the end of the line JWPCP was evaluated.

Alternatives Section

5-19

The first paragraph mentions the possibility of a rezoning in the closure, sale, and redevelopment alternative. This seems to be a very specific assumed outcome of what zoning might be requested. And it seems irrelevant as to whether a rezoning would “help the City of Redondo Beach to meet [the RHNA]”. There are a number of uses that could be requested and serve different purposes, so uncertain why mixed use or multifamily were called out.

5-98

This table lists the Project and Alternatives 1-5 (Alternative 1 being the No Project Alternative), but is missing Alternative 6. Therefore, this impact comparison table is only useful in comparing the Project to the No Project Alternative, but it is unclear which of the other alternatives was excluded in order to determine what Alternatives 2-5 are. Without this table being accurate, it is more cumbersome to compare the various Alternatives from the text.

Council Meeting of
May 25, 2021

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Accept and File update regarding the Beach Cities Health District Healthy Living Campus Master Plan and Approve Comment Letter. Expenditure: None.

RECOMMENDATION

Recommendation of the Community Development Director that City Council:

1. Accept and file an update regarding the Beach Cities Health District Healthy Living Campus Master Plan; and
2. Approve City's Draft Environmental Impact Report comment letter.

FUNDING

No funding is required for this action.

BACKGROUND

In 2017, Beach Cities Health District (BCHD) began the planning process for redevelopment of the BCHD Campus located at 514 Prospect Avenue in the City of Redondo Beach, adjacent to the City of Torrance's western border. Early planning and design phases involved development of the Healthy Living Campus Master Plan (Master Plan) and a series of community meetings and outreach efforts to gather public input.

In 2019, BCHD announced a Notice of Preparation (NOP) and that an Environmental Impact Report (EIR) would be prepared in compliance with the California Environmental Quality Act, with BCHD as the Lead Agency and the cities of Redondo Beach and Torrance as Responsible Agencies. The NOP included a public review and comment period and several scoping meetings including an interagency meeting. Staff notes recommendations were made for the environmental analysis and a comment letter prepared by various multiple Torrance City departments was submitted (Attachment B).

Since its introduction, the Master Plan has been through several planning and design iterations with the current 2020 Master Plan proposing redevelopment in two phases (Phase 1 and 2) and construction activities occurring over 29 months and 28 months, respectively. Phase 1 involves a new Residential Care for the Elderly (RCFE) building measuring 203,700 square feet in floor area and reaching 103 feet in height above the campus ground level and 133.5 feet above a vacant lot along Flagler Lane. The RCFE building consists of 157 Assisted Living units and 60 Memory Care units, and features floor area dedicated to related programming and services. The RCFE building also proposes three new driveways along Flagler Lane, which are located in the City of Torrance right-of-way. Following construction of the RCFE building, the existing Beach Cities Health Center (former South Bay Hospital building) would be demolished providing space for open recreation as well as surface parking. Phase 2 is less defined than the project-level preliminary site development plan under Phase 1, and would include a Wellness Pavilion (up to 37,150 sf), an Aquatics Center (up to 31,300 sf), and a Center for Health and Fitness (up to 20,000

sf). Parking would be provided in a new parking structure measuring up to 292,500 sf with up to 2 subterranean levels and 8.5 above ground levels. Information on the BCHD Campus redevelopment is available online at www.bchdcampus.org/campus.

In March 2021, BCHD released the Draft EIR (DEIR) for the current 2020 Master Plan with a 90-day public review and comment period extending from March 10 through June 10, during which BCHD is accepting written comments. Information on the DEIR and methods to submit written and oral comments is available online at www.bchdcampus.org/eir. Staff notes upon its release announcements were also made by the Torrance City Council regarding the DEIR and public review and comment period.

SUMMARY

The BCHD DEIR identifies the potential environmental impacts associated with the 2020 Master Plan, including the construction-related impacts and long-term operational impacts after construction is completed for the Phase 1 preliminary site development plan and the more general Phase 2 development program. The DEIR also included areas of community concern that were identified during the planning and design phases through community outreach and input as well as agency and public comments letters received in response to the NOP. Redevelopment of the BCHD Campus would result in significant and unavoidable construction-related noise impacts. There would also be less than significant impacts with mitigation to multiple areas including aesthetics and visual resources, air quality, biological resources, cultural resources and tribal cultural resources, geology and soils, hazards and hazardous materials, and transportation. Additionally, there would be less than significant impacts (without mitigation) to multiple areas including energy, greenhouse gas emissions and climate change, hydrology and water quality, land use and planning, population and housing, public services, and utilities and service systems.

Since its release staff has completed interdepartmental review of the DEIR and has prepared a comment letter (Attachment A). The comment letter expresses concern with the potential significant impacts to Torrance residents living east of the BCHD Campus, and strongly urges consideration of additional alternatives and mitigation measures to lessen the potential impacts, and prevent significant and avoidable impacts. In the judgment of staff, repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases would achieve functional compatibility and consistency in scale, mass, and character with the residential neighborhood to the east. Doing so may also provide the best opportunity for mitigating significant and avoidable construction noise impacts. Staff also notes that access to Flagler Lane is prohibited per Torrance Municipal Code Section 92.30.8 and that the proposed driveways be eliminated from the design.

In addition, staff notes the environmental analysis prepared for Phase 2 is vague and found to be inconsistent throughout the DEIR, and that any future consideration for development of Phase 2 should begin with a comprehensive environmental analysis in the form of a Subsequent EIR, as it is evident Phase 2 may have significant effects not discussed in the DEIR. Staff strongly recommends that in preparation of the Subsequent EIR all stakeholders be reached and engaged, particularly those that live near the BCHD Campus. Considering the aforementioned concerns with future Phases, staff notes an Addendum is considered inappropriate and would not provide for public noticing nor a fair opportunity to receive input from Torrance residents living near the BCHD Campus.

The DEIR comment letter identifies multiple areas of the Draft EIR that require correction, further analysis and suggests modifications, where appropriate that would assist with addressing the project's significant impacts. Staff has also prepared a cover letter that may be signed by the Mayor on behalf of the City Council to convey the concerns your honorable body may have with the associated project. Lastly, staff notes public comments received with respect to the DEIR are attached to the letter to also convey community input and concerns.

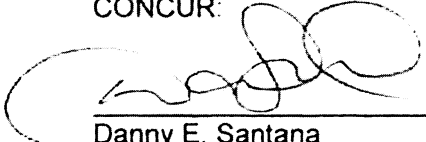
RECOMMENDATION

Recommendation of the Community Development Director that City Council accept and file an update regarding the Beach Cities Health District Healthy Living Campus Master Plan and approve the City's comment letter.

Respectfully submitted,

Danny E. Santana
Community Development Director

CONCUR:



Danny E. Santana
Community Development Director

By 

Oscar Martinez
Planning and Environmental Manager



Aram Chaparyan
City Manager

Attachment:

- A. Torrance BCHD Draft EIR Comment Letter (May 2021)
- B. Torrance BCHD Scoping Notice Comment Letter (July 2019)

DRAFT

>>MAYOR / COUNCIL LETTERHEAD<<

>>DATE<<

Nick Meisinger, Environmental Planner
Wood Environment & Infrastructure Solutions, Inc.
9177 Sky Park Court
San Diego, CA 92123

RE: Healthy Living Campus Draft Environmental Impact Report

Dear Mr. Meisinger,

On behalf of the City of Torrance, I am writing in regard to the Draft Environmental Impact Report (Draft EIR) prepared for the Beach Cities Health District (BCHD) Healthy Living Campus Master Plan (Project).

The City of Torrance appreciates being notified of the Draft EIR, and as a Responsible Agency, has prepared comments that are focused on the shortcomings of the Draft EIR, and include recommendations for additional alternatives and mitigation measures (Attachment 1).

After careful review of the Draft EIR, the City of Torrance is very concerned with the Project significant impacts to Torrance residents living east of the Project site. The City of Torrance strongly urges consideration of additional alternatives and mitigation measures to lessen the potential impacts, and altogether prevent significant and avoidable impacts. Repositioning the Residential Care for the Elderly (RCFE) building further west with each floor stepping back farther from Flagler Lane as building height increases would achieve functional compatibility and consistency in scale, mass, and character with the residential neighborhood to the east. Doing so may also provide the best opportunity for mitigating significant and avoidable construction noise impacts. Consideration that is more thoughtful should also be made regarding access to Flagler Lane, which is prohibited per Torrance Municipal Code Section 92.30.8.

In addition, the environmental analysis prepared for Phase 2 is vague and found to be inconsistent throughout the Draft EIR. Any future consideration for development of Phase 2 should begin with a comprehensive environmental analysis in the form of a Subsequent EIR, as it is evident Phase 2 may have significant effects not discussed in the Draft EIR. The City of Torrance has many mechanisms at its disposal to reach Torrance residents and businesses, and it is strongly recommended that in preparation of the Subsequent EIR all stakeholders be reached and engaged, particularly those that live near the Project site.

DRAFT

Lastly, considering the aforementioned concerns with future Phases, an Addendum is considered inappropriate and would not provide for public noticing nor a fair opportunity to receive input from Torrance residents living near the Project site.

Thank you for your attention to these comments. Also attached are comment letters received that are pertinent to the Draft EIR (Attachment 2). If there are any questions for the City of Torrance, please do not hesitate to contact Oscar Martinez, Planning and Environmental Manager of the Community Development Department, by email at OMartinez@TorranceCA.gov or by telephone at (310) 618-5990.

Sincerely,

Patrick J. Furey, Mayor
City of Torrance

cc: Tom Bakaly, BCHD CEO (sent via email to: tom.bakaly@behd.org)

Attachments:

1. City of Torrance Comments on the Draft EIR
2. Comment Letters

City of Torrance

Comments on the Draft Environmental Impact Report (Draft EIR) prepared for the Beach Cities Health District (BCHD) Healthy Living Campus Master Plan (Project)

Executive Summary

Alternatives Analysis

Table ES-2 Identification of Environmentally Superior Alternative (also shown as Table 5.5.-5 Impact Comparison of Alternatives to the Proposed Project) does not include the impact comparison of Alternative 6 to the proposed Project. The Draft EIR should be reviewed to include Alternative 6 in the impact comparison of alternatives to the proposed Project.

Project Description

Section 2.2.2 Surrounding Land Uses

The description of zoning and land use designations surrounding the Project site is incorrect. The single-family residences east of the Project site are within the R-H/R-1 Zone (Hillside and Local Coastal Overlay Zone (Hillside Overlay) / Single Family Residential District) and have a General Plan land use designation of R-LO (Low Density Residential). Towers Elementary School is located approximately 330 feet east of the Project site and is within the P-U Zone (Public Use District). The City of Torrance would consider these uses altogether to be sensitive receptors and should be considered as such within the context of the environmental analysis.

Section 2.5.1.2 Project Architecture and Design

The Draft EIR incorrectly references Torrance Municipal Code Section 13.9.7. powers and duties of the Traffic Commission, as the sole decision-making body of City of Torrance for the proposed RCFE Building. As identified in Section 2.2.5 of the Draft EIR, the eastern portion of the Project site is located within the City of Torrance, and therefore development associated with the RCFE Building, such as the retaining walls located in the right-of-way, is subject to Torrance Municipal Code Section 92.13.12(d), which states that no fence, wall or hedge shall exceed eight feet and five feet in height, respectively. Any fence or retaining wall greater than eight feet and five feet in height, respectively, is subject to discretionary review by the Torrance Planning Commission (and Torrance City Council on appeal).

Section 2.5.1.3 Proposed Access, Circulation, and Parking

Coordination with the Torrance Fire Department and the Torrance Police Department is required to prepare an Emergency Response Plan should emergency access to the campus on Flagler Lane continue to be proposed, which is located in the City of Torrance. Flagler Lane south of Beryl Street is a local street, and adding commercial driveways on this road segment will be a violation of the City's Municipal Code and will conflict with the City's General Plan.

Section 2.5.1.6 / Section 2.5.2.4 Construction Activities

Figure 2-10 Construction Haul Routes and the proposed construction haul route for Phase II are not consistent with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines, specifically the portion of Del Amo Boulevard between Madrona Avenue and Hawthorne Boulevard. The Draft EIR should be reviewed for consistency with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines. In addition, as described in the Draft EIR the street names are incorrect.

Aesthetics and Visual Resources

Section 3.1.1 Flagler Lane

Description of the environmental setting along Flagler Lane is incomplete. Flagler Lane continues south of 190th Street to Beryl Street and Flagler Alley and supports the single-family residential neighborhood to the east and southeast. Flagler Lane also supports school drop-offs and pick-ups at Towers Elementary School during two periods of considerable daily use.

Section 3.1.1 Existing Public Views of the Project Site

Views of the Project site were selected without consultation from the City of Torrance. The Draft EIR must consider the potential impacts to public views that would have a direct view of the Project as result of the larger and taller buildings being proposed, specifically from locations at: (1) cul-de-sac at Tomlee Avenue facing west and southwest, (2) intersection at Towers Street and Mildred Avenue facing west, and (3) intersection at Tomlee Avenue and Mildred Avenue facing west and northwest.

Section 3.1.2 Torrance General Plan Land Use Element

Per Land Use Element Policy 2.3, the Draft EIR should consider the potential Project impacts on surrounding property, specifically the residential neighborhood to the east, and the potential impact of existing uses to the Project. Per Land Use Element Policy 2.5, the Draft EIR should also consider the potential impacts to landscape and hardscape buffers, specifically the slope between the Project site and the residential neighborhood to the east, to minimize adverse effects where appropriate. In addition, please note the Torrance General Plan was adopted in 2010, not 2005 as stated incorrectly in the Draft EIR.

Section 3.1.2 Torrance General Plan Community Resources Element

The Community Resources Element policies and objectives are incorrectly cited in the Draft EIR and not consistent with the Torrance General Plan, specifically Community Resources Element Policy 1.2 as opposed to 2.1 listed incorrectly in the Draft EIR, and Objectives 4 and 19. Per Community Resources Element Policy 4.3, the Draft EIR should consider the potential impacts to planting of new trees and the preservation of existing street trees along Flagler Lane and Flagler Alley.

Section 3.1.2 Torrance Municipal Code

The Draft EIR must include Torrance Municipal Code Section 92.30.2 to address the potential impacts on surrounding property, specifically the residential neighborhood to the east, from outside equipment and roof and wall appurtenances, such as ducts and vents, all mechanical equipment, electrical boxes, meters, pipes, transformers, air conditioners and all other equipment on the roof or walls on all Project buildings. Torrance Municipal Code Section 92.30.3 must also be included to address the potential impacts on surrounding property, specifically the residential neighborhood to the east across Flagler Lane.

Section 3.1.4 Impact/Mitigation Measure VS-1

Per Mitigation Measure VIS-1, only view of the ridgeline of the Palos Verdes hills would be achieved with a revised design. The Draft EIR should consider further reduction of the RCFE building height to preserve greater panoramic view of the Palos Verdes hills as currently viewed from the intersection of 190th Street and Flagler Lane. The analysis should consider and demonstrate with visual aids/exhibits alternative methods for mitigation including repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases to maintain an existing view corridor from the intersection of 190th Street and Flagler Lane. The visual aids/exhibits should also demonstrate the potential impacts to the existing view corridor resulting from Phase II development.

Section 3.1.4 Impact VS-2

Impact VS-2 is not consistent with the Torrance General Plan. The Draft EIR identifies the RCFE building will change the visual character of the Project site and surrounding areas, and identifies the RCFE building would be more visually prominent, substantially taller than the existing buildings onsite, and larger than buildings in the vicinity. Phase II development would include construction of additional buildings that are taller and have more massing than existing buildings in the Project vicinity. These structures would also be substantially closer to Torrance residences. The Draft EIR errors in stating the analysis of potential conflicts with the Torrance General Plan are limited to the proposed development within the City of Torrance right-of-way, and not the RCFE building and Phase II development. The Draft EIR should consider the entirety of the Project (Phase I and II) for potential conflicts with the Torrance General Plan, including Land Use Element Policies 2.3, 2.5, 3.1, and 11.1. These policies require the analysis to consider and demonstrate with visual aids/exhibits the potential Project impacts on surrounding property, specifically to the residential neighborhood to the east, and the potential impacts of these existing uses to the Project. The analysis should consider and demonstrate with visual aids/exhibits the potential impacts

to landscape and hardscape buffers, specifically the slope between the Project site and the residential neighborhood to the east, to minimize adverse effects where appropriate. The Draft EIR should also consider methods to mitigate potential conflicts with the Torrance General Plan to achieve consistency in scale, mass, and character with structures in the surrounding area, and visual and functional compatibility with the existing residential neighborhood to the east. The analysis should consider and demonstrate with visual aids/exhibits repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases.

Section 3.1.4 Impact VS-3

The Draft EIR states that exterior lighting will be directed or shielded so as not to disturb neighboring residential properties. This should include surface level parking lot lighting, as well as building or landscape lighting. Any lighted signage should not be too bright to cause a nuisance to neighboring residences. Impact VS-3 should include additional analysis to consider the potential Project impacts on surrounding property, specifically to the residential neighborhood to the east. The Draft EIR should demonstrate with visual aids/exhibits the increased lighting associated with the Project during nighttime construction and operation. The analysis should consider methods to mitigate potential impacts including a well-developed lighting plan and requirements for post-construction field measurements, and should consider repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases.

Section 3.1.1 Sensitive Uses in the Project Vicinity / Section 3.1.4 Impact VS-4

Identification of the potential impacts to existing solar collectors atop single-family residences is incomplete. Impact VS-4 should include additional analysis to consider the potential Project impacts on surrounding property, specifically to existing solar collectors atop single-family residences located in the residential neighborhood to the east. The Draft EIR should consider the potential impacts to existing solar collectors atop single-family residences near to the Project site, which are located at 5662 and 5629 Towers Street, within 180 feet and 510 feet, respectively, east of the Project site within the shade contour. The analysis should also consider the potential impacts to future solar collectors near to the Project site within the shade contour and the potential impacts to energy. The analysis should consider methods to mitigate potential impacts including requirements for post-construction field measurements, and repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases.

Biological Resources

Phase 1 Proposed Project Landscape Site Plan

Urban coyotes are present in the region and in the area of the proposed project. Urban coyotes pose a threat to domestic pets and human pet handlers. Mitigation of urban coyotes includes reducing attractive habitat, including foliage areas used for denning, birthing, and rearing. The proposed Project is situated within a known travel corridor for urban coyotes between Dominguez Park and Wilderness Park. The proposed Project includes a landscape plan (pg. 115) that calls for a landscape buffer using a shrub and groundcover plant mix (feature no. 13). The proposed Project's structure bordering Flagler Lane would provide ample shade and privacy that when combined with a groundcover plant mix on the slope, would likely attract urban coyotes for use as a denning location. This could result in an unanticipated influx of urban coyotes into the Torrance residential neighborhood and pose a threat to domestic pets and pet handlers. It is recommended that the landscape buffer along Flagler Lane not utilize a shrub and groundcover plant mix. As an alternative, it is recommended that the proposed project consider California native plant species and drought tolerant planting, planted in a wide pattern within a synthetic or natural wood chip base or similarly exposed planting plan that is not attractive habitat for urban coyotes.

Geology and Soils

Section 3.6.1 Landslide and Slope Instability / Section 3.6.4 Impact/Mitigation Measure GEO-1

The Draft EIR neglects to identify and analyze the slope bounding the Project site to the east and the series of retaining walls within the City of Torrance right-of-way along Flagler Lane and Flagler Alley. The Draft

EIR should include a slope stability analysis (i.e. global static stability, global seismic stability, and surficial stability) to consider the potential Project impacts on the slope and series retaining walls and to surrounding property. The analysis should consider methods to mitigate potential Project impacts that could cause a landslide including greater building setbacks from top of slope and new or reinforced retaining walls along the slope or regrade slope to a 2:1 (H:V) max. If slope reinforcement is found to be necessary, the analysis should include a construction cost estimate and identify which Agency (i.e. BCHD, Redondo Beach, or Torrance) will carry responsibility. The analysis should also consider and demonstrate with visual aids/exhibits repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases to minimize the potential adverse effects.

Hazards and Hazardous Materials

Section 3.8.4 Impact HAZ-5

As previously commented, coordination with the Torrance Fire Department and the Torrance Police Department is required to prepare an Emergency Response Plan should emergency access to the campus on Flagler Lane continue to be proposed, which is located in the City of Torrance.

Land Use and Planning

Section 3.10.4 Impact LU-1

Impact LU-1 is not consistent with the Torrance General Plan and conflicts with the Torrance Municipal Code. As previously mentioned, the Draft EIR identifies the RCFE building will change the visual character of the Project site and surrounding areas, and identifies the RCFE building would be more visually prominent, substantially taller than the existing buildings onsite, and larger than buildings in the vicinity. Phase II development would include construction of additional buildings that are taller and have more massing than existing buildings in the Project vicinity. The Draft EIR errors in stating the analysis of potential conflicts with the Torrance General Plan are limited to the proposed development within the City of Torrance right-of-way, and not the RCFE building and Phase II development. The Draft EIR should consider the entirety of the Project (Phase I and II) for potential conflicts with the Torrance General Plan, including Land Use Element Policies 2.3, 2.5, 3.1, and 11.1. These policies require the analysis to consider and demonstrate with visual aids/exhibits the potential Project impacts on surrounding property, specifically to the residential neighborhood to the east, and the potential impacts of these existing uses to the Project. The Draft EIR should consider additional methods to mitigate the potential Project impacts such as repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases.

The Draft EIR must include Torrance Municipal Code Section 92.30.2 to address the potential impacts on surrounding property, specifically the residential neighborhood to the east, from outside equipment and roof and wall appurtenances, such as ducts and vents, all mechanical equipment, electrical boxes, meters, pipes, transformers, air conditioners and all other equipment on the roof or walls on all Project buildings. Torrance Municipal Code Section 92.30.3 must also be included to address the potential impacts on surrounding property, specifically the residential neighborhood to the east across Flagler Lane, from the proposed exterior loading, unloading and storage areas, and trash storage areas along Flagler Lane.

As identified in Section 2.2.5 of the Draft EIR, the eastern portion of the Project site is located within the City of Torrance, and therefore development associated with the RCFE Building, such as the retaining walls located in the right-of-way, is subject to Torrance Municipal Code Section 92.13.12(d), which states that no fence, wall or hedge shall exceed eight feet and five feet in height, respectively. Any fence or retaining wall greater than eight feet and five feet in height, respectively, is subject discretionary review by the Torrance Planning Commission (and Torrance City Council on appeal).

The Draft EIR understates the conflict with access to Flagler Lane, which is prohibited per Torrance Municipal Code Section 92.30.8. The analysis should consider more carefully other Project alternatives that do not access Flagler Lane.

Noise*Construction Noise Levels / Section 3.11.5 Impact/Mitigation Measure NOI-1*

Per Torrance Municipal Code Section 46.3.1 construction is prohibited on Sundays and Holidays observed by City Hall. The Draft EIR should specify in MM NOI-1 that construction is prohibited on Sundays and Holidays observed by Torrance City Hall, and that the arrival times of workers, construction vehicles and materials should adhere to the allowable hours as specified. The Draft EIR should identify which Agency (i.e. BCHD, Redondo Beach, and Torrance) will enforce construction noise violations and respond to noise complaints. The Draft EIR should also consider additional methods to mitigate significant and avoidable construction noise impacts, such as repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases. Doing so may provide the best opportunity for mitigating significant and avoidable construction noise impacts. In addition, as previously commented Figure 2-10 Construction Haul Routes and the proposed construction haul route for Phase II are not consistent with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines, specifically the portion of Del Amo Boulevard between Madrona Avenue and Hawthorne Boulevard. The noise analysis should be reviewed for consistency with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines.

Operational Noise Levels / Section 3.11.5 Impact/Mitigation Measure NOI-3

Per Torrance Municipal Code Section 46.7.2(c) residential and commercial noise limits are adjusted during certain noise conditions. The Draft EIR should consider these noise limit adjustments to identify potential operational noise impacts such as from mechanical equipment, outdoor events, and the proposed parking structure. The analysis should consider additional methods for mitigation such as requirements for a well-developed noise attenuation plan and post-construction field measurements, and should consider restricting amplified noise at outdoor events to be allowed 7:00am to 7:00pm Sunday through Thursday and 7:00am to 10:00pm on Friday and Saturday, and limiting the number of outdoor events altogether. The Draft EIR should also consider other methods to reducing operational noise impacts such as repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases. The Draft EIR should also consider additional methods to mitigate operation noise emitted from the proposed parking structure, such as: driving surfaces should be covered with material that reduces noise from tires (screeching); and the parking structure exterior should be lined with screening materials (e.g. screen wall with planters) to reduce noise emitted from car alarms, doors closing, and radios. An acoustical consultant should be required to recommend mitigation measures to lessen the effects of noise from the structure.

Transportation*Access to Flagler Lane / Torrance Municipal Code Section 92.30.8*

Eliminate the proposed driveways on Flagler Lane from the design (i.e. implement Alternative 3). Reflect this change throughout the entire EIR and all appendices. Per Torrance Municipal Code Section 92.30.8, *“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.”* The Draft EIR (p. RG-18) implies this provision does not apply to the Project because it is not a land use within the City of Torrance. The City maintains its authority to apply the Torrance Municipal Code to a road within its right-of-way. Flagler Lane south of Beryl Street is a local street, and adding commercial driveways on this road segment will be a violation of the City’s Municipal Code and will conflict with the City’s General Plan.

Also, clearly state that the City’s trial implementation of a one-way traffic restriction on Flagler Lane is not related to the proposed development and should not be construed as a mitigation for any cut-through traffic that the proposed development will introduce.

BCHD Bike Path Project

Emphasize that the BCHD Bike Path Project is independent of the proposed Project, and is already funded through a Measure M Metro Sustainability Implementation Plan (MSIP) grant, and will be implemented regardless of this Project's approval provided all necessary environmental clearances and approvals are secured from the Cities of Redondo Beach and Torrance.

Construction Haul Routes (Draft EIR p. 2-42)

As previously commented, Figure 2-10 Construction Haul Routes and the proposed construction haul route for Phase II is not consistent with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines, specifically the portion of Del Amo Boulevard between Madrona Avenue and Hawthorne Boulevard. The transportation analysis must be reviewed for consistency with the Torrance General Plan Circulation & Infrastructure Element Figure CI-3 Truck Routes and Rail Lines. The construction haul routes must avoid Torrance streets to the maximum extent possible and Torrance local collector streets entirely.

Vehicular Site Access (Appendix p. J-7)

Remove the driveway on Flagler Lane. Revise the project trip distribution to eliminate all project trips assigned to Flagler Lane.

City of Torrance Standards for Intersection Operational Evaluation (Appendix p. J-16)

Make the thresholds consistent with those provided by the City of Torrance in its July 29, 2019 comment letter (Appendix p. A-164).

Existing Roadway Facilities (Appendix p. J-18)

Provide additional information that Flagler Lane south of Beryl Street is a local street.

Public Services

As previously commented, coordination with the Torrance Fire Department and the Torrance Police Department is required to prepare an Emergency Response Plan should emergency access to the campus on Flagler Lane continue to be proposed, which is located in the City of Torrance. Flagler Lane south of Beryl Street is a local street, and adding commercial driveways on this road segment will be a violation of the City's Municipal Code and will conflict with the City's General Plan.

Alternatives

Section 5.5.3 Alternative 3 - Revised Access and Circulation

As previously commented, clearly state that the City's trial implementation of a one-way traffic restriction on Flagler Lane is not related to the proposed development and should not be construed as a mitigation for any cut-through traffic that the proposed development will introduce.

Also, the Draft EIR should consider repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases. Doing so may provide the best opportunity for mitigating the potential impacts, and altogether prevent significant and avoidable impacts.

Section 5.5.6 Alternative 6 - Reduced Height Alternative

The Draft EIR should include visual aids/exhibits a three-dimensional model of Alternative 6 to demonstrate the reduced height alternative. As previously commented, the Draft EIR should consider repositioning the RCFE building further west with each floor stepping back farther from Flagler Lane as building height increases. In addition, eliminating the proposed driveways on Flagler Lane from the design. Doing so may provide the best opportunity for mitigating the potential impacts, and when combined, may prevent significant and avoidable impacts.

Section 5.6 Identification of Environmentally Superior Alternative

Table 5.5.-5 Impact Comparison of Alternatives to the Proposed Project (also shown as Table ES-2 Identification of Environmentally Superior Alternative) does not include the impact comparison of Alternative 6 to the proposed Project. The Draft EIR should be reviewed to include Alternative 6 in the impact comparison of alternatives to the proposed Project.

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Wednesday, June 9, 2021 4:33 PM
To: Martinez, Oscar
Subject: FW: Public comments to City of Torrance, Redondo Beach

From: Amy Matsuda [REDACTED]
Sent: Wednesday, June 9, 2021 4:32 PM
To: City Clerk <CityClerk@TorranceCA.gov>; cityclerk@redondo.org
Subject: Public comments to City of Torrance, Redondo Beach

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

I am a parent of a 4th grader at Towers Elementary School and a 6th grader at Bert Lynn Middle School.

I am opposed to the massive BCHD development. This development will bring polluted air to the children and neighborhoods all around the area. There is no way the contaminated air can be contained. Our children will not be safe at school, nor in their own homes! Even daily living, walking our dogs, playing in the yard, or riding bikes will have major consequences to our health. Trucks will be moving in and out all day long, spreading dust and contaminates everywhere!

How will our children learn with all the noise deafening out the teacher's voices? How can residents enjoy their life when there is loud, constant construction noise all day long? Would you like to live with all of that? Think about others and not just about yourselves. You are doing this for money, not for the well-being of us residents.

Stop the BCHD development!!

Amy Yick

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 7:39 AM
To: Martinez, Oscar
Subject: FW: Public Comments to BCHD Board and BCHD DEIR
Attachments: FINAL BCHD DEIR DETAILED COMMENTS W TOC TO FILE.docx

From: litespeedmtb1@verizon.net [REDACTED]
Sent: Wednesday, June 9, 2021 5:52 PM
To: cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.org; cityclerk@citymb.info; skeller@rbusd.org; superintendent@tUSD.org; stowe.tim@tUSD.org; rbpta@rbusd.org; torranceptas@gmail.com; communications@bchd.org; eir@bchd.org; pnovak@lalafco.org
Subject: Public Comments to BCHD Board and BCHD DEIR

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Public Comments to BCHD Board and BCHD DEIR
Public Comments to BCHD Owing Cities Hermosa Beach and Manhattan Beach
Public Comments to Responsible Agencies, Redondo Beach and Torrance
Public Comments to RBUSD and TUSD in Defense of Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student Health
Public Comment to LALAFCO

The attached public comments are provided in response to the BCHD DEIR and as public record comments to the agencies and organizations above.

Bruce Steele
BCHD Community Working Group Member
[REDACTED]

Public Comments to BCHD Board and BCHD DEIR
Public Comments to BCHD Owing Cities Hermosa Beach and Manhattan Beach
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Public Comments to RBUSD and TUSD in Defense of Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student Health
Public Comment to LALAFCO

by email to cityclerk@redondo.org, cityclerk@torranceca.gov, citycouncil@hermosabeach.org, cityclerk@cityymb.info, skeller@rbusd.org, superintendent@tusd.org, stowe.tim@tusd.org, rbpta@rbusd.org, torranceptas@gmail.com, communications@bchd.org, eir@bchd.org, pnovak@lalafco.org

The following public comments below are provided in response to the BCHD DEIR and as public record comments to the agencies and organizations above.

My wife and I were residents of Redondo Beach District 2 for almost 30 years before we moved over to the Pacific South Bay neighborhood of West Torrance 4 years ago. For the past 3 years I have served on the Beach Cities Health District's Community Working Group at the personal request of Tom Bakaly. Now that the full scope of the proposed Healthy Living Campus project has finally been made known to everyone (including the Community Working Group members) by the Draft Environmental Impact Report I have a great many serious concerns about this project.

As far as I know the Healthy Living Campus is the only parcel being actively shopped for a commercial real estate developer/luxury assisted living operator to build and operate a 103-foot tall industrial sized RCFE building adjacent to residential properties with height limits of 30-feet or less. Furthermore, this huge structure will sit on a hill more than 60 feet above the neighborhood and elementary school directly to the east. This will impact both Redondo Beach and Torrance residents!

BCHD proposes to charge over \$12,000 a month for RCFE residents. Based on the BCHD consultants' analyses, 92% of those seniors are expected to be non-residents of Redondo Beach and 80% are expected to be non-residents of the 3 beach cities. As such, the city will be giving up scarce and precious "Public" land for non-resident use with long term commercial leases that preclude other uses for generations of local residents. This deserves a public debate centered around a vote by the Beach Cities voters, particularly the residents of Redondo Beach where the Healthy Living Campus is located and the major demolition and construction burden will fall. Of course, the residents of Torrance will be disproportionately impacted by this ill advised project. They cannot vote, but Torrance Governments owes its residents a robust challenge.

Before the Pandemic shut down in-person gatherings I attended a BCHD seminar at its AdventurePlex center to hear about BCHD's future plans. As a Community Working Group member, I was asked to participate in creating a Mission Statement for BCHD. At our breakout session I sat next to Dr. Noel Lee Chun who is now the President Pro Tem of the BCHD Board of Directors. **I suggested inserting "Accountability" in the Mission Statement** because as a Health District, BCHD should be accountable to the residents that it serves. **My suggestion was voted down and Dr. Chun was one of those voting against it!** To me this kind of mindset results in only one conclusion - Redondo Beach and the

other Beach Cities cannot give free rein to this District and its leaders! And as I said above, Torrance needs to take a stand for its residents that must be more than mere comments on the DEIR!

Bruce Steele
BCHD Community Working Group Member

[REDACTED]

bcc: Interested Parties List

Public Comments to BCHD Board and BCHD DEIR
Public Comments to Responsible Agencies, Redondo Beach and Torrance
Public Comments to BCHD Owing Cities Hermosa Beach and Manhattan Beach
Public Comments to RBUSD and TUSD in Defense of Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student Health
Public Comment to LALAFCO

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CITATIONS: NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

END NOTES

DETAILED COMMENTS

A. BCHD HAS DISENFRANCHISED TAXPAYER-OWNERS WITH SECRET NEGOTIATIONS

1. BCHD Misrepresented its Project's Net Impacts to Redondo Beach to a City Official

Background

According to a letter from BCHD counsel dated February 15, 2019 discussing non-public negotiations that predated the letter, BCHD counsel asserts the following false or unsubstantiated statement

Clearly, the Healthy Living Campus Project will be of significant benefit to the residents of the City of Redondo Beach, allowing for BCHD to improve its community health center programs and services, create an intergenerational hub of well-being and grow a continuum of programs, services and facilities to help older adults age in their community. BCHD is eager to

Full content: <https://bit.ly/BCHDLiesToRBAtty>

Analysis – BCHD Fails to Disclose the Data to the City Attorney

According to BCHD's consultant, MDS, less than 5% of the residential care for the elderly tenants in the estimated \$9,000 to \$12,500 per month facility will be from south Redondo Beach 90277, the area of Redondo Beach sustaining 100% of the negative environmental and economic justice impacts of the project. Further, the entire benefit to the City of Redondo Beach residents is estimated to be less than 10% of the project based on the same MDS tenant study. Given that the City of Redondo Beach overall sustains 100% of the damages and less than 10% of the benefits, it is not possible that the project has a net benefit to the residents of Redondo Beach, as asserted by BCHD counsel. BCHD provides no data demonstrating net benefit.

Further, when directly requested for the net benefit of historic programs, BCHD replied to a California Public Records Act (CPRA) request that it does not budget, conduct cost accounting, or compute net benefits for its programs. As such, BCHD has no fact base to make representations of benefits. BCHD assertions to the City Attorney were misrepresentations at best, or deliberate falsehoods at worst.

Analysis – City of Redondo Beach Obligation to Vet Facts

If BCHD did disclose to the City of Redondo Beach and City Attorney that it had no facts to support its assertion, then the City of Redondo Beach appears negligent in protecting its residents. Sufficient benefits from any BCHD project must accrue to the City of Redondo Beach residents under P-CF zoning to offset the totality of damages. Any finding of fact that does not affirmatively demonstrate that net benefits are positive cannot be used to allow this BCHD project to move forward.

Statement of Fact

BCHD withheld the 2019 letter from the public until July of 2020. BCHD withheld the secret negotiations from the Community Working Group in 2018 and 2019 and 2020.

Conclusion

BCHD admits in public records act responses it has no net benefits computation for its programs, and especially important, for its impacts on the City of Redondo Beach residents that suffer 100% of the environmental and economic justice damages. Yet, BCHD asserts without fact, that it will have significant benefits to the residents of Redondo Beach. It appears that BCHD may have misrepresented its project's net environmental and economic damages to the residents of Redondo Beach for the purposes of misleading the City Attorney, given that BCHD cannot provide any net benefits analysis of its project. The City Attorney's findings are based on BCHD's misrepresentation and must be set aside.

B. BCHD IS VIOLATING GOVERNING LAW AND REQUIRED APPROVALS

1. BCHD Cannot Allow Workers, Contractors, or Meeting Attendees (e.g., AA, etc.) to Smoke on Redondo Beach Streets, Sidewalks, Parkways, or other Public Property

As BCHD is well aware, the City of Redondo Beach has an ordinance that bans smoking in any public location, except a MOVING vehicle on the street. BCHD must add this ordinance to governing law and since second hand smoke is a toxic air contaminant, add smoking prevention to it DEIR mitigation. Willfully planning to break the ordinance is significant impact to the public health in Redondo Beach, as will be failure to enforce a smoking ban on BCHD employees, contractors and meeting attendees.

ORDINANCE NO. 0-3193- 19 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS AND DISALLOWING POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS ON SCHOOL GROUNDS

WHEREAS, **It is the intent of the City Council in enacting this Ordinance to provide for the public health, safety, and welfare** by discouraging the inherently dangerous behavior of smoking around non-tobacco users; by protecting children from exposure to smoking where they live and play; by protecting the public from nonconsensual exposure to secondhand smoke and the potential health risks related to a- cigarettes; by preventing the re-normalization of smoking that results from the expanded use of a- cigarettes; to declare smoking tobacco in public a nuisance; and by reducing smoking waste to protect the marine environment.

2. RCFE Is Prohibited Under Governing Law

RCFE Financing is Expressly Forbidden

California code, including 15432 (14) expressly prohibits financing of residential care for the elderly (RCFE) under the California Health Facilities Financing Authority Act. If the Legislature intended health districts to have the ability to develop or finance RCFE, then the Legislature would not have specifically excluded RCFE.

The Legislature Repeatedly Mandates “Non-profit” as a Requirement for Financing – California Code, including 15432 (HEALTH FACILITIES FINANCING AUTHORITY ACT) repeatedly refers to nonprofit agencies and clinics. BCHD facility will be market-priced, for-profit. Further, it is planning to use commercial financing (FHA insured) instead of issuing low-cost, tax-free bonds.

3. The BCHD Proposed Project Failed to Conform to the Conditions by which the Prior RCFE Required

According to public records, the following conditions were evaluated and required for the Kensington RCFE project:

65852.9. The proposed facility is compatible with the type, character, and density/intensity of the adjacent residential and commercial uses and provides residential care for the elderly. The project site is owned by the Redondo Beach United School District. The project applicant would enter into a long-term lease with the District, resulting in the operation of a private use on public property. As the proposed project would be a private use on a public site, the use would be subject to standard property taxes, contributing revenue to the City. The proposed project would therefore be consistent with the General Plan policies listed above.

- 1) The BCHD proposed facility is NOT consistent with the type of the adjacent land uses. BCHD is proposing a market-rate, for-profit facility with approximately 80% of ownership and net revenues being provided to a for profit developer. The surrounding neighborhoods are largely residential, with the exception of the Vons strip mall that almost exclusively serves the surrounding neighborhoods that also bear its environmental impacts.
- 2) The BCHD proposed facility is NOT consistent with the character of the adjacent residential land uses. Simply put, both Torrance and Redondo Beach have design guidelines limitations that BCHDs plan at 133.5-feet above street level is incompatible with.
- 3) The BCHD proposed facility is NOT consistent with the density/intensity of the adjacent land uses. Adjacent land uses are generally R-1 with some RMD. BCHD is planning a 6-story, 1-acre footprint building, and a total of nearly 800,000 sqft of development. That is larger than the entire Beryl Heights neighborhood combined.
- 4) The City is clear that Kensington is a commercial, not public use. BCHD is also proposing a commercial use on public property and the net benefits to Redondo Beach are non-positive. BCHD has no budgeting, cost-accounting, or cost-effectiveness assessment of its expenditures or programs, and as such, no quantifiable measure of any net benefit of the existing operation, absent the 50-100 years of additional environmental and economic injustice it proposes on the area and Redondo Beach.

Conclusion

BCHD fails all the conditions of Kensington and therefore fails to meet the Conditional Use and precedent for its facility.

4. BCHD Proposed Overdevelopment is Inconsistent with the Issuance of a Conditional Use Permit`

Background

In order to proceed with RCFE, BCHD requires a CUP under P-CF zoning requirements. Relevant requirements of the CUP ordinance are:

1. From a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties nor

disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

Discussion of 1. From a) to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties

Surrounding Properties and Quiet Enjoyment and Use will be Adversely Impacted by BCHD 103-foot Tall, 800,000 sf Development

Surrounding property uses are as follows:

West – Residential R-1 with 30 foot height limit and Beryl Heights neighborhood design guidelines

South – Residential R-1 with 30 foot height limit

North – Residential RMD with 30 foot height limit

North – Light Commercial C-2 with 30 foot height limit

East – Torrance Residential R-1 Hillside Overlay with 14 foot height limit

East – Torrance Residential R-1 with 27 foot height limit

East – Torrance PU Towers School

BCHD Proposal Causes Surrounding Property Adverse Impacts

BCHD is proposing a 103 foot nominal building on a 30 foot elevation (exceeding 130 feet tall relative to the surrounding properties on the North and East, BCHD is proposing a 65 foot nominal 10 and one-half-story, 600-800 car parking structure on the South West on a 30 foot elevation (approximately 100 to 150 feet tall relative to surrounding South, West, and East properties), and BCHD is proposing a 75 foot nominal, 4-story health club, meeting and aquatic center building along Prospect between the 510 and 520 MOB's (approximately 80 feet tall relative to West properties.) All surrounding properties will be adversely affected by 1) privacy invasion, 2) reflected noise, 3) reflected light and glare, 4) direct noise, 5) construction, and 6) related traffic and pollution. Towers Elementary students will be especially impacted by PM2.5 and PM10 emissions, noise and vibration from heavy construction traffic in an intermittent fashion disturbing cognitive function and development, as well as educational progress.

BCHD is proposing a significant alteration by moving campus buildings from a center of campus, internal, visual mass minimizing, privacy preserving design to a perimeter extremity model, where the North and West perimeters are lined with buildings that are 3-5 times the height of surrounding uses and structures and an 8-story South parking structure that impacts West, South and East residential uses on a 24/7/365. This proposed BCHD campus redesign bears no resemblance to the current campus is height, square feet, or building placement. It is structured to maximize impacts on the surrounding community while preserving the internal campus for BCHD exclusive use.

The current campus has only 0.3% (968 sqft) of space at 75-feet, while the proposal is for nearly an acre of RCFE at higher than 75-feet tall, with all new construction at the north, west and south perimeter intruding on private residential uses. The average height of the 514 building is slightly over 30-feet and should serve as the limit for any future development.

Discussion of 2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

The 10+ Acre Publicly-Owned Site Must be Used to Mitigate Neighborhood Impacts

Based on the analysis and conclusion that the BCHD commercial development significantly impacts the surrounding property as proposed by BCHD, the language of the ordinance requires that setbacks ... other features be used to adjust the use of the BCHD site. Accordingly, a series of changes need to occur, including, but not limited to: 1) increased setbacks, 2) reduced structure heights, 3) perimeter structures that do not exceed the design guidelines and height limits of adjoining uses and properties (generally 30-feet or less), perimeter landscaping that hides the proposed development, etc.

Two general examples are the other P-CF developments in Redondo Beach which are all either the same height or lower than surrounding uses and properties, including the Kensington development of over 100 units on approximately 2 acres based on aerial measurement in Google Earth Pro.

Absent CUP Required Accommodations, BCHD Proposal is Inconsistent with Existing Uses in the Neighborhoods and Must be Denied

BCHD must be required to increase setbacks, decrease heights to 30 feet, and move development to the center of the campus. The current plan is inconsistent with neighborhood uses.

Discussion of 3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

BCHDs PACE Facility and 8-story, 800+ Car Ramp are Inconsistent with the Existing Use of Prospect Ave and Beryl St.

BCHD's proposed PACE facility is duplicative with existing PACE facilities that service the same area. Therefore the marginal benefit to local residents is low, and it is highly likely that most, if not all, participants will be bused in to the PACE site at Beryl & Flagler. Flagler is a Torrance residential street, and commercial use is prohibited. Beryl is the main path to avoid the steep 190th hill, and increasing the

traffic, and PM2.5 and PM10 loads on students at Towers Elementary will leave their brainstems with increased particulate loads, resulting in Alzheimer's like symptoms and delayed development.

BCHD's proposed 8-story, 800+ Car Ramp at Prospect & Diamond will compete with existing uses of RUHS, Parras, and commuters. The ramp will enter and exit from Prospect northbound, between Diamond and the 514 building main entrance. As such, it is inconsistent with existing uses and the existing roughly 800 car capacity of BCHD spread evenly across 3 ingress/egress points.

BCHD's Proposed Commercial Development Burdens the Community and is Inconsistent with Existing Streets and Uses

Because the proposed PACE facility is duplicative of existing PACE services to the 3 beach cities that own and fund BCHD, any proposed traffic is necessary. Delivering 200 to 400 non-residents on a daily basis to the corner of Beryl and Flagler via Beryl is infeasible. An alternative plan, or denial of the use of the site for PACE, is required. Further, the highly concentrated 8-story, 800+ car parking ramp at Prospect & Diamond is also inconsistent with the existing uses and roads. Any solution that fails to use all 3 BCHD campus driveways in a relatively equal manner is infeasible.

Discussion of 4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

As Currently Proposed, BCHD's Plan has Adverse Effects on Abutting Property and Must be Denied

The adverse impacts on abutting property have been discussed at length above. The current plan has been demonstrated to have adverse effects on abutting property. Therefore, if unchanged, the CUP must be denied by a plain English reading of the Ordinance.

Absent Height Limits, Exterior Landscaping, Distributed Parking, and Discontinuance of the PACE Facility, BCHD's Proposed Project Must be Denied

Potential mitigation, all within the purview and obligation of the City of Redondo Beach, include, but are not limited to, height restrictions to 30 feet, increased setbacks, perimeter landscaping, evenly distributed parking, and reduced bus traffic.

Discussion of 5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

In order to meet the specific requirements of the CUP ordinance as set forth, a number of specific design modifications must occur, including but not limited to project height reduction, project setbacks increased, project moved to the center of the campus, project buffered by landscaping from the surrounding neighborhoods, project traffic spread evenly across the 3 entrances of BCHD campus (roughly, 510, 514, and 520 driveways) and traffic to the duplicative PACE facility denied access to Beryl St from Flagler to 190th to preserve the students' brainstems and lungs at Towers Elementary. Further, construction traffic must also be denied the path down Beryl from Flagler to 190th.

Based on the specific heights by BCHD of the Phase 1 RCFE and Phase 2 Pavilion, BCHD is proposing a set of structures located on the parcel perimeter that will be up to 168-feet above surrounding residential uses that are in 27 and 30-foot development limits. The CUP cannot allow such degradation of surrounding neighborhoods and uses.

BCHD ELEVATIONS ABOVE BASE		
Address	RCFE	Health Club/Pavilion
1317 Beryl	121	90
511 Prospect	104	74
514 Prospect	94	64
1408 Diamond	134	103
510 Prospect	101	70
520 Prospect	99	69
1224 Beryl	123	92
19313 Tomlee	125	94
5674 Towers	117	87
5641 Towers	156	126
5607 Towers	167	136
19515 Tomlee	130	100
501 Prospect	111	80
1202 Beryl	122	92
19936 Mildred	168	138

Source: USGS, all measurements in feet

See RBMC 10-2.2506 Conditional Use Permits.

5. BCHD Provides Net Negative Benefits to the Redondo Beach and No CUP Can be Issued

BCHD Direct Statement in its FAQs (2020)

HAS BCHD CAUSED DAMAGE TO THE SURROUNDING NEIGHBORHOODS?

BCHD has not denied there are effects on neighbors from our operations, similar to other organizations, schools or businesses located near residences.

Further, the draft Environmental Impact Report currently being prepared will assess and analyze any impacts associated with the proposed Healthy Living Campus upgrade.

Since BCHD's Campus opened in 1960, neighbors were certainly aware the campus was nearby before they moved in, especially if they lived adjacent or across the street and could see campus activity. The South Bay Hospital was operating through 1998 in addition to medical office space on the campus at 510 and 520 buildings -- yet neighbors still made the decision to accept the normal activities of a functioning hospital across the street from or near their property. Only now has this become an issue. “

Analysis – South Bay (emergency) Hospital Benefits

BCHD fails to recognize that South Bay emergency Hospital (SBH) operated an emergency room and thereby provided lifesaving benefits to the surrounding neighborhoods. The time to access an emergency room is well understood to be a significant factor in emergency outcomes of morbidity and mortality (see studies, such as <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2464671/>). Unlike BCHD which is largely an office operation without specific medical need to be located on its current campus, the emergency hospital and emergency room, like fire stations, required neighborhood integration.

SBH from 1960 through 1998 provided neighborhood emergency lifesaving services. BCHD provides no such services, and in fact, there is no evidence that BCHD needs to be in its current location, nor even in the any of the 3 beach cities that own and fund BCHD. BCHD intends to “import” tenants according to its MDS study. 95%+ of tenants are expected to be from outside 90277. Further, the duplicative PACE facility will bus in its patients and could also be located elsewhere.

Analysis – BCHD Proposed Commercial Services to Non-residents

As BCHD attempts to transition to an RCFE and PACE model, the tenants and participants will be 80% from outside the 3 beach cities for RCFE and will be transported in buses. All 3 beach cities are already served by PACE, as are all surrounding zip codes, so BCHDs service is duplicative and unneeded locally and provides no incremental services benefit.

As such, BCHD cannot draw any analogy of the neighborhood tolerance and preferences for an emergency hospital to BCHD commercially developed services to serve primarily non-residents. Furthermore, BCHD provides 100% of local disbenefits to the south Redondo Beach 90277 area, while only providing a projected 5% of project benefits according to BCHDs MDS research report. As south Redondo Beach 90277 is already serviced for PACE, BCHD provides no incremental services or benefits with its duplicative proposed programs.

Analysis – BCHD Lack of Support for Net Benefits

When explicitly requested to provide a net benefits analysis of its 40+ so-called “evidence based” programs in California Public Records Act (CPRA) requests, BCHD responded that 1) it does not and never has budgeted by program, 2) it does not track costs by program, 3) it does not evaluate and monetize benefits by program and 4) it does not compute net benefits by program. As such, BCHD is unable to provide any support that it provides net benefits to south Redondo Beach 90277 (the area that suffers 100% of BCHD economic and environmental injustice impacts) or to Redondo Beach in aggregate. BCHD failed to disclose its lack of data and misrepresented its RCFE benefits in writing to the Redondo Beach City Attorney, claiming that “clearly” the RCFE would provide “significant benefits” to the residents of Redondo Beach. BCHD has no evidence as it responded in its public record responses. Furthermore, BCHDs consultant MDS expects less than 5% of RCFE residents to be from 90277 and 4% from 90278, therefore, Redondo Beach will suffer 100% of the impacts for less than 10% of the benefits.

Analysis – BCHD Impact on Local Neighborhoods from Covid Testing

Based on BCHD public records act responses, approximately 85% of Covid tests were conducted for non-residents of the 3 beach cities that own and fund BCHD. There is no analysis of the specific number of tests completed for south Redondo Beach 90277 that was subjected to 100% of the negative impacts of traffic, exhaust, and noise. There was also no analysis of the total number of tests conducted for all of Redondo Beach. Based on simple population shares, Redondo Beach was burdened with 100% of the negative environmental justice damages and received 8% or less of the benefits from BCHD testing activity. Furthermore, LA County Health has the funding and mandate to provide testing, and BCHD residents could have received testing with no impacts to Redondo Beach or the beach cities using other county sites. Therefore, BCHD provided only damages, and no incremental benefits from local testing. Furthermore, BCHD has no data to demonstrate local benefits, especially compared to the negative Environmental Justice (EJ) impacts.

Conclusion

BCHD data shows that it cannot quantify any benefits explicitly to 90277 and 90278, and its MDS study clearly demonstrates that less the 10% of RCFE tenants and benefits are expected to accrue to Redondo Beach, which suffers 100% of the EJ damages. Absent the quid pro quo of the emergency room of South Bay Hospital providing positive proximal benefits to the surrounding neighborhoods, BCHD provides significantly more impact than value. As such, no Conditional Use Permit can be issued.

6. BCHDs Proposed Overdevelopment is Inconsistent with More Current P-CF Zoned Development

Based on information from the City of Redondo Beach, there are seven (7) P-CF parcels in Redondo Beach. They are:

- | | |
|-----------------------------------|--|
| 1) Andrews Park | 1801 Rockefeller Ln, Redondo Beach, CA 90278 |
| 2) Beach Cities Health District | 514 N. Prospect Av, Redondo Beach, CA 90277 |
| 3) Broadway Fire Station (#1) | 401 S Broadway, Redondo Beach, CA 90277 |
| 4) City of Redondo Beach Facility | 1513 Beryl St, Redondo Beach, CA 90277 |
| 5) Grant Fire Station (#2) | 2400 Grant Ave, Redondo Beach, CA 90278 |

- 6) Kensington Assisted Living
- 7) North Branch Library

801 S Pacific Coast Hwy, Redondo Beach, CA 90277
2000 Artesia Bl, Redondo Beach, CA 90278

With the exception of BCHD, the former South Bay Hospital parcel and the City of Redondo Beach multiple use facility, the remaining five (5) P-CF parcel uses appear to be consistent with surrounding land uses from a design, height, and traffic perspective. Both the current BCHD and the 103-foot tall, 800,000 sqft proposed overdevelopment are inconsistent with more current, allowed P-CF development.

Andrews Park

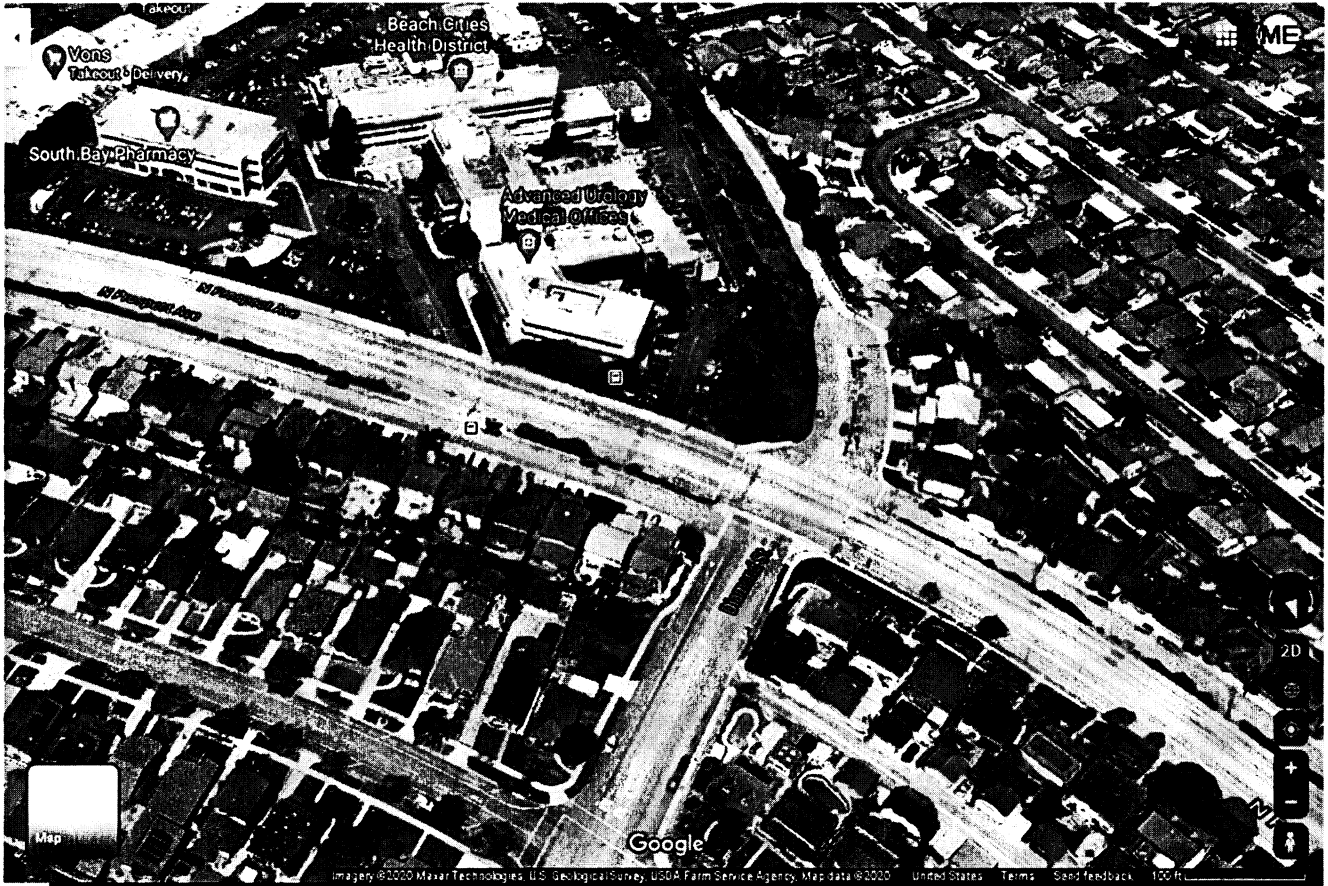
Per the City of Redondo Beach, Andrews Park is local neighborhood recreation facility, “Andrews Parkette is a 1.61 acre park located just north of Grant Avenue in Redondo Beach. The park features grass, trees, play equipment, picnic tables and picnic shelter.” Based on observation, there are no features at Andrews Park, such as commercial buildings or tall parking structures that are inconsistent with the surrounding neighborhood uses and design. Andrews Park is a recreation facility per the City of Redondo Beach.



Beach Cities Health District (BCHD)

BCHD was renamed from South Bay Hospital District (SBHD) in 1993 following the 1984 failure of South Bay Hospital as a publicly-owned emergency hospital, and the subsequent failure as a leased facility to AMI/Tenet. Per Google Earth Pro (GEP) measurements, the hospital towers are generally 4-story, 60-feet tall. Per BCHD, there is a single, 968-sqft “penthouse” mechanical room atop the 514 N. Prospect hospital building at 75-feet. That represents 0.3% of the approximately 300,000-sqft of the existing campus buildings. At 75-feet, BCHD is 250% the height of surrounding 30-foot height zoning limits. SBHD also allowed construction of two (2) medical office buildings on land it leased to third (3rd) parties. These buildings are both 3-stories and 40-feet, also according to GEP measurements. They are both 130% of local zoning height restrictions and the 510 N. Prospect building is built at the west-most lot line, increasing its mass, noise reflection, and visual height to a maximum for its

construction. At 130% to 250% in excess of surrounding zoning height limits, with concrete sound-reflective walls, substantial reflective glass, night time outdoor lighting, traffic, and emergency siren activity, BCHD is not consistent with the surrounding neighborhoods in function nor design.



Broadway Fire Station (#1)

Per in-person visual inspection, the Broadway Fire Station is a corner lot with general building height of 1-story, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities and built in a not dissimilar architectural design to minimize its impacts.



City of Redondo Beach Facility (Beryl St)

Per in-person visual inspection, this multi-use facility houses both the police shooting range and a number of public works functions. It is in the southeastern most corner of the Dominguez Park parcel, adjacent to the Edison right-of-way and across the street from Towers Elementary. The Edison right-of-way to the north is utility/industrial use and the park to the west is public use and significantly elevated above the parcel. The Torrance public facility, Towers Elementary is to the south. There is some residential to the east behind a sound wall. On three (3) sides, the use of this parcel is consistent with its surrounding public facility zoning, although the police shoot range has decades of controversy surrounding it. The residential to the east is buffered by a strip of land and the road. Most of this parcel's surrounding neighbors are consistent uses.



Grant Fire Station (#2)

Per in-person visual inspection, the Grant Fire Station is a corner lot with general building height of 1-1/2-stories, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities except for the specialized tower, and built in a not dissimilar architectural design to minimize its impacts.



Kensington Assisted Living

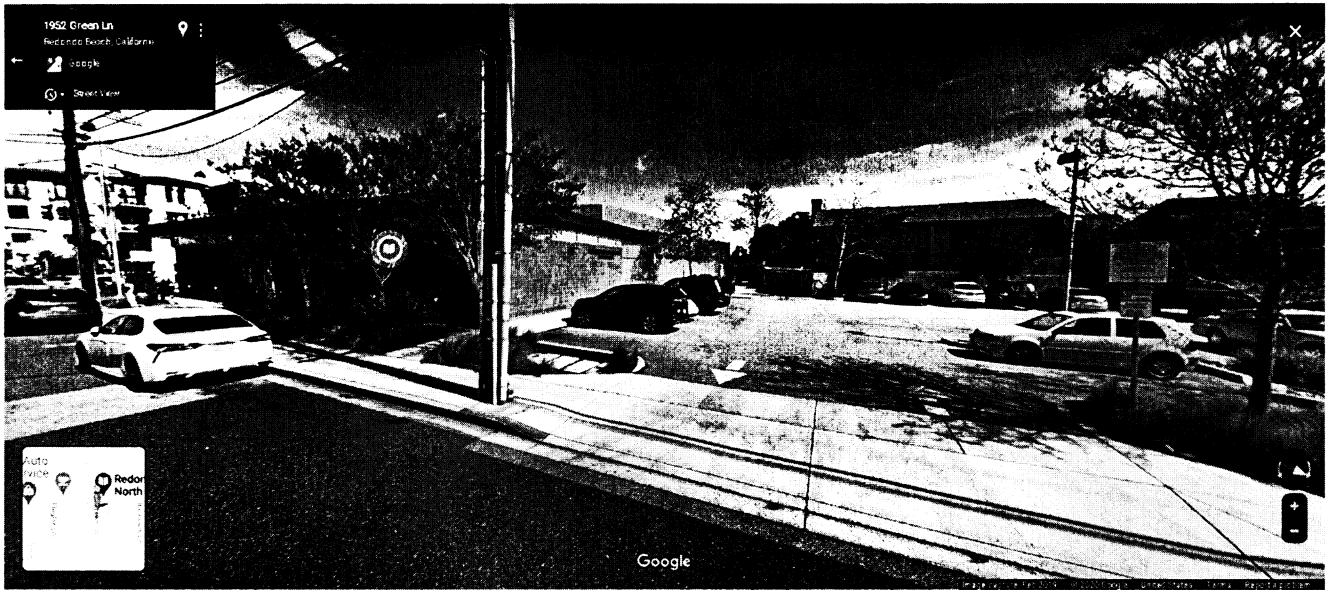
Per the City of Redondo Beach EIR, the project includes an 80,000-square foot assisted

living facility with 96 suites and 11,000-sqft of common space on 3.37 acres gross. The footprint of the facility buildings is 1.15 acres based on aerial analysis. The architecture and design is earth tone Spanish revival and at 33-foot maximum height is very consistent with the surrounding single and multifamily residential.



North Branch Library

Based on aerial analysis and GEP, the North Library is approximately 12,000 sqft footprint and surrounded on three (3) sides by commercial development. To the south is multifamily residential. Based on in-person inspection, the interface of the tallest point of the library and the multi-family to the south are approximately equal height at two (2) stories. The mixed use to the north of the Library is nominally 4-stories and more visually massed than the Library. The Library has clean design and is consistent with the adjoining land uses visually and in terms of height, is lower than the land use to the north.



Conclusion

Based on this analysis, only BCHD is vastly out of scale and design with surrounding neighborhoods. Except for a small, local servicing strip mall to its north, the 30-foot elevated site of BCHD is visible to all residential construction on all four (4) sides of the lot. Noise, aesthetic blight, glare, reflection, night time lighting, traffic, sirens, and associated PM2.5 emissions are inconsistent with surrounding land uses, notwithstanding any CEQA self-certification by BCHD.

Further, BCHD had developed a moral obligation to protect the community standard that is more stringent than laws and ordinances. This moral obligation standard was used by BCHD to justify seismic retrofit or demolition of the 514 hospital building. Consistent application of the standard to the surrounding neighborhoods, 60+ years of economic and environmental injustice by SBHD and BCHD, and a proposed 50-100 years more of economic and environmental injustice renders this overdevelopment unbuildable.

Last, the current BCHD has only 0.3% of its campus sqft at 75-feet tall. The 514 building is on average just slightly over 30-feet tall, and as such, that average height should serve as the average height cap to any future site development under a CUP for P-CF zoning.

Redondo Beach Code Conformance

The current BCHD at 312,000 sqft does not appear to conform with existing Redondo Beach code for issuance of a Conditional Use Permit. The proposed 793,000 sqft, 103-feet tall, 6-story senior apartments and 10-1/2 story, car parking structure violate the following RBMC section based on height, noise, invasion of privacy, and excess generated traffic. In addition, the proposed BCHD overdevelopment is inconsistent with design guidelines for Beryl Heights.

Reference: 10-2.2506 Conditional Use Permits.

(a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to **insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties** nor disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

(b) Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this section:

(1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to **adjust such use with the land and uses in the neighborhood.**

(2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

(3) **The proposed use shall have no adverse effect on abutting property or the permitted use thereof.**

7. BCHD Must Dedicate All Open Land to Unrestricted Public Use or No CUP Can be Considered

BCHD Plans to Allow a Commercial Developer to Build, Own and Operate the RCFE

In public discussions with Cain Brothers/KeyBanc, the investment bankers for BCHD, the discussion has centered around forming a joint venture (JV) between a majority owner, commercial real estate developer and BCHD. That JV could easily remove the proposed openspace from public use. As such, BCHD must place deed restrictions on the openspace and dedicate them to the perpetual use of public recreation. No ownership of any public land can be permitted by any JV, nor can any lease arrangement place any restrictions on public use of openspace.

C. BCHD PROJECT DESCRIPTION AND PROJECT ALTERNATIVES ARE INVALID

1. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

BCHD ignores laws and ordinances when declaring that the failed hospital building must be seismically renovated or demolished. There are no codes or ordinances requiring demolition, therefore, BCHD falsely makes the claim that the 514 N. Prospect must be demolished in both its preferred project description and No Project Alternative. BCHD has multiple Phase 2 descriptions, denying the public the right to intelligent participation using a stable and finite project description. BCHD insufficiently defines Phase 2 in order for environmental analysis or public comment.

2. BCHD Fails to Meet Programmatic EIR Requirements

BCHD fails to provide a sufficient information, and therefore excessive uncertainty, regarding Phase 2 for the public to intelligently review it or for BCHD to make meaningful assessment of impacts.

3. BCHD Project Alternatives are Inadequately Developed and Flawed

BCHDs No Project alternative is flawed and asserts that the failed hospital has a current seismic defect. BCHD rejected a more valid No Project alternative of no seismic retrofit by creating unnecessarily restrictive objectives and assuming a false narrative of termination of all renter leases to retrofit. BCHD has provided no analysis of the future 514 N Prospect building changes, costs, or timing. Further BCHD falsely asserts that all tenants must be removed for remodeling. If that is the level of BCHDs commercial expertise, it should not be in the commercial rentals business at all.

4. BCHD Failed to Consider Cessation of Operations and Return of Property to Taxpayer-Owners in the form of a Community Garden

Summary

BCHD failed to consider the appropriate No Project Alternative of Cessation of Operations. BCHD errs when assumes that seismic upgrade or demolition is required. However, if demolition is voluntarily elected, the quid pro quo mitigation for the environmental damage of demolition, hauling, noise, etc. is cessation of operations and establishment of a taxpayer-owner community garden.

History of the Parcel, Failure of South Bay Hospital

In 1955, voters of Hermosa Beach, Redondo Beach and Manhattan Beach approved a charter for the South Bay Hospital District (SBHD) for the express purpose to build, own and operate an emergency hospital sized for the three beach cities. Subsequently, voters approved both a bond measure for purchase of the Prospect Avenue campus in Redondo Beach and also construction of the hospital, along with a property tax levy. According to the Daily Breeze, the publicly owned hospital started operation in 1960, was expanded in 1970, and was in poor financial condition by the late 1970s. By 1984 the publicly owned and operated hospital ceased operation and the shell of the hospital was rented out. In 1993, when it was clear that the hospital was not going to be an ongoing rental concern, the SBHD renamed itself Beach Cities Health District (BCHD), kept the property, financial resources, and annual property taxes and ultimately shuttered the emergency hospital in 1998.

The quid pro quo with the community for the Environmental and Economic Injustice to the surrounding neighborhoods was 24/7 Emergency Medical Services.

BCHD was Not Voter Approved

BCHD was not voter approved and does not serve the only voter-approved mandate of the district, that is, provision of an emergency hospital.

BCHDs Overdevelopment is for Wealthy Non-Residents

Despite the fact that South Bay Hospital was sized and built for the three beach cities, BCHD is proposing an 800,000 sqft, \$400M development on the taxpayer-owned campus that serves mainly non-residents. Per BCHD consultants, 80% of tenants of the \$12,000/month “upscale” assisted living will be NON-RESIDENTS of the three beach cities, and primarily from Palos Verdes Peninsula and outside the south bay.

South Bay Hospital Building Does Not Require Retrofit or Demolition

BCHD Board and executive management have declared that the 514 N Prospect Ave hospital is no longer fit for use and must be retrofit or demolished. While this is not technically accurate per BCHDs own engineers, it is the path BCHD is pursuing. The cost of demolition is estimated at \$2M plus the cost to remove hazardous waste, such as asbestos and nuclear medical waste. The district has sufficient cash on hand for the demolition activity. The 510 and 520 N Prospect Ave medical office buildings (MOB) are privately owned and on leased public land. The 510 MOB lease is up in the mid-2030s (estimated), while the 520 MOB lease is up in 2060 (estimated).

Re-development Should Occur as a Community Garden

To cure the Environmental and Economic Justice impacts to the three beach cities and the local neighborhoods, the publicly owned campus can become a community garden. The 514 N Prospect Ave hospital building can be demolished and the approximately 8 acres parking lots and former building site, along with the Flagler and Beryl parcel, can be redeveloped into the Beach Cities Community Garden (BCCG). The BCCG will be developed and maintained by the net revenues from the 510 and 520 MOB. As each building comes to the end of its lease, it can be demolished and its footprint added to the park.

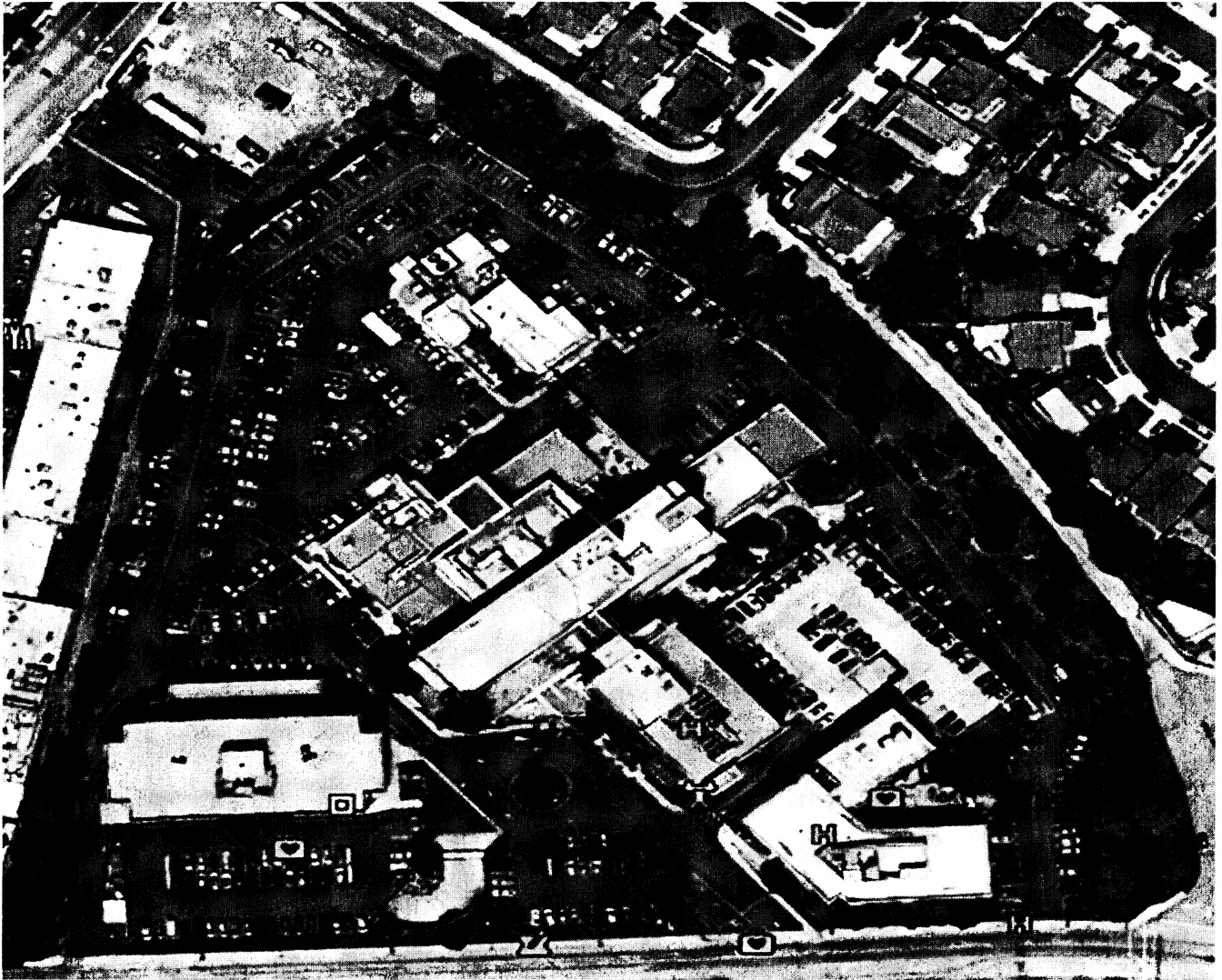
Residents of the three beach cities would be entitled to a one-year, lottery-based use of plot of to-be-determined size. If all plots are not subscribed, non-residents will be rented the plots. At such time after 2060 when no revenues are received from the 520 MOB, rents would be determined for residents and non-residents in a 1:4 ratio, that is, non-resident rent would be 4-times that of resident rents.

BCHD Would be Repurposed and Properly Operated

BCHD would be repurposed to receive only the revenues from property taxes and its existing Joint Ventures until such time as they are dissolved. At that time, BCHD would receive only the property tax revenues. BCHD staff and operations would be significantly downsized, and BCHD would become only a property management and financial grant entity. That is, it would serve only as an administrator of funding for third parties based on its revenues outlined above. The current CEO and Board would be dismissed and replaced with a CEO and Board with mandated expertise in property and grant management as determined by a committee of the three beach cities that own BCHD. This would be codified in the voter-approved charter amendment for the repurposed BCHD. In the event the charter

could not be legally amended, BCHD would be dissolved, a three city community garden established, and BCHD assets liquidated and put into a non-wasting trust to maintain the community garden.

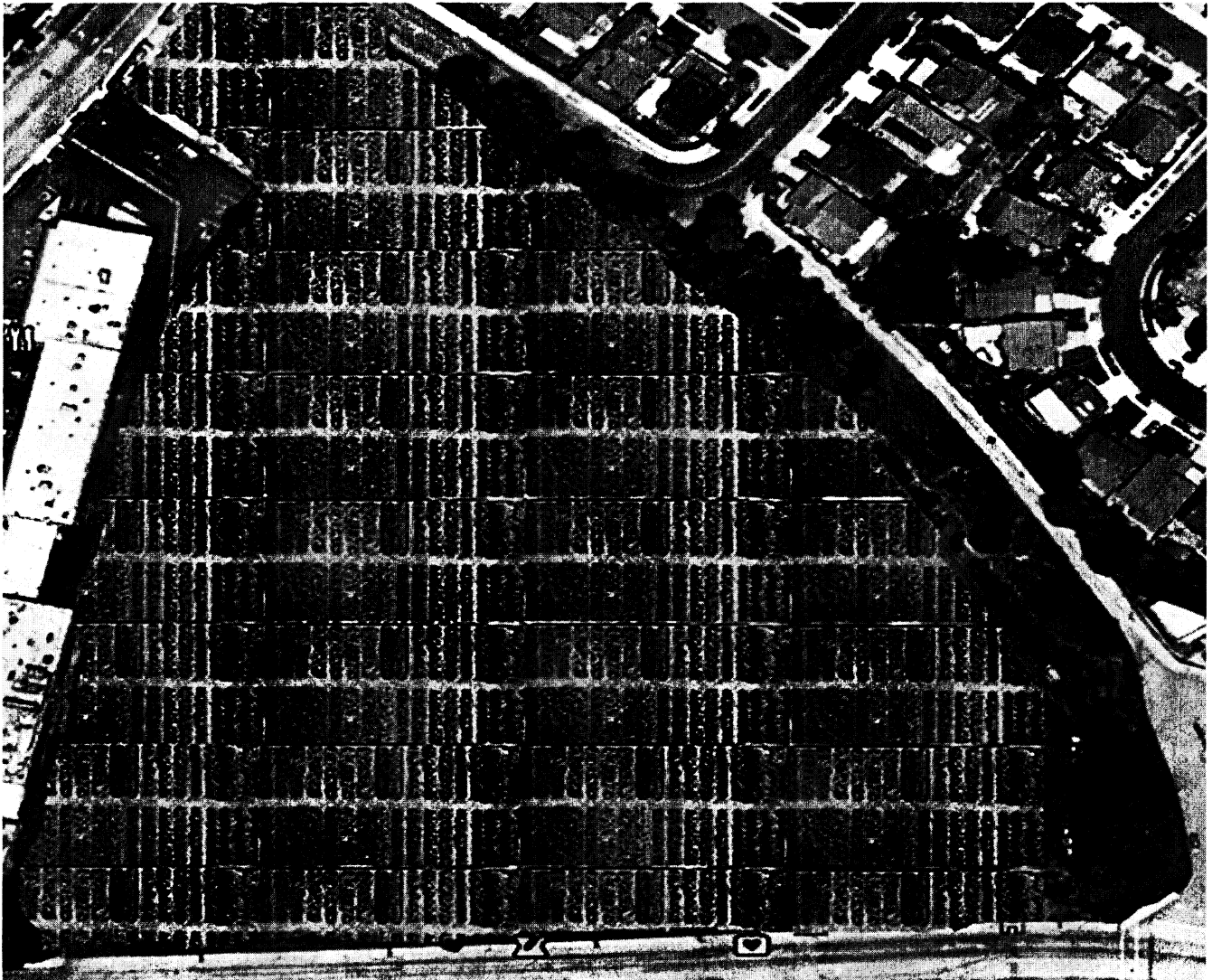
Current Campus



Beach Cities Community Garden 2025 Post 514 N Prospect Demolition







5. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

Background

The Project involves the demolition of the failed South Bay Hospital and expansion of the current BCHD facilities. Specifically, the project would consist of approximately 800,000 sqft of surface buildings with a height of 103-feet. The Draft EIR for the project provides the project would be developed in two successive phases.

BCHD Description of Phase 2 Fails the Accurate, Stable and Finite Test

An EIR must contain a detailed statement of all significant effects on the environment of the proposed project. (Pub. Resources Code § 21100.) The courts have stated, “An accurate, stable and finite project

description is the sine qua non of an informative and legally sufficient EIR.” (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192-93.) “The defined project and not some different project must be the EIR’s bona fide subject.” (M.M. Homeowners v. San Buenaventura City (1985) 165 Cal.App.3d 357, 365, emphasis added.)

By its own presentation, BCHD provides multiple views of Phase 2, thereby providing a de facto failure of accurate, stable and finite. The public is denied cost-effective, intelligent participation in the CEQA process because it is required to analyze multiple scenarios, all of which cannot be developed on the same space.

BCHD must account for the reasonably foreseeable future phases of the Project. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393-399.) The Guidelines provide that “project” means “the whole of the action.” (Guidelines, § 15378, subd. (c).) An agency cannot treat one integrated large project as a succession of smaller projects, none of which, by itself, causes significant impacts. Phase 2 is insufficiently specified cannot be adequately analyzed given the lack of specificity that BCHD provided in its defective DEIR.

The law governing recirculation of an EIR is set forth in CEQA Guidelines Section 15088.5(a): A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. Specifically BCHD must provide the public with an accurate, stable and finite (one single description of a proposed Phase 2) and recirculate.

D. BCHD “PURPOSE AND NEED” IS INVALID

1. BCHD Duplicative PACE Facility Purpose and Need is Invalid Based on Lack of Evidence and Need

Background

BCHD is requesting permission as a publicly owned entity to provide public services and in the process do irreversible damage to the environment for generations.

BCHD’s prior three healthy living campus designs did not contain any PACE component. Not until the never-before-seen June 12, 2020 at 605PM Friday after close of business plan was PACE provided to the public. In an online search of over 1,300 documents and pages on the BCHD.org site, there are no occurrences of the PACE concept prior to the June 12, 2020 release. That includes public notices, RFQs, and public informational documents. It would appear that inadequate consideration was provided to the decision to add a PACE facility. All zipcodes of BCHD are already served by PACE, as are all surrounding zipcodes.

Summary of Cain Bros. (Investment Bankers) PACE Information in BCHD Public Documents Fails to Provide any Justification of Need to the 3 Beach Cities Given that LA Coast PACE Services the Area

“PACE – Program for All-Inclusive Care for the Elderly is a program designed to maintain an individual’s ability to live in their home and minimize medical costs while increasing quality of life through active support of social determinants of health, activities of daily living and early medical intervention and wellness programs through adult day center and primary care clinic”

BCHD misrepresents its primary interested in the commercial money-making opportunity and provides no health need or benefit of the duplicative PACE proposal

“Sub-contracting revenues from an adjacent PACE in the form of meals, housekeeping, security, van transportation might be viewed as advantageous by AL/MC JV partners as they could be charged at “cost-plus” rates to the PACE site”

“Leading PACE sites can generate 12-15%+ EBITDA with annual dual Medicare/Medi-Cal capitation revenues that can reach \$90K per enrollee/per annum”

“Enrollment scales rapidly and increases profitability incentivizing the need for 14,000 sq. ft. space so as to accommodate up to 200 daily users or the equivalent of 400 PACE enrollees”

“Prudent program for “highest cost utilizers” out of MA/ACO plans so a potential discharge destination for Kaiser [NOTE: Is this a RECYCLED Kaiser Presentation?] and health systems or large physician groups that have capitated financial risk”

“Wide range of medical, home care, rehab services and building/maintenance costs can be subcontracted by the District at “cost-plus” rates”

PACE Financial Overview

Development Budget and Resulting Sources & Uses of Funds (Preliminary, Subject to Change)

The tables below show the development budget for construction of a new PACE Center on BCHD's Healthy Living Campus and the resulting financing in order to fund the construction. Under the assumption that construction takes place over 14 months and the District obtains permanent financing for a term of 30 years at an interest rate of 4.00%, approximate annual net level debt service would be ~\$667,780

PACE Operator will provide funds for start-up working capital and state required reserve – approximately \$4 million

Hard Costs (14,000 sq. ft. @ \$400 per sq. ft.)	\$5,600,000
Soft Costs (14,000 sq. ft. @ \$100 per sq. ft.)	1,400,000
Parking	2,000,000
Equipment / FF&E	2,000,000
Land	2,000,000
Total	\$13,000,000
Tax-Exempt Debt Funding	\$11,000,000
Equity Contribution (Land Value)	2,000,000
Total	\$13,000,000
PACE Project Fund	\$11,000,000
Land	\$2,000,000
Total	\$13,000,000

CAIN BROTHERS
Member Capital Markets One

6

PACE Financial Overview

Debt Service Coverage and Revenue at Stabilization

Beach Cities Health District has two potential revenue streams if it were to develop a PACE facility on its Healthy Living Campus:

- 20% of the "free cash flows" from the PACE operations (assuming BCHD is the minority stakeholder in an 80% / 20% JV Partnership with a PACE operator)
- The difference between the rent from the PACE JV and the debt service on the funds borrowed to finance construction of the PACE Center.

Aggregate Operating Revenues	\$43,814,302
Aggregate Operating Expenses	(38,355,056)
Aggregate Operating Income (Deficit)	\$5,459,246
Add Backs	
Depreciation	\$431,165
EBITDA	\$5,890,411
JV Distributions	
80% of EBITDA to PACE Operator JV Partner	\$4,712,329
20% of EBITDA to BCHD	\$1,178,082
BCHD Projected Annual Cash Flow	
Difference between PACE Lease / Rent and Debt Service	\$118,763
Total PACE Revenues to BCHD (not including van or in-home subcontracts)	\$1,296,845
Debt Service	\$667,780
Debt Service Coverage	1.94x

**PACE is
 Likely a
 Poor Fit**

for the 3 Beach Cities

Based on the PACE association, 90% of PACE participants are funded by both Medicare and Medicaid, while 9% are Medicaid and 1% are cash plus potentially Medicare. As such, it is quite unknown if the demographics of the three beach cities that own, fund and operate BCHD will have many qualifying participants. BCHD provides no need justification.

Conclusion

Cain Bros. provides only the barest fact base for the PACE program, a never-before-seen component of the healthy living campus plan that was introduced to the public by BCHD after close of business June 12, 2020 and approved as part of the BCHD plan three (3) business days later on June 17, 2020. The list below of open issues is recognized from the Cain document and highlights the open questions that existed at the time of BCHD Board approval.

1. Cain sizing recommendation of 400 participants is less than the California PACE program average size for mature California programs. Cain provides no reasoning, support or data.
2. Cain provides no market research for local area, nor any competitive analysis. For example, all BCHD zipcodes as listed in the MDS market study are already service for PACE by LA Coast PACE.

LA Coast	Los Angeles County	90045, 90066, 90094, 90230, 90232, 90245, 90254, 90266, 90274, 90275, 90277, 90278, 90291, 90292, 90293, 90501, 90502, 90503, 90505, 90701, 90703, 90710, 90715, 90716, 90717, 90731, 90732, 90744, 90745, 90755, 90802, 90803, 90804, 90806, 90807, 90808, 90810, 90813, 90814, 90815, 90831
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3. Like BCHD contractor MDS, Cain provides no “voice of the customer” direct surveys of residents of the three beach cities to assess need, interest or eligibility.
4. Cain fails to provide and research of detail on the three beach cities resident qualifications for MediCal, since PACE is 99% funded by Medicaid (MediCal) or Medicare and Medicaid and only 1% cash pay according to the National Pace Association, npaonline.org.
5. Cain fails to provide a path for PACE funding for BCHD, that is, how will BCHD raise the funds and will a public vote of indebtedness be required?

Cain Bros. Public Presentation

https://www.bchdcampus.org/sites/default/files/archive-files/Cain%20Borthers_Financial%20Analysis_2020.pdf

2. BCHD RCFE Purpose and Need is Invalid Based on BCHDs MDS Research Study

Summary

Little need in Redondo Beach for Additional, Public-land RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further,

the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

Little Need in the 3 Beach Cities for Publicly Developed, Market Price RCFE – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD Studies Present No Evidence of Public Development Need – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

BCHD Continues to Misstate any Need – BCHD falsely claims that it needs to build RCFE to meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

Voter Approved Hospital was Sized for ONLY the 3 Beach Cities – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

Analysis

Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre-tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.

EXHIBIT 1-6

**MINIMUM QUALIFYING CASH FLOW INCOME REQUIREMENTS FOR
A NEW ASSISTED LIVING AND MEMORY CARE DEVELOPMENT IN REDONDO BEACH, CALIFORNIA**

Based on 2021 Monthly Service Fees

<u>Unit Type</u>	<u>Number of Units</u>	<u>Monthly Fee</u>	<u>Annualized Monthly Fee</u>	<u>Total Annual Cash Flow Requirement After Tax ¹</u>	<u>Likely Annual Cash Flow Before Tax ²</u>
<u>Assisted Living Units</u>					
One Bedroom	102	\$9,250 - \$12,250	\$111,000 - \$147,000	\$138,750 - \$183,750	\$154,167 - \$204,167
<u>Memory Care Units</u>					
Studio - Semi-Private	60	\$8,985	\$107,820	\$126,847	\$140,941

MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.

EXHIBIT 3-3

SUMMARY OF INCOME QUALIFIED AGE 75+

HOUSEHOLDS BY ZIP CODE IN THE PRIMARY MARKET AREA

After Income Screen

Zip Code / Community	Total 2019 Age 75+ Households	\$150,000 + Qualifying Income Screen			Absolute 2019-2024	Average Annual % Change
		2019	2021	2024		
* 90275 Rancho Palos Verdes	3,550	787	887	1,062	275	6.2%
* 90274 Palos Verdes Peninsula	2,425	744	826	965	221	5.3%
90503 Torrance	2,386	152	182	238	86	9.4%
* 90505 Torrance	2,287	196	233	303	107	9.1%
* 90277 Redondo Beach **	1,890	194	232	305	111	9.5%
* 90266 Manhattan Beach	1,612	338	397	506	168	8.4%
90504 Torrance	1,542	79	96	129	50	10.3%
90278 Redondo Beach	1,344	134	167	234	100	11.8%
90254 Hermosa Beach	691	119	145	196	77	10.5%
90260 Lawndale	656	21	27	39	18	13.2%
90245 El Segundo	577	67	80	104	37	9.2%
Total	18,960	2,831	3,277	4,081	1,250	7.6%

Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall, Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area

BCHD Consultant MDS 2019 Marketing Results	
2019 Income Qualified Prospective Renters (by area)	
Palos Verdes	37.9%
> 10 mile Radius	30.0%
*90254+*90266	11.3%
*90278	3.3%
*90277	4.8%
Torrance	11.5%
Other	1.2%
CONTROL TOTAL	100.0%
Redondo Beach Total	8.1%
*=BCHD Owners Total	19.4%

South Bay Hospital District Services Sized Exclusively for the Three Beach Cities

According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future was

becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon

A. Public Records Request MEN 20191109-0:

1) “Informational Items”

Please find below the link to the presentation provided by The District in response to this request. 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.

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/476050/Finance_Committee_2019_11_12_Final_11122019_Website.pdf

2) “Specifically Regarding 4. RCFE Community Needs & Market Assessment Study”

- a. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the exclusive use of the “Beach Cities” that chartered the BCHD? To avoid ambiguity, the “Beach Cities” is defined as exclusively the residents of Manhattan, Hermosa and Redondo Beach. Any zip code level analysis must be entirely within the “Beach Cities” as defined.

This request does not reasonably describe identifiable records as required C.A Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- b. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a shortfall in the supply of RCFE units for the “Beach Cities”.

This request does not reasonably describe identifiable records as required C.A Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- c. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a significant change in market cost of RCFE for the “Beach Cities” due to a short fall in the total supply of units without the BCHD units? If a change is identified, what is the estimated value per month paid by average RCFE tenant of the change?

This request does not reasonably describe identifiable records as required C.A Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

Market Studies are Incomplete and Flawed

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities the formed and funded South Bay Hospital District and execution was conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

BCHD Relies on No Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY-STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

CEQA Fails Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHD’s lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

E. BCHD PROJECT OBJECTIVES ARE UNSUPPORTED AND OVERLY RESTRICTIVE

1. BCHD Project Objectives are Generally Flawed

BCHD has Fabricated a Current Need for Seismic Retrofit or Demolition

No laws or ordinances require any retrofit or demolition. The “best practice” ordinance of the City of LA (not applicable) would allow up to 25 years for action. There is NO CURRENT SEISMIC NEED.

Net Benefits of Current and Future Programs are Not Quantified and May be Negative

BCHD asserts that it needs replacement and future revenues. Since its inception in 1993, BCHD have had no program budgets, cost-accounting or benefits assessment, according to the widely understood US CDC methods. Therefore, BCHD cannot assert any of its programs provides benefits above its costs to residents of the three Beach Cities. Therefore BCHD project objectives asserting public need or benefits are unsupported.

Revenue Requirements for Programs with Net Benefits are Non-existent

BCHD provides no pro formas of future benefits or the revenue requirements to gain such revenues. Therefore both if its Project Objectives regarding revenue are unsupported.

BCHD Has No Evidence of Net Benefits of RCFE to the Three Beach Cities or Redondo Beach

BCHD asserts market-priced (approximately \$12,000+ monthly rent) is required by the three Beach Cities to be developed on scarce Public land. BCHD undermines its own case by demonstrating less than 20% of residents will be from all three Beach Cities and less than 5% will be from 90277, the Redondo Beach target of 100% of the Environmental and Economic Injustice impacts.

BCHD Project Objectives are Overly Restrictive and Deny Environmental Protections by Targeting Only the Proposed Project and Extremely Similar Projects

BCHD has authored interlocking, unsupported, and some outright false Project Objectives that are so restrictive when taken as a whole that no alternatives or changes to the project are acceptable. This is flatly unacceptable in CEQA.

2. BCHD Project Objectives are Not Evidence-Based and are Not Valid

The following are BCHD stated Project Objectives along with evidence-based discussions of their lack of validity.

BCHD Project Objective #1

Eliminate seismic safety and other hazards of the former hospital building (514 Building)

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)

BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents "Best Practice"" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

BCHD Project Objective #2

Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a Community Wellness Pavilion with meeting spaces for public gatherings and interactive education.

Discussion of and Rebuttal to Objective #2s Validity

When requested in a California Public Records Act (CPRA) Request, BCHD responses indicated that it had no scientifically valid reason for the need for open space nor the size of the open space if required. BCHD referred to documents that assumed the existence of open space, but provided no reasoning for the need. In fact in one document, BCHD provided attendees a presentation in advance of the discussion that contained the requirements and definitions, thereby mooting the outcome of the public discussion. The definitions are below.

BCHD Direction - "What is a "Wellness Community"?"

A wellness community seeks to optimize the overall health and quality of life of its residents through conscious and effective land plans and facility designs, complimentary programming, and access to related resources and support services. It is also part of the DNA of the community to place emphasis on connecting people to one another as well as to nature.

BCHD Direction - What is a "Healthy Living Campus"?"

An arrangement of buildings and shared open spaces proactively developed with the holistic health of its residents, guests, environment – both natural and built – and local community in mind."

Citation: BCHD CPRA Response "On Mon, Sep 14, 2020 at 3:48 PM Charlie Velasquez <Charlie.Velasquez@bchd.org>"

Citation: (<https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%202020Report.pdf>)

BCHD Project Objective #3

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

Discussion of and Rebuttal to Objective #3s Validity

BCHD has no voter-approved mission. BCHD was formed from the failed South Bay Hospital District in 1993 according a CPRA response from BCHD. Furthermore, the hospital district was formed to build, own and operate a taxpayer funded facility that was sized for the residents of the three beach cities (Hermosa Beach, Manhattan Beach and Redondo Beach) that voter authorized the formation of the hospital district. As such, BCHD mission is arbitrary with respect to its taxpayer-owners.

BCHD is electively discontinuing use of the Hospital Building based on the invalid assumption that it requires seismic hazard reduction. As demonstrated above, BCHD's own Youssef Associates has stated no upgrade is required.

BCHD has no evidence that its current level of services is needed or cost-effective. Since 1993, BCHD has failed to budget, cost-account, evaluate, or conduct benefit-to-cost analysis of its programs. US CDC has both methodologies and thorough recommendations for public health program evaluation and cost-effectiveness that BCHD has ignored. Therefore, BCHD assertion that there is any need to generate revenue for its voter-unapproved mission and programs of unknown value is objectively invalid.

BCHD's contractor Bluezones has refused to provide any documentation of its benefit methodology and asserts confidentiality. Therefore no Bluezones program benefits can be counted by BCHD. I have provided Bluezones legal counsel with a demand to show proof of their process.

Last, BCHD claimed full credit for all positive effects of LiveWell Kids, despite the fact that evaluation experts at LA County Department of Health, likely versed in appropriate CDC methodologies, were clear to state, "this study was not a formal program evaluation and, importantly, lacked a control group." LA County Department of Health is honest, experienced and competent and was clear that BCHD had failed to complete a program evaluation.

It is quite clear that BCHD lacks the needed information to demonstrate: 1) it has a clear, voter approved mission, 2) its programs have value based on objective evaluation and net benefits, and therefore there is any legitimate reason to damage the environment to circumvent BCHD approaching taxpayers for a funding vote, and 3) it should be rewarded for the premature closure and demolition of the South Bay Hospital building that has 20-25 more years of use according to BCHD's own consultants and has no current ordinance obligating retrofit or demolition.

Citation: Youssef Presentation above

Citation: BCHD CPRA Response "RE: PRA Request - 40 programs Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Aug 13, 2020, 12:50 PM

BCHD Project Objective #4

Provide sufficient public open space to accommodate programs that meet community health needs.

Discussion of and Rebuttal to Objective #4s Validity

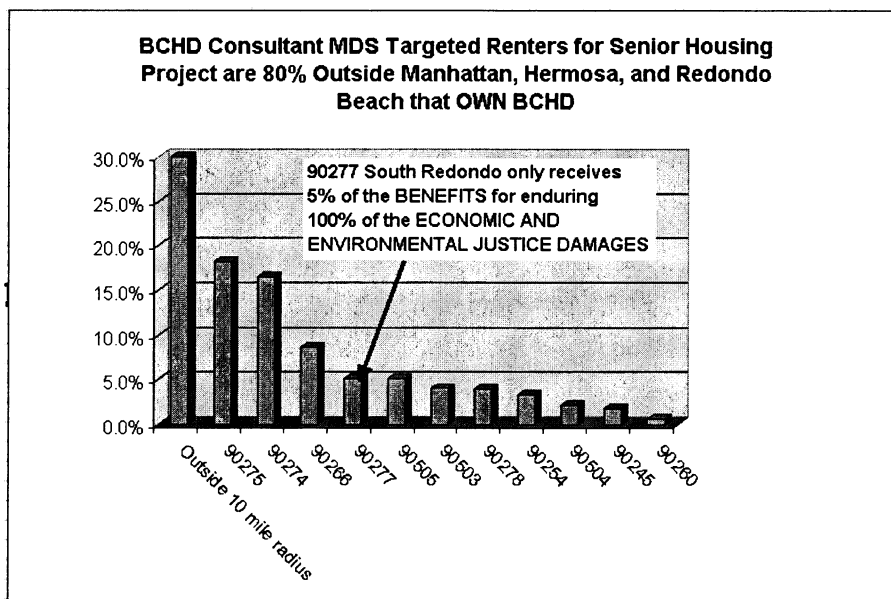
As cited in Objective #2 above, BCHD’s CPRA response demonstrated that it has no scientific or quantitative basis for the definition of “sufficient” or any substantiation of why community health needs require open space at this location.

BCHD Project Objective #5

Address the growing need for assisted living with onsite facilities designed to be integrated with the broader community through intergenerational programs and shared gathering spaces.

Discussion of and Rebuttal to Objective #5s Validity

BCHD is owned and operated by the taxpayer-owners of Redondo, Hermosa and Manhattan Beach. According to BCHD’s consultant, MDS, the residential care for the elderly (RCFE) facility is expected to house 35% non-resident tenants from the Palos Verdes area, 30% non-resident tenants from outside a 10 mile radius of the BCHD, and less than 20% resident tenants from within the three beach cities. Further, the facility will impact south Resondo Beach 90277 with nearly 100% of its economic and environmental injustices, as did South Bay Hospital before it, yet less that 5% of tenants are expected to be from 90277.



Furthermore, BCHD’s consultants MDS and investment bankers Cain Brothers/KeyBanc anticipate monthly full market rents for both residents and non-residents with the exception of a potential small number of small subsidy units. The anticipated monthly rents are below and in cases exceed \$13,700/month.

ALF / MC Unit Mix, Financing, and Operations Projections :

Preliminary Financial Results at Stabilization

Scenario: 6 Story

The table below provides unit mix, assumed occupancy, estimated monthly service projected annual revenue (in today's dollars) for the BCHD Assisted Living / Memory

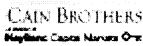
Revenue Stream	Available Units/Beds	Occupancy (%)	Occupancy (#)	Rate	Increased Needs Available Occupancy
AL – "Premium" Units	30	95	28.5	\$12,500	11,475 - 13,725
AL – "Regular" Units	114	95	108.3	\$12,000	None
AL – "Affordable" Units	16	95	15.2	\$7,500	
MC (60 Semi-Private Units)	120	95	114.0	\$10,000	
Admission Fees ⁽¹⁾	N/A	N/A	~89 (Turnovers)	\$15,000	
Second Persons ⁽²⁾	N/A	N/A	~30 (2 nd Persons)	\$1,500	
Additional Personal Care Service ⁽³⁾	N/A	N/A	~99	\$1,500	

Total Operating

⁽¹⁾ 1/3 of All Occupied Units = Annual Turnover

⁽²⁾ 20% of Occupied AL Units are couples

⁽³⁾ 1/3 of all Residents require additional Personal Care Services



It is quite clear from the BCHD consultant studies that the RCFE facility is not being built to serve the three beach cities that own and operate BCHD. Further, it is clear that the typical monthly rents for the "upscale" facility (as described by Cain Brothers executive Pomerantz) are \$12,000+ per month and outside the reach of most aged residents. Cain Brothers has recognized the affordability problem and executive Pomerantz has suggested taking the equity in seniors homes. That is clearly unacceptable.

Lastly, BCHD is a government agency, yet, it is pursuing market-priced RCFE rather than cost-based housing as it typical for nearly every governmental unit providing services in California. For example, the Redondo Beach Fire and Police Departments are not profit centers. Nor is the building department. Nor was the publicly owned version of South Bay Hospital, the only voter approved use for the campus. If BCHD were to take its public mission seriously, it would reduce the cost of the development using public, tax-free financing and charge cost-of-service monthly fees that would eliminate the steep profit made by operators.

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

Citation: Cain Brothers/KeyBanc June 2020 BCHD Finance Committee presentation

BCHD Project Objective #6

Generate sufficient revenue through mission derived services or facilities to address growing future community health needs.

Discussion of and Rebuttal to Objective #6s Validity

As of 2/19/21 there was no published forecast of the “sufficient revenue” to “address growing future community health needs” nor is there a definition of “future community health needs.” It is unclear if BCHD will be replying to CPRA requests in a timely fashion or not. If not, the objective must be removed.

3. BCHD Project Objective #1 is Invalid Because No Laws or Ordinances Exist Requiring Seismic Upgrade or Demolition of the 514 N Prospect Building

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)

BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents “Best Practice”" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation: https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

1. In FAQs - BCHD recognizes this is an elective activity without any objective obligation.

DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a proactive approach to these seismic issues.

2. In his YouTube, the CEO asserts a BCHD policy of a moral obligation standard, however, BCHD fails to apply this standard to any other impacts, therefore, it is invalid.

BCHD HAS A SELF-ASSERTED MORAL OBLIGATION POLICY BEYOND CEQA, STATUTES, AND ORDINANCES TO PROTECT THE COMMUNITY

According to CEO Bakaly (https://www.youtube.com/watch?v=RCOX_GrreIY) the standard that BCHD uses is moral obligation and proactive protection of the community. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use its moral obligation uniformly. Clearly in the DEIR, BCHD uses typical, minimum standards. It ignored the intermittent noise and vibration impacts on students at Towers Elementary. It ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles. BCHD selectively applied its moral obligation standard, and therefore rendered it invalid along with the objective.

Conclusion

BCHD must remove its Project Objective #1 regarding seismic retrofit as false and invalid.

4. BCHD Project Objective #2 is Invalid Because in 27+ Years of Operation, BCHD has not Budgeted, Completed Cost Accounting or Evaluated Cost-effectiveness or Net Benefits of its Programs

Discussion of and Rebuttal to Objective #2s Validity

In response to California Public Records Act requests, BCHD acknowledged that it has not budgeted at the program level, has no corresponding cost-accounting at the program level, nor does it have any cost-effectiveness analysis to demonstrate that the public health benefit of its taxpayer expenditures exceed their costs.

In Board comments, member Poster asserted that BCHD is not required to track program level budgets, costs or cost-effectiveness. On its face, the statement is admission of malfeasance and abdication of fiduciary responsibility to taxpayers.

Also in comments, the CEO noted that some residents want accounting “to the penny”, yet another ridiculous statement from an executive with earnings in excess of \$300,000 annually and budget responsibility for \$14.9M annually,

As a result, it is quite clear that BCHD Objective #2 is unfounded and unsupported, and therefore invalid. Project objectives are required to support the environmental damages of the project. In this case, BCHD fiduciary action is so deficient, that it cannot even support the cost-effectiveness of the agency’s programs.

Background

BCHD asserts that it delivers 40+ programs, however, based on inspection it appears to have fewer than 10 programs and number of measures that could reasonably be grouped into programs. BCHD further asserts that they are “evidence based”, however, when California Public Record Act (CPRA) requests were made to BCHD, their response was not medically or research based. BCHD provided reference to public opinion surveys of public desire for programs, and provided no evidence that

BCHD implementation of programs was based on medical necessity, lack of public or private sector provision, or medical effectiveness. Further they provided no evidence that their programs were a cost-effective expenditure of taxpayer-owner funds.

BCHD has had no Program Level Budgeting nor Cost Accounting for 27 Years of Operation

According to CPRA responses, BCHD was renamed from the failed South Bay Hospital District in 1993. Also according to CPRA responses, BCHD has not budgeted nor tracked costs at the program level in the subsequent 27 years of its operation. As a result, BCHD has no historic fiscal record of its 40+ “evidence based” programs budgets, costs or benefits. BCHD in CPRA responses offered broad brush accounting summaries that aggregated overall costs at a functional level without program specificity and provided no basis for forecasting individual program costs, nor the cost-effectiveness of institutional efficiency of delivery of BCHD.

BCHD has no Cost-effectiveness nor Net Benefit Measurement of its Programs

Also according to CPRA responses, BCHD acknowledges that it has no cost-effectiveness nor net benefit measurements of its programs from its 27 years of operation. Since BCHD fails to budget, track costs, or conduct quantitative evaluations of benefits, it is incapable of providing any evidence that any of its 40+ “evidence based” programs deliver any net benefits, that is, benefits beyond the public funds expended on them. In fact, BCHD cannot demonstrate that each and every program would not be delivered more effectively by private entities or other public entities, or that each program should not be discontinued.

Vanessa Poster, BCHD Longest Sitting Board Member Since 1996 Demonstrates a Lack of Understanding of Health Economics

In a recent 2020 candidate forum, a question was posed to the 5 candidates regarding the delivery and cost-effectiveness of BCHD programs. Board member Poster replied, paraphrasing, that BCHD had no need to gain any program revenues and she demonstrated no understanding of classic health care effectiveness measures. Health care economics is a well understood field, and in general, the evaluation of health programs is conducted by evaluating the programs medical effectiveness, and then computing costs of other health care measures that were avoided due to the program. A simple example is a vaccine, where the effectiveness of the vaccine is tested, the costs of vaccination are determined, and based on the prior “no vaccine” medical treatment data from the groups that are to be vaccinated, the net benefits of the vaccine are computed. It is a straightforward process that had been utilized for decades in medical product and health care delivery, yet, BCHD after 27 years of existence fails to conduct such analysis, instead opting to spend over \$14M annually of taxpayer funds without analysis.

Vanessa Poster can be seen and heard demonstrating a lack of understanding of health economics as it applies to BCHD at <https://youtu.be/2ePOD95YvWk?t=1051>.

BCHD Fails to Adhere to the Well Understood CDC Polaris Economic Evaluation Framework

BCHDs failure to adhere to CDC economic program analysis can be easily recognized by comparing BCHDs lack of program budgets, costs, evaluations, or cost-effectiveness analysis to the CDC framework provided at <https://www.cdc.gov/policy/polaris/economics/index.html>. One of thousands of articles regarding the computation of health benefits over the past decades can be found at: <https://pubmed.ncbi.nlm.nih.gov/3921321/>.

BCHD Relies on Anecdotal Program Information and Not Formal Evaluations of Effectiveness According to the Los Angeles Department of Public Health

One CPRA response by BCHD for evaluation of its programs cited a case study by the Los Angeles County Department of Public Health. On page 8 of that case study, the Department of Public Health states "... this study was not a formal program evaluation and, importantly, lacked a control group ...". As a result, the authors clearly state that it is not a program evaluation, indicating BCHDs lack of understanding of both program evaluation and health economics.

BCHD lacks any rigorous analysis of program budgets, costs, program benefits, or program cost effectiveness using any reasonably accepted health economics methodology, such as the US CDC Polaris model. This lack of program accounting and evaluation appears to have existed since BCHD was formed in 1993 from the failure of South Bay Hospital District. As such, BCHD cannot support any future programs based on measured cost-effectiveness or net benefits, and BCHD spends approximately \$14M annually of taxpayer funds absent any showing of net benefits beyond the expenditures.

Conclusion

BCHD must remove its Project Objective #2 regarding the need for replacement income from the 514 building that BCHD is electively taking out of service needlessly as false and invalid.

5. BCHD Project Objective #3 is Unsupported and Invalid

Summary

BCHD asserts that it requires open space for the public health benefit. However, BCHD provides no rationale for the size of the required openspace. BCHD is adjacent to the 22-acre Dominguez Park which provides ample outdoor space without requiring the negative and significant aesthetic, shading/shadowing, and right-to-privacy robbing impacts of a 103-foot tall building. If limited to the 30-foot standards of all surrounding parcels, those impacts would be mitigated.

When a California Public Records Act request was used to request the specific programs, space requirements, and health requirements of the use of this specific size of open space on this specific parcel, BCHD claimed its “privilege” and yet again denied the public’s right to know.

BCHD is asking for permission to irreversibly further damage the surrounding neighborhoods for an additional 50-100 years. BCHD as a public agency has an absolute obligation to provide the public case and stop hiding behind its “privilege.”

In its prior response, BCHD provided no scientific studies, or any studies at all, that determined 1) the “need” for any openspace beyond the 22 acres at Dominguez Park, 2) the need for any specific amount of openspace, of 3) any peer-reviewed studies.

BCHD CPRA Responses – Claim of Privilege and Lack of Substantiation

RE: PRA Request

Inbox

Charlie Velasquez <Charlie.Velasquez@bchd.org>

Fri, Jan 15, 12:55 ^{to me}
PM

Mark,

Please see below for the District's response to your public records request dated 12/17/20 that reads:

As BCHD noted in its response, there was supposedly no BCHD determination of the open space requirement as of the date of the response, despite BCHD's published table identifying a very precise 2.45 acres.

I dispute that assertion that BCHD had not made a determination at the time of the BCHD Board Approval of the "3-Day Approval Plan" on June 17, 2020. A final determination of open space was in fact made in order for the Board's approval vote, down to 1/100th of an acre (which would be to the nearest 436 sqft)

1. Provide documents demonstrating that derivation of the 2.45 acres that was allocated to open space in the plan that was approved by the Board on June 17, 2020. If no documents, state such.
2. As the open space was reduced from 3.6 acres in the 2019 "Great wall of Redondo Plan" to the current proposed 2.45 acres, provide documents demonstrating that the space cannot be further reduced. If no documents, state such.

The District has previously responded to your prior request regarding open space. **Design drafts pertaining to proposed open space are derived internally and with consultants and remain properly withheld pursuant to the deliberative process privilege**, as discussed in the context provided in the original response below.

Provide all scientific studies or analysis that BCHD relies upon to make the determination that any open space or greenspace is required on the BCHD campus. The District will comply with all Redondo Beach ordinances. See City of Redondo Beach Municipal Code.

Provide all scientific studies, analysis, or methodology that BCHD relies upon or will rely upon to determine the precise size of any open space or greenspace on the BCHD campus.

Healthy Living Campus site renderings for the revised master plan are available on the District website: <https://www.bchdcampus.org/>

Please also see attached link for PDF document from Study Circle #2 - Creating Community Gathering Places: <https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%20%20Report.pdf>

Conclusion

BCHD is asking for the right to irreversibly damage the environment for the next 50-100 years. BCHD and SBHD before it have damaged the local environment since the 1950s. The only authorized use of the parcel by voters was for a publicly owned emergency hospital that failed in 1984. At the time of the 1984 failure, the hospital shell was rented and subsequently the quid pro quo with the local neighborhoods for the environmental and economic injustice (EJ) impacts was closed – namely the Emergency Room.

BCHD has no public authorization for continued multi-generational EJ impacts on the surrounding neighborhoods and using its “privilege” to hide decision making and data from the public only cements that case.

6. BCHD Project Objective #4 is Invalid Based on BCHDs MDS Research Study

Summary

LITTLE NEED IN REDONDO BEACH FOR HIGH COST RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further, the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

LITTLE NEED IN THE 3 ENTIRE 3 BEACH CITIES – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD ASSERTS NEED, BUT HAS NO EVIDENCE OF NEED – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

STATED PROJECT OBJECTIVE #4 IS INVALID – BCHD falsely claims that it needs to build RCFE to meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

VOTER APPROVED SOUTH BAY HOSPITAL WAS SIZED ONLY FOR THE 3 BEACH CITIES – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing

based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre-tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.

EXHIBIT 1-6

MINIMUM QUALIFYING CASH FLOW INCOME REQUIREMENTS FOR

A NEW ASSISTED LIVING AND MEMORY CARE DEVELOPMENT IN REDONDO BEACH, CALIFORNIA

Based on 2021 Monthly Service Fees

<u>Unit Type</u>	<u>Number of Units</u>	<u>Monthly Fee</u>	<u>Annualized Monthly Fee</u>	<u>Total Annual Cash Flow Requirement After Tax ¹</u>	<u>Likely Annual Cash Flow Before Tax ²</u>
<u>Assisted Living Units</u>					
One Bedroom	102	\$9,250 - \$12,250	\$111,000 - \$147,000	\$138,750 - \$183,750	\$154,167 - \$204,167
<u>Memory Care Units</u>					
Studio - Semi-Private	60	\$8,985	\$107,820	\$126,847	\$140,941

MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.

EXHIBIT 3-3

SUMMARY OF INCOME QUALIFIED AGE 75+

HOUSEHOLDS BY ZIP CODE IN THE PRIMARY MARKET AREA

After Income Screen

<u>Zip Code / Community</u>	<u>Total 2019 Age 75+ Households</u>	<u>\$150,000 + Qualifying Income Screen</u>			<u>Absolute 2019-2024</u>	<u>Average Annual % Change</u>
		<u>2019</u>	<u>2021</u>	<u>2024</u>		
* 90275 Rancho Palos Verdes	3,550	787	887	1,062	275	6.2%
* 90274 Palos Verdes Peninsula	2,425	744	826	965	221	5.3%
90503 Torrance	2,386	152	182	238	86	9.4%
* 90505 Torrance	2,287	196	233	303	107	9.1%
* 90277 Redondo Beach **	1,890	194	232	305	111	9.5%
* 90266 Manhattan Beach	1,612	338	397	506	168	8.4%
90504 Torrance	1,542	79	96	129	50	10.3%
90278 Redondo Beach	1,344	134	167	234	100	11.8%
90254 Hermosa Beach	691	119	145	196	77	10.5%
90260 Lawndale	656	21	27	39	18	13.2%
90245 El Segundo	577	67	80	104	37	9.2%
Total	18,960	2,831	3,277	4,081	1,250	7.6%

Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall, Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area

BCHD Consultant MDS 2019 Marketing Results	
2019 Income Qualified Prospective Renters (by area)	
Palos Verdes	37.9%
> 10 mile Radius	30.0%
*90254+*90266	11.3%
*90278	3.3%
*90277	4.8%
Torrance	11.5%
Other	1.2%
CONTROL TOTAL	100.0%
Redondo Beach Total	8.1%
*=BCHD Owners Total	19.4%

South Bay Hospital District Services Sized Exclusively for the Three Beach Cities

According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the

Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future was becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon

A. Public Records Request MEN 20191109-0:

1) “Informational Items”

Please find below the link to the presentation provided by The District in response to this request. 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.

https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/478050/Finance_Committee_2019_11_12_Final_111_22019_Website.pdf

2) “Specifically Regarding 4. RCFE Community Needs & Market Assessment Study”

- a. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the exclusive use of the “Beach Cities” that chartered the BCHD? To avoid ambiguity, the “Beach Cities” is defined as exclusively the residents of Manhattan, Hermosa and Redondo Beach. Any zip code level analysis must be entirely within the “Beach Cities” as defined.

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- b. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a shortfall in the supply of RCFE units for the “Beach Cities”.

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

- c. According to the Needs and Market Assessment Studies or any other resource in the possession of BCHD, what is the total estimated number of RCFE units required for the “Beach Cities” that chartered the BCHD that are REQUIRED to be built by BCHD instead of the private sector in order to avoid a significant change in market cost of RCFE for the “Beach Cities” due to a short fall in the total supply of units without the BCHD units? If a change is identified, what is the estimated value per month paid by average RCFE tenant of the change?

This request does not reasonably describe identifiable records as required CA Government Code 6253, however, the District has no records to provide in response to this request. For this particular request the District does not have a chartered number of RCFE units.

Conclusion

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities the formed and funded South Bay Hospital District and execution was conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY-STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

CEQA Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHD’s lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

7. BCHD Project Objective #5 is Invalid Based on BCHD’s Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #5, “5. Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a Community

Wellness Pavilion with meeting spaces for public gatherings and interactive education” is invalid cannot be relied up for the project.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. As such, BCHD Objective 5 is clearly invalid and must be discarded.

8. BCHD Project Objective #6 is Invalid Based on BCHDs Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #6, “Generate sufficient revenue through mission-derived services or facilities to address growing future community health needs” is invalid cannot be relied up for the project. BCHD cannot assert a project objective using non-quantified revenue requirement. That deprives the public of any manner to evaluate the project size and environmental damage vs. quantifiable benefits.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Absent a quantitative forecast of future needs, costs and net benefits, BCHD objective 6 is undefined and meaningless.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. BCHD provides no metric of the

cost of future programs, and therefore the public is denied intelligent participation in both evaluating the project and the Objective. As such, BCHD Objective 6 is clearly invalid and must be discarded.

F. BCHD ANALYSES, IMPACTS, AND DAMAGE MITIGATIONS ARE FLAWED AND INCORRECT

1. BCHD Fails to Use Consistent Standards for Evaluating Impacts

BCHD Must Utilize its Moral Responsibility Standard to Prevent Community Health Harm for All Impact Analysis and Mitigation

BCHD developed a “moral responsibility” standard for taking action and assessing impacts that it only utilized to bolster its desire to demolish the failed South Bay Hospital Building. BCHD must use a consistent standard for all actions, or, BCHD must correct its error in asserting that the 514 N Prospect building requires retrofit or demolition, since there are no codes or ordinances that require any seismic retrofit.

BCHD has Established a “Moral Obligation” Standard that it Must Utilize for Evaluating the Significance of All Impacts

According to their presentation made to the BCHD Community Working Group, Youssef & Associates stated that the 514 N Prospect Ave building (the former South Bay Hospital) meets all applicable seismic codes. Further, Youssef states that even if subjected to the “best practice” ordinance of the City of Los Angeles, there is no near term need for demolition or retrofit of the 514 building. However, BCHD CEO Bakaly with BCHD Board approval has asserted a more stringent “moral obligation” standard and overrode the technical finding in order to justify demolition of the 514 building. Youssef & Associates presentationⁱ includes the following:

1. "No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)
2. BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)
3. "Ordinance represents “Best Practice”" (Page 6)
4. "City of Redondo Beach has not adopted ordinance" (Page 6)
5. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

BCHD, in a public FAQⁱⁱ, recognized that any seismic retrofit or demolition is an elective activity without any objective obligation based on ordinances. The FAQ is below.

FAQ: DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a proactive approach to these seismic issues.

Further, CEO Bakalyⁱⁱⁱ asserted a BCHD policy of a “moral obligation” standard in his further discussion of BCHDs much more stringent than City or County ordinance action regarding seismic at the 514 building. An excerpt of the transcript from his video is below.

“[I]t [the 514 building] is currently not required to be upgraded however we are a health district that has a moral obligation to be proactive and protect the people in our community”

BCHD self-asserted “moral obligation” standard must be applied to the health and safety of all surrounding residents. BCHD cannot apply such a standard only when it fits the District’s narrative. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use its “moral obligation” standard uniformly to protect all surrounding residents in Torrance and Redondo Beach without limit to the minimum standards of CEQA.

BCHD DEIR is Defective When Evaluated on a “Moral Obligation” Standard of Impacts and Mitigations

Clearly in the DEIR, BCHD uses typical, minimum CEQA standards. For example, BCHD ignored the intermittent noise and vibration impacts on students at Towers Elementary. BCHD ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles.

2. BCHD Misrepresented the Magnitude and Breadth of Public Controversy

BCHD Understated the Public Controversy in the DEIR

As evidence that BCHD is ignoring much of the public concern regarding impacts, the BCHD DEIR had an inadequate Know Public Controversy summary.

BCHD Unnecessarily Limited Public Input Sources

CEQA Guidelines^{iv} Section 15123 specifies that “[a]n EIR shall contain a brief summary of the proposed actions and its consequences” and that “[t]he summary shall identify: ... [a]reas of controversy known to the Lead Agency including issues raised by agencies and the public.”

According to the DEIR^v, BCHD has unnecessarily limited the sources from which it identified areas of controversy from the public by utilizing only the record from “community meetings held between 2017 and 2020 as well as agency and public comment letters received on the NOP.”

With respect to community meetings held between 2017 and 2020, it is unclear if BCHD refers only to formal, filed public comments to those meetings, or if it included BCHD’s own meeting summaries. In the case of the BCHD Community Working Group (CWG)^{vi}, a BCHD-organized group of residents, leaders and stakeholders, BCHD was exclusively responsible for the interpretation, documentation and transmittal of meeting content and results without CWG review or approval. As such, there was written disagreement and dispute of BCHD’s interpretation by members, demonstrating BCHD drafting bias, or at a minimum, BCHD inaccuracy. BCHD fails to discuss whether it used the same approach to document public meetings. BCHD also utilized input from its NOP^{vii} comments, however this action limits public comments on areas of controversy to the very narrow period of June 27, 2019 to July 29, 2019.

The period of time from which BCHD could gain knowledge of Areas of Controversy is substantial. BCHD first provided the public with plans for a campus redevelopment in July 2009 at the BCHD Board of Directors Master Planning Session 1^{viii}. In the subsequent 12 years since that public release, BCHD has received comments in the ordinary course of business, such as public Board and Committee

comments, disclosing areas of known public controversy regarding South Bay Hospital campus redevelopment that BCHD apparently chose to ignore.

CEQA Factor	Included in DEIR ^{ix}	Ignored Comments ^{xxi}	Negative Impacts requiring “Moral Obligation” Mitigation
Aesthetics	<ul style="list-style-type: none"> • Building height compatibility (e.g., bulk, mass, and scale) and potential impacts to the existing public views and shade/shadows, particularly within the adjacent residential neighborhoods (see Section 3.1, <i>Aesthetics and Visual Resources</i>). 	<p>Numerous comments specifically refer to visual impact of perimeter construction vs interior of campus.^{xii}</p> <p>Concern on excessive nighttime lighting and glare impacts.^{xiii}</p> <p>Concern about elevated site amplifying visual impacts.^{xiv}</p> <p>BCHD increased the height of the project from 2019 to 2020/21 despite complaints.^{xv}</p> <p>BCHD increased the square feet of the development from 2019 to 2020/21.^{xvi xvii}</p> <p>2020/21 sqft too large still.^{xviii}</p> <p>Parking ramp is too big/too tall.^{xix}</p>	<p>Failure to consider average height as per Legado approval^{xx xx i}</p> <p><u>Excess Nighttime Lighting</u></p> <p>Cancer^{xxii}</p> <p>Depression^{xxiii}</p> <p>Ecological Damages^{xxiv}</p> <p>Sleep Deprivation^{xxv}</p> <p>Weight Gain^{xxvi}</p> <p><u>Glare</u></p> <p>Fatigue^{xxvii}</p> <p>Nuisance to Neighbors^{xxviii}</p> <p><u>Shadow/Shading/Reduced Sunlight</u></p> <p>Cognitive Impairment^{xxix}</p> <p>Mental Disorders^{xxx}</p>
Agriculture/Forestry			
Air Quality	<ul style="list-style-type: none"> • Potential construction-related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby 	<p>Numerous comments expand the area of specific concern to at least Torrance Tomlee, Towers, Mildred, and Redbeam.^{xxx i}</p> <p>^{xxxii} Similar comments place specific concern on Redondo Beach Diamond.^{xxxiii}</p> <p>Future operating air emissions impacts on surrounding residents, students, etc.^{xxxiv}</p>	<p><u>Particulate Matter</u></p> <p>Alzheimer’s Development^{xxxvii}</p> <p>Child Asthma^{xxxviii}</p> <p>Child Brain Development^{xxxix}</p> <p>Child Development^{xl}</p> <p>Heart Disease^{xli}</p> <p>Legal Levels Increase Mortality^{xlii}</p> <p>Lung Function^{xliii}</p> <p>Memory Decline^{xliv}</p> <p>Reduced IQ^{xlv}</p>

	<p>parcs (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> • Potential impacts related to fugitive dust emissions and human health risk during construction activities, particularly within the adjacent residential neighborhoods (see Section 3.2, <i>Air Quality</i>). 	<p>Future traffic emissions.^{xxxv} Specific impacts on up to 7 surrounding schools from site and traffic emissions.^{xxxvi}</p>	Senior Mortality ^{xlvi}
Biological Resources	<ul style="list-style-type: none"> • Potential impacts to existing biological resources (e.g., mature trees and landscaping along Flagler Lane; (see Section 3.03, <i>Biological Resources</i>) 	Concern regarding displaced wildlife and vermin infestation at school and homes from construction. ^{xlvii}	
Cultural Resources	<p>Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).</p>		
Energy			
Geology/Soils	<ul style="list-style-type: none"> • Seismicity, soil stability, and other related on-site geologic hazards (see Section 3.6, <i>Geology and Soils</i>). 		

<p>Greenhouse Gas Emissions</p>	<ul style="list-style-type: none"> • GHG emissions associated with construction and operational activities of the proposed Healthy Living Campus Master Plan (see Section 3.7, <i>Greenhouse Gas Emissions</i>). 		
<p>Hazards/Hazardous Materials</p>	<ul style="list-style-type: none"> • The potential for exposure to hazardous materials including but not limited to asbestos, lead-based paints, mold, and other materials associated with the former South Bay Hospital (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with the previously decommissioned oil and gas well on the vacant Flagler Lot (e.g., exposure to hazardous substances) (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with contaminants from adjacent land uses (e.g., tetrachloroethylene [PCE] associated with historical dry-cleaning operations; see Section 3.8, <i>Hazards and Hazardous Materials</i>). 	<p>Concerns regarding nuclear/radioactive medical waste.^{xlviii}</p>	
<p>Hydrology/Water Quality</p>	<ul style="list-style-type: none"> • Compliance with the National Pollutant Discharge Elimination System Program and 		

	development of a Stormwater Pollution Prevention Plan that addresses erosion, particularly along Flagler Lane and Flagler Alley (see Section 3.09, <i>Hydrology</i>).		
Land Use/Planning	• Land use and zoning compatibility (see Section 3.10, <i>Land Use and Planning</i>).		
Mineral Resources			
Noise	<ul style="list-style-type: none"> • Potential construction-related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>). • Duration and extent of on- and off-site noise and vibration impacts associated with the use of heavy construction equipment. (see Section 3.11, <i>Noise</i>) • Construction planning and monitoring (e.g., standard construction 	Concern for harm to developing children at Towers from noise/vibration processing. ^{xlix}	<u>Intermittent Noise</u> Cognitive development ^{li} Learning delay ^{lii} Disabilities Impacts ^{liii} Damaging Dose Level Unknown ^{liv} Towers Elementary ^{lv} Health Impacts ^{lvi} Reduced Memory ^{lvii}

	<p>times, heavy haul truck routes, temporary road and sidewalk closures, construction flaggers, etc.) (see Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> • Noise impacts associated with operations under the proposed Healthy Living Campus Master Plan (e.g., frequency of emergency response and associated noise from sirens; see Section 3.11, <i>Noise</i>). 		
Population/Housing	<ul style="list-style-type: none"> • <u>Increased instances of emergency response</u> and potential effects on public service demands (see Section 3.12, <i>Population and Housing</i>). 	BCHD has miscategorized the CEQA impacts of emergency services as Pop/Housing	Acute Physiological Stress ^{lviii} Blue Zones Silent Killer ^{lix} Chronic Stress ^{lx} Sleep Interruption/Deficit ^{lxi}
Public Services		Increased emergency, police, fire needs. ^{lxii}	
Recreation		BCHD omitted recreation analysis. Impacts include shading/shadowing at Towers decreasing school and public recreation. ^{lxiii}	
Transportation	<p>Potential construction-related impacts on pedestrian and bicycle safety, especially as it relates to truck traffic within the vicinity of nearby residential neighborhoods, parks, and schools (see Section 3.14, <i>Transportation</i>).</p> <ul style="list-style-type: none"> • On-site parking requirements and potential impacts to off-site parking (see Section 3.14, 	<p>School dropoff/pickup traffic concerns.^{lxiv}</p> <p>General traffic impacts during construction and operations.^{lxv}</p>	

	<p><i>Transportation</i>).2</p> <ul style="list-style-type: none"> • Cut-through traffic through nearby residential neighborhoods in Torrance (see Section 3.14, <i>Transportation</i>). • Potential for circulation changes related to the vehicle driveways associated with the proposed Project and the potential increased risk of hazards along Flagler Lane, Towers Street, and other local roadways (see Section 3.14, <i>Transportation</i>). • Integration with existing and proposed multi-modal transportation connections (see Section 3.14, <i>Transportation</i>). 		
Tribal Cultural Resources	<p>Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).</p>		
Utilities/Service Systems	<ul style="list-style-type: none"> • Potential increases in utility usage at the Project site (i.e., water, sewer, electricity; see Section 3.15, <i>Utilities and Service Systems</i>). 		

3. BCHD Aesthetics Impacts are Significant: BCHD Study Aesthetics Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following aesthetics topics: Plan is Inconsistent with Surrounding Uses; Design Maximizes Visual Bulk and Mass Damages to the Surrounding Community; Design Results in a Taking of Blue/Open Sky, Design Results in a Taking of Daytime Sunlight; Analysis Fails to Provide Hourly Shading/Shadowing Simulations, Analysis Fails to Provide Sufficient Key Viewing Location (KVL) Simulations; Design Results in a Taking of Palos Verdes Peninsula (PVP) Views; Design Results in Negative Health Impacts of Shading/Shadowing and Reduced Sunlight; Design will Result in Excessive Glare and Reflection into Surrounding Neighborhoods; and Design will Result in Excessive Night Time Lighting into Surrounding Neighborhoods.

Significant Visual Impacts and BCHD DEIR Deficiencies and Errors Include: Illegal Taking of Blue Sky Views; Excessive Height Compared to Surrounding Land Uses; BCHD Failure to Choose Accurate “Maximum Elevation” KVL on 190th; BCHD Failure to Provide Modeling of Sufficient KVLs; BCHD Failure to Provide Accurate KVLs without Fake Mature Trees; and Failure to Adequately Provide Phase 2 Simulations. In all, the impacts are Significant, Incompatible with Issuance of a Conditional Use Permit, and Incompatible with Redondo Beach Precedent Requirements.

The simulations in Appendix A are from Google Earth Pro and were required to be completed by the public in order to intelligently participate in the DEIR process as a direct result of BCHD insufficient and inaccurate DEIR.

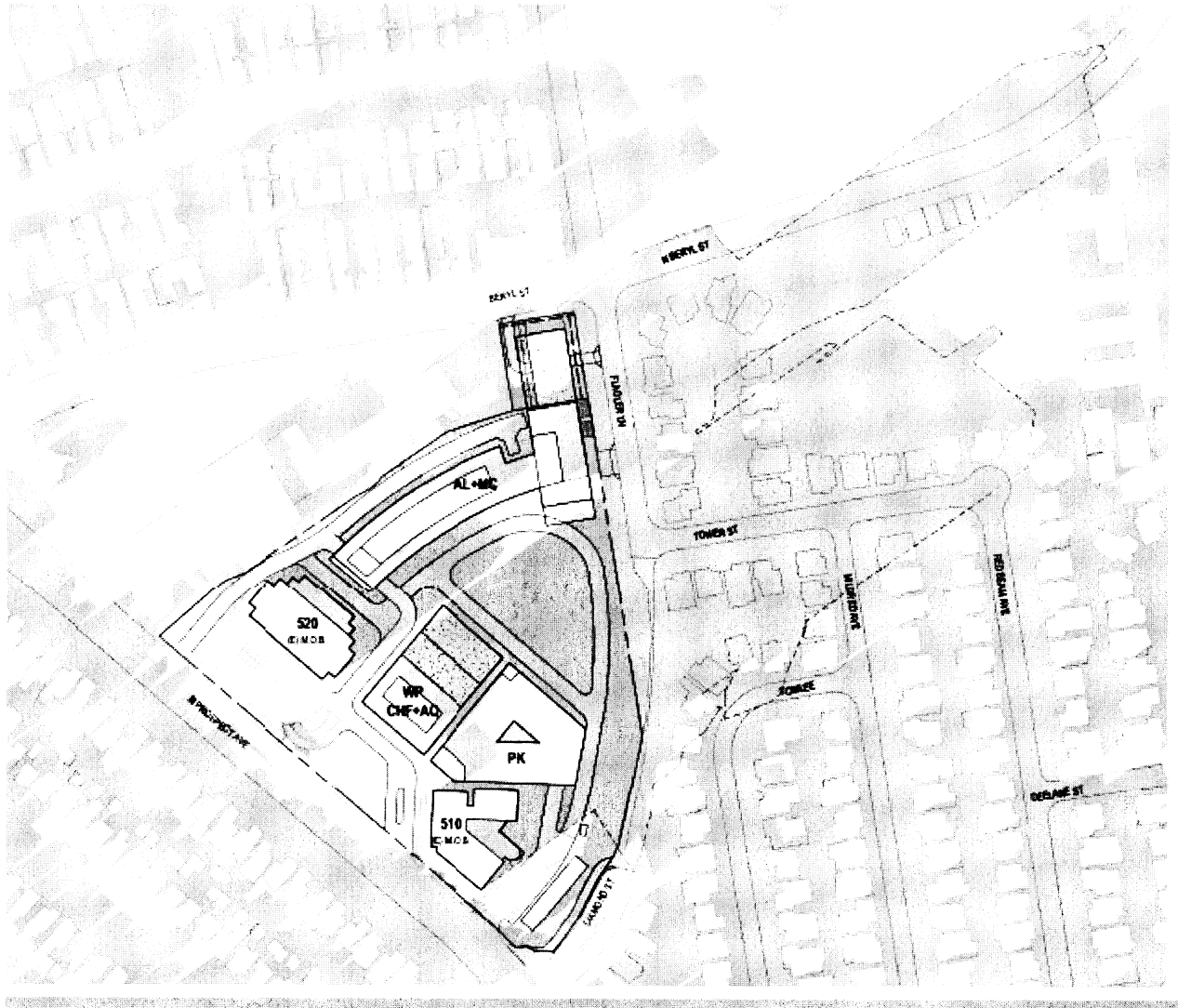
Significant Shading/Shadowing Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shading for Public Evaluation.

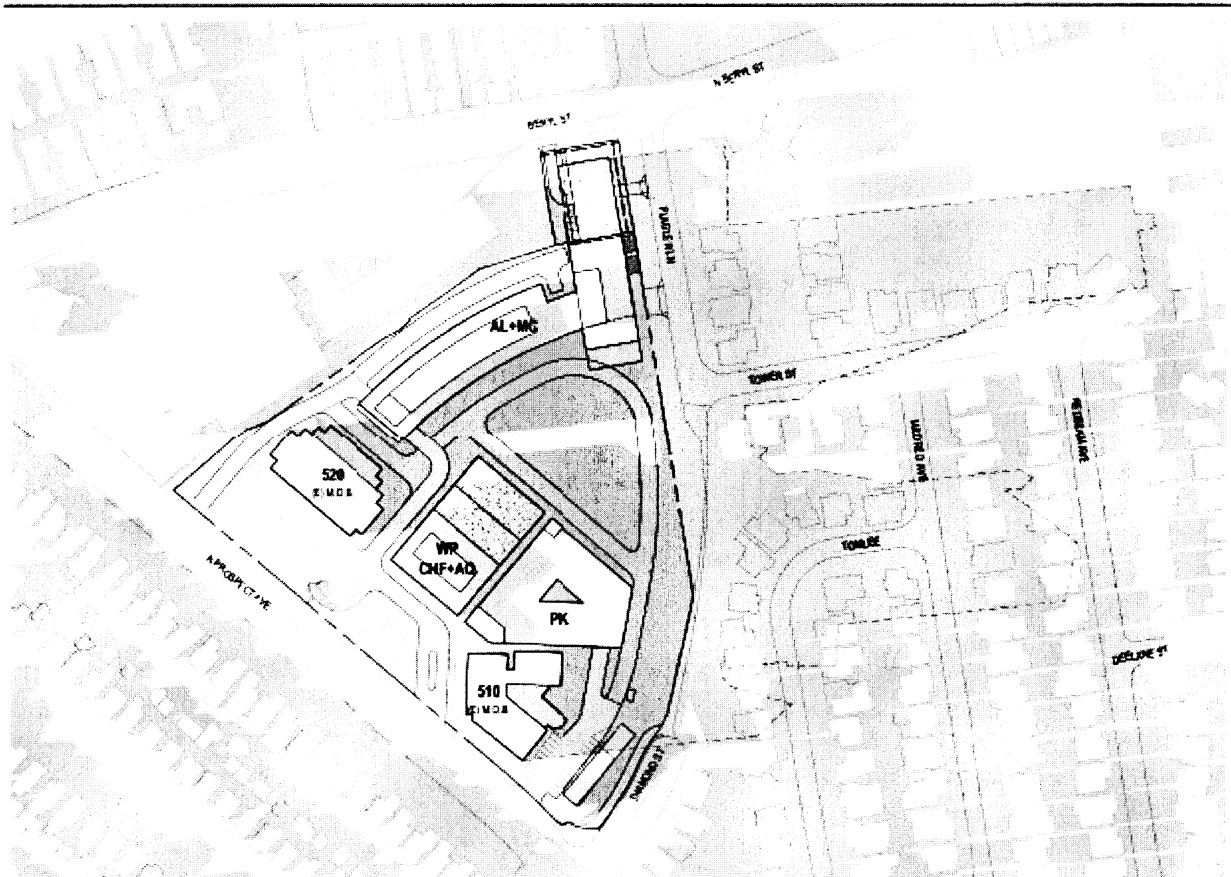
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health impacts of shading/shadowing, it must be correct, reissued, and recirculated for comment.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.

WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)





4. BCHD Visual Impact is Significant; BCHD VIS-3 Is Faulty and Must Consider SBHD/BCHD Negative Behavior and Health Impacts on the Community

The DEIR incorrectly asserts that VIS-3 is less than significant. Due to decades of direct experience with SBHD and BCHD, it is a demonstrated fact that BCHD lacks the technical or maintenance ability to manage the negative health impacts of its excessive outdoor lighting. Direct evidence of BCHD non-directional lighting, lighting left on all day, and lighting without maintained deflectors is presented. As BCHD is incapable of meeting RBMC requirements, it must recognize that its proposed lighting is a significant impact.

Further, CEO Bakaly's policy statement that BCHD has a moral obligation to protect the community further restricts the use of outdoor lighting. Excess nighttime lighting, such as SBHD and BCHDs existing unrestricted lighting has unequivocally negative health impacts on surrounding neighborhoods. BCHD cannot unevenly apply its policy of moral obligation only to 514 and seismic and ignore the health and well-being of the surrounding neighborhoods. At a minimum, if BCHD proceeds with a finding of less than significant, the conditional use permit must be denied.

Background

Since the early 2000s, neighbors have complained to Beach Cities Health District regarding the local impacts of excess noise, and non-directional excessive nighttime parking lot lighting, excessive nighttime glare impacts from the parking lot lighting and the building glass, and excessive nighttime signage lighting. The neighborhood situation escalated until the 510 medical office building (MOB) reduced its outdoor lighting. Neither the 514 nor 520 buildings followed suit. In fact, the 514 (former South Bay Hospital) building even added more excessive outdoor lighted signage.

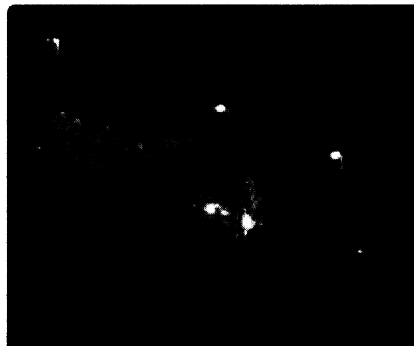
As a health district, BCHD has failed its proactive obligation to not harm surrounding neighbors' health.

Evidence

The following nighttime photos represent both the excessive, non-directional lighting of BCHD, as well as, the poor state of repair of the one, single shield that was installed by BCHD at some past time. The shield was likely installed to reduce impacts on the adjacent residential homes.



IMG_6791.jpg



IMG_6793.jpg



IMG_6798.jpg



IMG_6800.jpg



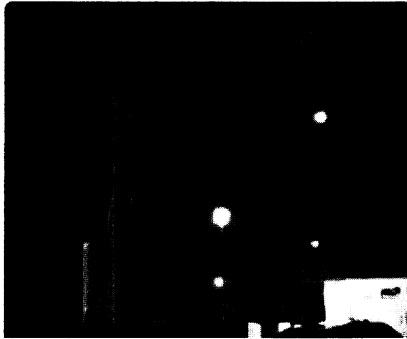
IMG_6804.jpg



IMG_6807.jpg



IMG_6810.jpg



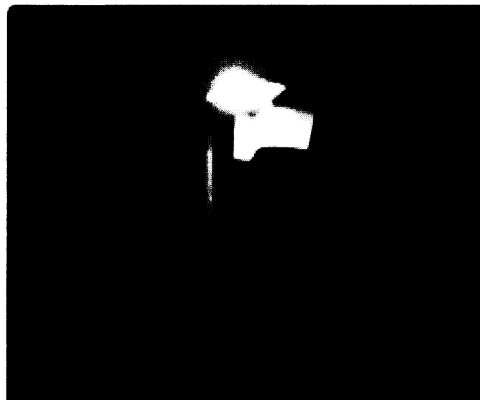
IMG_6812.jpg



IMG_6817.jpg



IMG_6825.jpg



IMG_6827.jpg

Peer Reviewed Medical Studies Supporting Health Damages by BCHD Actions

BCHD is directly damaging the health and welfare of the surrounding neighborhoods with excess nighttime lighting. The studies from NIH on excess nighttime light pollution are in agreement of the damages.

Missing the Dark: Health Effects of Light Pollution
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>

Artificial Outdoor Nighttime Lights Associate with Altered Sleep Behavior in the American General Population
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4863221/>

Health Consequences of Electric Lighting Practices in the Modern World: A Report on the National Toxicology Program's Workshop on Shift Work at Night, Artificial Light at Night, and Circadian Disruption
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5587396/>

Artificial light during sleep linked to obesity
<https://www.nih.gov/news-events/nih-research-matters/artificial-light-during-sleep-linked-obesity>

Significant Nighttime Lighting Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Darkness Required for Sleep, Physical Health and Mental Health; and SBHD/BCHD Prior and Current Failures to Control Nighttime Lighting by Both Faulty Design and Operation.

Conclusion

The negative impacts of excess night lighting are peer-reviewed and consistent. BCHD has made no significant effort to reduce its negative impacts on the surrounding neighborhoods, and this is yet another environmental injustice impact by BCHD on the surrounding neighborhoods.

Furthermore, BCHD has established a precedent of supplanting required legal requirements for safety action (such as seismic retrofit) and any best practices (such as the most stringent seismic ordinance in the United States that would allow continued operation of the 514 building until 2040) and replacing them with their own, more stringent standards. In this case, notwithstanding and municipal ordinances, this is a clear peer-reviewed danger to the surrounding neighbors and BCHD must both cease its current damages, and refrain from future damages from the existing campus and any future development.

5. BCHD Air Quality Impacts are Significant; BCHD's Air Quality Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following air quality topics: Lesser Polluting Engines Still Pollute and Damage Students, the Elderly, and Persons with Disabilities Health through Increased Marginal Emissions; Covered Hauling Trucks Will Have Significant Particulate Emissions; and BCHD 10-story Parking Ramp at Prospect and Diamond Will Have Significant Emissions. Many of these impacts will be to Towers and West High students along the defined haul route, along with nearby residents and residential uses that are stationary and will have 24/7/365 damages.

Peer-reviewed Science is Clear that Particulates Lodge in the Brain stems of Young Student with Significant, Negative Impacts

BCHD is electing to deposit incremental particulates into the air along the main haul path for trucking leaving those sites at Towers and West High sports fields laden with brain stem filling debris. BCHD, as a Health District, has both moral and ethical obligations not to damage both the near term and long term health surrounding children and neighborhoods. But for BCHDs deliberate choice to demolish the 514 building despite and law or ordinance requiring seismic retrofit, BCHDs deliberate choice of heavy haul routes past schools, BCHDs deliberate failure to apply the Bakaly “moral obligation” to Torrance’s school children, and BCHD’s deliberate choice to add incremental emissions to the surrounding neighborhoods, including Beryl Heights Elementary, these health damages would not occur.

The following peer-reviewed studies demonstrate BCHDs intended health damages from excess PMx particulates, including brain, memory, pulmonary and cardiac damages:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

The impact of PM2.5 on the human respiratory system (INCLUDES CHILD ASTHMA)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017593/>

How air pollution alters brain development: the role of neuroinflammation (INCLUDES IMPACTS ON SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM2.5 in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

Outdoor particulate matter (PM10) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

<https://ehp.niehs.nih.gov/doi/full/10.1289/EHP4434>

Prenatal Exposure to PM2.5 and Cardiac Vagal Tone during Infancy: Findings from a Multiethnic Birth Cohort

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>

PM2.5 and Cardiovascular Diseases in the Elderly: An Overview

<https://pubmed.ncbi.nlm.nih.gov/27567860/>

Cerebrospinal Fluid Biomarkers in Highly Exposed PM2.5 Urbanites: The Risk of Alzheimer's and Parkinson's Diseases in Young Mexico City Residents

6. BCHD Air Emissions Significant Impacts will Create Premature Alzheimers in Children and is a Significant, Negative, Unethical and Immoral Act

Here is the legacy that the current BCHD Board of Directors and executive management are actively targeting: PREMATURE ALZHEIMER'S IN CHILDREN. Is BCHD building an 800 car, 10-story parking garage and a 793,000 sqft, South Bay Galleria sized complex largely for non-residents of the 3 Beach Cities that own BCHD worth destroying the future of our children? The children of Towers and Beryl Heights schools should not suffer more PM2.5 lodged in their brain stems because BCHD's Board wants to let developers lease our taxpayer owned campus for 50-100 years. RBUSD and TUSD will be grossly negligent if they allow our children to be bombarded by 3-5 generations of increased, unnecessary pollution as the result of non-residents of the area. The areas around Beryl Heights and Towers schools, and the children and residents must not be sacrificed for the ego needs of the BCHD Board and executive management to serve 95% non-local renters and PACE participants in their over-development project.

Peer-reveiwed references from the UC system and other expert resources.

<https://www.universityofcalifornia.edu/news/air-pollution-impacts-childhood-development-study-shows>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6617650/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>

<https://airqualitynews.com/.../evidence-of-alzheimers.../>

https://www.who.int/ceh/publications/Advance-copy-Oct24_18150_Air-Pollution-and-Child-Health-merged-compressed.pdf?ua=1

7. BCHD Noise Impacts are Significant; Violate the ADA at Towers and West High Schools, and BCHDs Noise Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following noise topics: Analysis Fails to Consider Intermittent Noise and is Defective; Intermittent Noise Significantly Impacts Education at Towers Elementary; Intermittent Noise Significantly Impacts ADA IEP and 504 Plan Implementation at Towers Elementary; Significant Noise Impacts on the Health of Surrounding Residents; Event Noise Analysis is Insufficient and Defective; and BCHD Fails to Use Proper Noise Standards for Intermittent Noise and the Analysis is Defective.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its "moral obligation." If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms.

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session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise. (emphasis added)*

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature’s intent for “freedom from excessive noise” is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed

literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts on students to protect their Legislative Intent right to freedom from excessive noise and not violate the Americans with Disabilities Act. BCHD must always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

8. BCHD Noise Impacts Represent a Public Health Hazard

The peer-reviewed article below demonstrates the PUBLIC HEALTH HAZARD of excessive noise. BCHD's analysis fails to incorporate intermittent noise, and demonstrates that BCHD has no concern about the health of the surrounding neighborhoods.

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>

Exposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. For other effects such as changes in the immune system and birth defects, the evidence is limited. Most public health impacts of noise were already identified in the 1960s and noise abatement is less of a scientific but primarily a policy problem. A subject for further research is the elucidation of the mechanisms underlying noise induced cardiovascular disorders and the relationship of noise with annoyance and nonacoustical factors modifying health outcomes. A high priority study subject is the effects of noise on children, including cognitive effects and their reversibility. Noise exposure is on the increase, especially in the general living environment, both in industrialized nations and in developing world regions. This implies that in the twenty-first century noise exposure will still be a major public health problem. Key words: annoyance, cardiovascular effects, children's health, environmental health, environmental noise, hearing impairment, noise exposure, noise metrics, occupational noise, performance.

9. BCHDs Recreation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following recreation topics: Design Results in a Taking of Sunlight from Public Recreation at Towers and Significant Negative Impacts; and Design Results in a Taking of Sunlight from Student Health and Recreation at Towers and Significant Negative Impacts.

In BCHD CEQA EIR NOP comments filed by Mark Nelson, the following admonition was made to BCHD after it exempted any analysis of Recreation impacts a priori:

RECREATION

Appropriate study required. The NOP errs in its a priori speculative finding that the project will not have an adverse physical impact on the environment. I was recently made aware that according to a newspaper article <https://easyreadernews.com/redondo-beach-homelessness-resident-anger/> the 9th Circuit Court of Appeals in Martin versus the City of Boise decision, neither BCHD nor the City of Redondo Beach will be able to bar the unsheltered from camping on the public space created as part of this public project without providing adequate shelter to house all the unsheltered. BCHD as a public entity will de facto be an invitation for unsheltered housing as endorsed by the 9th Circuit. As a private entity has no such obligation, a similar project with exactly the same characteristics could be legally protected from becoming such a magnet. Thus, the mere creation of the public space by removing the concrete, and the public nature of BCHD, creates a non-mitigable impact for the project. Also see <https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

As such, the DEIR is FLAWED, MUST BE REANLYZED and RECIRCULATED.

10. BCHD Fails to Analyze Recreation Impacts and BCHD DEIR has Deficiencies and Errors

BCHD fails to evaluate and declare the following: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation of Recreation Impacts.

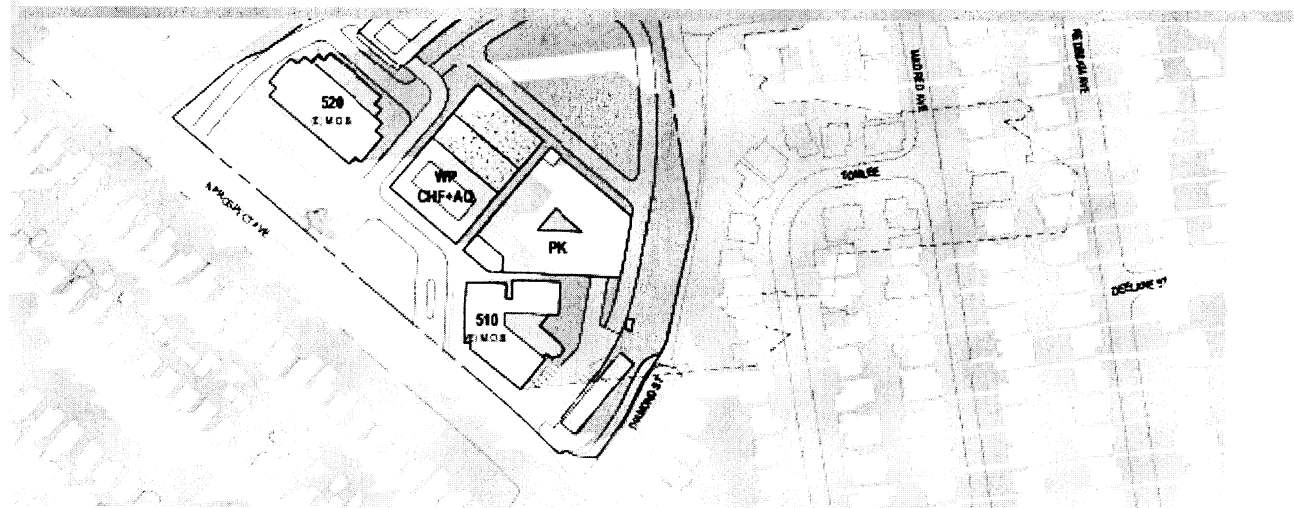
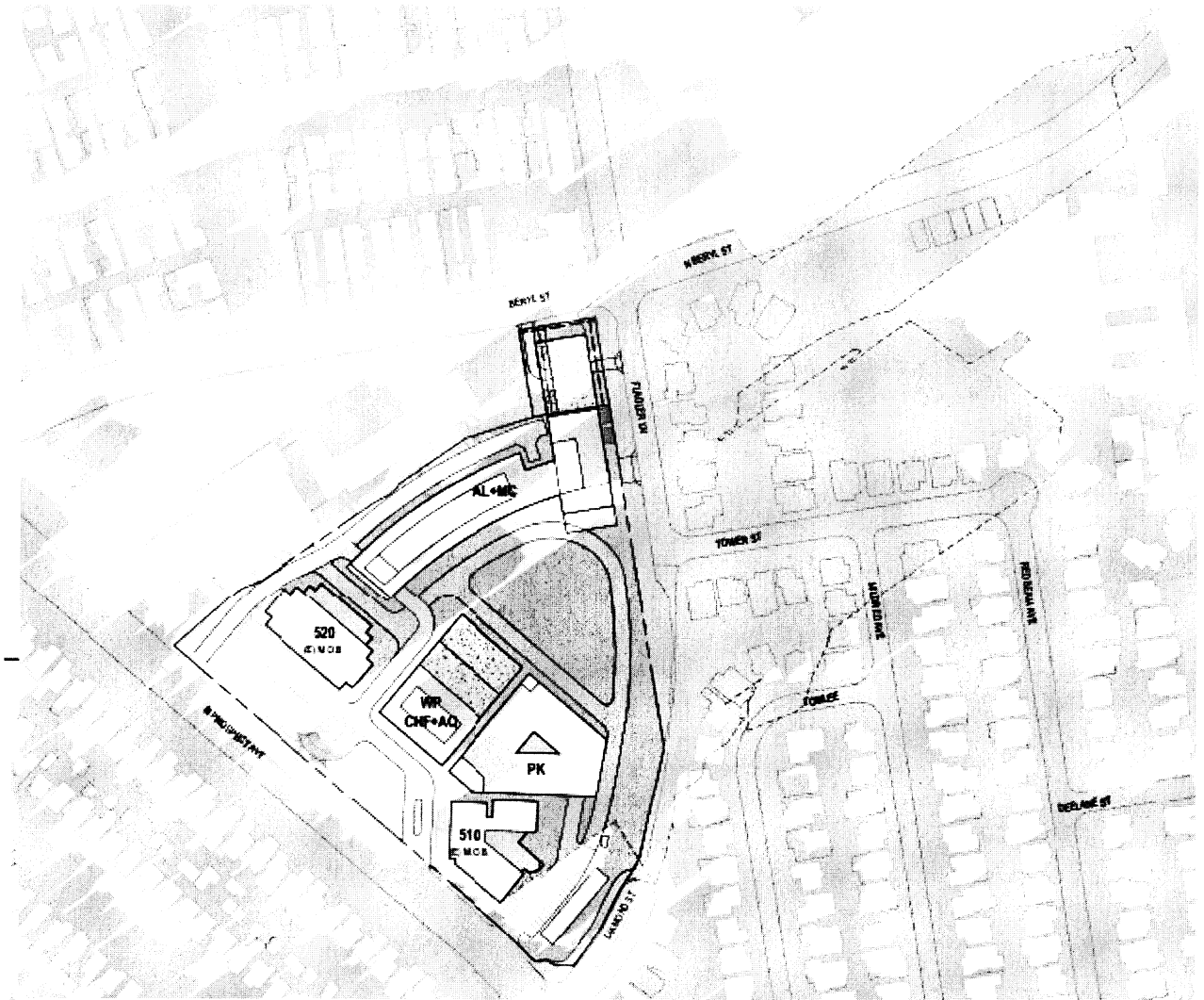
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health

impacts of shading/shadowing, it must be corrected, reissued, and recirculated for comment in order to adequately address recreation impacts.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses. In the specific case of the Towers fields, BCHD is “taking” sunlight and thereby having a significant, negative impact on school and public recreation.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.

WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)



11. BCHD Traffic/Transportation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following traffic/transportation topics: Thousands of Heavy Haul Truck Trips will have Significant Traffic Impacts; Tens of Thousands of Worker Commuter Trips will have Significant Traffic Impacts, and BCHD Plans Traffic Management; and Flaggers that will have Significant Traffic Impacts. Further, impacts on the health, education, and ADA/504 accommodations under the ADA of students at Towers Elementary are willfully ignored.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its “moral obligation.” If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms caused by BCHD negative, significant traffic impacts.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration caused by traffic is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence-based article references on the damages to students from excess noise regardless of cause.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

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The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature's intent for "freedom from excessive noise" is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer-reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

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BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

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Conclusion: The DEIR must consider intermittent noise impacts caused by BCHD induced traffic on students to protect their Legislative Intent right to freedom from excessive noise regardless of cause, and not violate the Americans with Disabilities Act. BCHD must also always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

12. BCHD Has No Comprehensive Employee Analysis for RCFE or PACE Participants, Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the RCFE and PACE daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

13. BCHD Has No Comprehensive Employee Analysis for Phase 2 Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the Phase 2 daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

14. BCHD Knowingly Plans to Impact Community Chronic Stress, the Blue Zones Silent Killer Chronic Stress Causes and Damages

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. Given that BCHD spent \$2M of our taxpayer funds on Blue Zones, it should be clear that that BCHD either believes and acts consistent with Blue Zones, or, BCHD is chronically malfeasant.
<https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

Title: The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

Title: Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Title: Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Title: Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Title: Health effects caused by noise: evidence in the literature from the past 25 years

For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Title: Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Title: Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis

Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Title: Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Title: Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical outcomes in

children with asthma, suggesting that when pollution exposure is more modest, vulnerability to asthma exacerbations may be heightened in children with higher chronic stress.

Sirens/Emergency Vehicles Impacts Leading to Chronic Stress Health Damages and PTSD

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

Title: The acute physiological stress response to an emergency alarm and mobilization during the day and at night

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6540098/>

Title: Impact of Stressful Events on Motivations, Self-Efficacy, and Development of Post-Traumatic Symptoms among Youth Volunteers in Emergency Medical Services

Chronic Stress Impacts on the Brain

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5573220/>

Title: Neurobiological and Systemic Effects of Chronic Stress

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5579396/>

Title: The Impact of Stress on Body Function

As is seen in many, many peer-viewed studies and published frequently by Blue Zones, a vendor of BCHD that BCHD paid \$2M, chronic stress is a direct result of noise, traffic, emergency vehicles and other stressors that BCHD has, and intends to inflict on the surrounding neighborhoods. According to the Bakaly "moral obligation" standard, BCHD must abate any chronic stress impacts to proactively prevent damages to the community.

NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

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- i https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf
- ii <https://www.bchdcampus.org/faq>
- iii https://www.youtube.com/watch?v=RCOX_GrreIY
- iv https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEOA_Statutes_and_Guidelines.pdf
- v http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- vi <https://bchdcampus.org/communityworkinggroup>
- vii https://www.bchdfiles.com/docs/bchd/BCHD%20Healthy%20Living%20Campus%20Master%20Plan_NOP_IS%20Checklist_062719.pdf
- viii California Public Records Act response from BCHD “Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Dec 5, 2019, 6:02 PM”
- ix http://bchdfiles.com/docs/hlc/BCHD_DEIR_For%20Print_031021.pdf
- x http://www.bchdfiles.com/docs/hlc/BCHD_HLC_scoping_comments_oct2.pdf
- xi https://bchd.granicus.com/DocumentViewer.php?file=bchd_4733c5665b9cb92bb847803b1c2e1459.pdf&view=1
- xii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations
- xiv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org> Subject: Comments regarding the BCHD Living Campus Master Plan EIR
- xv Bruce Steele (pt. 2) Torrance, June 17, 2020 BoD Meeting
- xvi Susan Earnest 06/17/20 6:32 PM BoD Meeting
- xvii Gary Dyo Torrance 06/17/20 4:16 PM BoD Meeting
- xviii Bruce Szeles Torrance 06/17/20 7:05 PM BoD Meeting
- xix James Light Redondo Beach 06/17/20 8:14 PM BCHD BoD Meeting
- xx Redondo Beach RESOLUTION NO. CC- 1606- 052
- xxi [REDACTED] Max height 75-feet, Avg height under 35-feet
- xxii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>
- xxiii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5299389/>
- xxiv <https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx555Fr9i10Qrv8vxSHsBc#v=onepage&q&f=false>
- xxv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>
- xxvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2972983/>
- xxvii <https://pubmed.ncbi.nlm.nih.gov/15677104/>
- xxviii <https://global.ctbuh.org/resources/papers/download/2100-when-buildings-attack-their-neighbors-strategies-for-protecting-against-death-rays.pdf>
- xxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2728098/>
- xxx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3779905/>
- xxxi From: Lauren Berman [REDACTED] Sent: Wednesday, July 24, 2019 11:56 AM To: EIR <eir@bchd.org> Subject: Health District Project Concerns
- xxxii Randy & Pamela Quan Torrance 06/15/20 8:55 PM June 17, 2020 BoD Mtg

xxxiii From: Philip de Wolff [REDACTED] Sent: Sunday, July 28, 2019 11:40 AM To: EIR <eir@bchd.org> Subject: BCHD Environmental Report

xxxiv Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations

xxxv From: April Telles [REDACTED] Sent: Sunday, July 28, 2019 7:11 PM To: EIR <eir@bchd.org>
Subject: Comments regarding the BCHD Living Campus Master Plan EIR

xxxvi From: Wayne Craig [REDACTED] Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org> Subject: BCHD - EIR Public Comments Att Nick Meseinger

xxxvii <https://pubmed.ncbi.nlm.nih.gov/31514400/>

xxxviii https://www.eurekalert.org/pub_releases/2020-08/b-apl081720.php

xxxix <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>

xl <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-019-0501-7>

xli <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740122/>

xlii <https://jamanetwork.com/journals/jama/article-abstract/2667069?redirect=true>

xliii <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>

xliv <https://pubmed.ncbi.nlm.nih.gov/31746986/>

xlv <https://pubmed.ncbi.nlm.nih.gov/26426942/>

xlvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>

xlvii Dr. Frank and Glenda Briganti [REDACTED] Torrance, CA 90503 July, 26, 2019

xlviii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations

xliv From: Stephanie Dyo [REDACTED] Sent: Saturday, July 20, 2019 12:13 AM To: EIR <eir@bchd.org>
Subject: CONCERNS to be Addressed in the EIR

l <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3757288/>

li <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901841/>

lii <https://www.edweek.org/leadership/low-level-classroom-noise-distracts-experts-say/2015/01>

liii https://www.researchgate.net/publication/264730841_The_Effect_of_a_Noise_Reducing_Test_Accommodation_on_Elementary_Students_with_Learning_Disabilities

liv <http://www.edaud.org/journal/2001/4-article-01.pdf>

lv DEIR Figure 2-10 shows Towers Elementary and West High on Haul Route

lvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/pdf/envhper00310-0128.pdf>

lvii <https://asa.scitation.org/doi/10.1121/1.2812596#:~:text=While%20at%20school%20children%20are,%2C%20motivation%2C%20and%20reading%20ability.>

lviii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4918669/>

lix <https://www.bluezones.com/2019/05/how-stress-makes-us-sick-and-affects-immunity-inflammation-digestion/>

lx <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6460614/>

lxi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6033330/>

lxii From: Wayne Craig [REDACTED] Sent: Monday, July 29, 2019 10:30 AM To: EIR <eir@bchd.org>
Subject: BCHD - EIR Public Comments Att Nick Meseinger

lxiii Mark Nelson [REDACTED] BCHD HLC CWG Member July 29, 2019 EIR NOP Comment Processor
EIR@bchd.org SUBJECT: Comments on NOP and Response to Public Meeting Presentations

lxiv From: peggy north [REDACTED] Sent: Sunday, July 28, 2019 11:44 AM To: EIR <eir@bchd.org>

lxv From: Aileen Pavlin [REDACTED] Sent: Saturday, July 27, 2019 9:48 AM To: EIR <eir@bchd.org> Cc: OMartinez@torranceca.gov <OMartinez@torranceca.gov> Subject: Beach Cities Health District Project

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 11:08 AM
To: Martinez, Oscar
Subject: FW: Beach Cities Health District Healthy Living Campus Project, DEIR No. 2019060258
AKA HLC Draft Environmental Impact Report ("DEIR")
Attachments: Phase 2 Data Flaws in the DEIR.docx

From: B W [REDACTED]
Sent: Thursday, June 10, 2021 11:05 AM
To: EIR <eir@bchd.org>
Cc: Bill.brand@redondo.org; todd.loewenstein@redondo.org; nils.nehrenheim@redondo.org;
christian.horvath@redondo.org; laura.emdee@redondo.org; zein.obaji@redondo.org; eleanor.manzano@redondo.org;
joe.hoefgen@redondo.org; Furey, Pat <PFurey@TorranceCA.gov>; Chen, George <GChen@TorranceCA.gov>; Griffiths,
Mike <MGriffiths@TorranceCA.gov>; Mattucci, Aurelio <AMattucci@TorranceCA.gov>; Ashcraft, Heidi
<HAshcraft@TorranceCA.gov>; Kalani, Sharon <SKalani@TorranceCA.gov>; City Clerk <CityClerk@TorranceCA.gov>
Subject: Beach Cities Health District Healthy Living Campus Project, DEIR No. 2019060258 AKA HLC Draft Environmental
Impact Report ("DEIR")

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Please verify sender before opening attachments or clicking on links.

Dear Mr. Meisinger:

In addition to other comments I have filed, enclosed are some additional public comments regarding why I find the DEIR inadequate and incomplete, and lacking sufficient mitigations to ensure the environmental safety of Torrance and Redondo Beach residents who will suffer most if this project is approved.

Upon receipt, I would greatly appreciate it if you would confirm receiving the attached public comments as I have not heard back from you regarding the previous public comments I have submitted to you.

Thank you,

Brian olfson

City of Torrance

Nick Meisinger re: Healthy Living Campus Wood Environment & Infrastructure

Solutions, Inc.

9177 Sky Park Ct.

San Diego, CA 92123

Regarding: Beach Cities Health District Healthy Living Campus Project, DEIR No.

2019060258

AKA HLC Draft Environmental Impact Report ("DEIR")

Dear Mr. Meisinger:

In addition to other comments I have filed, enclosed are some additional public comments regarding why I find the DEIR inadequate and incomplete, and lacking sufficient mitigations to ensure the environmental safety of Torrance and Redondo Beach residents who will suffer most if this project is approved.

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." 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." Additionally, 1. Designation of an environmental impact as significant does not excuse the EIR's failure to reasonably describe the magnitude of the impact. 2. 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.

I am greatly concerned that this is the case with the traffic and greenhouse gas analysis as presented in section 3.14, page 39, BCHS Project DEIR. I am alarmed that there is a rush to approve the Project but hopeful the BCHD Board of Directors, together with Wood Environment & Infrastructure Solutions and the team of consultants including Fehr and Peers, who prepared the DEIR will withdraw the DEIR or recirculate it after the flawed data is corrected.

As noted in section 3.14, page 39 the DEIR states the Phase two Aquatic Center trip generation estimates were not completed by the team hired to conduct the analysis but instead, the team used preliminary findings. In a recent court case [Ref: <https://www.rmmenvirolaw.com/sierra-club-v-county-of-fresno>] the EIR was deemed insufficient because it identified significant air quality impacts but failed to gather accurate data, creating a serious flaw in the mitigation measures.

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).” [Appendix J-Non-CEQA Intersection Operational Evaluation.pdf \(bchdfiles.com\)](#)

This section of the Phase 2 analysis in the DEIR and the supporting documentation is 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 was required and had to be done. 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.” The firm’s profile [Ref: <https://ballardking.com/firm-profile/>] 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: <https://www.nsga.org/research/nsga-research-offerings>] The NSGA routinely 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: <https://www.nsga.org/globalassets/products/product-images/single-sport-participation-2017-edition---example.pdf>] 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.” 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: DEIR Traffic Mitigations]

Conclusion: The EIR must provide analyses with enough substance to access accurately the impact of the HLC on Traffic Impacts and GHG emissions. The DEIR Transportation/Traffic Analysis is Deficient. The explanation of traffic metrics and their justifications is inadequate. The traffic analysis for the EIR must be redone along with all other sections that are affected by the unreliable, unsubstantiated data.

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 1:01 PM
To: Martinez, Oscar
Subject: FW: Comment on the HLC DEIR
Attachments: TOO 6-9.pdf

From: Tim Ozenne [REDACTED]
Sent: Thursday, June 10, 2021 11:48 AM
To: EIR <EIR@bchd.org>
Cc: City Clerk <CityClerk@TorranceCA.gov>; Eleanor.Manzano@redondo.org; Tim Oliver Ozenne [REDACTED]
Subject: Comment on the HLC DEIR

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Attached is an additional Comment from Tim Ozenne, a resident of Torrance, regarding BCHDs Draft Environmental Impact Report. It is my understanding that the comment deadline is today, June 10.

I would appreciate a short *confirmation* that this message and the attachment have been received. Please advise if there are any problems opening this PDF document.

No doubt, my comments include several inadvertent typographical or similar errors. So, please do your best to make sense of the material.

I am providing copies to the City Clerks of Torrance and Redondo with the hope that this material will be recorded and distributed as appropriate to affected mayors, councilpersons, and department heads.

Comment on the HLC's RCFE Element

The Draft Environmental Impact Report (DEIR) is deficient in that it fails to establish that BCHD has a legal right to establish residential facilities, including the proposed residential facility for the elderly, under its *special district* powers (HSC §32000–32492). The DEIR seems to presume this facility is authorized, but it is not. At minimum, the DEIR should state the specific legal basis for erecting an RCFE, or how BCHD could remove obvious legal impediments to construction of such a facility by a healthcare district.

The enabling law for Health Care Districts (HCDs), §32000–32492, includes this material at §32121:

j. To establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. “Health care facilities,” as used in this subdivision, means those facilities defined in subdivision (b) of Section 32000.1 and specifically includes freestanding chemical dependency recovery units. “Health facilities,” as used in this subdivision, may also include those facilities defined in subdivision (d) of Section 15432 of the Government Code.

k. To do any and all other acts and things necessary to carry out this division.

l. To acquire, maintain, and operate ambulances or ambulance services within and without the district.

m. To establish, maintain, and operate, or provide assistance in the operation of, free clinics, diagnostic and testing centers, health education programs, wellness and prevention programs, rehabilitation, aftercare, and any other health care services provider, groups, and organizations that are necessary for the maintenance of good physical and mental health in the communities served by the district.

These subsections are rather different. Subsection (j) authorizes certain facilities, and services, namely those listed directly and those included in subdivision (b) of Section 32000.1 and in subdivision (d) of Section 15432. Subsection (m) here goes further to include free clinics, diagnostic and testing centers, health education programs, wellness and prevention programs, rehabilitation, aftercare, and any other health care services. But note that (m) does not encompass *facilities*.¹ So even if one were to imagine that (m) gives HCDs license to *assist* programs that somehow are “necessary” for good physical and mental health,¹ it does not include establishing such facilities. Moreover, one must not ignore the existing stipulation that only “necessary” programs or services are permitted. None can reasonably conflate “necessary” with useful or helpful.

¹ One argument used by some RCFE advocates is that the law, in referring to “retirement programs” really means or includes “residential programs.” But this is illogical as well as self-serving. The actual law does indeed use “retirement” four more times, but always in the context of retirement as normally conceived, and never where “residential” could mean the same thing. One might also note that, when the law first passed, it applied to hospitals, many of which had existing retirement programs. That was the plain meaning.

Next, we note the DEIR fails to tell readers if the proposed RCFE would provide other accommodations beyond memory care and assisted living. But in the summary of one advocacy group, we find this:

What do RCFEs Provide?²

Services may include:

- Assistance with ADLs: eating, bathing, dressing, toileting, mobility, etc.
- Medication management
- Social and recreational activities
- Housekeeping services
- Meals
- Transportation
- Dementia care
- Health-related services

It appears that the BCHD RCFE would provide exactly these services, although the DEIR does provide details.

One can also consult *Residential Facilities, Assisted Living, and Nursing Homes* from the National Institute on Aging³ which clearly categorizes RCFEs as *residential* facilities. Plainly, HCDs are not allowed under (k) to establish residential facilities, and--under (m)--HCDs can at most assist residential programs if they are *necessary*. Yet the DEIR has not attempted to show that its proposed RCFE facility would be allowed under section (k), nor that it can assist RCFE programs as necessary under (m).

Scope of HCD Authorized Powers:

(1) Section 15432

The term “residential” appears just twice in in §15432.

(d)(9) A multilevel facility is an institutional arrangement where a residential facility for the elderly is operated as a part of, or in conjunction with, an intermediate care facility, a skilled nursing facility, or a general acute care hospital. “Elderly,” for the purposes of this paragraph, means a person 62 years of age or older.

... (14) A nonprofit community care facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, other than a facility that, as defined in that subdivision, is a residential facility for the elderly, a foster family agency, a foster family home, a full service adoption agency, or a noncustodial adoption agency.

Plainly, the proposed BCHD is not included as part of a “multilevel facility” as described in (d)(9). And, as to (14), clearly, HCDs are government agencies, not private entities, and thus do not qualify as “nonprofit” for purposes of §15432 and RCFEs belonging to HCDs cannot be construed as a community care facilities.

Thus, one cannot reasonably conclude that RCFEs such as that proposed by BCHD are authorized under §15432.

(2) Section 1250

Next, one must consider §32000.1 which links directly to §1250 ⁴

² <http://caassistedliving.org/about-assisted-living/assisted-living-in-california/>

³ <https://www.nia.nih.gov/health/residential-facilities-assisted-living-and-nursing-homes>

⁴ §32000.1 stipulates: “b. ‘Health care facility’ shall mean a health facility as defined in Section 1250 and a clinic as defined in Section 1204.’”

Section 1250 *might* also include RCFEs as “health facilities, but *it does not*. Subsection (i)(1) and (2) have just one reference to “residential,” stating

(i) (1) “Congregate living health facility” means a *residential* home with a capacity, except as provided in paragraph (4), of no more than 18 beds, that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in paragraph (2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.

In short, even if BCHD sought to qualify its proposed RCFE under (i)(1) as a congregate living health facility—and that could be challenged—this passage clearly limits the number of beds and includes additional conditions not offered in the BCHD facility.

The DEIR is plainly incomplete as regards the RCFE element as it fails to establish that BHCD has the power to establish this sort of residential facility. Thus, any Final EIR must address this issue or the public will have no way of determining if the HLC is even legal.

Sincerely,
Tim Ozenne
Local Resident

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 1:02 PM
To: Martinez, Oscar
Subject: FW: BCHD proposed building project on Prospect

From: [REDACTED]
Sent: Thursday, June 10, 2021 11:54 AM
To: cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; citycouncil@hermosabeach.gov; cityclerk@citymb.info; skeller@rbusd.org; superintendent@tusd.org; stowe.tim@tusd.org; rbpta@rbusd.org; torranceptas@gmail.com; communications@bchd.org; eir@bchd.org; pnovak@lalafco.org; Chen, George <GChen@TorranceCA.gov>
Cc: [REDACTED] 'LINDA Zelik' [REDACTED] [REDACTED]
Subject: BCHD proposed building project on Prospect

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

To whom it may concern,

We are 25-year residents of north west Torrance and live less than 2 blocks from the proposed building site.

Our neighbors have been actively involved for years and frequently voiced our opinions against this terrible travesty at both the in-person and zoom meetings. Unfortunately, all of our very valid concerns not only have fallen on deaf ears, but the project's proposed square footage and height keeps mushrooming, getting more absurd each year. Tragically, the adverse consequences for the community are much worse now than even when originally proposed.

We are vehemently opposed to this ill-advised monstrosity for many reasons:

***Health hazards.** The demolition and construction for 5-10 years will result in fallout from the airborne contaminants including concrete dust, asbestos, lead, PCB's & probable mold, among others. These contaminants will certainly be detrimental to the local residents, particularly school children, seniors and persons with asthma. It is not hard to anticipate many **expensive lawsuits** from this. Within a one-mile perimeter there are five schools whose students will be adversely affected, Towers Elementary, Parras Middle School, Beryl Heights, West High and Redondo High. Most especially Towers as their playground is less than 100 feet away! Have you considered that the **children will not be able to play outside for well over five years?** Have you even cleared this with the respective school boards?

***Illegal Zoning.** This 11-acre plot of land was never intended for a **commercial, for-profit business.** This was always intended to be for the use of, and the betterment of, the local residents. This high-priced business venture to house rich senior citizens **absolutely does not qualify!** Therefore, you are **breaking the longstanding laws and codes** put in place to protect local citizens.

***Traffic/Safety Issues.** The streets around Prospect, Beryl, Flagler and Del Amo (which surround a large strip mall) are already extremely congested. This project would not only double the traffic congestion but

would cause severe safety issues for the children attending the five schools mentioned above. Children cross these surrounding streets by foot, on bikes and on skateboards. Again, our children should not be subject to these life and death dangers that this project will create. If you don't care about children's lives, do you at least care about the lawsuits that will result?

***Quality of Life for Redondo and Torrance residents.** This mammoth project does **not fit** into this residential community! Building something the size of The Staples Center in a residential area is detrimental to our quality of life in many respects. One of which is that it will block sunlight and ocean breeze for the nearby residents. Not to mention, our property values have decreased because this over-building plan **might** go to fruition.

I implore you, please DO NOT go forward with this proposed project! Certainly, you can find other, more community friendly uses for this land.

George and Pam Afremow
[REDACTED] Torrance

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 1:42 PM
To: Martinez, Oscar
Subject: FW: DEIR Comments for BCHD SCH No. 201 9060258
Attachments: Davidson BCHD DEIR Comments.pdf; BCHD DEIR NOISE .pdf

From: Joan Davidson [REDACTED]
Sent: Thursday, June 10, 2021 1:39 PM
To: eir@bchd.org
Cc: City Clerk <CityClerk@TorranceCA.gov>; CityClerk@redondo.org
Subject: DEIR Comments for BCHD SCH No. 201 9060258

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

To Whom it May Concern,

Please find attached my comments for the BCHD Healthy Living Campus Draft Environmental Impact Report (Draft EIR)

Thank you
Joan Davidson
[REDACTED]
Palos Verdes Estates, CA 90274

DEIR Comments: BCHD SCH NO. 201 9060258

(Prepared for Joan Davidson)

3.11 NOISE

Due to the complexity of the Project configuration, a three-dimensional (3D) airborne noise analysis should be done to completely assess the impact of Project generated noise on the neighboring residential properties. The Project noise environment cannot be adequately analyzed nor be accurately assessed using standard and commonly used engineering methods for noise assessment as presented in the Project DEIR. I recommend that an acoustical physicist perform a 1/3-octave band 3D acoustical analysis of the proposed BCHD Project using 3D SoundPLAN. I also recommend that the responsible party contact Hans Forschner at NavCon Engineering in Fullerton, CA to perform this analysis. The 3D analysis will more accurately assess the impact of the proposed Project on the ambient noise level in the existing residential areas that surround the Project Site.

Currently, the best available 3D model is SoundPLAN, the international standard, which was one of the very first noise modeling software packages on the market available beginning in 1986. It has become a very popular 3D noise assessment model worldwide. The primary use for SoundPLAN is the prediction of noise in the environment.

Noise emitted by various sources propagates and disperses over a given (complex) terrain in accordance to the laws of physics. Worldwide, many governments and engineering associations felt the need to create a 3D model based on the principles of acoustics so that different engineers assessing the same scenario would get reasonably similar answers.

When the first standards were introduced, computers were not available for everyday noise calculations, so the equations were simplified for hand calculations. Some of these standards, designed 30 years ago, are still in use today. Over time, generations of researchers have measured noise and developed different interpretations of cause and effect, so the equations are becoming more complex to better represent the complex nature of sound propagation in the environment.

The calculations have become so complicated and time consuming that the use of computers is paramount and absolutely required. Hand calculations and rough estimates with spreadsheets containing endless tables of data are a thing of the past and have questionable accuracy in many complex environmental applications. Because of this problem the old approach can generate predictions that can cause the planning engineer to arrive at the wrong conclusions.

SoundPLAN software solves complex problems automatically to free the consulting engineers mind so he can solve the creative part of noise planning. It was developed by a team of engineers, geographers, physicists and computer science specialists at SoundPLAN GmbH in Backnang, Germany which is an engineering company primarily focused on noise control and

software development. SoundPLAN treats the full 3D physics of sound propagation and includes treatments for edge diffraction, surface reflection, and surface absorption effects and then makes high-resolution 1/3-octave band noise propagation predictions. Trusting routine tasks to the software allows one to concentrate on a plan and efficiently enables one to present their findings to municipalities, environmental administrations, and private and government bodies from research to planning.

The end-products of the high-resolution 1/3-octave band 3D SoundPLAN noise propagation predictions are detailed noise intensity contour maps that provide the reviewer and city planners with easily assimilated graphically presented noise content. This provides the reviewer with a comprehensive pictorial view of the effects of noise propagation on sensitive receptors generated by large projects during construction and during operation after completion. For this Project, in particular, it will show the effect of disturbing noise on neighboring residential, commercial, and community properties.

The roadway traffic noise predictions are made by the Federal Highway Administration Traffic Noise Model (FHWA TNM) version 2.5. which is built into SoundPLAN.

SoundPLAN should utilize a physical (geometric) description of major neighboring roadways and those neighboring roadways that Project vehicles will use. Vehicular traffic on these roadways is the primary continuous ambient (exterior) noise source for this Property.

Hourly traffic counts measured by the City of Torrance and the City of Redondo Beach for these roadways should be used in the analysis.

The developer should clearly identify the excavation and construction equipment that will be used including and their typical sound levels (dBA) 50 feet from the source: air compressors, backhoes, compactors, concrete mixers, concrete pumps, concrete vibrators, mobile cranes, bulldozers, generators, grader, impact wrenches, jack-hammers, loaders, pavers, pneumatic tools, pumps, rollers, saws, trucks, etc. Identify the sources of the data documented.

Also, carefully estimate the number of truckloads (and truck weights) of soil and other heavy materials that will be transported to and from the Project Site using the neighboring roadways.

A 1/3-octave band 3D environmental noise propagation analysis is also required for the completed Project since it has the following features:

1. Immense Project size and scale --- large buildings having many large noise reflecting surfaces
2. Multiple traffic corridors between buildings --- noise channeling between buildings
3. Noise diffraction (bending) around building's vertical and horizontal edges
4. Project's physical complexity --- very high large irregularly shaped buildings
5. Multi-level parking structure with many noise radiation perimeter openings and reverberant interior surfaces
6. Complex distribution of many potential onsite disturbing noise sources including many rooftop HVAC units that might require noise barriers

7. Frequent ambulance activity

The surrounding communities could respond depending upon the extent to which Project generated noise exceeds the ambient sound level. Typical response is described in the textbook "Engineering Noise Control --- Theory and Practice", 2nd Edition, by D.A. Bias and C.H. Hansen, E & FN Spon Publishers, 1996:

The 'acceptable noise' in this discussion can be considered to be the 'ambient traffic noise'. These guidelines provide an estimate of public reaction to noise exceeding the background acceptable level which in this case is assumed to be the ambient noise level.

It is very important to thoroughly investigate the propagation and impact of airborne and ground-transmitted noise from the proposed Project during excavation and construction on the surrounding community. It should also be followed by a thorough investigation of the impact of airborne noise generated by the completed Project on the surrounding community.

Sincerely,

Dave Brent, Acoustical Consultant, INCE

Reliant Environmental Acoustics, LLC

[REDACTED]

Torrance, CA 90505

[REDACTED]

BCHD Healthy Living Campus Master Plan
State Clearinghouse No. 2019060258
DEIR Comments

1. **3.8-1 Table - Hazards and Hazardous Materials**

Table references the pond on site but fails to disclose the use of the pond as related to the pond at the Dominguez Park (aka Redondo Beach Municipal Dump)

DEIR fails to adequately determine and/or investigate the hazards on site related to the pond described in the Converse Report, 2020. The DEIR fails to determine the geologic and environmental hazards of the pond seen on historical aerials.

'Pond' on site: The Converse Report 2020 notes:

Converse Report 2020, Item: 2.3: "a pond in the center of Parcel 1, from as early as 1924 to 1941. Parcel 1 appeared vacant, and 47. By 1951, the Site appeared partially graded, and by 1956 the Site appeared developed with a baseball field."

Research determined that the immediately adjacent Dominguez Park was the former Redondo Beach Municipal Dump, also had a pond.

This dump pond was reported in the LA Times, June 2, 1963, "City's Costs to Go Up for Rubbish Dumping" and states that *"it was used as a sewage evaporation area. The dump is bounded by Flagler Lane and Beryl and 190th Streets."*

DEIR fails to investigate the use of the pond acknowledged on the BCHD site and if it too was used for sewage evaporation. DEIR fails to investigate/determine if the sewage pond contained hazardous wastes and if any of these wastes leaked onto the BCHD site.

The consequences of the sewage evaporation would have contained serious and hazardous chemicals and hazardous wastes left at the BCHD. DEIR fails to identify if the Pond at the BCHD site was also a sewage evaporation pond and if that is the "responsible party" as that term for responsibility is discussed but not answered.

DEIR fails to investigate the use of any/all persons, companies, agencies whether private or public, and what chemicals, contents were dumped onto the BCHD site by any sewage wastes, and if so, is it a safe site for human residential purposes since wastes were potentially dumped onto the BCHD site.

DEIR fails to determine the source of the 'pond' on BCHD SITE.

Converse 2020 Report states under: **4.1 Subsurface Conditions** Groundwater was not encountered in any of the borings completed to a maximum depth of 30-feet bgs during this assessment. Please provide the source of the pond on the BCHD site and DEIR investigation of

3.8.2 **Hazards and Hazardous Materials - DEIR fails to adequately investigate/or determine if the continued source of the historical pond and if it was a natural phenomenon. DEIR fail to analyze affects the geologic stability of the BCHD site if the water source is still present.**

DEIR fails to depict any groundwater sources, whether naturally occurring or caused by man-made conditions, that caused the former pond, and the future effects on the building, its' stability, effects upon the heavy construction for a 6-story building to be completed.

DEIR fails to determine analysis of contents of the hazardous wastes left by the pond, possible sewage wastes left by the pond, and geologic issues related to these circumstances. The DEIR fails to consider and investigate the geologic or environmental issues of adjacent land, Dominguez Park landfill, and to forecast construction issues that cause settling and cracks and other stability issues. DEIR fails to analyze effects upon the Dominguez Park landfilled areas where upon a historical building is located and already suffering from cracks and settlement. From an aerial perspective these properties are related in time and use of the vacant lands. And the real possibility of the BCHD site pond being used for the same sewage wastes.

DEIR fails to address the settling of the land adjacent at the Dominguez Park and potential to affect the BCHD site if conditions are duplicated at BCHD:

In the Daily Breeze, Kristin Agostoni, 9/20/2017, article notes: 'The Redondo Beach museum located at the Dominguez Park sits on solid ground, but a back room added 14 years ago rests on infill material that apparently isn't stable enough; a gaping crack runs from the cottage's rooftop and down its eaves and siding.' "Obviously that area was a landfill, and over time there's been some settling," said Cornerstone Construction's Vic Braden, a Redondo Beach resident."

DEIR fails to investigate the potential for the same instability at the BCHD due to former usage impacts including a pond.

3.8-4: Hazards and Hazardous Materials:

DEIR fails to correctly describe the Former Landfill at 200 Flagler Lane adjacent to BCHD and effects on the BCHD site.

This Dominguez Park (Redondo Beach Dump) landfill operated from 1904 to 1967, during which time it accepted "inert, residential" waste." Please note that 'inert, residential' wastes defined

by the standards at that time, which means it most likely be considered hazardous waste by today's standards.

3.8-4: Hazards and Hazardous Materials: DEIR fails to discuss the PCE as a carcinogen with soil inhalation exposure in cumulative exposures from airborne toxins from construction over the 6-year period and the human health effects.

DEIR fails to include the cancers associated with PCE inhalation exposures, such as multiple myeloma being one of the more serious cancers, and the doctor(s) who have already been diagnosed with and/or passed away with offices at this campus.

DEIR fails to include an analysis of long-term exposure to PCE and consequences to human health as described below:

'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).'

DEIR fails to adequately analyze the human health effects of Benzene found in the soils and effects and **fails to conduct a comprehensive human health study** of the airborne effects of the Benzene known to be within the soils in the data.

"In contrast exposure to PCE in unconfined spaces presents very limited risk given its rapid volatilization (i.e., evaporation or dispersal in vapor form). As described in further detail below a Phase II ESA – including soil sampling and indoor ambient air quality testing – was conducted at the Project site to determine the extent of PCE contamination as well as the potential for exposure to unsafe levels of PCE within confined spaces (i.e., buildings) on the campus. "

DEIR fails to conduct a human health comprehensive health study on the effects of multiple exposure to the carcinogens found at the site, either in soil vapors or through airborne exposures.

3.8.4 DEIR FAILS to explain the presence of PCE at borings across the **entire BCHD Site**. The DEIR states the former dry cleaners at 1232 Flagler " is suspected to be a source of tetrachloroethylene (PCE) soil contamination at the Project site and the neighboring properties (Converse Consultants 2020)." **DEIR fails** to explain the high levels of PCE found at soil borings across the entire site. DEIR fails to investigate through a comprehensive report by which the PCE traveled to Borings BC1-20, BC1-30, BC2-5, BC2-15, BC2 located at times some 600 ft or more from the cleaners along another street, and NOT on the BCHD site. DEIR FAILS to determine the presence of PCE and/or other carcinogens or constituents of concern in Borings so far away from the alleged cause of the PCE. It does not seem possible that PCE traveled so far from its' source as the dry cleaners. If it is so, the please provide testing of the other

sites/stores, homes in the same proximity to prove the DEIR statements of dry cleaner contaminations across BCHD.

3.8.5 Hazards and Hazardous Materials - DEIR States:

“After which it was issued a “completed-case closed” designation by the Los Angeles RWQCB on October 1, 2012 (Converse Consultants 2019).” RWQCB did not issue a determination of the site for residential purposes.

DEIR fails to provide who made the determination this BCHD area on site was a fit site for human habitation without consequence to human health.

Converse Report 2019, 5.3.2 states “All three sites are considered environmental concerns.” **Thereafter, the DEIR fails to adequately investigate and has not completed comprehensive human health reports to determine the effects of all three sites on human health.** In addition, the Converse Report 2019 states 5.3.2 “possible soil and soil vapor impacts” and DEIR fails to adequately investigate the determination that the comprehensive health report and effects on human health for residential living.

Converse Report 2019, 5.4, states: “Concern for past impacts from well installation and need for re-abandonment for future development are a concern.”

DEIR fails to conduct adequate comprehensive human health investigation to determine the site is safe for human health and residential living as regards to the former well installation and abandonment.

Converse Report Page 63 states: “Although Converse was not able to locate any records describing the completed soil-excavation activities and confirmation soil sampling, the DPW transferred the case to the RWQCB which issued a "case-closed" designation for the LUST case in July 2015.” **DEIR fails to locate the records and to adequately complete a comprehensive investigation** to determine the site is safe for human health and residential living. The RWQCB did not issue a ‘safe for residential living’ document.

DEIR fails to mitigate the Converse Report reporting of the detection of PCE across the BCHD site in almost every location.

- Converse Report states: "PCE detected in 29 of the 30 soil-vapor samples at a maximum concentration of 2,290 ug/m³ in sample BC14-15."
- DEIR fails to include mitigation measures for PCE airborne contamination and cumulative effects, especially on children and sensitive receptors.
- DEIR fails to investigate and explain why the BCHD Site found high levels across the entire BCHD site.

3.8-26: Hazards and Hazardous Materials- Soil Contamination

- “Ground disturbing activities (e.g., excavation, trenching, and grading) during Phase 1 and Phase 2 would disturb PCE-contaminated soils, beginning with the excavation of the subterranean levels of the RCFE Building to a depth of 26 feet during Phase 1. Similarly, grading within the vacant Flagler Lot would also encounter PCE-contaminated soils. The soil samples on the vacant Flagler Lot (i.e., BC-14 and BC-15; refer to Figure 3.8-1) had the great concentrations of PCE on the Project site (Converse Consultants 2020; see Appendix G). During Phase 2 excavation for the subterranean levels of the proposed parking structure, service areas, and other trenching and grading activities during Phase 2 would encounter PCE-contaminated soils. Disturbance of benzene-contaminated soil could occur during Phase 1 with the removal of the existing northern surface parking lot and subsequent excavation and construction activities associated with the proposed RCFE Building. Disturbance of chloroform concentrations could occur during Phase 2 when demolition of the existing parking structure and potentially the Beach Cities Advanced Imaging Building as well as subsequent excavations, grading, and construction activities.”

3.8.38 DEIR States: “will work with the agencies and other public entities to address these sampling results and identify the responsible party. Long-term clean-up of PCE by the responsible party will occur as a separate remediation project”

DEIR fails to address mitigation before the DEIR is approved. That is NOT mitigation since it is not finalized before construction. The DEIR fails to provide the exact methods to do so BEFORE the construction of this project.

Airborne contamination will occur with the significant digging, unearthing of contaminated soils. The project would 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.

The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a 0.25-mile radius of an existing or proposed school that when airborne will threaten the human health and welfare of the entire community.

Yet the DEIR fails to quantify the diesel and other airborne contamination at the four schools within ¼ mile of the BCHD.

DEIR FAILS to investigate and mitigate the PCE found across the entire BCHD. DEIR fails to deal with the inhalation of PCE as cumulative effects to schools, residents and on-site persons.

Airborne particulate matter for sensitive receptors and **PCE AIRBORNE IS A DANGER and is not addressed in the DEIR.**

3.9 HYDROLOGY AND WATER QUALITY

3.9-11 DEIR states:

“The vacant Flagler Lot is unpaved, which allows stormwater to infiltrate into the ground.” Fails to determine how the infiltration would reach 600 feet+ away at BC 1 and BC 2 borings.

DEIR fails to conduct a comprehensive study of the water table that is the **top level of groundwater**. DEIR fails to study effects of the surface water as an exposed part of the water table and consequences of the project construction, run-off and future use of site.

DEIR fails to analyze the effects of construction, run off and future use of BCHD on the contamination of the groundwater.

Current groundwater contaminants constituents of concern are TDS, TCE, PCE, perchlorate, nitrate, iron, manganese and chloride. DEIR fails to analyze if the project effects on the Gage aquifer with northern boundary of the Gardena aquifer upon which it sits are significant.

DEIR fails to identify effects of the project upon the Gage and/or Gardena aquifer of any/all releases of TDS, TCE, PCE, or other constituents of concern on the aquifers and/or groundwater and groundwater wells in the area/region.

DEIR fails to identify the Well ID # 725J; State # 4S14W08E03 located along No. Prospect Avenue adjacent to the BCHD Site. Water Surface Elevation in latest data shows it at 14.10 ft. and fails to comprehensively analyze the effects of the construction, digging, and contamination on the Well and Water Surface waters in the area/region and any/all effects on human health.

Lofy Engineering 1997 letter to RWQCB states in the Geo Tracker Report that the “Groundwater levels beneath the project site appear to vary from approximately -5 to 120 feet MSL.” Which conflicts with the DEIR statements on water levels state of DEIR because groundwater was not encountered at a maximum boring depth of 61.5 feet (DEIR 3.9-12)

The Lofy Engineering 1997 letter also states that the detection limits “were higher than acceptable Contractor Required Levels (CRDL) at the time.”

DEIR fails to include the CRDL detection limits acceptable in 1997 vs. 2021. Geo Tracker:

Sample Analysis

The following constituents in Table 4 had been detected in 1990 and 1991 in: (a) soil samples during drilling for upgradient and down gradient wells (column one), (b) in groundwater during conduct of the SWAT monitoring (column two), and (c) were not detected but their detection limits were higher than acceptable Contractor Required Detection Levels (CRDL) at the time (column 3).

“The Column 3 levels included Vinyl Chloride, 1,2-dichloroethane Carbon Tetrachloride Benzene.” was stated as found in Lofy Engineering report. DEIR fails to include the contamination analysis in the investigation as it effects future BCHD human health use.

DEIR fails to determine/analysis the effects of the additional carcinogens into the waters.

DEIR fails to complete a comprehensive testing and analysis of the effects on the known constituents of concern at the BCHD site, effects of the construction and future use, and known carcinogens found on site into the waters, whether groundwater or waters of the United States. Today these carcinogens on the BCHD site are PCE, TCE, Benzene on site, and no human health comprehensive testing, analysis, and mitigation is included in the DEIR.

“The topography of the Project site is relatively flat, with gentle slopes varying from approximately 146 to 166 feet MSL and surface gradients to the northeast. The vacant Flagler lot has an approximate 2:1 gradient with surface elevations sloping towards the eastern portion of the site.” DEIR fails to investigate why BC2 boring found PCE so far away from cleaners.

“Runoff from the BCHD campus sheet flows towards the perimeters of the campus where it is conveyed to the exiting municipal stormwater drainage systems, whereas runoff from the vacant Flagler Lot is infiltrated into the unpaved ground or flows towards the east where it discharges to curb drains” DEIR fails to investigate the effect on the ocean and water ways in the region.

DEIR - APPENDIX B <https://www.bchdfiles.com/docs/hlc/Appendix%20B-HHRA%20and%20CaIEEMod%20AQ%20Calculation%20Results.pdf>

HUMAN HEALTH RISK ASSESSMENT AND CALEEMOD AIR QUALITY CALCULATION RESULTS

To; Nick Meisinger and Dan Gira, Wood Environment & Infrastructure Solutions, Inc.

From: Lora Granovsky, iLanco Environmental, LLC

B-2:

“Students at the Towers and Beryl Elementary schools were considered, but since these receptors would be located much further away from the property and would experience impacts much lower than nearby residential and onsite receptors, health impacts at these receptors were not quantified.”

DEIR fails to ensure the human health risks of thousands of school children in the four public schools by NOT quantifying the affects of airborne pollution failing upon them for six years.

Pollutant Emissions

B-3: DEIR fails to adequately investigate and create conclusions on human health safety using PM 10 to replace PM 2.5 Exposures: ...” particulate matter of 10 microns in diameter or smaller (PM10) **be used as a surrogate for the TAC DPM** when evaluating health risks associated with DPM (OEHHA 2015)”.

DEIR FAILS to conduct a comprehensive human health investigation of the health effects upon Sensitive Receptors” in this attempt to conceal the dire consequence of the exposure to Sensitive Receptors:

“Because diesel exhaust is the dominant pollutant associated with construction of the proposed Project and diesel emissions from onsite construction emissions would be emitted in closest proximity to receptors, non-diesel emissions (i.e., tire wear, brake wear, gasoline employee vehicle exhaust) and diesel truck emissions, which would occur further from receptors and would be spread across a wide network of surface streets and highways, would have a negligible contribution to health risks, and therefore were not analyzed in this HRA.”

DEIR FAILS to conduct an adequate Human Health Risk Assessment for Sensitive Receptors. DEIR is a total failure to ensure the human health risks for children at four local schools.

Medical journals and studies agree that diesel exhaust pollution significantly effects children’s health with premature deaths, asthma attacks, underdeveloped lungs. Etc.

DEIR fails to complete the comprehensive studies of this project on sensitive receptors and fails to quantify diesel emissions in the schools in proximity to the BCHD.

http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/school_guidance.pdf

Pollutants of Concern/AQMD:

“Diesel particulate matter is the toxic air contaminant of primary concern in the **South Coast Air Basin** (SCAB). Additionally, under Rule 301, the SCAQMD takes inventory of toxic emissions, and assesses fees based on the emissions of 23 HAPs:”

<http://www.rampasthma.org/uploads/RAMPasthmaDieselWeb.pdf>

“3,500 premature deaths each year as well as thousands of hospital admissions, asthma attacks and other respiratory symptoms, and lost workdays

Children exposed to high levels of diesel pollutants are five times more likely than other children to have underdeveloped lungs.^{11”}

<https://www.epa.gov/dera/learn-about-impacts-diesel-exhaust-and-diesel-emissions-reduction-act-dera>

“Human Health - Exposure to diesel exhaust can lead to serious health conditions like asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly.”

<https://www.theguardian.com/environment/2018/nov/14/diesel-pollution-stunts-childrens-lung-growth-london-study-shows>

“Pollution from diesel vehicles is stunting the growth of children’s lungs, leaving them damaged for life, a major study has found.”

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 1:43 PM
To: Martinez, Oscar
Subject: FW: Public Comment to BCHD DEIR
Attachments: BCHD HLC DEIR opos DAV FFFFFFFF 06102021.pdf

From: Delia Vechi [REDACTED]
Sent: Thursday, June 10, 2021 1:43 PM
To: City Clerk <CityClerk@TorranceCA.gov>
Subject: Fw: Public Comment to BCHD DEIR

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

From: Delia Vechi [REDACTED]
To: eir@bchd.org <eir@bchd.org>; Beach Cities Health District <communications@bchd.org>
Cc: eleanor.manzano@redondo.org <eleanor.manzano@redondo.org>; cityclerk@torranceca.gov <cityclerk@torranceca.gov>; Bill Brand <bill.brand@redondo.org>; City Council Member Nils Nehrenheim <nils.nehrenheim@redondo.org>; Todd Loewenstein City Council District 2 <todd.loewenstein@redondo.org>; Christian Horvath – Redondo Beach District 3 Council Member / Mayor Pro Tem <christian.horvath@redondo.org>; zein.obagi@redondo.org <zein.obagi@redondo.org>; laura.emdee@redondo.org <laura.emdee@redondo.org>; brandy.forbes@redondo.org <brandy.forbes@redondo.org>
Sent: Thursday, June 10, 2021, 1:27:49 PM PDT
Subject: Public Comment to BCHD DEIR

To whom it may concern:

Attached [PDF] please find the comments opposed to the BCHD DEIR for you to keep in file.

I also appreciate that acknowledge me that you have received this information for my records.

Thank you,

Delia A.
Vechi
o Beach

Redond

Public Comments to BCHD DEIR, BCHD Board, City of Redondo Beach Council Body, City Clerks of Redondo Beach and Torrance, Redondo Beach Community Development Director

communications@bchd.org, EIR@bchd.org,
eleanor.manzano@redondo.org, cityclerk@torranceca.gov,
bill.brand@redondo.org, nils.nehrenheim@redondo.org,
todd.loewenstein@redondo.org, christian.horvath@redondo.org,
zo@obagi4redondo.com, laura.emdee@redondo.org,
brandy.forbes@redondo.org

The DEIR should disclose any conflict of interest that individuals may have between BCHD and the Wood Company. This should also apply between BCHD and those contracted to produce this document including: Wood Environmental & Infrastructure Solutions, Inc., iLanco Environmental, LLC (Air Quality and greenhouse Gas [GHG] Emissions), Fehr & Peers (Transportation), and VIZf/x (Aesthetics and Architectural Services). This would disqualify their use in the DEIR and deem it null and void.

We the undersigned, [the authors of this document] also support all other public comments **opposed** to this BCHD DEIR that have been received in the Cities of Torrance, Redondo Beach, the BCHD, RBUSD, TUSD and any other Responsible Agencies that are in file in opposition to the BCHD DEIR.

The public comments, below are in response to the BCHD DEIR, and we are requesting that they become part of the public records of the Cities or entities that have received them.

REDONDO BEACH CITY RESIDENT COMMENTS

The DEIR states that the Beach Cities Health Center “have seismic-related structural deficiencies” due to the year it was built. The Beach Cities Advanced Imaging building “to a lesser extent”. The DEIR also states that these buildings require annual maintenance and in the near future the costs according to the DEIR will exceed “the annual operations revenues. If prolonged this operational deficit would lead to a reduction in BCHD programs and ultimately lead to insolvency.”

What the DEIR **ignored** that the existing buildings can be retrofitted, as per Nabih Youssef Associates report, besides that the campus maintenance is a strong bias in favor of 100% demolition and the construction of a new project that will alter the quality of life, because of the scale of overdevelopment density and building mass that does not belong of the site [land] or in the surrounding community.

The justification for the BCHD proposed project is to avoid bankruptcy or become insolvent that will force them to eliminate or reduce programs that help the tax payers. BCHD, for years, has been duplicating programs that already exist in the nearby hospitals or communities. **The new proposed project [and its financing], will for sure, will send BCHD in bankruptcy. (The ROI [Return on Investment] cannot be justified long term.)**

Health Cities Districts have been eliminated in many communities [around the State]. The ones that remain are basically hospitals: which **is not the case** for BCHD.

The DEIR has clearly described the 2 Phases proposed for this development and exposed the intention of those responsible for the idea: To **BUILD a Residential Care Facility for the Elderly** [RCFE], and **hide it under** that [slogan] of a **Healthy Living Campus**.

Phase 1: The amount of square footage dedicated to **RCFE** [is] 203,700 sf and [plus] 14,000 sf for **PACE** with a total of **217,000** sf versus 6,270 sf for **Community Services** and 9,100 **Youth Wellness Center** with a total of **15,370** sf. This disproportion in the amount of sf of the buildings sizes is sending a very clear message that the new development has only one goal to build a **RCFE** that is not part of the mission for which BCHD was created. In addition, the zoning designation, does not allow for **RCFE** either.

PACE should **not be included**, as part of the proposed project, because the beaches cities are **already served** by the **LA Coast PACE** as its name emphasizes. Consequently is a redundant or **duplication of services** [Confirmed by phone 800-734-8041 June 7, 2021]

Phase 2: This would provide a Wellness Pavilion of up to **37,150** sf, an Aquatic Center of up to **31,300** sf, and up to **20,000** sf of space for the Center for Health and Fitness (CHF) relocated back to the campus with a total build of **88,450** sf. Parking is provided in a parking structure that the sf will not be related with the healthy campus.

The Phase 2 per the DEIR is a, a-**“long range development program”** and is **“less defined”** than Phase 1.

That statement is a clear indication that the **Phase 2** that really **responds to BCHD's mission and a Healthy Living Campus**, and must be the **first** [part of phase] of any **development proposed, but instead the program is "less defined" and it is not clear when, or it will ever be built. [Funding could run out or proposed revenues fall short forcing abandonment. No funding guaranteed is mentioned in the DEIR.]**

The BCHD campus is located in **Redondo Beach** and is zoned **Public Community Facility (P-CF)** under the Redondo Beach General Plan and the Redondo Beach Zoning Ordinance. Permitted land use designation is clearly stated: A land that has that use designation has permitted: parks and recreation and public open space, governmental administrative and maintenance facilities, police, fire, cultural (e.g., libraries, museums performing and visual arts, etc.), educational as schools, human health, human services, public utility easements, and other public uses. It is **does not** included **RCFE**.

The vacant **Flagler lot**, which was **bought** by the BCHD, is zoned **Commercial (C-2)** under both the Redondo Beach General Plan and Zoning Ordinance. Part of this lot is located in the City of Torrance under their jurisdiction, regulations and their General Plan and Zoning Code.

The vacant Flagler Lot deserves separated comments because the petroleum pumps on it were working for years around the clock 24/7.

The **Flagler** Lot was **acquired** by the BCHD, with **tax payer** money (about 27% of its cost), when the oil wells were deserted.

It has **not been proved or provided to** the public that BCHD **prior** to the purchase of that lot knew about the condition of the soil. [I have requested that information from them since 2017 without success].

This information must be documented by the **seller**, and in the hands of BCHD proving that the orphaned wells in the site have been **properly plugged and cleaned up, prior** the purchase of that lot. If not, and the oil wells are a **threat** to the **residents [health, safety, and welfare] who** live nearby a liability be in the hands of BCHD.

BCHD has **never informed** to the **public**, which entity [**buyer or seller**] will take the **responsibility** if something is **wrong** with the existing **oil wells**. It will be a very **costly legacy** in addition **more tax payer money** which will be needed to resolve the matter. **BCHD** one more time **is not representing here the reason for what it was created.**

See the pertinent information from the ESA section of the DEIR page 3.8-6, 3.8-13, 3.8-14.

The BCHD purchased the property after the oil well(s) were shut down. Where are these reports and the communications with CALGEM (CaGeologic Energy Management Division) showing the abandoned well(s) are safe and the property usable? The DEIR states that a summary was prepared and sent to CALGEM. As today, there is NO RECORD of this in CALGEM records (per geologist, Andrew.Lush@conservation.ca.gov as of 06/07/2021) the issue is mentioned extensively in 3.8-26-24 and is identified in the DEIR as MM HAZ-3.

As stated above, the City of Torrance has jurisdiction in 25% of the property and their zoning regulations (S.3.4, S.3.5, S.4) do not include and abandoned well(s). How do the residents of Redondo Beach know if this property is SAFE to use? The DEIR does not show this. This opens the BCHD and the City of Redondo Beach to lawsuits if the parcel is utilized and the capped well(s) leaks or worse.

Other **Hazards** to mention in the vicinity is the now closed Dry Cleaners in the shopping plaza directly north of the project which outgassed PCE (tetrachloroethylene). This is left to phase 2 developments and no fully addressed. The DEIR nebulously states two Federal studies that say most problematic for PCES is inside. Yet, a single google search states: can occur “from occupational or environmental contamination or use of consumer products that use PCE. The most prevalent route of exposure is by inhalation and is readily absorbed through the lungs.” (turi.org). It can be very harmful to your lungs, skin and health. Who will protect the public from this chemical which is known to penetrate the body easily via air, water, and soil contamination? The DEIR never directly addressed the issue.

BCHD Mission

BCHD has an existing range of health programs, community services and various partnership programs including group meetings and a diversity of health classes. Those services are **similar** to ones that are provided by the **Torrance Memorial, Providence** Hospitals and **LA Coast PACE**. For example: the Center for Health and Fitness [CHF] provides programs and services similar to many other places all over the beach cities health district and beyond.

BCHD's website under "**About us/ Mission**" presents and promotes: "To enhance community health through partnerships, programs and services for people who live and work in Hermosa, Manhattan and Redondo Beach."

"Vision: A healthy beach community. Health Priorities 2019-2022: Nutrition and exercise. Social-Emotional Health: Substance Use, cognitive health."

As its website is indicating **BCHD** is **only** about **wellness**, which is the only **reason** that it **exists**. BCHD must focus only on that big task, the wellbeing of the residents of the South Bay, not to **incursion** into the **adventures** a **real estate developer**. It was never the purpose for which it was created and its **tax payer money in its** budget is intended for.

The **RCFE** does **not belong** on the BCHD site not only because the **Zoning** does not permit it, but also because the BCHD **Mission**. These types of **facilities** are found **adjacent** to **hospitals**: e.g. Torrance Memorial, Providence, and Cedar Sinai to name. Those hospitals are actually surrounded by many types of supporting facilities and are continuing to see more being built. The patients have immediate attention when needed and the ambulances are not crossing all over the cities continuously. Ambulance noise will not impact the residential communities and elementary schools nearby. In summation, the DEIR doesn't address the long standing issues and complaints of ambulance noise attributed to this site by the local residents. Hence, the Zoning smartly prohibits those uses now sought by the developers.

DEIR Table 3.11-2. indicates the Emergency Medical Services [EMS] calls for the existing Campus, where Silverado is located, as a tenant; inaccurately states a reduction in the numbers of trips by the Redondo Beach first responders during the period of 2015 to July 2019.

The **RCFE** proposed project is really the **only reason** for this **fake Healthy Living Campus**; deceiving the naïve and innocent. What follows is only educative or anecdotal because there should be **no time wasted in evaluating a proposed project that doesn't belong on that site, when the environmental impacts scream overdevelopment and the zoning even says it is not allowed.**

How many more burdens does the City of Redondo Beach and Torrance have to identify to clearly show it's incompatible with the surrounding community?

For example, one negative economic impact to the City of Redondo Beach is the current location where the BCHD is seated.

BCHD Healthy Living Campus has introduced to the Science a totally new and revolutionary concept that has left the entire scientific world stupefied: **The concentration of 200 residents into a small area will make them the receipts of improvements to their health and the health of the adjacent communities?** It is an offense to the intelligence of our community and its residents.

More offensive is the aggravation that the **design** of the **RCFE** proposed **building** is **obsolete before the DEIR was written**. The impact of the pandemic has affected the future of the design of these types of facilities with new trends, innovations, codes, and standards of care.

Flexibility, decentralized spaces that are smaller in size, multiple small house models, instead that poly centralized spaces together, which is the notion to living small is gaining popularity working for both assisted living and independent living. This model is family approach, people lives in smaller group of settings of 7 maximum 12 and the care is tailored around their natural rhythm.

New approaches are already, being implemented, with a **great success** utilizing **outdoor environment**, decentralized spaces with **smaller sizes and capacities**, including more amenities meeting pandemic protocols, small group of settings, and **greater emphasis on outdoor rooms** that are an extension of interior amenities. This proves that, the changes to residential care facilities have advanced successfully in a direction that is **contrary to the proposed design which lacks the adequate direct outdoor** connection, the solace to survive emotionally, and so one not found in the concentration and proposed design of this project. **This alone is another reason to stop the project.**

See the list of the undersigned on next page 10 of 10

We the residents agree with the above comments:

Delia A. Vechi-Redondo Beach

Melanie Cohen-Redondo Beach

Mary Ruth Ewell-Redondo Beach

Barbara Epstein-Redondo Beach

Jo Hrzina-Redondo Beach

Sheila Lamb-Redondo Beach

Marie Scott-Redondo Beach

Nancy Clarke-Redondo Beach

Rich Crisa-Redondo Beach

Bonnie Price-Torrance

Reggie Wong-South Bay Resident

Al Wong-Torrance

Joan Davidson-Palos Verdes

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 3:31 PM
To: Martinez, Oscar
Subject: FW: Public Comments to the BCHD DEIR
Attachments: BCHD DEIR Public Comments_AW.pdf

From: Ann Wolfson [REDACTED]
Sent: Thursday, June 10, 2021 3:23 PM
To: EIR <EIR@bchd.org>
Cc: City Clerk <CityClerk@TorranceCA.gov>; CityClerk@redondo.org
Subject: Public Comments to the BCHD DEIR

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Dear Nick Meisinger,
Please find below and attached in pdf form, my public comments to the BCHD DEIR. Please send a response so that I know you have received it.

Thank you,
Ann Wolfson

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 3:42 PM
To: Martinez, Oscar
Subject: FW: DEIR Comments for BCHD SCH No. 201 9060258
Attachments: Davidson BCHD additional comments .docx

From: Joan Davidson [REDACTED]
Sent: Thursday, June 10, 2021 3:40 PM
To: eir@bchd.org
Cc: City Clerk <CityClerk@TorranceCA.gov>; CityClerk@redondo.org
Subject: Re: DEIR Comments for BCHD SCH No. 201 9060258

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To Whom it May Concern
Please see additional comments for the:

BCHD Healthy Living Campus Master Plan

State Clearinghouse No. 2019060258

Thank you
Joan Davidson
[REDACTED]
Palos Verdes, CA
90274

On Thursday, June 10, 2021, 1:38:43 PM PDT, Joan Davidson [REDACTED] wrote:

To Whom it May Concern,

Please find attached my comments for the BCHD Healthy Living Campus Draft Environmental Impact Report (Draft EIR)

Thank you
Joan Davidson
[REDACTED]
Palos Verdes Estates, CA 90274


BCHD Healthy Living Campus Master Plan
State Clearinghouse No. 2019060258
DEIR Comments

Appendix B

“• **Terrain Elevation** - The Project site is located on a small hill. Depending on the location, the difference in elevation between the Project site and surrounding receptors varies from 30 to 100 feet. SCAQMD recommends that if all receptor elevations are lower than the base elevation of the source, dispersion modeling should assume the non-default, flat terrain option. Per SCAQMD’s conservative guidance, all sources and receptors were modeled at zero elevation.”

- **DEIR failed to use the AERMAP (below) for terrain data preprocessor.** The terrain is very different with sensitive receptors located in several directions and terrains surrounding the BCHD producing different outcomes. AQMD requires “Nearby terrain and elevation considerations, such as elevation data sets and the resolution used, coordinate system, datum, complex terrain, etc.” **DEIR failed to do so.**

AQMD: “Elevations

The AERMOD modeling system includes AERMAP , which is a terrain data processor. Terrain data, available from the United States Geological Survey (USGS), is used by AERMAP to produce terrain base elevations for each receptor and source and a hill height scale value for each receptor. AERMAP must be used to develop the terrain data required for AERMOD.”

- “**Meteorology** - The Hawthorne Airport, California meteorological dataset (Station ID 3167) was used in dispersion modeling. The dataset was processed and prepared by the SCAQMD (SCAQMD 2020b) and captures localized wind patterns. Figure 1 shows the wind rose diagram for the Hawthorne meteorological station showing that west and west-southwest winds prevail in the region. The most recent 5 years of available meteorological data were modeled (i.e., 2012 through 2016).”

DEIR fails to use a meteorological station within 2019-2021, using instead 2012-2016 which fails to identify valid wind conditions. High winds within that time were not included in the DEIR. And Hawthorne Airport station does not best represent the high winds at BCHD.

AQMD: “The meteorological station that best represents the facility’s meteorological conditions (such as prevailing winds), terrain, and surrounding land use should be used in all modeling analyses. This means that the closest meteorological station to the facility is not always the most representative meteorologically.

All technical justification used in choosing the appropriate meteorological station for dispersion modeling and health risk assessments should be included in the report submitted with the analysis and all electronic modeling files.”

June 9, 2021

Ann Wolfson
Public Comments to the BCHD DEIR

To: Nick Meisinger,

As a lifelong resident of both Redondo Beach and Torrance, I oppose the HLC project for the environmental impacts and harm it will cause surrounding residents, both during construction and the permanent damage it will have on our community. I have many concerns about deficiencies in the DEIR after reviewing the document.

The DEIR is deficient. It minimizes impacts, makes assumptions and omits data and analysis in key impact areas including, Aesthetics, Land Use, Transportation, Hazards and Hazardous Materials, Noise, Air Quality, Biological Resources and Recreation. Phase 2 descriptions are vague, lack proper visualizations and result in an unstable project. Though many health studies exist, the DEIR lacks substantive analysis of impacts to the health and well-being of residents due to these impacts, which is also incongruous with the stated mission of the public health district.

The DEIR provides restrictive assumptions in its Project Objectives. Bottom line: the public health agency's objectives are not public-focused or based on community needs. The community is not clamoring for BCHD to build a high-priced for-profit RCFE or to cede public land zoned PCF to a private developer who will develop, own and operate it. Project Alternatives are flawed and omit the most environmentally friendly and sound solution: retrofit the existing building.

The cumulative impact of these deficiencies should be addressed and the DEIR reissued to ensure agencies and the public have the appropriate data to make their determinations and responses.

These are supplemental comments and the following are a few of the deficiencies that I would like to see addressed.

Thank you for your time and attention,
Ann Wolfson

Aesthetics and Visual Resources

Incompatible with Surrounding Neighborhoods. The project and RCFE is clearly incompatible with surrounding neighborhoods. When the hospital was constructed over 60 years ago, the surrounding area was farmland. Today the site is surrounded on all sides by single family homes, schools, small apartments and parks.



Incompatible. Key Viewing Location from Harkness and Beryl

RCFE placement. The RCFE's placement on the extreme perimeter of the property, combined with its proposed scale and mass, causes significant damage to surrounding neighborhoods. This positioning of structures and its scale should not be proposed or allowed if environmental and health hazards to residents are presumed to be important. An 11-acre plot of public land does not require an obtrusive design that is neither good for the environment nor wellness of those residents living by the site.

Phase 1, the RCFE's scale, mass and position violates both the **language and spirit** of the General Plan policies for the cities of Torrance and Redondo Beach to be "compatible in scale, mass, and character with surrounding neighborhoods", as follows:

- Redondo Beach General Plan Policy 1.46.4. "... 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."
- Torrance General Plan Policy LU.2.1. "Require that new development be visually and functionally compatible with existing residential neighborhoods..."
- Torrance General Plan Policy LU.3.1. "Require new development to be consistent in scale, mass and character with structures in the surrounding area"

Single family homes and small apartments units surround the site. Some as close as 80 ft. from proposed structures. Property lines and backyards of homes on Flagler Alley in

Torrance are literally **20 ft.** from the bottom of the hillside slope. Height limits are up to 30 ft. or less to the West, East, and South. To the North, Residential RMD and Light Commercial C-2, both have 30-foot height limits.

The massive RCFE, built out to the edge of the property, ignores this and will:

- Cause significant damage to blue sky views.
- Cause major privacy issues for all surrounding residents.
- Create significant glare and night-time lighting of the 24/7 operations facility.
- Create shadow effects that are significant to Torrance homes to East, Towers Elementary school and Redondo Beach homes to the North.
- Obstruct sightlines far beyond surrounding neighborhoods.

Though many studies exist, the DEIR lacks substantive analysis of these impacts, as required by CEQA, to the health and well-being of residents and the public.

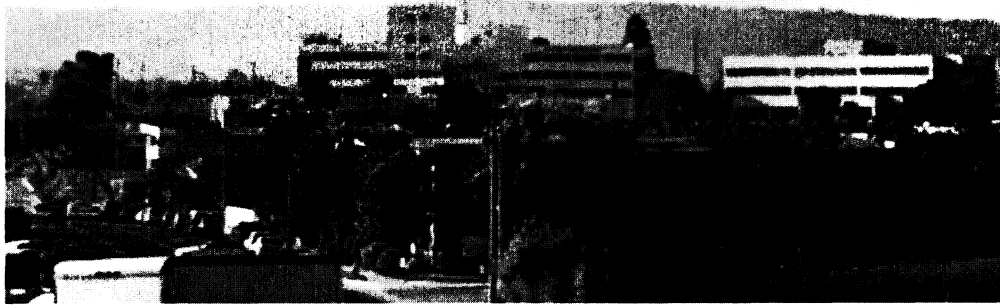
Key viewing locations flawed. KVLs provided are insufficient, deceptive and shown from innocuous sites. The main KVL from 190th and Flagler used to justify mitigation of reduction of 20 ft. height falls to address the important visual impact it is designed to address:

- Viewing location is one of the few viewing locations where the project site appears to be lower than street level, rather than elevated 30 ft. above street level.
- View of PV Ridgeline from this viewing location is not representative of views and is transitory and fleeting.

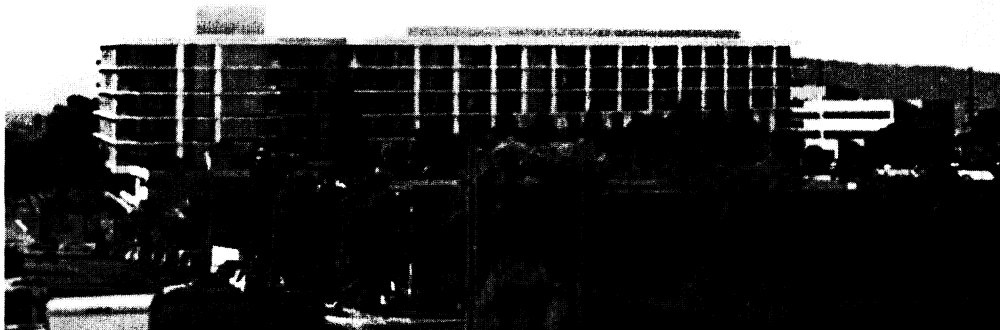
The EIR states it considered the impact the 103 ft. height of the building would have on the view of the very top of the Palos Verdes “ridgeline” from the point of view of drivers speeding along 190th and Flagler (see Figure 2).

From the DEIR,

“As such, vehicles traveling the speed limit of 35 miles per hour (mph) experience this view for approximately 30 seconds. Depending on traffic at the signalized intersection, the view could be available for slightly longer, but generally less than 1 minute.”



Before - View from 190th and Flagler



After – Imagine ground-level views blocked from all directions

The public view used to mitigate the height of the RCFE to “less than significant” could have been from any location, such as in Figure 1, where the viewing time of the public is much more stable and long-lasting.

Responsible Agency - City of Torrance not consulted on key viewing locations, as stated in the City of Torrance’s response to the DEIR. New KVLs from the city of Torrance must be provided with city input. Approximately half of the KVLs are taken from the vantage point of Torrance.

The DEIR states:

“To evaluate potential changes to visual resources, representative views were identified with input from the City of Redondo Beach.”

Phase 2 realistic photo-simulations are completely missing.

The DEIR states:

“VIS-2 The proposed Project – including the Phase 1 preliminary development plan as well as the Phase 2 development program – would alter the visual character of the Project site and surrounding areas in Redondo Beach and Torrance.”

Without Phase 2 photo-simulations and other visual aids, the visual impacts of the whole project is never shown and cannot be analyzed.

DEIR states: “maximum building footprints and maximum building heights” of Phase 2 are addressed in the DEIR, but they are never shown. Phase 2 appears to be the phantom phase – it casts a long and damaging shadow, but it is never seen. Its environmental impacts are nothing more than educated guesses. CEQA requires much more.

Conclusion/Action Requested:

Aesthetic impact of the project on both surrounding neighborhoods and far beyond is significant. On surrounding neighborhoods, the impact is devastating. It is completely incompatible with any reading of both cities’ General Plan and municipal code, even with their proposed mitigation. Importantly, Torrance homes to the East are subject to Torrance code Article 41 - R-H Hillside and Local Coastal Overlay Zone, Section 91.41.1. Hillside and Coastal Zone.

The South Bay itself is known for its panoramic and unadulterated views of the Palos Verdes peninsula to the South and views of the mountains to the North. The site itself is elevated, placement of RCFE on extreme perimeter of the site tremendously increases its visual impact and blocks blue sky views.

The DEIR is deficient and missing information and visual aids for both phases necessary for agencies and the public to make reasonable assessments. The key visual impacts of Phase 2 on the public views of the blue sky and mountains from the intersection of Diamond and Prospect were never studied and can’t be determined without visual aids.

Provide photo-visualizations and other physical visual aids such as silhouettes, poles, flag banners showing proposed height and mass of structures for Phase 1 and Phase 2. Provide new key viewing locations consulting with the City of Torrance as requested. At a minimum, views should include those from: 1) the intersection of Diamond and Prospect looking north, 2) Prospect and 190th street looking south & south/east 2) Towers Elementary School looking west and 3) Diamond St. looking north.

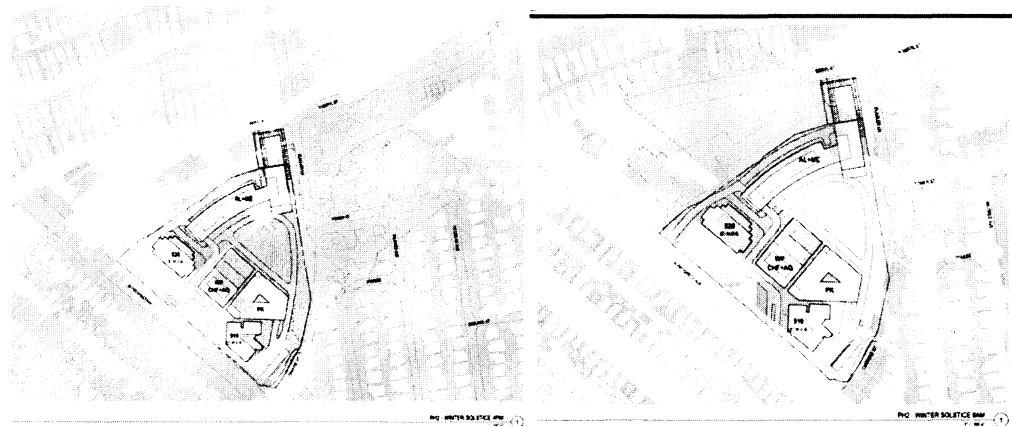
Substantial setbacks to the center of the site, combined with major reduction in height would help mitigate aesthetic damage to neighborhoods and help compatibility with the neighborhoods.

Detailed health impacts are not presented in regard to loss of sunlight, lack of privacy, glare and nighttime lighting, and the effect of shadowing and lack of sunlight on surrounding Redondo Beach and Torrance residents, and Towers Elementary school.

Shade study must show hourly ranges. DEIR does not address on-site after school activities such as YMCA daycare, and athletic uses for AYSO soccer practices that will be negatively impacted by lack of sunlight.

Aesthetics and visual resources should be changed to “significant” impact, not “less than significant with mitigation”. These impacts directly affect health and well-being.

The DEIR should be rejected and recirculate an updated DEIR with details showing the full and complete impacts of the Project on the environment.



Winter solstice shadows cover West Torrance homes and Towers Elementary School

Hazards and Hazardous Materials

BCHD plans to:

- Demolish the 514 building (old South Bay hospital) which contains lead, mold, asbestos, and other contaminants.
- Excavate, grade and trench more than 31,000 cubic yards of soil, containing known hazardous contamination including PCE at up to 150 times the residential threshold, chloroform, and benzene (per the Converse Consultant Phase II Site Assessment Report dated Feb. 2020).

Airborne contaminants from hazardous chemicals, waste, demolition debris, and concrete dust. With heavy excavation of the site, handling of hazardous waste and proper mitigation is critical.

What was discovered in Converse Consultants' Phase II Environmental Report?

- PCE (perchloroethylene) found onsite in 29 of 30 soil samples at levels up to 150 times the allowable residential screening level
- Chloroform and Benzene found onsite

According to the DEIR:

"Soil disturbance during excavation, trenching, and grading at the Project site would result in the disturbance of potentially contaminated soil. Ground disturbing activities (e.g., excavation, trenching, and grading) during Phase 1 and Phase 2 would disturb **PCE-contaminated soils**, beginning with the excavation of the subterranean levels of the RCFE Building to a depth of 26 feet during Phase 1. Similarly, grading within the vacant Flagler Lot would also encounter PCE-contaminated soils. The soil samples on the vacant Flagler Lot ...had the greatest concentrations of PCE on the Project site (Converse Consultants 2020; see Appendix G). "

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. This is counter-intuitive to a company whose job it is to find contaminants. Converse Consultants advised in their report: "Deeper borings in the locations where pollutants were found would yield even greater findings of more pollutants."

Hazards of demolition of a 60+ year old hospital. Even with the best mitigation plans there is the risk of accidental release of asbestos, lead, nuclear waste, PCBs, mold, etc.

Conclusion/Action Requested:

Additional deeper borings and analysis should be done on the construction site. The fact that the PCE was found in 29 of 30 samples throughout the site shows it is widespread, often found far from its potential original source, and is likely spreading deeper and downhill the slope from its origins.

Additional study of the impact of natural occurrences such as heavy rains and winds on the potential to introduce hazardous substances into the air or stormwater systems.

Study and report on the ramifications of human error or noncompliance with the appropriate guidelines. With so many critical mitigation plans to be put in place, what happens when something unforeseen occurs? What are the penalties for noncompliance? Specify who is held accountable - the BCHD, the City of Redondo Beach, the developer?

More information is needed on watering down of construction debris, contaminated soils, etc. and its impact on streets like Beryl, Flagler and Flagler Alley, which are downstream and in close proximity to homes and Towers Elementary. What happens in case of a landslide?

Provide analysis for the stormwater drain system as it pertains to its impact on water conservation/nature preserves to the lower elevations in the East, such as Entradero Park in Torrance.

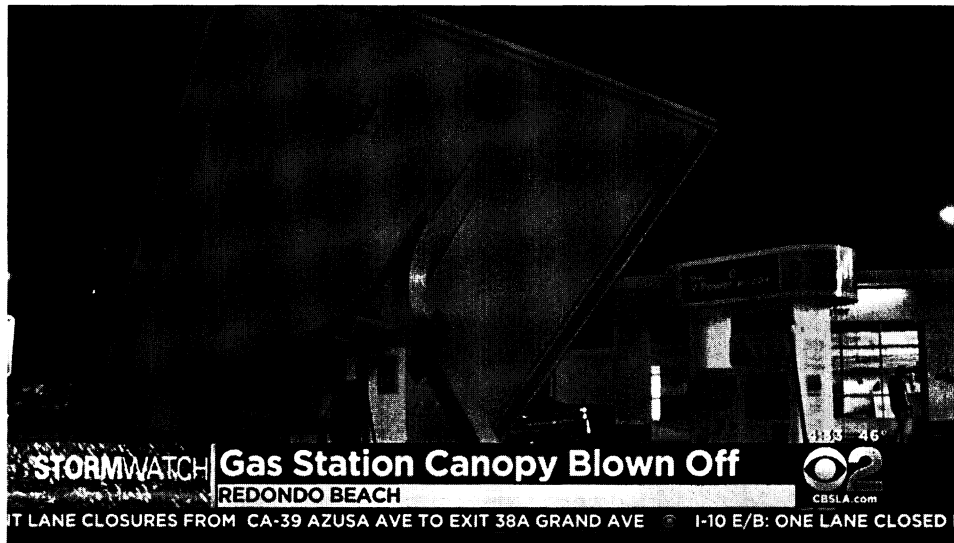
Air Quality

DEIR states Air Quality impact is “less than Significant with mitigation”.

“However, on-site construction-related emissions would exceed the SCAQMD localized significance thresholds (LSTs) for respirable particulate matter (PM10) and fine particulate matter (PM2.5) as they affect off-site receptors. “

The project would create air quality hazards, diesel particulates and fugitive dust known to be health hazards, even with mitigation measures. Throughout the DEIR, mitigation plans are not sufficiently discussed nor safeguards detailed adequately. MM AQ-1 “would require watering of exposed surfaces three times daily....and prohibiting demolition when wind speed is greater than 25 miles per hour (mph).”

The mitigation plan only accounts for prohibiting demolition during wind events greater than 25 mph. It does not account for potential ineffectiveness of mitigations from the loading up of demolition debris, excavation of 30,000 cubic yards of soil with known toxic substances such as PCE, and concrete grinding onsite, etc. with intermittent wind speeds at 25 mph and higher. For instance, in March 2021, wind speeds were measured at 45 mph on the lower site adjacent to the construction site. This wind speed was enough to topple the Shell Station tower.



Sufficient detail is not provided in the plans for airborne contaminants and fugitive dust for the localized site that includes surrounding homes and Towers Elementary school. Likewise, provide more detail on torrential rainstorms and their effect on the construction site, hillside slope and hazardous materials in the sewer system and storm drains in Torrance. The construction site sits on a 30 ft. bluff. More study on the effects of wind on construction debris, soils, etc. should be done.

Conclusion/Action Requested:

Provide additional detail on the mitigation plan of stopping construction during active demolition, with wind speeds above 25 mph to include piles of soil, demolition debris,

finishing sanding, painting, etc. for all construction and finishing phases of the project, at varying wind levels above the 25-mph limit.

Provide the topological effect of the site and wind factor. Provide more analysis of fugitive dust and airborne contaminants of pulverizing concrete onsite, for surrounding homes and schools, and for homes to the East, including Towers Elementary schoolyard. Provide more detail on effects of natural events such as high winds on airborne contaminants.

[Ref: nFugitive Dust from Construction
<https://www3.epa.gov/ttn/chief/ap42/ch13/final/c13s02.pdf>]

Analyze and detail potential harms to Silverado tenants, employees and visitor, employees and the public in medical offices onsite, and local businesses (Vons Village Shopping Center) directly below the site.

Noise

Unmitigated Noise. According to the DEIR, NOISE "Is a Significant impact that cannot be mitigated." Even with standard construction-related mitigations applied, noise levels during the 5+ years of construction will EXCEED the Federal Transit Authority (FTA) thresholds.

According to the DEIR, residents and the public will be exposed to hazardous noise levels of 80 to 90+ dBA. The DEIR shows the Noise levels will exceed both daily and 30-day average standards permitted by law.

Construction schedule is 6 days a week: Monday to Saturday.

The DEIR section on noise states in part:

"Prolonged exposure to high levels of noise is known to have several adverse effects on people, including hearing loss, communication interference, sleep interference, physiological responses, and annoyance (Federal Interagency Committee on Urban Noise [FICUN] 1980)." [Ref: DEIR Sec. 3.1 Noise]

The impacts will be greatest throughout the areas surrounding the 11-acre site.

"...significant and unavoidable noise impacts would occur through implementation of proposed construction." [Ref: DEIR p.3.11-35]

The hazards of noise to all residents/sensitive receptors including the public at large include:

- Surrounding residents to the South, North, West and East of the site,
- Tenants of Silverado who are on-site throughout the entire construction period
- Towers Elementary School with 600+ 4-10 year old students, staff, and visitors
- Adjacent businesses, workers and the public

- Medical offices onsite employing health care workers, doctors and others, serving the public.

The reason provided that the noise can't be mitigated is that the project height, size, and placement on the hill prevents suitable noise barriers from being erected and effective – they can only reasonably go up to an approx. 3-story height.

In addition to construction noise, operational noise levels for anticipated events on-site such as music, etc. is not sufficiently discussed or analyzed.

Conclusion/Action Requested:

The study of noise is deficient, the data was based on modeling averages and not intermittent noise. The negative health impacts of 70-90+ dBA must be provided.

Provide details on the following: What will be the health impact to tenants of Silverado and workers who will live onsite through demolition and construction in both phases? What is the impact to medical workers, their staff, and the general public in 510, 514, and 520 buildings through construction?

What are the effects of intermittent noise disruptions as well as ground vibrations caused by truck traffic and construction on students in classrooms and out on the playground? Towers Elementary has 600+ students age 4-10 and is recognized as a top school in the area. How will it affect student performance as well as health?

The DEIR does not include sufficient health impacts. According to a 2018 ruling by the California Supreme Court:

“In an important CEQA case, the California Supreme Court ruled that courts reviewing claims that an Environmental Impact Report (EIR) inadequately discusses environmental impacts must determine whether the EIR “includes sufficient detail” to support informed decision making and public participation. The court also held an EIR must make “a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” The decision, *Sierra Club v. County of Fresno*, Cal. Supreme Court Case No. S219783 (Dec. 24, 2018), makes clear that EIRs must contain clear and detailed discussion of impact significance determinations, and in particular must explain the nature and magnitude of significant impacts.”

[Ref: <https://www.meyersnave.com/ca-supreme-court-establishes-ceqa-rules-eirs-discussion-health-effects/>; <https://www.latimes.com/local/lanow/la-me-school-lawsuit-20171218-story.html>]

Viable mitigations to noise were not considered in the DEIR, such as for structure to be significantly set back to the center of site and reduce the height structure to no more than 30 ft., the maximum height of potentially viable noise barriers. Alternative 6,

constructing two buildings next to the edge of the site is **not** a replacement for substantial setbacks to the center of the site.

Any non-mitigatable impact affecting surrounding residents, students, employees, medical workers, and the public at large for the 5 years of construction **is cause for the BCHD Board and approving City agency to reject the Project as proposed.**

Missing category: Recreation

CEQA category on Recreation is completely omitted in DEIR.

Conclusion/Action Requested:

Recreation at Towers Elementary is missing. Discuss impacts of construction air quality, transportation, and shadow effects on Towers Elementary schoolyard during school hours and key after hours programs such as YMCA daycare.

Recreation for Dominguez Park, adjacent to the construction site and disruption to Dominguez Dog Park is not addressed. Heavy construction activities, heavy construction and demolition equipment and flagmen will greatly hamper access due to heavy construction equipment route, access and staging near Flagler lot and Beryl, as well as increased use of local facilities and services after construction and during operation must be analyzed and addressed. This is another reason to recirculate the DEIR.

Biological Resources

The DEIR states:

“BIO-1 The proposed redevelopment of the Beach Cities Health District (BCHD) campus... proposed Project would not substantially interfere with resident or migratory birds. Impacts would be less than significant with mitigation.”

“The Tree Inventory Report prepared by Carlberg Associates (2019) concluded that **219 of the 228 of the landscaped trees located on the Project site are in good condition...** However, redevelopment of the Project site would require the **direct removal of approximately half of the existing landscaped trees** as well as a number of shrubs and other non-native ground cover. Additionally, adjacent vegetation, not proposed for removal, could be indirectly impacted by intrusion into their root zone.”

How is it possible that removing half of the 228 mature healthy trees for Phase 1 is considered “less than significant”?

Removing more than 100+ mature (60-year old) healthy trees. The RCFE structure pushed to the edge of the property line devastates most of the mature trees on the site,

just for Phase 1. The proposed position of the massive facility planned to be built out to the perimeter of the property causes removal, including:

- 20 trees along Flagler Lane, north of Towers Street. (*must have permit approval from Public Works, City of Torrance)
- 60 trees along the northern perimeter of the campus to clear for the city block long RCFE
- 20 trees along Diamond Street for the SCE Substation Yard.



60-year old trees along Flagler Lane and Northern perimeter of the site slated for removal

Over 100 large 30-50 ft. trees can easily be saved from destruction by repositioning the RCFE structure with an appropriate setback from the edge of the property. They include 60 mature trees that line and provide privacy along the entire Northern perimeter of the site, 20 mature trees in the City of Torrance along Flagler, and 20 mature trees providing privacy screens from the site along Diamond.

Torrance is a designated “Tree City” and the City of Redondo must not allow this to happen.

In addition, all of the visualizations and marketing renderings provided deceptively show fully mature trees. In reality, it would take many decades to reach the height and mass of the trees shown.

The Hamilton Biological study is deficient both in time and manpower. Hamilton, a one-person team, conducted a 4.5-hour tour of the entire 11-acre campus with 276 trees and countless shrubs around the site while documenting wildlife. From the report:

“Biologist Robert A. Hamilton conduct a field survey on May 9, 2019, from 10:45 a.m. to 3:15 p.m. ... Mr. Hamilton covered all parts of the campus, searching for all plant and wildlife species present, and searching for any sign of active nesting by birds. The purpose was to evaluate whether any biological resources present in the area might be subject to local, state, or federal resource-protection.”

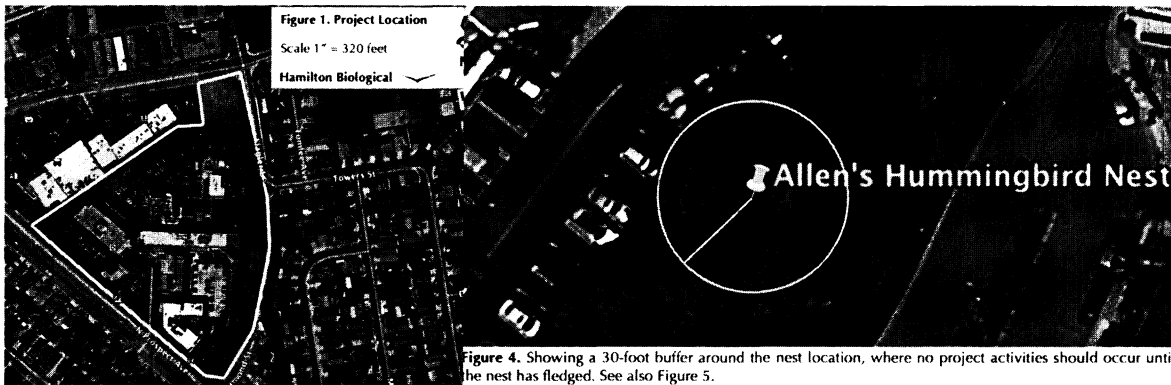


Figure 4. Showing a 30-foot buffer around the nest location, where no project activities should occur until the nest has fledged. See also Figure 5.

One hummingbird's nest on all 11 acres. In 4.5 hours, he walked the entire 11-acre campus, documented 26 different species of birds and only found one (1) Allen's hummingbird's nest in all the property? This hardly seems credible. Any resident who routinely walks the area surrounding the 11-acre site on Flagler St. and Alley sees countless hummingbirds, crows, hawks, and observes territorial behavior and nests. Living close to the project, there is currently a hummingbird's nest on my patio. A more comprehensive survey must be conducted.

[Ref: <https://www.bchdfiles.com/docs/hlc/Appendix%20C-Biological%20Resources.pdf>]

Cooper's Hawk, on the CDFW Watch List are commonly sighted in the area. From the DEIR:

“Cooper's Hawk. Cooper's hawk, which is listed on the CDFW Watch List, is a common and widespread raptor species found frequently in urban and suburban areas across Southern California... Cooper's hawk has a high potential to be present on the Project site during winter or migration periods. The large mature trees located along the perimeter of the Project site would provide potential roosting areas during seasonal migration.... Cooper's hawk, listed on the CDFW Watch List, is the only special status species with a **high-potential to occur on the Project site.**”

Conclusion/Action Requested. The original biological study on nesting was deficient. Re-conduct a larger scale study that thoroughly checks all the vegetation and trees with the single purpose of finding nests. As noted Cooper's Hawks are also commonly found in the area and have a high potential for nesting on the site in the large mature trees slated to be destroyed.

Creating appropriated setbacks of structures and construction away from the edge of the property to the center of the property would also save over 100 fully mature 60-year-old trees from removal and destruction.

Any new trees planted would take many decades to reach current level of privacy and maturity. Artistic sketches provided are deceiving at best. Provide realistic sketches of how the landscaping would look as planted, not 20 to 30 years in the future.

Phase 2 Program Description

Phase 2 project description is vague and inconsistent, omits both critical and most basic elements such as visualizations and drawings.

Conclusion/Action Requested. It is impossible to understand the whole project based on the lack of any detail, and any real visualizations of Phase 2. This makes for a DEIR that is unstable and deficient. Descriptions are inconsistent. A programmatic approach for Phase 2 was decided by the BCHD and Environmental consultant in late January 2020, shortly before the DEIR was published. Based on incomplete information, the DEIR should be redistributed so that agencies and the public have the appropriate time to review and respond.

Alternatives

The California Environmental Quality Act (CEQA) Guidelines state that an:

“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” (CEQA)“.

Alternatives Not Chosen. Several viable alternatives were not chosen or further explored that would be the most environmentally friendly alternatives.

Retrofit 514. Just a few years ago, retrofitting 514 was the solution for BCHD and as well as buffering the community by putting construction in the interior of the site. It was abandoned after getting just one quote for \$86.5M that included retrofit and remodeling, which was within their reach. Then in 2018, a new concept was born with an architect’s pen of putting a massive RCFE on the perimeter of the campus and plans ballooned from there. However, retrofitting the building is still the most environmentally friendly and viable option. To leave this out of alternatives is deficient. DEIR should provide an alternative that addresses retrofit of the building, which would still meet project objectives.

Alternate Sites for RCFE. The DEIR states, “Alternate sites for the relocation of existing BCHD uses and the development of proposed services and facilities were considered. Such sites would need to be located within Redondo Beach, Hermosa Beach, or Manhattan Beach and have similar attributes to the Project site. For example, an alternative site would need to be large enough (i.e., 9.78 acres or greater) to accommodate the development footprint and uses associated with the proposed Healthy Living Campus. “

There is no requirement that the RCFE of Phase 1 and other structures in Phase 2 be co-located on the same lot of land to meet project objectives. Being a “Center of Excellence” does not imply or require physical co-location of services; an alternative site would not need to be 9.78 acres of land or greater.

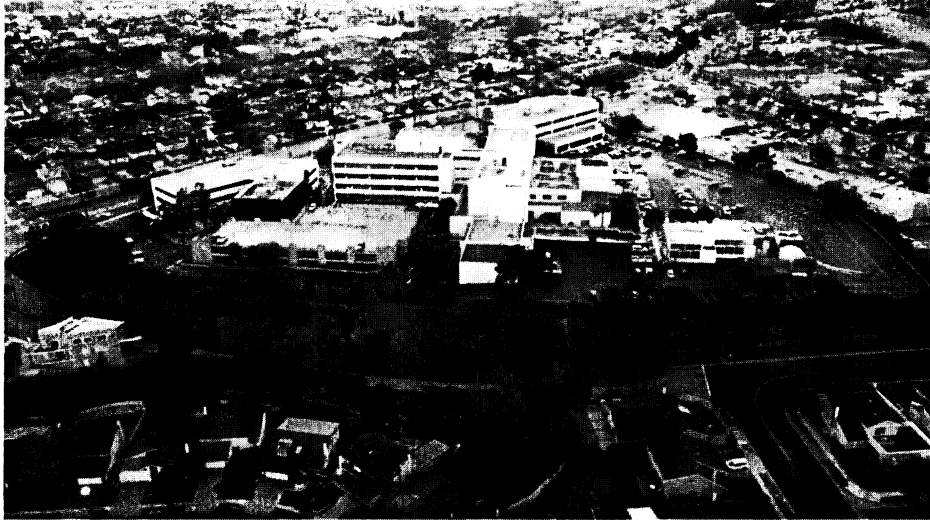
Conclusion/Action Requested:

Retrofit of the building is still the most environmentally sound option and should be an alternative.

Using an alternate site would provide greater access to the services provided. Being embedded and distributed throughout the three beach cities could be a benefit, as was discussed during the BCHD Board election debate. This concept would provide better visibility and access for all taxpayers of the cities of Redondo Beach, Hermosa Beach and Manhattan Beach who fund the BCHD, and whom the BCHD is chartered to serve. Consider an alternative that distributes the RCFE in a location with less environmental impact than is currently proposed.

Lastly, all alternatives currently have the RCFE positioned on the extreme edge of the Northern and Eastern perimeter. Provide a detailed description and photo realistic visualizations of an alternative that provides greater setbacks that would meet the requested Redondo Beach and Torrance requirements.

Final Considerations



Project Applicant, Lead Agency, EIR Approver. This is a highly complex proposal with environmental and health elements and risks would make the most experienced lead agency shudder –

- √ demolition of the old South Bay Hospital
- √ hazardous materials and nuclear waste
- √ PCE, chloroform, and benzene on site
- √ 31,000 cubic yards of contaminated ground soil to excavate, trench and grade
- √ an unstable slope that towers over homes and backyards and property lines feet away
- √ an abandoned oil well on-site to work around
- √ a monumentally sized RCFE to construct on the edge of 30 ft. bluff
- √ and an elementary school within shouting distance.

With a “single scope” public health district acting as the Lead Agency, who themselves would only be a 20% partner in the project, what can go wrong?

If it somehow moves forward for approval, it would need to tap critical police, fire and administrative resources from the City of Redondo Beach and also the City of Torrance, both during construction and in operation. These services are not accounted for in the DEIR. We recently saw a chaotic Prospect Blvd and severe cut-through traffic with an accidental main water line break – and that was simply water.

Things happen and even the best laid mitigation plans can and will go awry at times. Especially when a developer is on a tight schedule, perhaps being incentivized. Especially when mitigation plans are complex, tightly interwoven and dependent, and activities overlap. There is no room for error.

Who will be held accountable for shortcuts, human error, or accidents?
Who will suffer short and long-term negative health impacts

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Thursday, June 10, 2021 3:43 PM
To: Martinez, Oscar
Subject: FW: Ed Arnn Comments on BCHD Draft EIR
Attachments: Ed Arnn Comments on BCHD Draft EIR.docx

From: Ed Arnn [REDACTED]
Sent: Thursday, June 10, 2021 3:41 PM
To: EIR@bchd.org
Cc: tozenne@gmail.com; City Clerk <CityClerk@TorranceCA.gov>; Eleanor.Manzano@redondo.org; Bruce Steele [REDACTED]
Subject: Ed Arnn Comments on BCHD Draft EIR

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

To Whom it may Concern,

Please find my comments on the 2021 BCHD Draft Environmental Impact Report.

Edward Arnn

Comments on BCHD's Draft EIR

Ed Arnn
Torrance

I made a late start reading the Environmental Impact Report, being daunted by the 972-page pdf file **BCHD_DEIR_For Print**. My hope that the Readers Guide would be an easier introduction were frustrated by an opaque, graphics-free jumble of text. When I went back to the DEIR I was pleasantly surprised to see that it included graphics that helped find context and paragraph titles that aid a quick scan of the document to find sections of special interest. However, I found that, in many ways, the DEIR was as opaque and convoluted as the Readers Guide. There are many inconsistencies between the text, summary tables and graphics, leaving the reader unsure of the proposed project.

My comment on several areas of great interest to me follow. I am a resident of Torrance who has lived here for 40 years living about 740 feet east of the BCHD eastern property line. My sympathy goes out to members of our community living on Tomlee who are much closer to the proposed RCFE residential building.

Some Key inputs from 2019 Notice of Project

The DEIR cites a list of community inputs from a series of NOP meetings held in 2019. Some were properly addressed but others seem to have been ignored completely, in particular Aesthetics and Visual Resources. Here are some issues of interest listed on pages 1-14 thru 1-16 (pdf 114-116).

- **Potential construction-related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, *Air Quality*, and Section 3.11, *Noise*).**
- **Potential impacts related to fugitive dust emissions and human health risk during construction activities, particularly within the adjacent residential neighborhoods (see Section 3.2, *Air Quality*).**
- **Potential construction-related impacts on pedestrian and bicycle safety, especially as it relates to truck traffic within the vicinity of nearby residential neighborhoods, parks, and schools (see Section 3.14, *Transportation*).**
- **Building height compatibility (e.g., bulk, mass, and scale) and potential impacts to the existing public views and shade/shadows, particularly within the adjacent residential neighborhoods (see Section 3.1, *Aesthetics and Visual Resources*).**

The inclusion of a preliminary Construction Management Plan in the 2021 DEIR cleared a lot of concerns arising from uncertainties, and allows more focused and constructive feedback. Likewise, inclusion of an Air Quality Management Plan starting on page 3.2-10 (pdf page 312) goes a long way in demonstrating serious mitigations are planned. On the other hand, the planned Outbound Haul Route on Beryl Street

takes thousands of trucks past the entrance to Towers Elementary School and may represent a hazard that requires mitigating actions, which I did not see in the DEIR.

In contrast, the response to criticism of the aesthetic impact of the out-sized RCFE building atop the 30-foot hill on Flagler Lane seems to have been completely ignored, if not maliciously aggravated in the revised BCHD plan. This will get much discussion below.

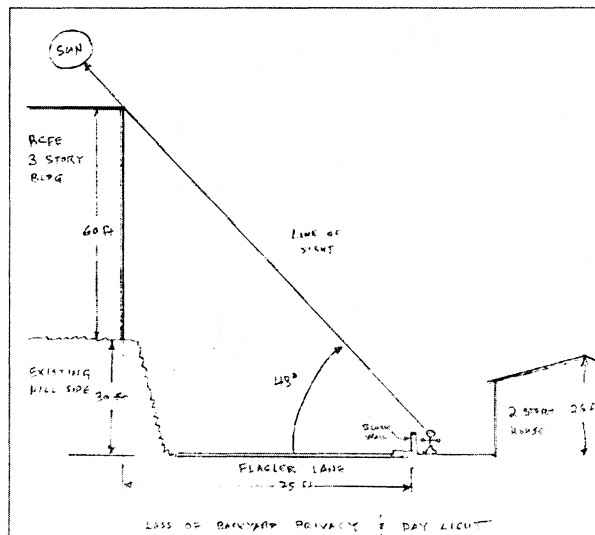
Aesthetics and Visual Resources

I made comments and provided analysis of the drastic changes to the visual environment for the residents living along Tomlee in the northern corner of our low-density housing development. This was documented in a Word Document *BCHD EIR Scoping Comments_ELA* submitted to Mr. Nick Meisinger, NEPA/CEQA Project Manager in 2019. I note that the Torrance City Council in their May 25, 2021 review of the DEIR also cite the severe aesthetic impact of the proposed looming RCFE building. They recommend setting the RCFE back from the eastern edge of the BCHD land and stepping each floor back further to provide a compatible visual environment. While administration, taxation and funding stop at political boundaries, the physical impacts to the environment continue across any such artificial constructs. In particular, being 30 or more feet lower than the Project Site and down wind (sea breeze) places most of the environmental impact in the adjacent Torrance neighborhood.

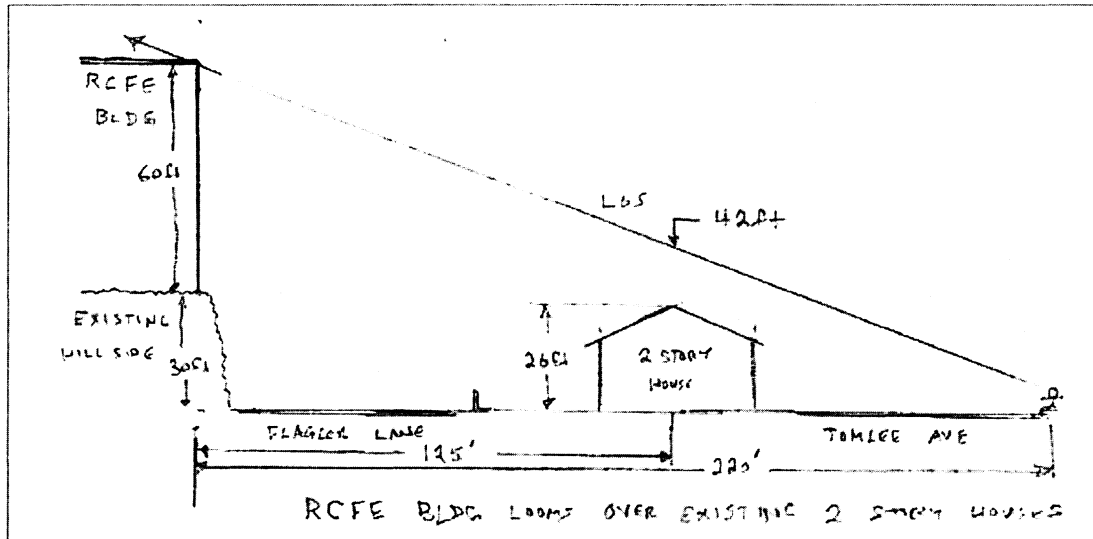
As I pointed out in my 2019 comments:

“If I were one of the residents living just across Flagler on Tomlee Avenue, I believe I would feel the privacy of my back yard had been violated, much of my daylight had been taken away, my wonderful sea breeze blocked and the beauty of my site destroyed by the huge building towering over the houses. Much of the email I have read supports this view. There is clearly serious environmental impact assessment work to be done.”

I suggested in my letter of transmittal that it was time to stop and walk around the BCHD project grounds and try to grasp the likely impact to residents on all sides of the land. The hope was that a better balance of interests between the BCHD and their neighboring residents could be found. I included some sketches to show my analysis of the visual impact of the 60 foot tall RCFE building proposed in 2019.



Loss of Privacy and View of Sky for Tomlee Residents



RCFE Towering over Roof Lines as Seen from Tomlee Sidewalk

These hand analyses of the visual impact of the then-proposed 60-foot (four story) RC FE were offered as a first step toward making the impact clear to those who would be affected. It was hoped that a more acceptable plan would be forthcoming and that the EIR team would use their superior, computer-aided, tools to provide rendered views to the community for comment.

The new 2021 proposed BCHD Project Plan dismissed this input and instead increased the height of the RC FE to 103 feet and did not set the building back from the edge of the hill side overlooking Flagler Lane. A minor effort was put into analysis of Alternative 6- Reduced Height Alternative which kicked this approach off the table as possibly not being financially feasible.

5.5.6 Alternative 6 – Reduced Height Alternative

As described in Section 3.1, *Aesthetics and Visual Resources*, the proposed Project would result in potentially significant impacts related to interruption of views of the ridgeline of the Palos Verdes hills from the highpoint at 190th Street & Flagler Street (i.e., Representative View 6). MM VIS-1 would require a reduction in the height of the RC FE Building such that it would no longer interrupt the ridgeline of the Palos Verdes hills. Therefore, impacts to this scenic vista would be *less than significant with mitigation*. However, the financial feasibility of implementing MM VIS-1 is not certain at this time. A reduction in floor height would remove programmable revenue-generating space in the RC FE Building. Additionally, excavation to recess the building further below the ground surface would be costly.

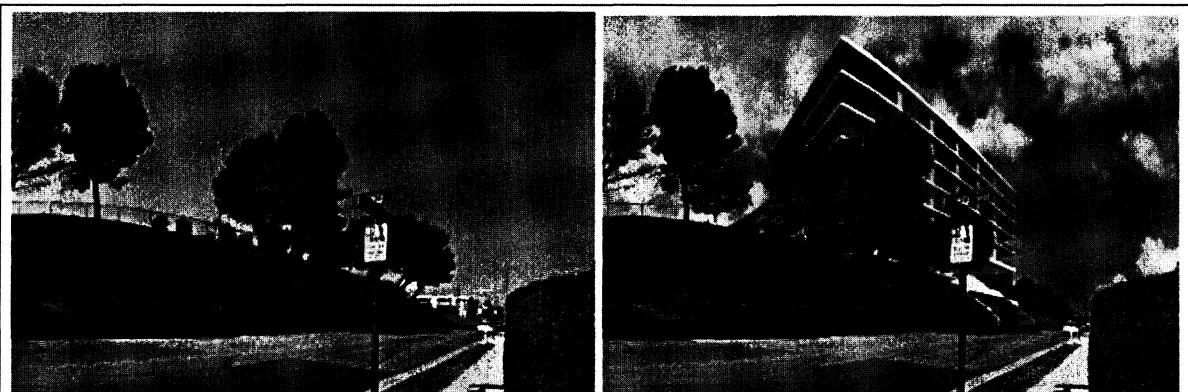
Note that the cited Aesthetic impact is for an interruption of the sightline to the Palos Verde hills as seen from the highpoint at 190th Street and Flagler Lane (some 1,500 feet distant from the RC FE) while it is silent about the effect on the Tomlee residents and public passersby only 80 to 250 distant.

The total dismissal of the significance of the Aesthetic and Visual Resources impacts of the size and siting of the RC FE is justified by the CEQA case law found on page 3.1-29 (pdf page 227):

CEQA case law has established that only public views, not private views, need be analyzed under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal. App. 4th 720, the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188, “[all] government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.” Similarly, in *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App.4th 477, the court upheld an EIR’s determination that impacts on public views would be significant, but impacts on private were not significant. Additionally, in 2018, Appendix G of the CEQA Guidelines was updated to clarifying that impacts to public (not private) views may be significant under CEQA. As such, effects on private views are not considered under CEQA (Public Resources Code [PRC] Section 21082.2).

3.1 AESTHETICS AND VISUAL RESOURCES

Representative View 2: Flagler Lane & Towers Street Intersection (Facing West)



Representative View 2: Views along Flagler Lane at Towers Street are characterized by the retaining walls and large mature trees that support the steep slope along the eastern perimeter of the campus. While the existing Project site is barely visible, the view along Flagler Lane is influenced by the open sky above the slope. The Project would substantially reduce access to open sky from this view, and would change the visual character of this view from the residences in this West Torrance neighborhood as well as travelers along Flagler Lane and Towers Street. Source: VIZfx 2021.

The Elephant in the Living Room

This amazing graphic is found on page 3.1-43 (pdf page 241). The EIR team has done what was requested and provided an image to help understand the visual impact of the new 2021 BCHD Project Plan. The change to the Aesthetics and visual resources could hardly be considered “less than significant.” This is the monstrosity that the low-density housing residents in Torrance adjacent to Flagler Land would have to accept.

The EIR team likewise provided a graphic illustrating the dramatic change in the view from the multi-family residences located on Beryl Street opposite the Vons shopping center in Redondo Beach. It is an equally breath-taking alteration of the visual environment. Currently the view to the south is mainly a tree lined hillside with a few parked cars showing through. After the proposed RCFE is built, the view will

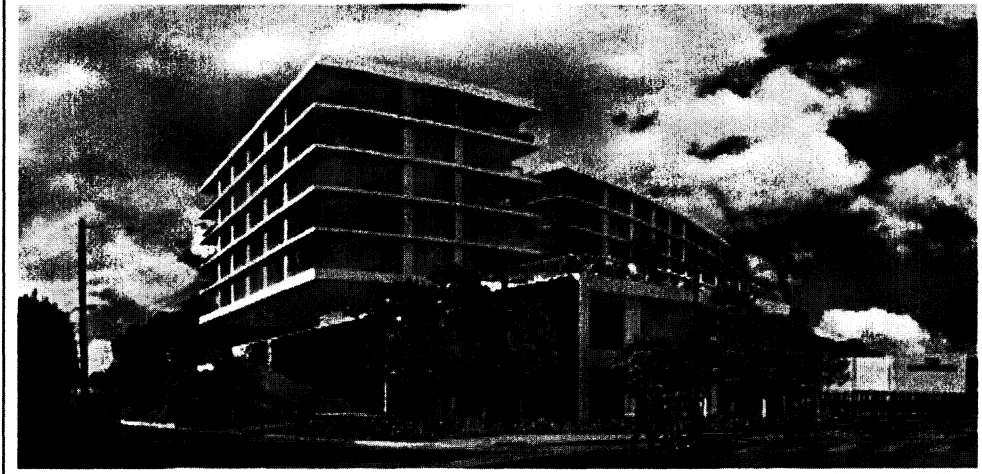
be a towering structure which fills up to 90 degrees of the residents' field of view, again hardly "less than significant."

3.1 AESTHETICS AND VISUAL RESOURCES

Representative View 3: Flagler Lane & Beryl Street Intersection (Facing Southwest)



Representative View 3. Views of the Project site from this location are characterized by the vacant Flagler Lot in the foreground, which is currently covered with gravel and weedy vegetation and is leased as a staging area for construction equipment. The proposed RCFE Building would rise up to 133.5 feet above Flagler Lot and would be more visually prominent from this location given its location along the northern perimeter of the BCHD campus. Source: VIZfx 2021.



View from multi-family Residences on Beryl Street in Redondo Beach

In the face of the above visualizations of the impact of the proposed RCFE building *the Summary of Impacts on Visual Character* on page 3.1-54 (pdf page 252) goes on to say it "would not degrade the visual character of the Project site and vicinity." This may be one of the best examples ever of disingenuous writing.

campus. The proposed RCFE Building would be most visually prominent from Flagler Lane near Towers Street (Representative View 2) and Beryl Street (Representative View 3), and along Beryl Street in front of the Redondo Village Shopping Center (Representative View 4). From Representative Views 2, 3, and 4, the proposed RCFE Building would be substantially taller and would have substantially more massing than buildings in the vicinity, thereby reducing the view of open sky above. However, although the proposed RCFE Building would change the visual character of the Project site and surrounding areas from these locations, the Phase 1 preliminary site development plan would meet the development standards described in the Redondo Beach and Torrance General plans and municipal codes and would not degrade the visual character of the Project site and vicinity. The proposed Project includes many attributes that would improve the

It includes a further assertion that is misleading and incorrect which suggests that the RCFE would not be visible from Tomlee Avenue due to intervening structures. The figure on page 3 of these comments shows that even with the lower 60-foot RCFE proposed in 2019, the building would tower above the roof lines when viewed from the east sidewalk on Tomlee. With the new 103-foot height, the LOS would cross the roof line at 93 feet above ground, clearing the roof crest by 67 feet. Not only is the RCFE visible from the public area, it also looms high above this low-density residential area.

The development of the proposed RCFE Building and subsequent demolition of the Beach Cities Health Center would result in a change in the existing views across the site. Views of the Project site would not change substantially from locations where intervening structures would obstruct the RCFE Building, such as along Tomlee Avenue (Representative View 1). Additionally,

In setting the stage for the assessment of Impacts to Visual Character, the DEIR sites the existence of 4-story multi-family residential buildings between Beryl Street and Agate Street. The region bounded by Beryl and Agate is over the crest of the hill at Beryl Heights Elementary School on land sloping down to PCH. Any such structure would have no line of sight to the vicinity of the Project and therefore would be irrelevant. In fact, I drove through the region bounded by Beryl and Agate three times and could not find a 4-story multi-family residential building. I did find a 3-story multi-family building.

In summary, the visual character in the vicinity of the Project site is dominated by single-family and

segments of Blumond Street west of Beryl Prospect Avenue, which varies in elevation.

multi-family residential buildings, scattered with schools, parks, neighborhood-serving commercial uses (e.g., restaurants, grocery stores, etc.), and surface parking lots. Taller buildings near the Project include 4-story multi-family residential buildings between Beryl Street and Agate Street. These structures generally extend up to 52 feet in height. Additionally, street trees along

Although the legal requirements of the CEQA may allow the BCHD Project to turn attention away from visual impacts, the local ordinances in Redondo Beach and Torrance include provisions to assure developments are visually and functionally compatible with existing residential neighborhoods.

City of Redondo Beach Local Policies and Regulations (page 3.1-21)

Redondo Beach General Plan Land Use Element

Goal 1N: Ensure a high quality of the City's built environment, architecture, landscape, and public open spaces and sidewalks.

Policy 1.46.4 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.

Policy 1.46.5 Require, where the City has jurisdiction, that public sites be designed to incorporate landscaped setbacks, walls, and other appropriate elements to mitigate operational and visual impacts on adjacent land uses.

City of Torrance Local Plans and Regulations

Torrance General Plan Land Use Element

The eastern portion of the Project site is located within the City of Torrance right-of-way that extends approximately 26-feet from the edge of the paved Flagler Lane. Many goals and policies within the Torrance General Plan Land Use Element relate to aesthetics, visual character, and visual quality (City of Torrance 2005). The most pertinent goals and policies are provided below. Consistency with these goals and policies is analyzed in Section 3.10, *Land Use and Planning*.

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. For distinct neighborhoods and districts, consider developing design guidelines that suit their unique characteristics. Create guidelines that offer a wide spectrum of choices and that respect the right to develop within the context of existing regulations.

Air Quality

During the 2019 NOP scoping meetings the issue of control of air pollution, especially dust from the pulverizing of the concrete from the Beach Cities Health Center (hospital building), was highlighted. Since the initial plan in 2019 had little detail of the construction phase, a solid plan with mitigation measures was requested as a part of the EIR. This assessment was to consider the strong and persistent sea breeze the Beryl Heights and West Torrance communities experience. This westerly flow pushes most of the airborne pollutants during construction into Torrance, not Redondo Beach.

The DEIR is very much improved in its discussion of air quality issues and planned mitigations, particularly to control fugitive dust, as the following excerpts show:

As described in Impact AQ-2 below, peak daily criteria pollutant emissions from construction of the proposed Project would not exceed the SCAQMD's mass daily significance thresholds for construction. Unmitigated localized construction emissions from the proposed Project would exceed SCAQMD's LSTs for PM₁₀ and PM_{2.5} (fugitive dust). However, implementation of MM AQ-1 includes watering of exposed soil surfaces three times daily, which would achieve a fugitive dust reduction of 74 percent, and prohibiting demolition when wind speed is greater than 25 mph, which would achieve a fugitive dust reduction of 98 percent. Implementation of MM AQ-1 would reduce on-site construction emissions for PM₁₀ and PM_{2.5} below the SCAQMD's LSTs.

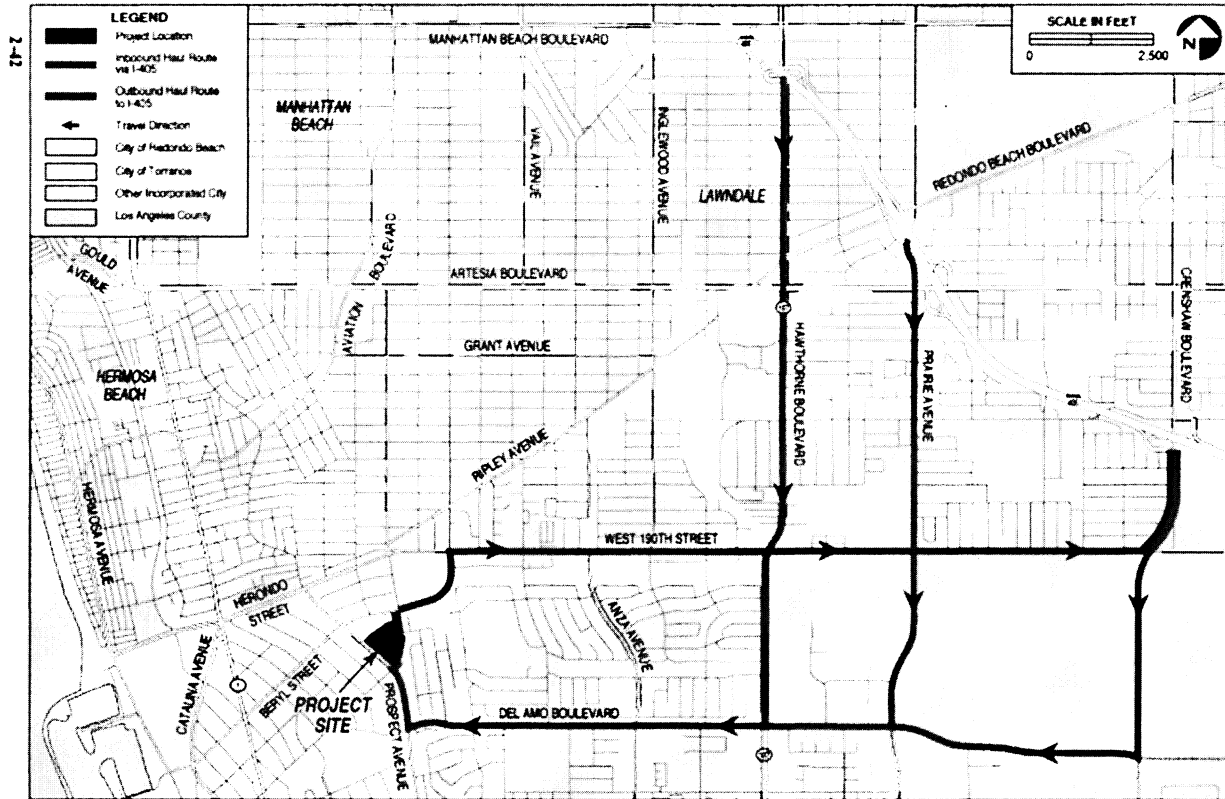
- *All construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of construction to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:*
 - *Quick replacement of ground cover in disturbed areas.*
 - *Watering of exposed surfaces three times daily.*
 - *Watering of all unpaved haul roads three times daily.*
 - *Covering all stock piles with tarp.*
 - *Post signs on-site limiting traffic to 15 miles per hour (mph) or less on unpaved roads.*
 - *Prohibit demolition when wind speed is greater than 25 mph.*
 - *Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.*
 - *Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.*
 - *Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip.*

Although the above list of mitigations goes a long way in answering the concern, I believe they may not be enough to prevent large amount of fugitive dust from escaping the concrete pulverization of the obsolete hospital building. Watering the exposed surfaces three times a day may be too little. Additional mitigations to consider might include a small, portable enclosure to be placed over the current pulverization work area to trap the dust as it moves down wind.

Construction Traffic

The inclusion of a preliminary Construction Management Plan starting on page 2-40 (pdf page 158) in the 2021 DEIR cleared a lot of concerns arising from uncertainties, and allows more focused and constructive feedback. However, the planned Outbound Haul Route on Beryl Street takes thousands of

trucks past the entrance to Towers Elementary School and may represent a hazard that requires mitigating actions, which I did not see in the DEIR.



wood.

Construction Haul Routes

FIGURE 2-10

Trucks leaving the site will use Beryl to reach 190th Street. This takes them by Towers Elementary School as the road bends to the north. This means that covering and wetting down the loads will be vital to keep airborne pollutants under control. An even more significant issue in my mind is the possibility of a runaway truck due to brake failure on the descending hill. At least twice a school day the area outside the parking lot gate is loaded with cars, parents and children either arriving at school or leaving for home. Under such conditions an out-of-control heavy hauling truck could precipitate a horrible accident.

Truck Haul Trips (Phase 1)	
Asphalt Export	575
Soil Export	1250
Concrete Import	1162
Demolition Export	2000
Soil Import	875
Total Trips	5862

I surveyed the Beryl downgrade that starts at the intersection with Flagler Lane and found it to be approximately a 9% grade, not real steep, but a challenge to a heavily loaded haulage truck. Using the accounting of truck trips during Phase 1 construction above, I compute a total of 5,862 heavy trucks will pass this way. If the trucks have a brake dispatch reliability of 0.9999 (one in 10,000 failure rate), I compute the probability of at least one runaway truck during the total Phase 1 period is 0.44. A serious risk with this probability of occurrence would need remedial action.

I think the 0.9999 reliability assumption is a reasonable starting point for investigating the threat. I do not know what a reasonable number would be based on statistical data from hauling trucks. The EIR process should take this on as a task to get a more fact-based number for a proper risk assessment.

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Friday, June 11, 2021 7:32 AM
To: Martinez, Oscar
Subject: FW: Comments for DIER
Attachments: BCHD.pdf

From: Candace Allen Nafissi [REDACTED]
Sent: Thursday, June 10, 2021 6:16 PM
To: CityClerk <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; cityclerk@citymb.info; Steven Keller <skeller@rbusd.org>; Mannon, George <superintendent@tUSD.org>; stowe.tim@tUSD.org; RB PTA <rbpta@rbusd.org>; torranceptas@gmail.com; communications@bchd.org; eir@bchd.org; pnovak@lalafco.org
Subject: Comments for DIER

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

Please find attached my comments for the DIER.

At your service,

Candace Allen Nafissi, MPA
Los Angeles County Beaches & Harbor Commissioner
Redondo Beach Library Commissioner
Redondo Beach General Plan Advisory Committee Member
Telephone: [REDACTED]
Email: [REDACTED]

**Public Comments to BCHD Board and BCHD DEIR
Public Comments to BCHD Owing Cities Hermosa Beach and
Manhattan Beach Public Comments to Responsible Agencies, Redondo
Beach and Torrance Public Comments to RBUSD and TUSD in Defense
of Student Health Public Comments to RBUSD PTA and TUSD PTA in
Defense of Student Health Public Comment to LALAFCO**

by email to cityclerk@redondo.org, cityclerk@torranceca.gov,
citycouncil@hermosabeach.gov, cityclerk@citymb.info, skeller@rbusd.org,
superintendent@tUSD.org, stowe.tim@tUSD.org, rbpta@rbusd.org,
torranceptas@gmail.com, communications@bchd.org, eir@bchd.org,
pnovak@lalafco.org

The following public comments below are provided in response to the BCHD DEIR and as public record comments to the agencies and organizations above.

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**Public Comments to BCHD Board and BCHD DEIR
Public Comments to Responsible Agencies, Redondo Beach and
Torrance Public Comments to BCHD Owing Cities Hermosa Beach and
Manhattan Beach Public Comments to RBUSD and TUSD in Defense of
Student Health
Public Comments to RBUSD PTA and TUSD PTA in Defense of Student
Health Public Comment to LALAFCO**

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CITATIONS: NOISE IMPACTS ON CHILDREN, STUDENTS, EDUCATION, DISABILITY LEARNING

END NOTES

A. BCHD HAS DISENFRANCHISED TAXPAYER-OWNERS WITH SECRET NEGOTIATIONS

1. **BCHD Misrepresented its Project's Net Impacts to Redondo Beach to a City Official**

[Back](#)
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[unsu](#)

Clearly, the Healthy Living Campus Project will be of significant benefit to the residents of the City of Redondo Beach, allowing for BCHD to improve its community health center programs and services, create an intergenerational hub of well-being and grow a continuum of programs, services and facilities to help older adults age in their community. BCHD is eager to move forward with the project as soon as possible. Therefore, BCHD would like to meet with you to discuss next steps related to the Healthy Living Campus Project. BCHD's primary contact for purposes of continued discussion on this matter is Mr. Tom Bakaly, and he may be reached by email at Tom.Bakaly@bchd.org or by phone at (310) 374-3426.

Respectfully,

Full content: <https://bit.ly/BCHDLiesToRBAtty>

Analysis – BCHD Fails to Disclose the Data to the City Attorney

According to BCHD's consultant, MDS, less than 5% of the residential care for the elderly tenants in the estimated \$9,000 to \$12,500 per month facility will be from south Redondo Beach 90277, the area of Redondo Beach sustaining 100% of the negative environmental and economic justice impacts of the project. Further, the entire benefit to the City of Redondo Beach residents is estimated to be less than 10% of the project based on the same MDS tenant study. Given that the City of Redondo Beach overall sustains 100% of the damages and less than 10% of the benefits, it is not possible that the project has a net benefit to the residents of Redondo Beach, as asserted by BCHD counsel. BCHD provides no data demonstrating net benefit.

Further, when directly requested for the net benefit of historic programs, BCHD replied to a California Public Records Act (CPRA) request that it does not budget, conduct cost accounting, or compute net benefits for its programs. As such, BCHD has no fact base to make representations of benefits. BCHD's assertions to the City Attorney were misrepresentations at best, or deliberate falsehoods at worst.

Analysis – City of Redondo Beach Obligation to Vet Facts

If BCHD did disclose to the City of Redondo Beach and City Attorney that it had no facts to support its assertion, then the City of Redondo Beach appears negligent in protecting its residents. Sufficient benefits from any BCHD project must accrue to the City of Redondo Beach residents under P-CF zoning to offset the totality of damages. Any finding of fact that does not affirmatively demonstrate that net benefits are positive cannot be used to allow this BCHD project to move forward.

Statement of Fact

BCHD withheld the 2019 letter from the public until July of 2020. BCHD withheld the secret negotiations from the Community Working Group in 2018 and 2019 and 2020.

Conclusion

BCHD admits in public records act responses it has no net benefits computation for its

programs, and especially important, for its impacts on the City of Redondo Beach residents that suffer 100% of the environmental and economic justice damages. Yet, BCHD asserts without fact, that it will have significant benefits to the residents of Redondo Beach. It appears that BCHD may have misrepresented its project's net environmental and economic damages to the residents of Redondo Beach for the purposes of misleading the City Attorney, given that BCHD cannot provide any net benefits analysis of its project. The City Attorney's findings are based on BCHD's misrepresentation and must be set aside.

1. BCHD Cannot Allow Workers, Contractors, or Meeting Attendees (e.g., AA, etc.) to Smoke on Redondo Beach Streets, Sidewalks, Parkways, or other Public Property

As BCHD is well aware, the City of Redondo Beach has an ordinance that bans smoking in any public location, except a MOVING vehicle on the street. BCHD must add this ordinance to governing law and since second hand smoke is a toxic air contaminant, add smoking prevention to its DEIR mitigation. Willfully planning to break the ordinance is a significant impact to the public health in Redondo Beach, as will be failure to enforce a smoking ban on BCHD employees, contractors and meeting attendees.

ORDINANCE NO. 0-3193- 19 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS AND DISALLOWING POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS ON SCHOOL GROUNDS

WHEREAS, **It is the intent of the City Council in enacting this Ordinance to provide for the public health, safety, and welfare** by discouraging the inherently dangerous behavior of smoking around non-tobacco users; by protecting children from exposure to smoking where they live and play; by protecting the public from nonconsensual exposure to secondhand smoke and the potential health risks related to a- cigarettes; by preventing the re-normalization of smoking that results from the expanded use of a- cigarettes; to declare smoking tobacco in public a nuisance; and by reducing smoking waste to protect the marine environment.

2. RCFE Is Prohibited Under Governing Law

RCFE Financing is Expressly Forbidden

California code, including 15432 (14) expressly prohibits financing of residential care for the elderly (RCFE) under the California Health Facilities Financing Authority Act. If the Legislature intended health districts to have the ability to develop or finance RCFE, then the Legislature would not have specifically excluded RCFE.

The Legislature Repeatedly Mandates “Non-profit” as a Requirement for Financing –

California Code, including 15432 (HEALTH FACILITIES FINANCING AUTHORITY ACT) repeatedly refers to nonprofit agencies and clinics. BCHD facility will be market-priced, for-profit. Further, it is planning to use commercial financing (FHA insured) instead of issuing low-cost, tax-free bonds.

3. The BCHD Proposed Project Failed to Conform to the Conditions by which the Prior RCFE Required

According to public records, the following conditions were evaluated and required for the Kensington RCFE project:

65852.9. The proposed facility is compatible with the type, character, and density/intensity of the adjacent residential and commercial uses and provides residential care for the elderly. The project site is owned by the Redondo Beach United School District. The project applicant would enter into a long-term lease with the District, resulting in the operation of a private use on public property. As the proposed project would be a private use on a public site, the use would be subject to standard property taxes, contributing revenue to the City. The proposed project would therefore be consistent with the General Plan policies listed above.

1) The BCHD proposed facility is NOT consistent with the type of the adjacent land uses. BCHD is proposing a market-rate, for-profit facility with approximately 80% of ownership and net revenues being provided to a for profit developer. The surrounding neighborhoods are largely residential, with the exception of the Vons strip mall that almost exclusively serves the surrounding neighborhoods that also bear its environmental impacts.

2) The BCHD proposed facility is NOT consistent with the character of the adjacent residential land uses. Simply put, both Torrance and Redondo Beach have design guidelines limitations that BCHDs plan at 133.5-feet above street level is incompatible with.

3) The BCHD proposed facility is NOT consistent with the density/intensity of the adjacent land uses. Adjacent land uses are generally R-1 with some RMD. BCHD is planning a 6-story, 1-acre footprint building, and a total of nearly 800,000 sqft of development. That is larger than the entire Beryl Heights neighborhood combined.

4) The City is clear that Kensington is a commercial, not public use. BCHD is also proposing a commercial use on public property and the net benefits to Redondo Beach are non-positive. BCHD has no budgeting, cost-accounting, or cost-effectiveness assessment of its expenditures or programs, and as such, no quantifiable measure of any net benefit of the existing operation, absent the 50-100 years of additional environmental and economic injustice it proposes on the area and Redondo Beach.

Conclusion

BCHD fails all the conditions of Kensington and therefore fails to meet the Conditional Use and precedent for its facility.

4. BCHD Proposed Overdevelopment is Inconsistent with the Issuance of a Conditional Use Permit

Background

In order to proceed with RCFE, BCHD requires a CUP under P-CF zoning requirements. Relevant requirements of the CUP ordinance are:

1. From a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties nor

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disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

Discussion of 1. From a) to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties

Surrounding Properties and Quiet Enjoyment and Use will be Adversely Impacted by BCHD 103-foot Tall, 800,000 sf Development

Surrounding property uses are as follows:

West – Residential R-1 with 30 foot height limit and Beryl Heights neighborhood design guidelines South – Residential R-1 with 30 foot height limit

North – Residential RMD with 30 foot height limit

North – Light Commercial C-2 with 30 foot height limit

East – Torrance Residential R-1 Hillside Overlay with 14 foot height limit

East – Torrance Residential R-1 with 27 foot height limit

East – Torrance PU Towers School

BCHD Proposal Causes Surrounding Property Adverse Impacts

BCHD is proposing a 103 foot nominal building on a 30 foot elevation (exceeding 130 feet tall relative to the surrounding properties on the North and East, BCHD is proposing a 65 foot nominal 10 and one half-story, 600-800 car parking structure on the South West on a 30 foot

elevation (approximately 100 to 150 feet tall relative to surrounding South, West, and East properties), and BCHD is proposing a 75 foot nominal, 4-story health club, meeting and aquatic center building along Prospect between the 510 and 520 MOB's (approximately 80 feet tall relative to West properties.) All surrounding properties will be adversely affected by 1) privacy invasion, 2) reflected noise, 3) reflected light and glare, 4) direct noise, 5) construction, and 6) related traffic and pollution. Towers Elementary students will be especially impacted by PM2.5 and PM10 emissions, noise and vibration from heavy construction traffic in an intermittent fashion disturbing cognitive function and development, as well as educational progress.

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BCHD is proposing a significant alteration by moving campus buildings from a center of campus, internal, visual mass minimizing, privacy preserving design to a perimeter extremity model, where the North and West perimeters are lined with buildings that are 3-5 times the height of surrounding uses and structures and an 8-story South parking structure that impacts West, South and East residential uses on a 24/7/365. This proposed BCHD campus redesign bears no resemblance to the current campus in height, square feet, or building placement. It is structured to maximize impacts on the surrounding community while preserving the internal campus for BCHD exclusive use.

The current campus has only 0.3% (968 sqft) of space at 75-feet, while the proposal is for nearly an acre of RCFE at higher than 75-feet tall, with all new construction at the north, west and south perimeter intruding on private residential uses. The average height of the 514 building is slightly over 30-feet and should serve as the limit for any future development.

Discussion of 2. From b1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood.

The 10+ Acre Publicly-Owned Site Must be Used to Mitigate Neighborhood Impacts Based on the analysis and conclusion that the BCHD commercial development significantly impacts the surrounding property as proposed by BCHD, the language of the ordinance requires that setbacks ... other features be used to adjust the use of the BCHD site. Accordingly, a series of changes need to occur, including, but not limited to: 1) increased setbacks, 2) reduced structure heights, 3) perimeter structures that do not exceed the design guidelines and height limits of adjoining uses and properties (generally 30-feet or less), perimeter landscaping that hides the proposed development, etc.

Two general examples are the other P-CF developments in Redondo Beach which are all either the same height or lower than surrounding uses and properties, including the Kensington development of over 100 units on approximately 2 acres based on aerial

measurement in Google Earth Pro.

Absent CUP Required Accommodations, BCHD Proposal is Inconsistent with Existing Uses in the Neighborhoods and Must be Denied

BCHD must be required to increase setbacks, decrease heights to 30 feet, and move development to the center of the campus. The current plan is inconsistent with neighborhood uses.

Discussion of 3. From b2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

BCHDs PACE Facility and 8-story, 800+ Car Ramp are Inconsistent with the Existing Use of Prospect Ave and Beryl St.

BCHD's proposed PACE facility is duplicative with existing PACE facilities that service the same area. Therefore the marginal benefit to local residents is low, and it is highly likely that most, if not all, participants will be bused in to the PACE site at Beryl & Flagler. Flagler is a Torrance residential street, and commercial use is prohibited. Beryl is the main path to avoid the steep 190th hill, and increasing the

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traffic, and PM2.5 and PM10 loads on students at Towers Elementary will leave their brainstems with increased particulate loads, resulting in Alzheimer's like symptoms and delayed development.

BCHD's proposed 8-story, 800+ Car Ramp at Prospect & Diamond will compete with existing uses of RUHS, Parras, and commuters. The ramp will enter and exit from Prospect northbound, between Diamond and the 514 building main entrance. As such, it is inconsistent with existing uses and the existing roughly 800 car capacity of BCHD spread evenly across 3 ingress/egress points.

BCHD's Proposed Commercial Development Burdens the Community and is Inconsistent with Existing Streets and Uses

Because the proposed PACE facility is duplicative of existing PACE services to the 3 beach cities that own and fund BCHD, any proposed traffic is necessary. Delivering 200 to 400 non-residents on a daily basis to the corner of Beryl and Flagler via Beryl is infeasible. An alternative plan, or denial of the use of the site for PACE, is required. Further, the highly concentrated 8-story, 800+ car parking ramp at Prospect & Diamond is also inconsistent with the existing uses and roads. Any solution that fails to use all 3 BCHD campus driveways in a relatively equal manner is infeasible.

Discussion of 4. From b3) The proposed use shall have no adverse effect on abutting property or the permitted use thereof.

As Currently Proposed, BCHD's Plan has Adverse Effects on Abutting Property and Must be Denied The adverse impacts on abutting property have been discussed at length above. The current plan has been demonstrated to have adverse effects on abutting property. Therefore, if unchanged, the CUP must be denied by a plain English reading of the Ordinance.

Absent Height Limits, Exterior Landscaping, Distributed Parking, and Discontinuance of the PACE Facility, BCHD's Proposed Project Must be Denied

Potential mitigation, all within the purview and obligation of the City of Redondo Beach, include, but are not limited to, height restrictions to 30 feet, increased setbacks, perimeter landscaping, evenly distributed parking, and reduced bus traffic.

Discussion of 5. From b4) The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

In order to meet the specific requirements of the CUP ordinance as set forth, a number of specific design modifications must occur, including but not limited to project height reduction, project setbacks increased, project moved to the center of the campus, project buffered by landscaping from the surrounding neighborhoods, project traffic spread evenly across the 3 entrances of BCHD campus (roughly, 510, 514, and 520 driveways) and traffic to the duplicative PACE facility denied access to Beryl St from Flagler to 190th to preserve the students' brainstems and lungs at Towers Elementary. Further, construction traffic must also be denied the path down Beryl from Flagler to 190th.

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Based on the specific heights by BCHD of the Phase 1 RCFE and Phase 2 Pavilion, BCHD is proposing a set of structures located on the parcel perimeter that will be up to 168-feet above surrounding residential uses that are in 27 and 30-foot development limits. The CUP cannot allow such degradation of surrounding neighborhoods and uses.

BCHD ELEVATIONS ABOVE BASE		
Address	RCFE	Health Club/Pavilion
1317 Beryl	121	90
511 Prospect	104	74
514 Prospect	94	64
1408 Diamond	134	103
510 Prospect	101	70
520 Prospect	99	69
1224 Beryl	123	92
19313 Tomlee	125	94
5674 Towers	117	87
5641 Towers	156	126
5607 Towers	167	136
19515 Tomlee	130	100
501 Prospect	111	80
1202 Beryl	122	92
19936 Mildred	168	138

Source: USGS, all measurements in feet

See RBMC 10-2.2506 Conditional Use Permits.

5. BCHD Provides Net Negative Benefits to the Redondo Beach and No CUP Can be Issued

BCHD Direct Statement in its FAQs (2020)

HAS BCHD CAUSED DAMAGE TO THE SURROUNDING NEIGHBORHOODS? BCHD has not denied there are effects on neighbors from our operations, similar to other organizations, schools or businesses located near residences.

Further, the draft Environmental Impact Report currently being prepared will assess and analyze any impacts associated with the proposed Healthy Living Campus upgrade.

Since BCHD's Campus opened in 1960, neighbors were certainly aware the campus was nearby before they moved in, especially if they lived adjacent or across the street and could see campus activity. The South Bay Hospital was operating through 1998 in addition to medical office space on the campus at 510 and 520 buildings -- yet neighbors still made the decision to accept the normal activities of a functioning hospital across the street from or near their property. Only now has this become an issue. “

Analysis – South Bay (emergency) Hospital Benefits

BCHD fails to recognize that South Bay emergency Hospital (SBH) operated an emergency room and thereby provided lifesaving benefits to the surrounding neighborhoods. The time to access an emergency room is well understood to be a significant factor in emergency outcomes of morbidity and mortality (see studies, such as <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2464671/>). Unlike BCHD which is largely an office operation without specific medical need to be located on its current campus, the emergency hospital and emergency room, like fire stations, required neighborhood integration.

SBH from 1960 through 1998 provided neighborhood emergency lifesaving services. BCHD provides no such services, and in fact, there is no evidence that BCHD needs to be in its current location, nor even in any of the 3 beach cities that own and fund BCHD. BCHD intends to “import” tenants according to its MDS study. 95%+ of tenants are expected to be from outside 90277. Further, the duplicative PACE facility will bus in its patients and could also be located elsewhere.

Analysis – BCHD Proposed Commercial Services to Non-residents

As BCHD attempts to transition to an RCFE and PACE model, the tenants and participants will be 80% from outside the 3 beach cities for RCFE and will be transported in buses. All 3 beach cities are already served by PACE, as are all surrounding zip codes, so BCHD's service is duplicative and unneeded locally and provides no incremental services benefit.

As such, BCHD cannot draw any analogy of the neighborhood tolerance and preferences for an emergency hospital to BCHD commercially developed services to serve primarily non-residents. Furthermore, BCHD provides 100% of local disbenefits to the south Redondo Beach 90277 area, while only providing a projected 5% of project benefits according to BCHD's MDS research report. As south Redondo Beach 90277 is already serviced for PACE, BCHD provides no incremental services or benefits with its duplicative proposed programs.

Analysis – BCHD Lack of Support for Net Benefits

When explicitly requested to provide a net benefits analysis of its 40+ so-called “evidence based” programs in California Public Records Act (CPRA) requests, BCHD responded that 1) it does not and never has budgeted by program, 2) it does not track costs by program, 3) it does not evaluate and monetize benefits by program and 4) it does not compute net benefits by program. As such, BCHD is unable to provide any support that it provides net benefits to south Redondo Beach 90277 (the area that suffers 100% of BCHD economic and environmental injustice impacts) or to Redondo Beach in aggregate. BCHD failed to disclose its lack of data and misrepresented its RCFE benefits in writing to the Redondo Beach City Attorney, claiming that “clearly” the RCFE would provide “significant benefits” to the residents of Redondo Beach. BCHD has no evidence as it responded in its public record responses. Furthermore, BCHD’s consultant MDS expects less than 5% of RCFE residents to be from 90277 and 4% from 90278, therefore, Redondo Beach will suffer 100% of the impacts for less than 10% of the benefits.

Analysis – BCHD Impact on Local Neighborhoods from Covid Testing

Based on BCHD public records act responses, approximately 85% of Covid tests were conducted for non-residents of the 3 beach cities that own and fund BCHD. There is no analysis of the specific number of tests completed for south Redondo Beach 90277 that was subjected to 100% of the negative impacts of traffic, exhaust, and noise. There was also no analysis of the total number of tests conducted for all of Redondo Beach. Based on simple population shares, Redondo Beach was burdened with 100% of the negative environmental justice damages and received 8% or less of the benefits from BCHD testing activity. Furthermore, LA County Health has the funding and mandate to provide testing, and BCHD residents could have received testing with no impacts to Redondo Beach or the beach cities using other county sites. Therefore, BCHD provided only damages, and no incremental benefits from local testing. Furthermore, BCHD has no data to demonstrate local benefits, especially compared to the negative Environmental Justice (EJ) impacts.

Conclusion

BCHD data shows that it cannot quantify any benefits explicitly to 90277 and 90278, and its MDS study clearly demonstrates that less than 10% of RCFE tenants and benefits are expected to accrue to Redondo Beach, which suffers 100% of the EJ damages. Absent the quid pro quo of the emergency room of South Bay Hospital providing positive proximal benefits to the surrounding neighborhoods, BCHD provides significantly more impact than value. As such, no Conditional Use Permit can be issued.

6. BCHDs Proposed Overdevelopment is Inconsistent with More Current P-CF Zoned Development

Based on information from the City of Redondo Beach, there are seven (7) P-CF parcels in Redondo Beach. They are:

- 1) Andrews Park 1801 Rockefeller Ln, Redondo Beach, CA 90278
- 2) Beach Cities Health District 514 N. Prospect Av, Redondo Beach, CA 90277
- 3) Broadway Fire

Station (#1) 401 S Broadway, Redondo Beach, CA 90277 4) City of Redondo Beach Facility 1513 Beryl St, Redondo Beach, CA 90277 5) Grant Fire Station (#2) 2400 Grant Ave, Redondo Beach, CA 90278

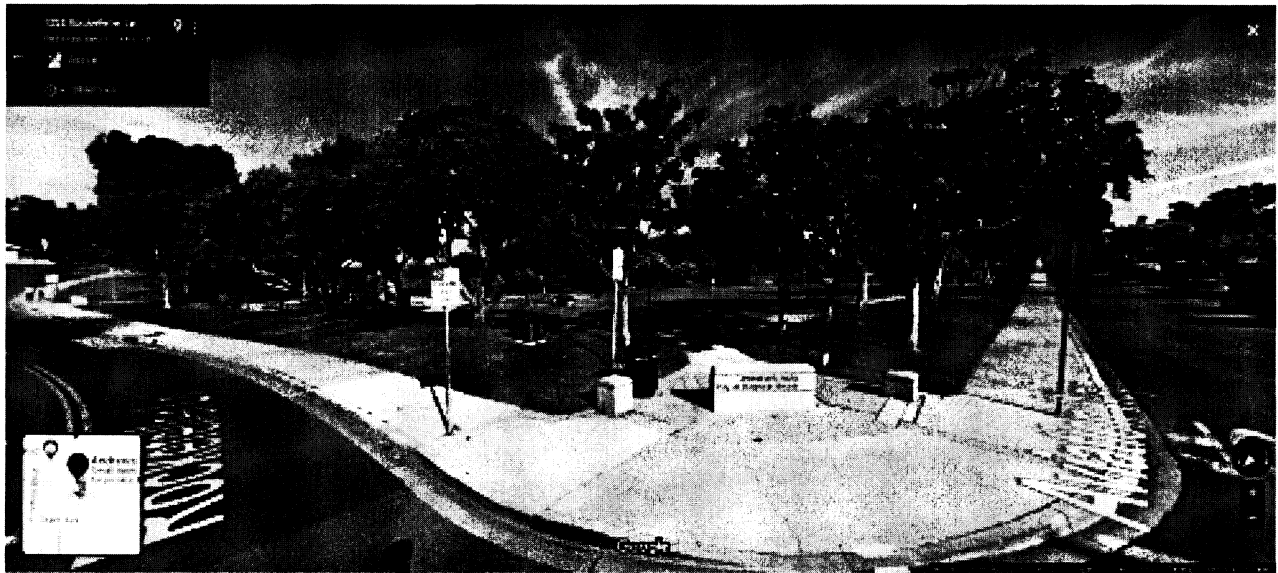
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6) Kensington Assisted Living 801 S Pacific Coast Hwy, Redondo Beach, CA 90277 7) North Branch Library 2000 Artesia Bl, Redondo Beach, CA 90278

With the exception of BCHD, the former South Bay Hospital parcel and the City of Redondo Beach multiple use facility, the remaining five (5) P-CF parcel uses appear to be consistent with surrounding land uses from a design, height, and traffic perspective. Both the current BCHD and the 103-foot tall, 800,000 sqft proposed overdevelopment are inconsistent with more current, allowed P-CF development.

Andrews Park

Per the City of Redondo Beach, Andrews Park is local neighborhood recreation facility, "Andrews Parkette is a 1.61 acre park located just north of Grant Avenue in Redondo Beach. The park features grass, trees, play equipment, picnic tables and picnic shelter." Based on observation, there are no features at Andrews Park, such as commercial buildings or tall parking structures that are inconsistent with the surrounding neighborhood uses and design. Andrews Park is a recreation facility per the City of Redondo Beach.



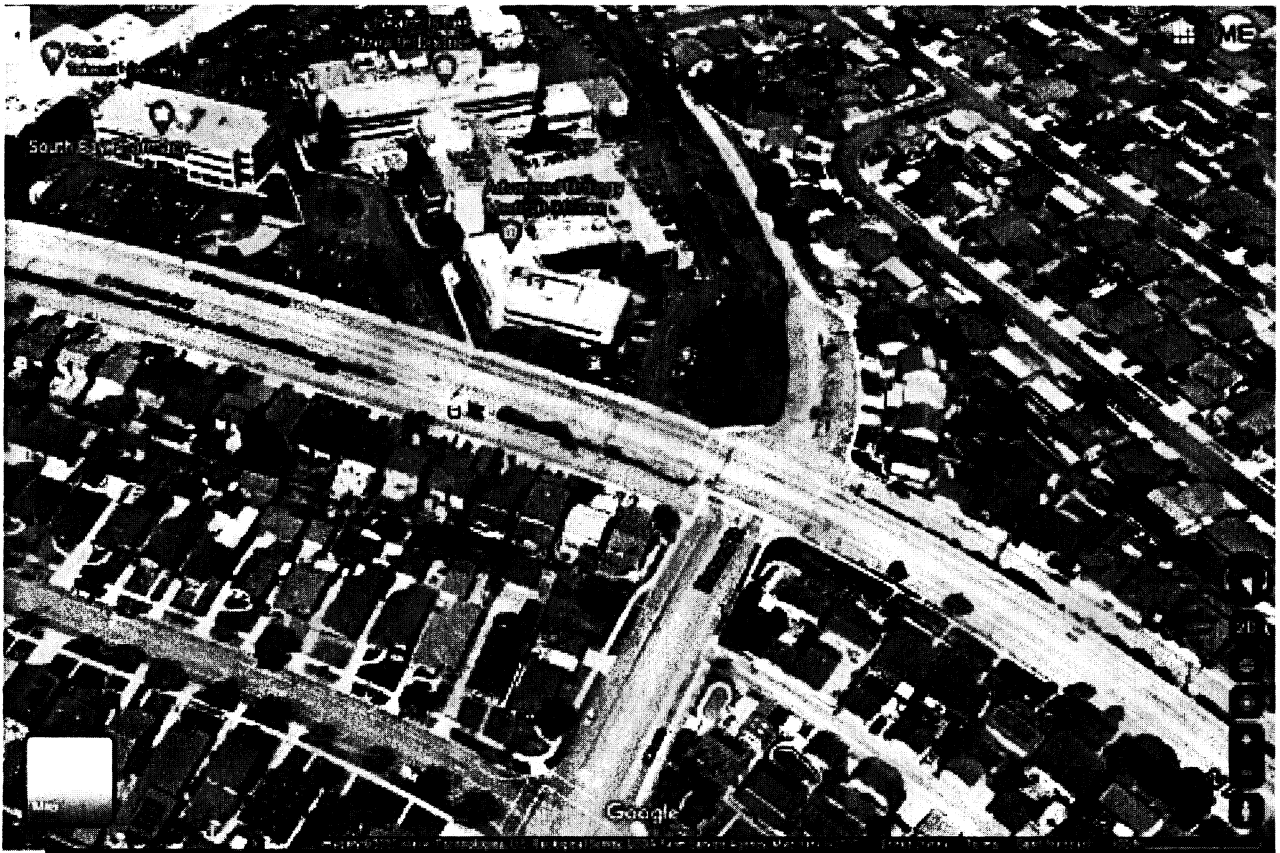
Beach Cities Health District (BCHD)

BCHD was renamed from South Bay Hospital District (SBHD) in 1993 following the 1984 failure of South Bay Hospital as a publicly-owned emergency hospital, and the subsequent failure as a leased facility to AMI/Tenet. Per Google Earth Pro (GEP) measurements, the hospital towers are generally 4- story, 60-foot tall. Per BCHD, there is a single, 968-sqft "penthouse" mechanical room atop the 514 N. Prospect hospital building at 75-feet. That represents 0.3% of the approximately 300,000-sqft of the existing campus buildings. At 75-feet, BCHD is 250% the height of surrounding 30-foot height zoning limits. SBHD also

allowed construction of two (2) medical office buildings on land it leased to third (3rd) parties. These buildings are both 3-stories and 40-feet, also according to GEP measurements. They are both 130% of local zoning height restrictions and the 510 N. Prospect building is built at the

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west-most lot line, increasing its mass, noise reflection, and visual height to a maximum for its construction. At 130% to 250% in excess of surrounding zoning height limits, with concrete sound reflective walls, substantial reflective glass, night time outdoor lighting, traffic, and emergency siren activity, BCHD is not consistent with the surrounding neighborhoods in function nor design.



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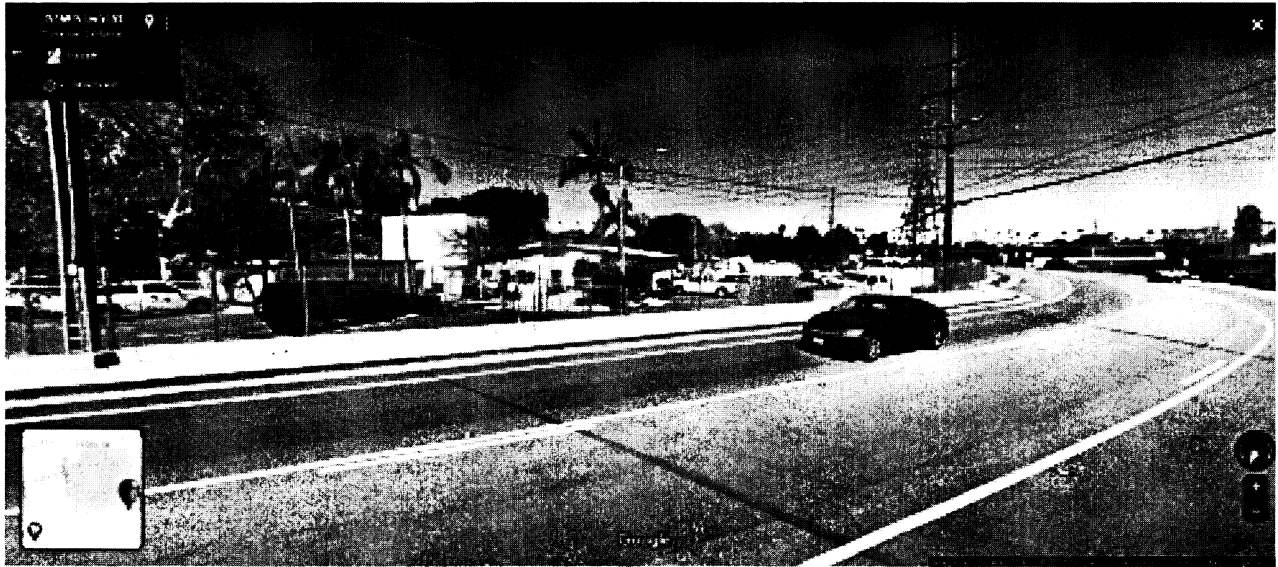
Broadway Fire Station (#1)

Per in-person visual inspection, the Broadway Fire Station is a corner lot with general building height of 1-story, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities and built in a not dissimilar architectural design to minimize its impacts.



City of Redondo Beach Facility (Beryl St)

Per in-person visual inspection, this multi-use facility houses both the police shooting range and a number of public works functions. It is in the southeastern most corner of the Dominguez Park parcel, adjacent to the Edison right-of-way and across the street from Towers Elementary. The Edison right-of way to the north is utility/industrial use and the park to the west is public use and significantly elevated above the parcel. The Torrance public facility, Towers Elementary is to the south. There is some residential to the east behind a sound wall. On three (3) sides, the use of this parcel is consistent with its surrounding public facility zoning, although the police shoot range has decades of controversy surrounding it. The residential to the east is buffered by a strip of land and the road. Most of this parcel's surrounding neighbors are consistent uses.



Grant Fire Station (#2)

Per in-person visual inspection, the Grant Fire Station is a corner lot with general building height of 1- 1/2-stories, except for a specialized small footprint multistory tower. The overall facility is generally lower height than surrounding residential and multi-family facilities except for the specialized tower, and built in a not dissimilar architectural design to minimize its impacts.



Kensington Assisted Living

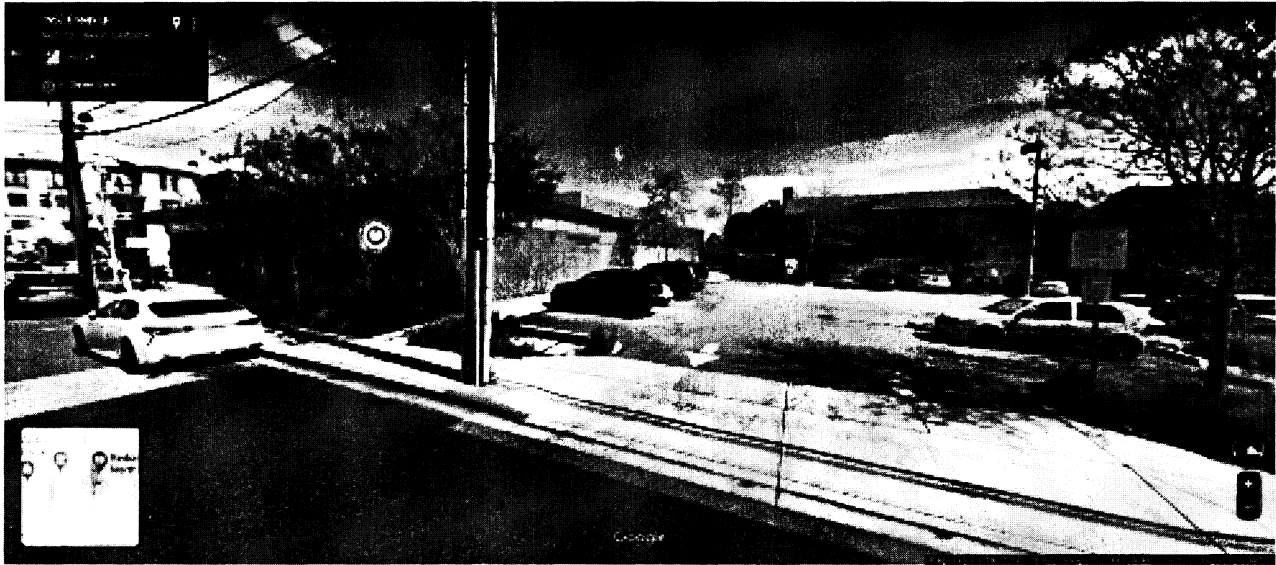
Per the City of Redondo Beach EIR, the project includes an 80,000-square foot

living facility with 96 suites and 11,000-sqft of common space on 3.37 acres gross. The footprint of the facility buildings is 1.15 acres based on aerial analysis. The architecture and design is earth tone Spanish revival and at 33-feet maximum height is very consistent with the surrounding single and multifamily residential.



North Branch Library

Based on aerial analysis and GEP, the North Library is approximately 12,000 sqft footprint and surrounded on three (3) sides by commercial development. To the south is multifamily residential. Based on in-person inspection, the interface of the tallest point of the library and the multi-family to the south are approximately equal height at two (2) stories. The mixed use to the north of the Library is nominally 4-stories and more visually massed than the Library. The Library has clean design and is consistent with the adjoining land uses visually and in terms of height, is lower than the land use to the north.



Conclusion

Based on this analysis, only BCHD is vastly out of scale and design with surrounding neighborhoods. Except for a small, local servicing strip mall to its north, the 30-foot elevated site of BCHD is visible to all residential construction on all four (4) sides of the lot. Noise, aesthetic blight, glare, reflection, night time lighting, traffic, sirens, and associated PM2.5 emissions are inconsistent with surrounding land uses, notwithstanding any CEQA self-certification by BCHD.

Further, BCHD had developed a moral obligation to protect the community standard that is more stringent than laws and ordinances. This moral obligation standard was used by BCHD to justify seismic retrofit or demolition of the 514 hospital building. Consistent application of the standard to the surrounding neighborhoods, 60+ years of economic and environmental injustice by SBHD and BCHD, and a proposed 50-100 years more of economic and environmental injustice renders this overdevelopment unbuildable.

Last, the current BCHD has only 0.3% of its campus sqft at 75-feet tall. The 514 building is on average just slightly over 30-feet tall, and as such, that average height should serve as the average height cap to any future site development under a CUP for P-CF zoning.

Redondo Beach Code Conformance

The current BCHD at 312,000 sqft does not appear to conform with existing Redondo Beach code for issuance of a Conditional Use Permit. The proposed 793,000 sqft, 103-feet tall, 6-story senior apartments and 10-1/2 story, car parking structure violate the following RBMC section based on height, noise, invasion of privacy, and excess generated traffic. In addition, the proposed BCHD overdevelopment is inconsistent with design guidelines for Beryl Heights.

Reference: 10-2.2506 Conditional Use Permits.

(a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to **insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties** nor disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

(b) Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this section:

(1) The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to **adjust such use with the land and uses in the neighborhood.**

(2) The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use.

(3) **The proposed use shall have no adverse effect on abutting property or the permitted use thereof.**

7. BCHD Must Dedicate All Open Land to Unrestricted Public Use or No CUP Can be Considered

BCHD Plans to Allow a Commercial Developer to Build, Own and Operate the RCFE In public discussions with Cain Brothers/KeyBanc, the investment bankers for BCHD, the discussion has centered around forming a joint venture (JV) between a majority owner, commercial real estate developer and BCHD. That JV could easily remove the proposed openspace from public use. As such, BCHD must place deed restrictions on the openspace and dedicate them to the perpetual use of public recreation. No ownership of any public land can be permitted by any JV, nor can any lease arrangement place any restrictions on public use of openspace.

C. BCHD PROJECT DESCRIPTION AND PROJECT ALTERNATIVES ARE INVALID

1. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

BCHD ignores laws and ordinances when declaring that the failed hospital building must be seismically renovated or demolished. There are no codes or ordinances requiring demolition, therefore, BCHD falsely makes the claim that the 514 N. Prospect must be demolished in both its preferred project description and No Project Alternative. BCHD has multiple Phase 2 descriptions, denying the public the right to intelligent participation using a stable and finite project description. BCHD insufficiently defines Phase 2 in order for environmental analysis or public comment.

2. BCHD Fails to Meet Programmatic EIR Requirements

BCHD fails to provide a sufficient information, and therefore excessive uncertainty, regarding Phase 2 for the public to intelligently review it or for BCHD to make meaningful assessment of impacts.

3. BCHD Project Alternatives are Inadequately Developed and Flawed

BCHD's No Project alternative is flawed and asserts that the failed hospital has a current seismic defect. BCHD rejected a more valid No Project alternative of no seismic retrofit by creating unnecessarily restrictive objectives and assuming a false narrative of termination of all renter leases to retrofit. BCHD has provided no analysis of the future 514 N Prospect building changes, costs, or timing. Further BCHD falsely asserts that all tenants must be removed for remodeling. If that is the level of BCHD's commercial expertise, it should not be in the commercial rentals business at all.

4. BCHD Failed to Consider Cessation of Operations and Return of Property to Taxpayer Owners in the form of a Community Garden

Summary

BCHD failed to consider the appropriate No Project Alternative of Cessation of Operations. BCHD errs when assumes that seismic upgrade or demolition is required. However, if demolition is voluntarily elected, the quid pro quo mitigation for the environmental damage of demolition, hauling, noise, etc. is cessation of operations and establishment of a taxpayer-owner community garden.

History of the Parcel, Failure of South Bay Hospital

In 1955, voters of Hermosa Beach, Redondo Beach and Manhattan Beach approved a charter for the South Bay Hospital District (SBHD) for the express purpose to build, own and operate an emergency hospital sized for the three beach cities. Subsequently, voters approved both a bond measure for purchase of the Prospect Avenue campus in Redondo Beach and also construction of the hospital, along with a property tax levy. According to the Daily Breeze, the publicly owned hospital started operation in 1960, was expanded in 1970, and was in poor financial condition by the late 1970s. By 1984 the publicly owned and operated hospital ceased operation and the shell of the hospital was rented out. In 1993, when it was clear that the hospital was not going to be an ongoing rental concern, the SBHD renamed itself Beach Cities Health District (BCHD), kept the property, financial resources, and annual property taxes and ultimately shuttered the emergency hospital in 1998.

The quid pro quo with the community for the Environmental and Economic Injustice to the surrounding neighborhoods was 24/7 Emergency Medical Services.

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BCHD was Not Voter Approved

BCHD was not voter approved and does not serve the only voter-approved mandate of the district, that is, provision of an emergency hospital.

BCHDs Overdevelopment is for Wealthy Non-Residents

Despite the fact that South Bay Hospital was sized and built for the three beach cities, BCHD is proposing an 800,000 sqft, \$400M development on the taxpayer-owned campus that serves mainly non-residents. Per BCHD consultants, 80% of tenants of the \$12,000/month "upscale" assisted living will be NON-RESIDENTS of the three beach cities, and primarily from Palos Verdes Peninsula and outside the south bay.

South Bay Hospital Building Does Not Require Retrofit or Demolition

BCHD Board and executive management have declared that the 514 N Prospect Ave hospital is no longer fit for use and must be retrofit or demolished. While this is not technically accurate per BCHDs own engineers, it is the path BCHD is pursuing. The cost of demolition is estimated at \$2M plus the cost to remove hazardous waste, such as asbestos and nuclear medical waste. The district has sufficient cash on hand for the demolition activity. The 510 and 520 N Prospect Ave medical office buildings (MOB) are privately owned and on leased public land. The 510 MOB lease is up in the mid-2030s (estimated), while the 520 MOB lease is up in 2060 (estimated).

Re-development Should Occur as a Community Garden

To cure the Environmental and Economic Justice impacts to the three beach cities and the local neighborhoods, the publicly owned campus can become a community garden. The 514 N Prospect Ave hospital building can be demolished and the approximately 8 acres parking lots and former building site, along with the Flagler and Beryl parcel, can be redeveloped into the Beach Cities Community Garden (BCCG). The BCCG will be developed and maintained by the net revenues from the 510 and 520 MOBs. As each building comes to the end of its lease, it can be demolished and its footprint added to the park.

Residents of the three beach cities would be entitled to a one-year, lottery-based use of plot of to-be determined size. If all plots are not subscribed, non-residents will be rented the plots. At such time after 2060 when no revenues are received from the 520 MOB, rents would be determined for residents and non-residents in a 1:4 ratio, that is, non-resident rent would be 4-times that of resident rents.

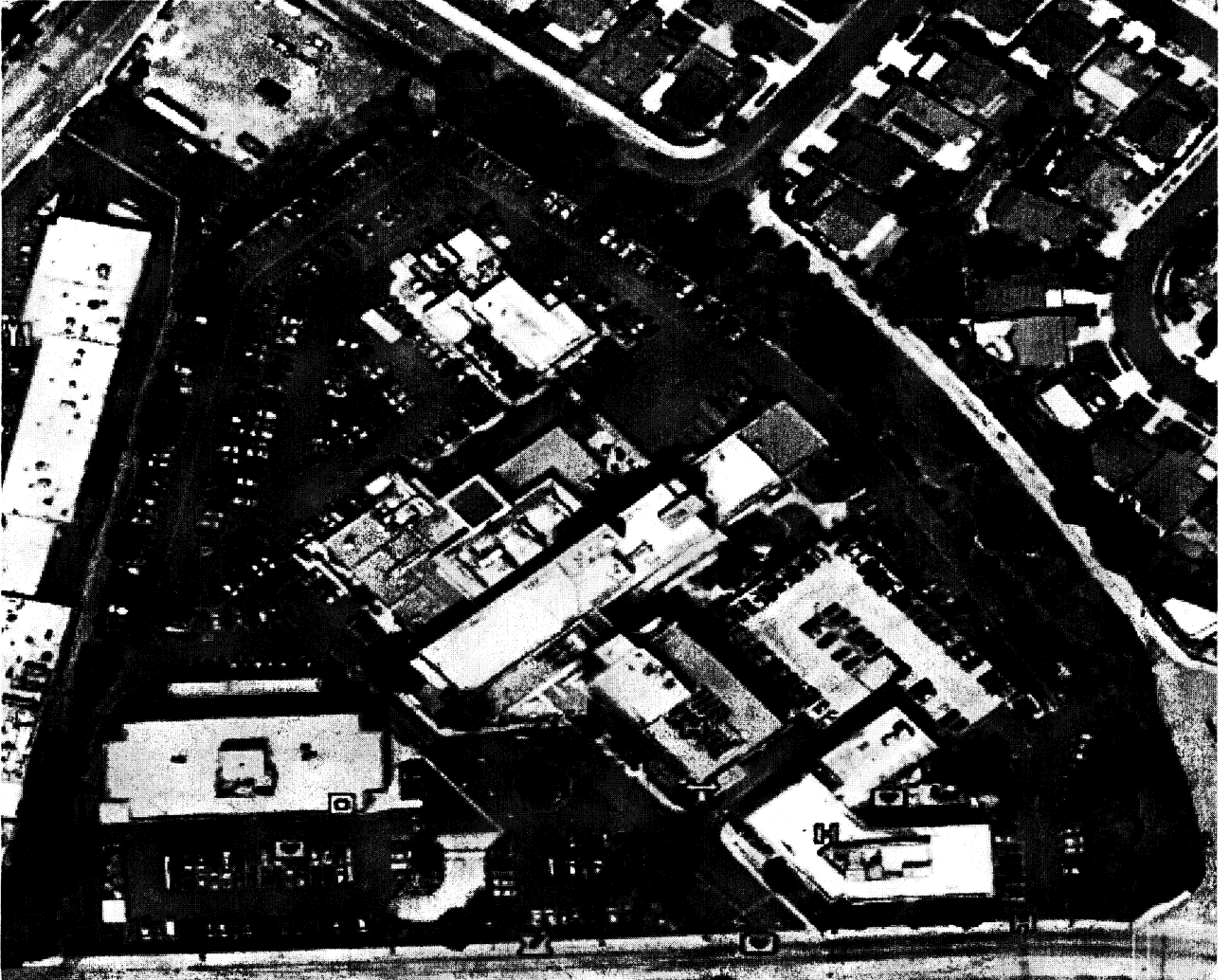
BCHD Would be Repurposed and Properly Operated

BCHD would be repurposed to receive only the revenues from property taxes and its existing Joint Ventures until such time as they are dissolved. At that time, BCHD would receive only the property tax revenues. BCHD staff and operations would be significantly downsized, and BCHD would become only a property management and financial grant entity. That is, it would serve only as an administrator of funding for third parties based on its revenues outlined above. The current CEO and Board would be dismissed and replaced with a CEO and Board with mandated expertise in property and grant management as determined by a committee of the three beach cities that own BCHD. This would be codified in the voter-approved charter amendment for the repurposed BCHD. In the event the charter

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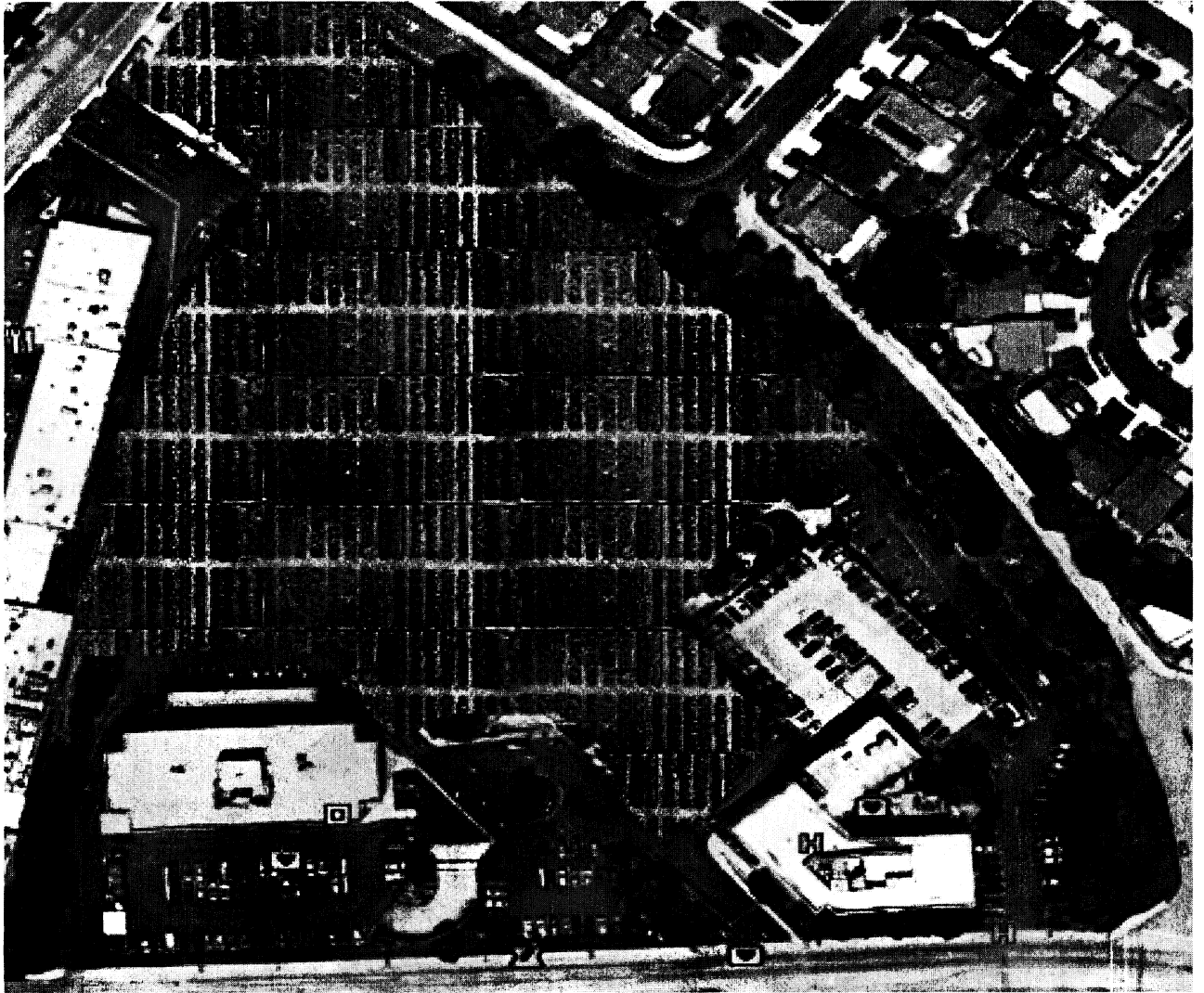
could not be legally amended, BCHD would be dissolved, a three city community garden established, and BCHD assets liquidated and put into a non-wasting trust to maintain the community garden.

Current Campus



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Beach Cities Community Garden 2025 Post 514 N Prospect Demolition

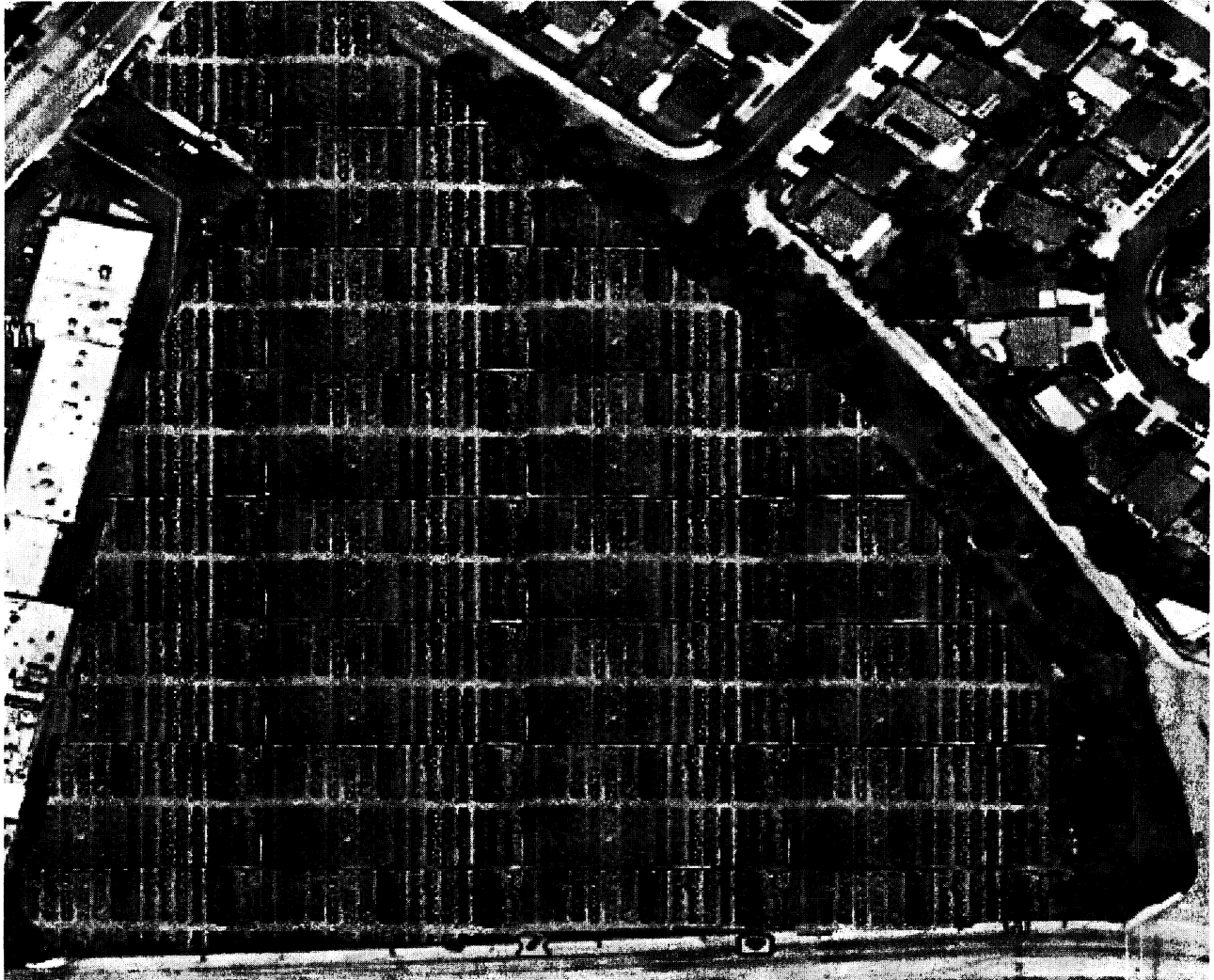


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BCCG 2040 Post 510 MOB Demolition



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BCCG 2065 Final State Post 520 MOB Demolition



5. BCHD Fails to Provide an Accurate, Stable and Finite Project Description

Background

The Project involves the demolition of the failed South Bay Hospital and expansion of the current BCHD facilities. Specifically, the project would consist of approximately 800,000 sqft of surface buildings with a height of 103-feet. The Draft EIR for the project provides the project would be developed in two successive phases.

BCHD Description of Phase 2 Fails the Accurate, Stable and Finite Test

An EIR must contain a detailed statement of all significant effects on the environment of the proposed project. (Pub. Resources Code § 21100.) The courts have stated, “An accurate, stable and finite project

City of Los Angeles (1977) 71 Cal.App.3d 185, 192-93.) “The defined project and not some different project must be the EIR’s bona fide subject.” (M.M. Homeowners v. San Buenaventura City (1985) 165 Cal.App.3d 357, 365, emphasis added.)

By its own presentation, BCHD provides multiple views of Phase 2, thereby providing a de facto failure of accurate, stable and finite. The public is denied cost-effective, intelligent participation in the CEQA process because it is required to analyze multiple scenarios, all of which cannot be developed on the same space.

BCHD must account for the reasonably foreseeable future phases of the Project. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393-399.) The Guidelines provide that “project” means “the whole of the action.” (Guidelines, § 15378, subd. (c).) An agency cannot treat one integrated large project as a succession of smaller projects, none of which, by itself, causes significant impacts. Phase 2 is insufficiently specified cannot be adequately analyzed given the lack of specificity that BCHD provided in its defective DEIR.

The law governing recirculation of an EIR is set forth in CEQA Guidelines Section 15088.5(a): A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. Specifically BCHD must provide the public with an accurate, stable and finite (one single description of a proposed Phase 2) and recirculate.

D. BCHD “PURPOSE AND NEED” IS INVALID

1. BCHD Duplicative PACE Facility Purpose and Need is Invalid Based on Lack of Evidence and Need

Background

BCHD is requesting permission as a publicly owned entity to provide public services and in the process do irreversible damage to the environment for generations.

BCHD’s prior three healthy living campus designs did not contain any PACE component. Not until the never-before-seen June 12, 2020 at 605PM Friday after close of business plan was PACE provided to the public. In an online search of over 1,300 documents and pages on the BCHD.org site, there are no occurrences of the PACE concept prior to the June 12, 2020 release. That includes public notices, RFQs, and public informational documents. It would appear that inadequate consideration was provided to the decision to add a PACE facility. All zipcodes of BCHD are already served by PACE, as are all surrounding zipcodes.

Summary of Cain Bros. (Investment Bankers) PACE Information in BCHD Public Documents Fails to Provide any Justification of Need to the 3 Beach Cities Given that LA Coast PACE Services the Area

“PACE – Program for All-Inclusive Care for the Elderly is a program designed to maintain an individual’s ability to live in their home and minimize medical costs while increasing

quality of life through active support of social determinants of health, activities of daily living and early medical intervention and wellness programs through adult day center and primary care clinic”

BCHD misrepresents its primary interested in the commercial money-making opportunity and provides no health need or benefit of the duplicative PACE proposal

“Sub-contracting revenues from an adjacent PACE in the form of meals, housekeeping, security, van transportation might be viewed as advantageous by AL/MC JV partners as they could be charged at “cost-plus” rates to the PACE site”

“Leading PACE sites can generate 12-15%+ EBITDA with annual dual Medicare/Medi-Cal capitation revenues that can reach \$90K per enrollee/per annum”

“Enrollment scales rapidly and increases profitability incentivizing the need for 14,000 sq. ft. space so as to accommodate up to 200 daily users or the equivalent of 400 PACE enrollees”

“Prudent program for “highest cost utilizers” out of MA/ACO plans so a potential discharge destination for Kaiser [NOTE: Is this a RECYCLED Kaiser Presentation?] and health systems or large physician groups that have capitated financial risk”

“Wide range of medical, home care, rehab services and building/maintenance costs can be s subcontracted by the District at “cost-plus” rates”

PACE Financial Overview

Development Budget and Resulting Sources & Uses of Funds (Preliminary, Subject to Change)

The tables below show the development budget for construction of a new PACE Center on BCHD's Healthy Living Campus and the resulting financing in order to fund the construction. Under the assumption that construction takes place over 14 months and the District obtains permanent financing for a term of 30 years at an interest rate of 4.00%, approximate annual net level debt service would be ~\$667,750.

PACE Operator will provide funds for start-up working capital and state required reserve – approximately \$4 million

Hard Costs (14,000 sq. ft. @ \$400 per sq. ft.)	\$5,600,000
Soft Costs (14,000 sq. ft. @ \$100 per sq. ft.)	1,400,000
Parking	2,000,000
Equipment (FF&E)	2,000,000
Land	2,000,000
Total	\$13,000,000
Financing	
Tax-Exempt Debt Funding	\$11,000,000
Equity Contribution (Land Value)	2,000,000
Total	\$13,000,000
PACE Project Fund	
PACE Project Fund	\$11,000,000
Land	\$2,000,000
Total	\$13,000,000



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PACE is Likely a Poor Fit for the 3 Beach Cities

Based on the PACE association, 90% of PACE participants are funded by both Medicare and Medicaid, while 9% are Medicaid and 1% are cash plus potentially Medicare. As such, it is quite unknown if the demographics of the three beach cities that own, fund and operate BCHD will have many qualifying participants. BCHD provides no need justification.

Conclusion

Cain Bros. provides only the barest fact base for the PACE program, a never-before-seen component of the healthy living campus plan that was introduced to the public by BCHD after close of business June 12, 2020 and approved as part of the BCHD plan three (3) business days later on June 17, 2020. The list below of open issues is recognized from the Cain document and highlights the open questions that existed at the time of BCHD Board approval.

1. Cain sizing recommendation of 400 participants is less than the California PACE program average size for mature California programs. Cain provides no reasoning, support or data.
2. Cain provides no market research for local area, nor any competitive analysis. For example, all BCHD zipcodes as listed in the MDS market study are already service for PACE by LA Coast PACE.



3. Like BCHD contractor MDS, Cain provides no “voice of the customer” direct surveys of residents of the three beach cities to assess need, interest or eligibility.

4. Cain fails to provide and research of detail on the three beach cities resident qualifications for MediCal, since PACE is 99% funded by Medicaid (MediCal) or Medicare and Medicaid and only 1% cash pay according to the National Pace Association, npaonline.org.

5. Cain fails to provide a path for PACE funding for BCHD, that is, how will BCHD raise the funds and will a public vote of indebtedness be required?

Cain Bros. Public Presentation

[https://www.bchdcampus.org/sites/default/files/archive-files/Cain%20Borthers_Financial %20Analysis_2020.pdf](https://www.bchdcampus.org/sites/default/files/archive-files/Cain%20Borthers_Financial%20Analysis_2020.pdf)

2. BCHD RCFE Purpose and Need is Invalid Based on BCHDs MDS Research Study

Summary

Little need in Redondo Beach for Additional, Public-land RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further,

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the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

Little Need in the 3 Beach Cities for Publicly Developed, Market Price RCFE – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD Studies Present No Evidence of Public Development Need – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

BCHD Continues to Misstate any Need – BCHD falsely claims that it needs to build RCFE to

meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

Voter Approved Hospital was Sized for ONLY the 3 Beach Cities – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

Analysis

Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.

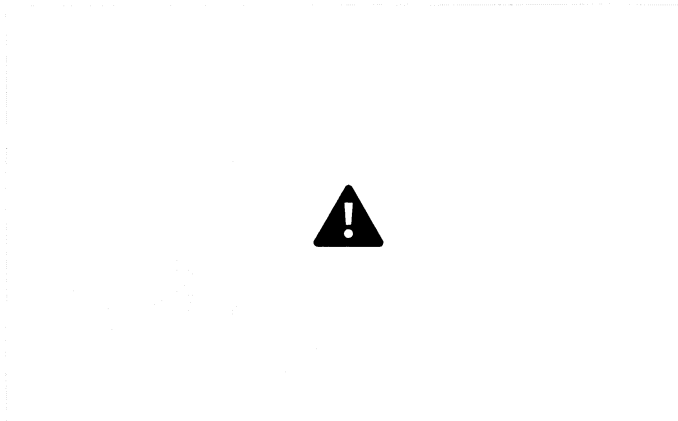


MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.



Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall, Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area



South Bay Hospital District Services Sized Exclusively for the Three Beach Cities According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future

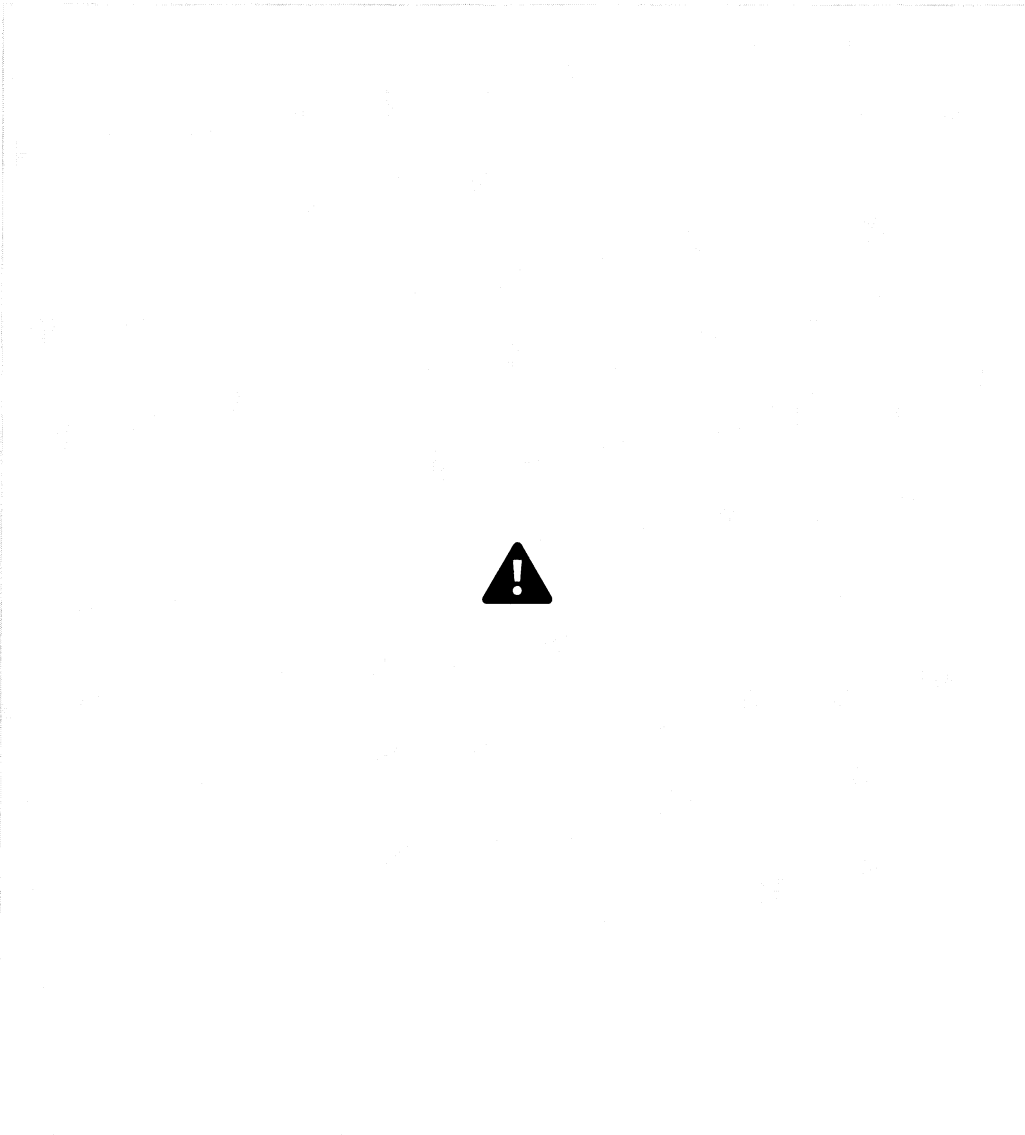
was

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becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon



Market Studies are Incomplete and Flawed

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities the formed and funded South Bay Hospital District and execution was conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

BCHD Relies on No Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY_STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

CEQA Fails Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHD’s lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

E. BCHD PROJECT OBJECTIVES ARE UNSUPPORTED AND OVERLY RESTRICTIVE

1. BCHD Project Objectives are Generally Flawed

BCHD has Fabricated a Current Need for Seismic Retrofit or Demolition

No laws or ordinances require any retrofit or demolition. The “best practice” ordinance of the City of LA (not applicable) would allow up to 25 years for action. There is NO CURRENT SEISMIC NEED.

Net Benefits of Current and Future Programs are Not Quantified and May be Negative BCHD

asserts that it needs replacement and future revenues. Since its inception in 1993, BCHD have had no program budgets, cost-accounting or benefits assessment, according to the widely understood US CDC methods. Therefore, BCHD cannot assert any of its programs provides benefits above its costs to residents of the three Beach Cities. Therefore BCHD project objectives asserting public need or benefits are unsupported.

Revenue Requirements for Programs with Net Benefits are Non-existent

BCHD provides no pro formas of future benefits or the revenue requirements to gain such revenues. Therefore both if its Project Objectives regarding revenue are unsupported.

BCHD Has No Evidence of Net Benefits of RCFE to the Three Beach Cities or Redondo

Beach BCHD asserts market-priced (approximately \$12,000+ monthly rent) is required by the three Beach Cities to be developed on scarce Public land. BCHD undermines its own case by demonstrating less than 20% of residents will be from all three Beach Cities and less than 5% will be from 90277, the Redondo Beach target of 100% of the Environmental and Economic Injustice impacts.

BCHD Project Objectives are Overly Restrictive and Deny Environmental Protections by Targeting Only the Proposed Project and Extremely Similar Projects

BCHD has authored interlocking, unsupported, and some outright false Project Objectives that are so restrictive when taken as a whole that no alternatives or changes to the project are acceptable. This is flatly unacceptable in CEQA.

2. BCHD Project Objectives are Not Evidence-Based and are Not Valid

The following are BCHD stated Project Objectives along with evidence-based discussions of their lack of validity.

BCHD Project Objective #1

Eliminate seismic safety and other hazards of the former hospital building (514 Building)

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach"

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BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents "Best Practice"" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation:

https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

BCHD Project Objective #2

Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a Community Wellness Pavilion with meeting spaces for public gatherings and interactive education.

Discussion of and Rebuttal to Objective #2s Validity

When requested in a California Public Records Act (CPRA) Request, BCHD responses indicated that it had no scientifically valid reason for the need for open space nor the size of the open space if required. BCHD referred to documents that assumed the existence of open space, but provided no reasoning for the need. In fact in one document, BCHD provided attendees a presentation in advance of the discussion that contained the requirements and definitions, thereby mooting the outcome of the public discussion. The definitions are below.

BCHD Direction - "What is a "Wellness Community"?"

A wellness community seeks to optimize the overall health and quality of life of its residents

through conscious and effective land plans and facility designs, complimentary programming, and access to related resources and support services. It is also part of the DNA of the community to place emphasis on connecting people to one another as well as to nature.

BCHD Direction - What is a "Healthy Living Campus"?

An arrangement of buildings and shared open spaces proactively developed with the holistic health of its residents, guests, environment – both natural and built – and local community in mind."

Citation: BCHD CPRA Response "On Mon, Sep 14, 2020 at 3:48 PM Charlie Velasquez <Charlie.Velasquez@bchd.org>"

Citation:

(<https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%202%20Report.pdf>)

BCHD Project Objective #3

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

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Discussion of and Rebuttal to Objective #3s Validity

BCHD has no voter-approved mission. BCHD was formed from the failed South Bay Hospital District in 1993 according a CPRA response from BCHD. Furthermore, the hospital district was formed to build, own and operate a taxpayer funded facility that was sized for the residents of the three beach cities (Hermosa Beach, Manhattan Beach and Redondo Beach) that voter authorized the formation of the hospital district. As such, BCHD mission is arbitrary with respect to its taxpayer-owners.

BCHD is electively discontinuing use of the Hospital Building based on the invalid assumption that it requires seismic hazard reduction. As demonstrated above, BCHD's own Youssef Associates has stated no upgrade is required.

BCHD has no evidence that its current level of services is needed or cost-effective. Since 1993, BCHD has failed to budget, cost-account, evaluate, or conduct benefit-to-cost analysis of its programs. US CDC has both methodologies and thorough recommendations for public health program evaluation and cost-effectiveness that BCHD has ignored. Therefore, BCHD assertion that there is any need to generate revenue for its voter-unapproved mission and programs of unknown value is objectively invalid.

BCHD's contractor Bluezones has refused to provide any documentation of its benefit methodology and asserts confidentiality. Therefore no Bluezones program benefits can be counted by BCHD. I have provided Bluezones legal counsel with a demand to show proof of

their process.

Last, BCHD claimed full credit for all positive effects of LiveWell Kids, despite the fact that evaluation experts at LA County Department of Health, likely versed in appropriate CDC methodologies, were clear to state, "this study was not a formal program evaluation and, importantly, lacked a control group." LA County Department of Health is honest, experienced and competent and was clear that BCHD had failed to complete a program evaluation.

It is quite clear that BCHD lacks the needed information to demonstrate: 1) it has a clear, voter approved mission, 2) its programs have value based on objective evaluation and net benefits, and therefore there is any legitimate reason to damage the environment to circumvent BCHD approaching taxpayers for a funding vote, and 3) it should be rewarded for the premature closure and demolition of the South Bay Hospital building that has 20-25 more years of use according to BCHD's own consultants and has no current ordinance obligating retrofit or demolition.

Citation: Youssef Presentation above

Citation: BCHD CPRA Response "RE: PRA Request - 40 programs Charlie Velasquez <Charlie.Velasquez@bchd.org> Thu, Aug 13, 2020, 12:50 PM

BCHD Project Objective #4

Provide sufficient public open space to accommodate programs that meet community health needs.

Discussion of and Rebuttal to Objective #4s Validity

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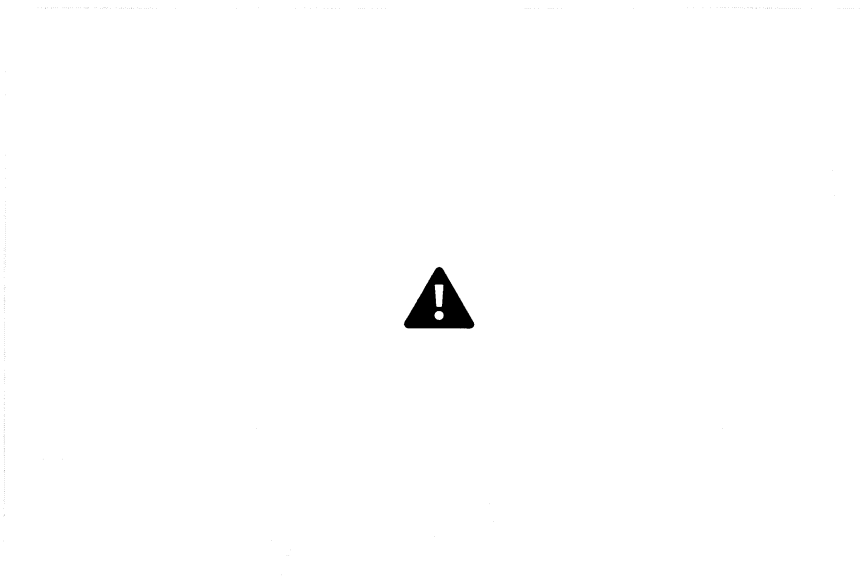
As cited in Objective #2 above, BCHD's CPRA response demonstrated that it has no scientific or quantitative basis for the definition of "sufficient" or any substantiation of why community health needs require open space at this location.

BCHD Project Objective #5

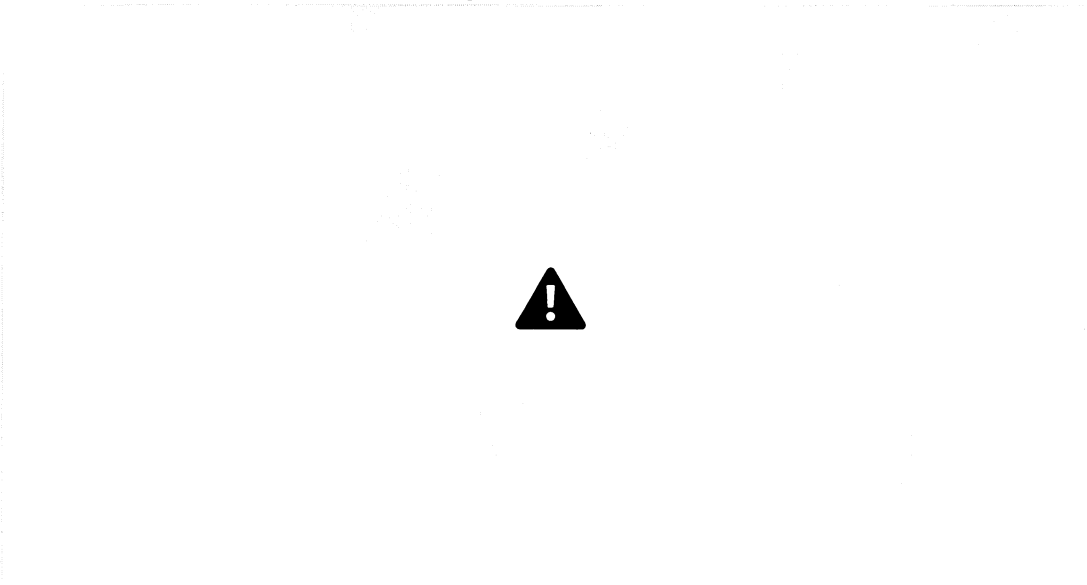
Address the growing need for assisted living with onsite facilities designed to be integrated with the broader community through intergenerational programs and shared gathering spaces.

Discussion of and Rebuttal to Objective #5s Validity

BCHD is owned and operated by the taxpayer-owners of Redondo, Hermosa and Manhattan Beach. According to BCHD's consultant, MDS, the residential care for the elderly (RCFE) facility is expected to house 35% non-resident tenants from the Palos Verdes area, 30% non-resident tenants from outside a 10 mile radius of the BCHD, and less than 20% resident tenants from within the three beach cities. Further, the facility will impact south Resondo Beach 90277 with nearly 100% of its economic and environmental injustices, as did South Bay Hospital before it, yet less than 5% of tenants are expected to be from 90277.



Furthermore, BCHDs consultants MDS and investment bankers Cain Brothers/KeyBanc anticipate monthly full market rents for both residents and non-residents with the exception of a potential small number of small subsidy units. The anticipated monthly rents are below and in cases exceed \$13,700/month.





It is quite clear from the BCHD consultant studies that the RCFE facility is not being built to serve the three beach cities that own and operate BCHD. Further, it is clear that the typical monthly rents for the “upscale” facility (as described by Cain Brothers executive Pomerantz) are \$12,000+ per month and outside the reach of most aged residents. Cain Brothers has recognized the affordability problem and executive Pomerantz has suggested taking the equity in seniors homes. That is clearly unacceptable.

Lastly, BCHD is a government agency, yet, it is pursuing market-priced RCFE rather than cost-based housing as it typical for nearly every governmental unit providing services in California. For example, the Redondo Beach Fire and Police Departments are not profit centers. Nor is the building department. Nor was the publicly owned version of South Bay Hospital, the only voter approved use for the campus. If BCHD were to take its public mission seriously, it would reduce the cost of the development using public, tax-free financing and charge cost-of-service monthly fees that would eliminate the steep profit made by operators.

Citation:

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability_Study_2019_0.pdf

Citation: Cain Brothers/KeyBanc June 2020 BCHD Finance Committee presentation

BCHD Project Objective #6

Generate sufficient revenue through mission derived services or facilities to address growing future community health needs.

Discussion of and Rebuttal to Objective #6s Validity

As of 2/19/21 there was no published forecast of the “sufficient revenue” to “address growing future community health needs” nor is there a definition of “future community health needs.” It is unclear if BCHD will be replying to CPRA requests in a timely fashion or not. If not, the objective must be removed.

3. BCHD Project Objective #1 is Invalid Because No Laws or Ordinances Exist Requiring Seismic Upgrade or Demolition of the 514 N Prospect Building

Discussion of and Rebuttal to Objective #1s Validity

According to the presentation made to the Community Working Group by Youssef & Associates - the firm hired by BCHD, the following DIRECT QUOTES rebut the assertion that seismic safety hazards must be eliminated:

"No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)

BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)

BCHD consultant writes:

- 1 "Ordinance represents “Best Practice”" (Page 6)
2. "City of Redondo Beach has not adopted ordinance" (Page 6)
3. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

Citation:

https://www.bchdcampus.org/sites/default/files/archive-files/January-2018-Nabih-Youssef-and-Associates-Presentation_CWG.pdf

1. In FAQs - BCHD recognizes this is an elective activity without any objective obligation.

DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a

proactive approach to these seismic issues.

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2. In his YouTube, the CEO asserts a BCHD policy of a moral obligation standard, however, BCHD fails to apply this standard to any other impacts, therefore, it is invalid.

BCHD HAS A SELF-ASSERTED MORAL OBLIGATION POLICY BEYOND CEQA, STATUTES, AND ORDINANCES TO PROTECT THE COMMUNITY
According to CEO Bakaly (https://www.youtube.com/watch?v=RCOX_GrrelY) the standard that BCHD uses is moral obligation and proactive protection of the community. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use moral obligation uniformly. Clearly in the DEIR, BCHD uses typical, minimum standards. It ignored the intermittent noise and vibration impacts on students at Towers Elementary. It ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles. BCHD selectively applied its moral obligation standard, and therefore rendered it invalid along with the objective.

Conclusion

BCHD must remove its Project Objective #1 regarding seismic retrofit as false and invalid.

4. BCHD Project Objective #2 is Invalid Because in 27+ Years of Operation, BCHD has not Budgeted, Completed Cost Accounting or Evaluated Cost-effectiveness or Net Benefits of its Programs

Discussion of and Rebuttal to Objective #2s Validity

In response to California Public Records Act requests, BCHD acknowledged that it has not budgeted at the program level, has no corresponding cost-accounting at the program level, nor does it have any cost-effectiveness analysis to demonstrate that the public health benefit of its taxpayer expenditures exceed their costs.

In Board comments, member Poster asserted that BCHD is not required to track program level budgets, costs or cost-effectiveness. On its face, the statement is admission of malfeasance and abdication of fiduciary responsibility to taxpayers.

Also in comments, the CEO noted that some residents want accounting “to the penny”, yet another ridiculous statement from an executive with earnings in excess of \$300,000 annually and budget responsibility for \$14.9M annually,

As a result, it is quite clear that BCHD Objective #2 is unfounded and unsupported, and therefore invalid. Project objectives are required to support the environmental damages of the project. In this case, BCHD fiduciary action is so deficient, that it cannot even support the cost-effectiveness of the agency’s programs.

Background

BCHD asserts that it delivers 40+ programs, however, based on inspection it appears to have fewer than 10 programs and number of measures that could reasonably be grouped into programs. BCHD further asserts that they are “evidence based”, however, when California Public Record Act (CPRA) requests were made to BCHD, their response was not medically or research based. BCHD provided reference to public opinion surveys of public desire for programs, and provided no evidence that

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BCHD implementation of programs was based on medical necessity, lack of public or private sector provision, or medical effectiveness. Further they provided no evidence that their programs were a cost effective expenditure of taxpayer-owner funds.

BCHD has had no Program Level Budgeting nor Cost Accounting for 27 Years of Operation
According to CPRA responses, BCHD was renamed from the failed South Bay Hospital District in 1993. Also according to CPRA responses, BCHD has not budgeted nor tracked costs at the program level in the subsequent 27 years of its operation. As a result, BCHD has no historic fiscal record of its 40+ “evidence based” programs budgets, costs or benefits. BCHD in CPRA responses offered broad brush accounting summaries that aggregated overall costs at a functional level without program specificity and provided no basis for forecasting individual program costs, nor the cost-effectiveness of institutional efficiency of delivery of BCHD.

BCHD has no Cost-effectiveness nor Net Benefit Measurement of its Programs Also
according to CPRA responses, BCHD acknowledges that it has no cost-effectiveness nor net benefit measurements of its programs from its 27 years of operation. Since BCHD fails to budget, track costs, or conduct quantitative evaluations of benefits, it is incapable of providing any evidence that any of its 40+ “evidence based” programs deliver any net benefits, that is, benefits beyond the public funds expended on them. In fact, BCHD cannot demonstrate that each and every program would not be delivered more effectively by private entities or other public entities, or that each program should not be discontinued.

Vanessa Poster, BCHD Longest Sitting Board Member Since 1996 Demonstrates a Lack of Understanding of Health Economics

In a recent 2020 candidate forum, a question was posed to the 5 candidates regarding the delivery and cost-effectiveness of BCHD programs. Board member Poster replied, paraphrasing, that BCHD had no need to gain any program revenues and she demonstrated no understanding of classic health care effectiveness measures. Health care economics is a well understood field, and in general, the evaluation of health programs is conducted by evaluating the programs medical effectiveness, and then computing costs of other health care measures that were avoided due to the program. A simple example is a vaccine, where the effectiveness of the vaccine is tested, the costs of vaccination are determined, and based on the prior “no vaccine” medical treatment data from the groups that are to be vaccinated, the net benefits of the vaccine are computed. It is a straightforward process that had been utilized for decades in medical product and health care delivery, yet, BCHD after 27 years of existence fails to conduct such analysis, instead opting to spend over \$14M

annually of taxpayer funds without analysis.

Vanessa Poster can be seen and heard demonstrating a lack of understanding of health economics as it applies to BCHD at <https://youtu.be/2ePOD95YvWk?t=1051>.

BCHD Fails to Adhere to the Well Understood CDC Polaris Economic Evaluation Framework

BCHDs failure to adhere to CDC economic program analysis can be easily recognized by comparing BCHDs lack of program budgets, costs, evaluations, or cost-effectiveness analysis to the CDC framework provided at

<https://www.cdc.gov/policy/polaris/economics/index.html>. One of thousands of articles regarding the computation of health benefits over the past decades can be found at: <https://pubmed.ncbi.nlm.nih.gov/3921321/>.

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BCHD Relies on Anecdotal Program Information and Not Formal Evaluations of Effectiveness According to the Los Angeles Department of Public Health

One CPRA response by BCHD for evaluation of its programs cited a case study by the Los Angeles County Department of Public Health. On page 8 of that case study, the Department of Public Health states "... this study was not a formal program evaluation and, importantly, lacked a control group ..." As a result, the authors clearly state that it is not a program evaluation, indicating BCHDs lack of understanding of both program evaluation and health economics.

BCHD lacks any rigorous analysis of program budgets, costs, program benefits, or program cost effectiveness using any reasonably accepted health economics methodology, such as the US CDC Polaris model. This lack of program accounting and evaluation appears to have existed since BCHD was formed in 1993 from the failure of South Bay Hospital District. As such, BCHD cannot support any future programs based on measured cost-effectiveness or net benefits, and BCHD spends approximately \$14M annually of taxpayer funds absent any showing of net benefits beyond the expenditures.

Conclusion

BCHD must remove its Project Objective #2 regarding the need for replacement income from the 514 building that BCHD is electively taking out of service needlessly as false and invalid.

5. BCHD Project Objective #3 is Unsupported and Invalid

Summary

BCHD asserts that it requires open space for the public health benefit. However, BCHD provides no rationale for the size of the required openspace. BCHD is adjacent to the 22-acre Dominguez Park which provides ample outdoor space without requiring the negative and significant aesthetic, shading/shadowing, and right-to-privacy robbing impacts of a 103-foot tall building. If limited to the 30-foot standards of all surrounding parcels, those impacts would be mitigated.

When a California Public Records Act request was used to request the specific programs, space requirements, and health requirements of the use of this specific size of open

space on this specific parcel, BCHD claimed its “privilege” and yet again denied the public’s right to know.

BCHD is asking for permission to irreversibly further damage the surrounding neighborhoods for an additional 50-100 years. BCHD as a public agency has an absolute obligation to provide the public case and stop hiding behind its “privilege.”

In its prior response, BCHD provided no scientific studies, or any studies at all, that determined 1) the “need” for any openspace beyond the 22 acres at Dominguez Park, 2) the need for any specific amount of openspace, of 3) any peer-reviewed studies.

BCHD CPRA Responses – Claim of Privilege and Lack of Substantiation

RE: PRA Request

Inbox



Charlie Velasquez

to me

<Charlie.Velasquez@bchd.org> Fri,

Jan 15, 12:55 PM

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Mark,

Please see below for the District's response to your public records request dated 12/17/20 that reads:

As BCHD noted in its response, there was supposedly no BCHD determination of the open space requirement as of the date of the response, despite BCHD's published table identifying a very precise 2.45 acres.

I dispute that assertion that BCHD had not made a determination at the time of the BCHD Board Approval of the "3-Day Approval Plan" on June 17, 2020. A final determination of open space was in fact made in order for the Board's approval vote, down to 1/100th of an acre (which would be to the

nearest 436 sqft)

1. Provide documents demonstrating that derivation of the 2.45 acres that was allocated to open space in the plan that was approved by the Board on June 17, 2020. If no documents, state such.
2. As the open space was reduced from 3.6 acres in the 2019 "Great wall of Redondo Plan" to the current proposed 2.45 acres, provide documents demonstrating that the space cannot be further reduced. If no documents, state such.

The District has previously responded to your prior request regarding open space. **Design drafts pertaining to proposed open space are derived internally and with consultants and remain properly withheld pursuant to the deliberative process privilege**, as discussed in the context provided in the original response below.

Provide all scientific studies or analysis that BCHD relies upon to make the determination that any open space or greenspace is required on the BCHD campus. The District will comply with all Redondo Beach ordinances. See City of Redondo Beach Municipal Code.

Provide all scientific studies, analysis, or methodology that BCHD relies upon or will rely upon to determine the precise size of any open space or greenspace on the BCHD campus.

Healthy Living Campus site renderings for the revised master plan are available on the District website: <https://www.bchdcampus.org/>

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Please also see attached link for PDF document from Study Circle #2 - Creating Community Gathering Places: <https://www.bchdcampus.org/sites/default/files/archive-files/Creating%20Community%20Gathering%20Spaces%20Study%20Circle%202%20Report.pdf>

Conclusion

BCHD is asking for the right to irreversibly damage the environment for the next 50-100 years. BCHD and SBHD before it have damaged the local environment since the 1950s. The only authorized use of the parcel by voters was for a publicly owned emergency hospital that failed in 1984. At the time of the 1984 failure, the hospital shell was rented and subsequently the quid pro quo with the local neighborhoods for the environmental and economic injustice (EJ) impacts was closed – namely the Emergency Room.

BCHD has no public authorization for continued multi-generational EJ impacts on the surrounding neighborhoods and using its "privilege" to hide decision making and data from the public only cements that case.

6. BCHD Project Objective #4 is Invalid Based on BCHDs MDS Research Study

Summary

LITTLE NEED IN REDONDO BEACH FOR HIGH COST RCFE - The BCHD MDS study demonstrates that only 4.8% of the need for the proposed RCFE is from south Redondo Beach 90277 which has shouldered 100% of the economic and environmental injustice for over 60 years, as well as the negative impacts of traffic, emissions, lighting, noise, emergency vehicles and chronic stress. Further, the MDS study demonstrates that only 8.1% of the need for the proposed RCFE is from the entirety of Redondo Beach.

LITTLE NEED IN THE 3 ENTIRE 3 BEACH CITIES – The BCHD MDS study also demonstrates that less than one-fifth of the facility is being developed for the residents of the 3 cities that own, fund and operate BCHD. As such, at its currently proposed scale, the facility is over 80% unneeded.

BCHD ASSERTS NEED, BUT HAS NO EVIDENCE OF NEED – BCHD responded in California Public Records Act responses (reproduced below) that it had no documents demonstrating a need in the 3 beach cities and that it had no evidence that the private market for RCFE would not fill any need that is identified. As such, BCHD cannot truthfully claim a need.

STATED PROJECT OBJECTIVE #4 IS INVALID – BCHD falsely claims that it needs to build RCFE to meet a need of the beach cities. The 3 beach cities only “need” less than 20% of the facility size, yet, south Redondo Beach 90277 and more broadly, the 3 beach cities together, suffer 100% of the environmental damages. In the case of south Redondo Beach 90277, the proposed project would extend economic and environmental damages to over a century.

VOTER APPROVED SOUTH BAY HOSPITAL WAS SIZED ONLY FOR THE 3 BEACH CITIES – BCHD has no voter approval. Following the failure of the publicly owned and operated South Bay

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Hospital in 1984, and the termination of the lease by the commercial operator, SBHD was renamed and BCHD kept the assets. As such, BCHD should be limited to the voter approved service of the 3 beach cities only.

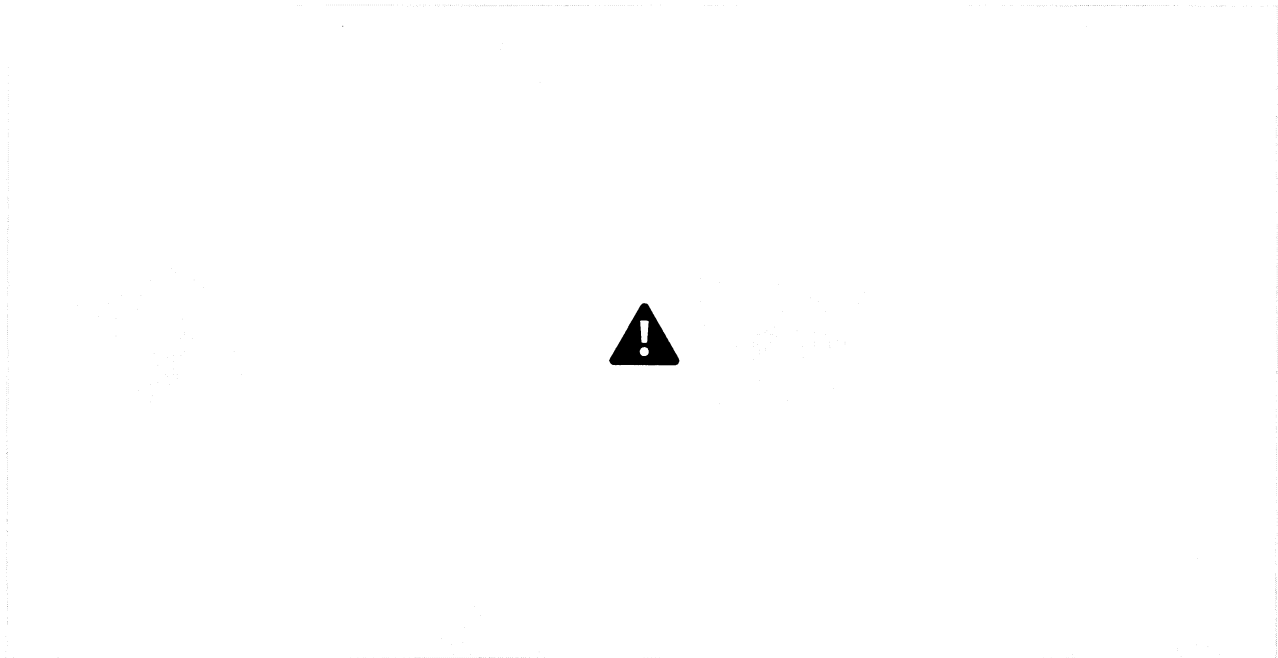
Scope of MDS Study

BCHD commissioned three studies from MDS to assess the “need” for RCFE for a wide geographic area surrounding BCHD. MDS conducted no independent analysis of the need for RCFE or pricing based on the specific residents for the three beach cities that chartered, own, and fund BCHD based on their publicly available reports and responses to California Public Records Act requests to BCHD.

MDS conducted no primary research of the taxpayers or residents of the three beach cities according to its three reports. MDS appears to have relied on public documents and rules of thumb either from the RCFE industry or from its internal operations. It also appears to have completed surveys of potential competitors in RCFE space and used syndicated data.

Prospective Tenant Screening

MDS used an age and financial screen and concluded target seniors will require minimum annual pre tax incomes of \$141,000 to \$204,000 annually for the new-build BCHD facility.



MDS never assesses the need for RCFE in the three beach cities that own and operate BCHD. Instead, it assesses a broad area surrounding BCHD, and includes that 30% of tenants are expected to be from outside that area as well. The listing of qualified prospects by area is below. Note that the table does not include the 30% of tenants that MDS expects to be from outside the zip codes listed. Also note that

the annual escalators that MDS provides for qualified prospects are based on proprietary work and have no transparency beyond vague sourcing.

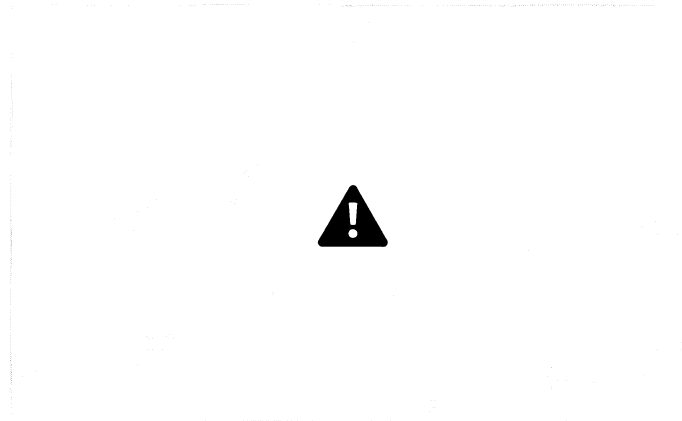


Because MDS does not describe its annual escalator methodology, 2019 data was used to describe the sources of likely tenants. Approximately 38% are from the high income Palos Verdes Peninsula, 30% are assumed to be from outside a 10 mile radius, including new entrants to the state and the area. Only 4.8% of tenants are expected to originate in 90277, the south Redondo Beach area that has incurred 60 years of economic and environmental injustice from the failed South Bay Hospital and the area that BCHD proposed to incur 50-100 years of future economic and environmental injustice from BCHDs proposed campus expansion from 312,000 sqft to 793,000 sqft. Only 19.4% of tenants overall are expected to originate from the three beach cities that chartered South Bay Hospital District and own, fund and operate BCHD. All economic and environmental injustices and damages are expected to

occur to those three beach cities from the project, and as noted, more explicitly, the overwhelming majority of damages occur in the 90277 Redondo Beach area. Overall,

Redondo Beach is expected to see only 8.1% of the benefit of tenancy per MDS analysis. This 12-to-1 damages to benefits impact on Redondo Beach should alone stop issuance of a conditional use permit for what is documented as an unneeded facility for the area by MDS.

Summary Expected Sources of Tenants by Originating Area



South Bay Hospital District Services Sized Exclusively for the Three Beach Cities According to the Daily Breeze, “in ... 1947, a survey by Minnesota hospital consultants James A. Hamilton and Associates already had concluded that the beach cities would need a 238-bed hospital to meet demand by 1950, only three years in the future. Hospital backers were asking only for a 100-bed facility. Frustrated by having to travel to use the only two other large hospitals nearby at the time, Torrance Memorial and Hawthorne Memorial, beach cities residents and health authorities began pulling together in 1951 to mount another effort.”

The hospital was conservatively sized for less than the full surveyed need of the three beach cities (Hermosa, Manhattan, and Redondo Beach) and completed in 1960. According to the Daily Breeze, “with funding in place, the 146-bed hospital project finally began to gather steam. A site was chosen: 12 acres of undeveloped land (believe it or not) bounded by Prospect Avenue, Diamond Street, and the Torrance city limit to the east. Preliminary sketches were drawn up as well.”

South Bay Hospital was subsequently expanded, but yet again, in a conservative manner for fewer beds than needed for the three beach cities. Again according to the Daily Breeze, “the hospital boomed

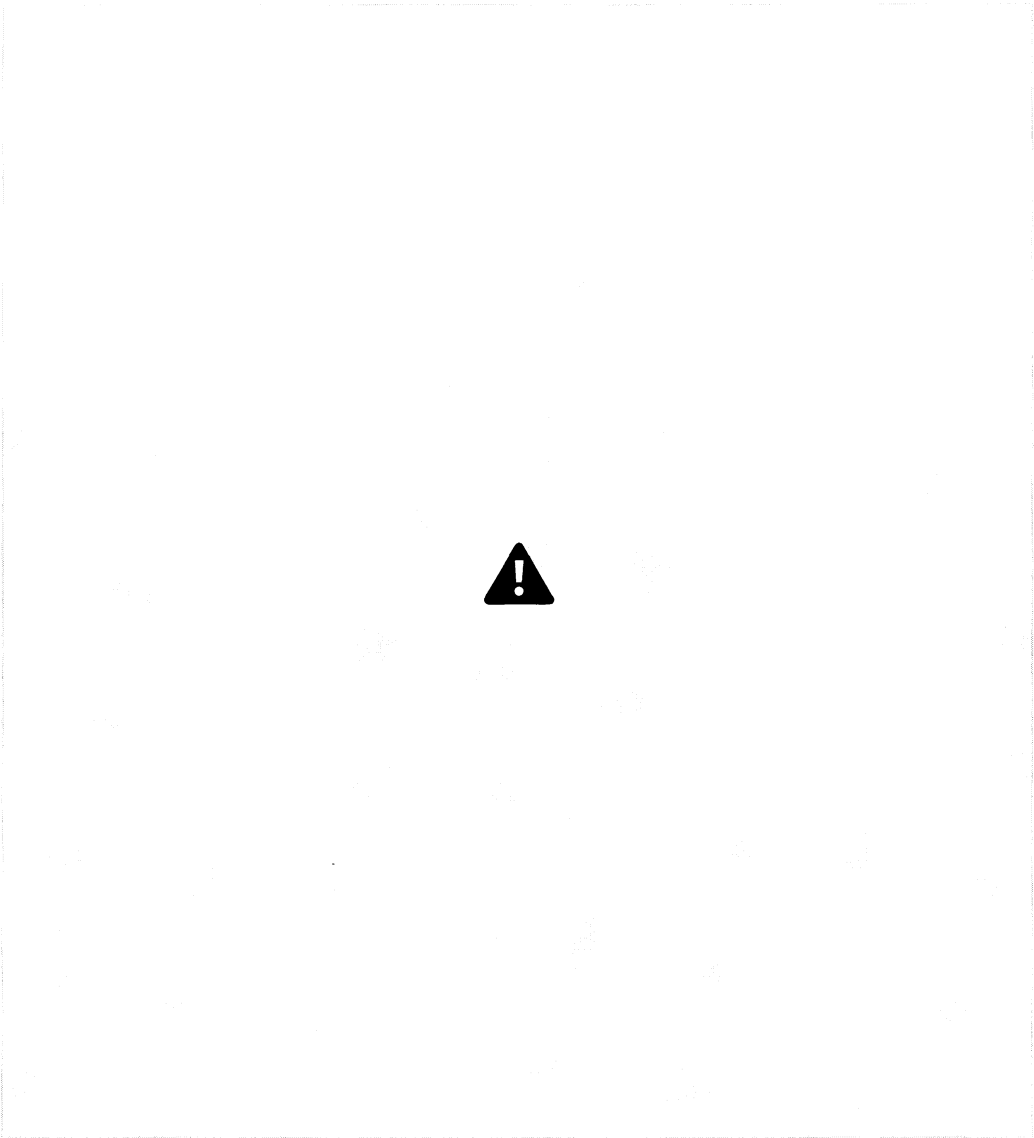
during the 1960s, and construction began on the planned new wing of the facility, now trimmed to 70 beds, in August 1968. It opened in 1970.”

Failure of South Bay Hospital and the Benefit of Conservative Sizing

South Bay Hospital effectively failed twice, once as a publicly owned hospital (the only voter-approved charter for the enterprise and campus at Prospect) and again as a rental endeavor. According to the Daily Breeze, “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. Layoffs became increasingly common. By 1984, the 203-bed hospital was forced to give up its publicly owned status. The South Bay Hospital District signed a lease deal with American Medical International in 1984, with AMI taking over operation of the facility.” Further, the continued rental of the building shell failed as well, “Tenet Healthcare Corp. assumed control over the hospital when it acquired AMI in 1995. By then, the hospital’s future was becoming increasingly bleak, with fewer doctors signing on as residents. In 1997, Tenet announced that it would give-up its lease with the Beach Cities Health District in May 1998, essentially abandoning the hospital. After 38 years of operation, South Bay Medical Center closed its doors for good on Sunday, May 31, 1998.”

Had South Bay Hospital been oversized, or even built at the original survey size, the losses and abandoned buildings would have been even larger. The conservative nature of the actions and investments was a mitigating factor.

BCHD Response to CPRA Requests – No Studies Available or Relied Upon



Conclusion

The MDS market study provides no apparent direct “voice of the customer” research for the three beach cities residents that chartered South Bay Hospital and own, fund and operate BCHD. Based on MDS’s unsubstantiated 5 (industry rate) to 10% (MDS rate) “capture rate” of prospective tenants, the three beach cities require only 35-70 beds and not 220 or more.

The MDS market study also fails to take into account economic and environmental justice issues, that is, due to the location of the campus, damages and injustice disproportionately occurs to south Redondo Beach 90277, while the same area receives less than 5% of the tenancy benefit according to MDS.

Based on demonstrated action of voters, the South Bay Hospital was sized exclusively for the three beach cities the formed and funded South Bay Hospital District and execution was

conservative, with total beds never reaching the surveyed estimate of need. Further, the hospital failed both under public and private operation.

Other Studies

In its CPRA response, BCHD clearly states that it has no other studies of need by the 3 beach cities nor does it have any studies of market pricing impacts from expansion of RCFE supply, or the need for publicly developed RCFE. In short, BCHD has not valid evidence of a need for RCFE that BCHD is required to fill.

MDS Surveys

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasibility-Study_2016.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/MARKET-FEASIBILITY_STUDY_AUG.2018.PDF.pdf

https://www.bchdcampus.org/sites/default/files/archive-files/Market-Feasability-Study_2019_0.pdf

CEQA Purpose and Need Conformance

BCHD is a public agency that is owned, funded and operated by Hermosa Beach, Redondo Beach and Manhattan Beach taxpayers and residents. The BCHD campus is entirely housed in south Redondo Beach 90277 and has inflicted 60 years of economic and environmental damages and injustice on that area. Based on BCHDs lack of demonstrated need for additional “upscale” “expansive view” RCFE (as described by BCHD investment banker Cain Brothers) this project’s Purpose and Need is invalid. Additionally, the economic and environmental injustice impacts on south Redondo Beach 90277 are disproportionately high, with south Redondo Beach suffering 100% of the EJ impacts for less than 5% of the benefits. As such, this project fails both Purpose and Need and EJ analysis under CEQA.

7. BCHD Project Objective #5 is Invalid Based on BCHDs Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #5, “5. Redevelop the site to create a modern Healthy Living Campus with public open space and facilities designed to meet the future health needs of residents, including a

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Wellness Pavilion with meeting spaces for public gatherings and interactive education” is invalid cannot be relied up for the project.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits

to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. As such, BCHD Objective 5 is clearly invalid and must be discarded.

8. BCHD Project Objective #6 is Invalid Based on BCHDs Lack of Documented Analysis

Summary

BCHD has provided no quantitative analysis of the net benefit to the 3 Beach Cities residents, nor the residents of Redondo Beach, the permitting authority. As such, BCHD Objective #6, "Generate sufficient revenue through mission-derived services or facilities to address growing future community health needs" is invalid cannot be relied up for the project. BCHD cannot assert a project objective using non-quantified revenue requirement. That deprives the public of any manner to evaluate the project size and environmental damage vs. quantifiable benefits.

Discussion

In repeated CPRA requests, BCHD has failed to provide a specific forecast of the need for its future activities as listed in Objective 5. It has also failed to provide a cost-effectiveness demonstration to prove that the future actions of BCHD will provide net financial benefits to the 3 Beach Cities.

In 28 years of operation, 25 of them with Board member Poster, BCHD has elected by Board neglect to budget, conduct cost accounting, evaluate benefits, value benefits or compute net benefits. The CDC has not one, but several protocols published for evaluating public health benefits and BCHD has been negligent in doing so.

Absent a quantitative forecast of future needs, costs and net benefits, BCHD objective 6 is undefined and meaningless.

Conclusion

BCHD has no publicly available forecast of future needs, the cost of future needs, the benefits of future needs, nor the net benefits above costs of future resident health needs. BCHD provides no metric of the

evaluating the project and the Objective. As such, BCHD Objective 6 is clearly invalid and must be discarded.

F. BCHD ANALYSES, IMPACTS, AND DAMAGE MITIGATIONS ARE FLAWED AND INCORRECT

1. BCHD Fails to Use Consistent Standards for Evaluating Impacts

BCHD Must Utilize its Moral Responsibility Standard to Prevent Community Health Harm for All Impact Analysis and Mitigation

BCHD developed a “moral responsibility” standard for taking action and assessing impacts that it only utilized to bolster its desire to demolish the failed South Bay Hospital Building. BCHD must use a consistent standard for all actions, or, BCHD must correct its error in asserting that the 514 N Prospect building requires retrofit or demolition, since there are no codes or ordinances that require any seismic retrofit.

BCHD has Established a “Moral Obligation” Standard that it Must Utilize for Evaluating the Significance of All Impacts

According to their presentation made to the BCHD Community Working Group, Youssef & Associates stated that the 514 N Prospect Ave building (the former South Bay Hospital) meets all applicable seismic codes. Further, Youssef states that even if subjected to the “best practice” ordinance of the City of Los Angeles, there is no near term need for demolition or retrofit of the 514 building. However, BCHD CEO Bakaly with BCHD Board approval has asserted a more stringent “moral obligation” standard and overrode the technical finding in order to justify demolition of the 514 building. Youssef & Associates presentationⁱ includes the following:

1. "No mandatory seismic upgrade required by City of Redondo Beach" (Page 2)
2. BCHD is NOT subject to any seismic ordinance - but if it were - BCHD own consultant writes that BCHD would have "25 years Complete all retrofit or demolition work" (Page 6)
3. "Ordinance represents “Best Practice”" (Page 6)
4. "City of Redondo Beach has not adopted ordinance" (Page 6)
5. "Any seismic retrofit work for BCHD towers considered voluntary at this time." (Page 6)

BCHD, in a public FAQⁱⁱ, recognized that any seismic retrofit or demolition is an elective activity without any objective obligation based on ordinances. The FAQ is below.

FAQ: DOES BCHD NEED TO MAKE SEISMIC UPGRADES TO THE 514 N. PROSPECT AVE. BUILDING?

In Southern California, earthquakes are a fact of life -- we must be prepared. Seismic experts determined the 60-year old hospital building (514 N. Prospect Ave.) on our campus has seismic and structural issues common with buildings built in the 1950s and '60s. While not required by law, the Healthy Living Campus is designed to take a proactive approach to these seismic issues.

Further, CEO Bakalyⁱⁱⁱ asserted a BCHD policy of a “moral obligation” standard in his further discussion of BCHDs much more stringent than City or County ordinance action regarding seismic at the 514 building. An excerpt of the transcript from his video is below.

“[I]t [the 514 building] is currently not required to be upgraded however we are a health district that has a moral obligation to be proactive and protect the people in our community”

BCHD self-asserted “moral obligation” standard must be applied to the health and safety of all surrounding residents. BCHD cannot apply such a standard only when it fits the District’s narrative. As such, BCHD cannot pick and choose when to use a more stringent standard, it must always use its “moral obligation” standard uniformly to protect all surrounding residents in Torrance and Redondo Beach without limit to the minimum standards of CEQA.

BCHD DEIR is Defective When Evaluated on a “Moral Obligation” Standard of Impacts and Mitigations

Clearly in the DEIR, BCHD uses typical, minimum CEQA standards. For example, BCHD ignored the intermittent noise and vibration impacts on students at Towers Elementary. BCHD ignored the chronic stress impacts on surrounding residents from construction noise and emergency vehicles.

2. BCHD Misrepresented the Magnitude and Breadth of Public Controversy BCHD Understated the Public Controversy in the DEIR

As evidence that BCHD is ignoring much of the public concern regarding impacts, the BCHD DEIR had an inadequate Know Public Controversy summary.

BCHD Unnecessarily Limited Public Input Sources

CEQA Guidelines^{iv} Section 15123 specifies that “[a]n EIR shall contain a brief summary of the proposed actions and its consequences” and that “[t]he summary shall identify: ... [a]reas of controversy known to the Lead Agency including issues raised by agencies and the public.”

According to the DEIR^v, BCHD has unnecessarily limited the sources from which it identified areas of controversy from the public by utilizing only the record from “community meetings held between 2017 and 2020 as well as agency and public comment letters received on the NOP.”

With respect to community meetings held between 2017 and 2020, it is unclear if BCHD refers only to formal, filed public comments to those meetings, or if it included BCHD’s own meeting summaries. In the case of the BCHD Community Working Group (CWG)^{vi}, a BCHD-organized group of residents, leaders and stakeholders, BCHD was exclusively responsible for the interpretation, documentation and transmittal of meeting content and results without CWG review or approval. As such, there was written disagreement and dispute of BCHD’s interpretation by members, demonstrating BCHD drafting bias, or at a minimum, BCHD inaccuracy. BCHD fails to discuss whether it used the same approach to document public meetings. BCHD also utilized input from its NOP^{vii} comments, however this action limits public comments on areas of controversy to the very narrow period of June 27, 2019 to July 29, 2019.

The period of time from which BCHD could gain knowledge of Areas of Controversy is substantial. BCHD first provided the public with plans for a campus redevelopment in July 2009 at the BCHD Board of Directors Master Planning Session 1^{viii}. In the subsequent 12 years since that public release, BCHD has received comments in the ordinary course of business, such as public Board and Committee

comments, disclosing areas of known public controversy regarding South Bay Hospital campus redevelopment that BCHD apparently chose to ignore.

CEQA Factor	Included in DEIR ^{ix}	Ignored Comments ^{xxi}	Negative Impacts requiring “Moral Obligation” Mitigation
Aesthetics	<ul style="list-style-type: none"> • Building height compatibility (e.g., bulk, mass, and scale) and potential impacts to the existing public views and shade/shadows, particularly within the adjacent residential neighborhoods (see Section 3.1, <i>Aesthetics and Visual Resources</i>). 	<p>Numerous comments specifically refer to visual impact of perimeter construction vs interior of campus.^{xii}</p> <p>Concern on excessive nighttime lighting and glare impacts.^{xiii}</p> <p>Concern about elevated site amplifying visual impacts.^{xiv}</p> <p>BCHD increased the height of the project from 2019 to 2020/21 despite complaints.^{xv}</p> <p>BCHD increased the square feet of the development from 2019 to 2020/21.^{xvi xvii}</p> <p>2020/21 sqft too large still.^{xviii}</p> <p>Parking ramp is too big/too tall.^{xix}</p>	<p>Failure to consider average height as per Legado approval^{xx xxxi}</p> <p><u>Excess Nighttime Lighting</u> Cancer^{xxii}</p> <p>Depression^{xxiii}</p> <p>Ecological Damages^{xxiv} Sleep Deprivation^{xxv}</p> <p>Weight Gain^{xxvi}</p> <p><u>Glare</u></p> <p>Fatigue^{xxvii}</p> <p>Nuisance to Neighbors^{xxviii}</p> <p><u>Shadow/Shading/Reduced Sunlight</u></p> <p>Cognitive Impairment^{xxix} Mental Disorders^{xxx}</p>
Agriculture/ Forestry			

<p>Air Quality</p>	<ul style="list-style-type: none"> • Potential construction related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby 	<p>Numerous comments expand the area of specific concern to at least Torrance Tomlee, Towers, Mildred, and Redbeam.^{xxxix} Similar comments place specific concern on Redondo Beach Diamond.^{xxxiii} Future operating air emissions impacts on surrounding residents, students, etc.^{xxxiv}</p>	<p><u>Particulate Matter</u> Alzheimer's Development^{xxxvii} Child Asthma^{xxxviii} Child Brain Development^{xxxix} Child Development^{xl} Heart Disease^{xli} Legal Levels Increase Mortality^{xlii} Lung Function^{xliii} Memory Decline^{xliv} Reduced IQ^{xlv}</p>
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	<p>parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> • Potential impacts related to fugitive dust emissions and human health risk during construction activities, particularly within the adjacent residential neighborhoods (see Section 3.2, <i>Air Quality</i>). 	<p>Future traffic emissions.^{xxxv} Specific impacts on up to 7 surrounding schools from site and traffic emissions.^{xxxvi}</p>	<p>Senior Mortality^{xlvi}</p>
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Biological Resources	<ul style="list-style-type: none"> • Potential impacts to existing biological resources (e.g., mature trees and landscaping along Flagler Lane; (see Section 3.03, <i>Biological Resources</i>) 	Concern regarding displaced wildlife and vermin infestation at school and homes from construction. ^{xlvii}	
Cultural Resources	Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).		
Energy			
Geology/Soils	<ul style="list-style-type: none"> • Seismicity, soil stability, and other related on-site geologic hazards (see Section 3.6, <i>Geology and Soils</i>). 		

<p>Greenhouse Gas Emissions</p>	<ul style="list-style-type: none"> • GHG emissions associated with construction and operational activities of the proposed Healthy Living Campus Master Plan (see Section 3.7, <i>Greenhouse Gas Emissions</i>). 		
<p>Hazards/Hazardous Materials</p>	<ul style="list-style-type: none"> • The potential for exposure to hazardous materials including but not limited to asbestos, lead-based paints, mold, and other materials associated with the former South Bay Hospital (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with the previously decommissioned oil and gas well on the vacant Flagler Lot (e.g., exposure to hazardous substances) (see Section 3.8, <i>Hazards and Hazardous Materials</i>). • Potential impacts associated with contaminants from adjacent land uses (e.g., tetrachloroethylene [PCE] associated with historical dry-cleaning operations; see Section 	<p>Concerns regarding nuclear/radioactive medical waste.^{xlviii}</p>	

	3.8, <i>Hazards and Hazardous Materials</i>).		
Hydrology/ Water Quality	<ul style="list-style-type: none"> • Compliance with the National Pollutant Discharge Elimination System Program and 		

	development of a Stormwater Pollution Prevention Plan that addresses erosion, particularly along Flagler Lane and Flagler Alley (see Section 3.09, <i>Hydrology</i>).		
Land Use/Planning	<ul style="list-style-type: none"> • Land use and zoning compatibility (see Section 3.10, <i>Land Use and Planning</i>). 		
Mineral Resources			

<p>Noise</p>	<ul style="list-style-type: none"> • Potential construction related air quality and noise impacts to on-site and adjacent sensitive receptors, including but not limit to: on-site residents of the Silverado Beach Cities Memory Care Community; off-site residents along North Prospect Avenue, Beryl Street, and Flagler Lane; nearby parks (e.g., Dominguez Park); and schools (e.g., Towers Elementary School) (see Sections 3.2, <i>Air Quality</i>, and Section 3.11, <i>Noise</i>). • Duration and extent of on- and off-site noise and vibration impacts associated with the use of heavy construction equipment. (see Section 3.11, <i>Noise</i>) • Construction planning and monitoring (e.g., standard construction 	<p>Concern for harm to developing children at Towers from noise/vibration processing.^{xlix}</p>	<p><u>Intermittent Noise</u> Cognitive development^{lii} Learning delay^{lii} Disabilities Impacts^{liii} Damaging Dose Level Unknown^{liv} Towers Elementary^{lv} Health Impacts^{lvi} Reduced Memory^{lvii}</p>
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	<p>times, heavy haul truck routes, temporary road and sidewalk closures, construction flaggers, etc.) (see Section 3.11, <i>Noise</i>).</p> <ul style="list-style-type: none"> • Noise impacts associated with operations under the proposed Healthy Living Campus Master Plan (e.g., frequency of emergency response and associated noise from sirens; see Section 3.11, <i>Noise</i>). 		
Population/ Housing	<ul style="list-style-type: none"> • <u>Increased instances of emergency response</u> and potential effects on public service demands (see Section 3.12, <i>Population and Housing</i>). 	BCHD has miscategorized the CEQA impacts of emergency services as Pop/Housing	Acute Physiological Stress ^{lviii} Blue Zones Silent Killer ^{lix} Chronic Stress ^{lx} Sleep Interruption/Deficit ^{lxi}
Public Services		Increased emergency, police, fire needs. ^{lxii}	
Recreation		BCHD omitted recreation analysis. Impacts include shading/shadowing at Towers decreasing school and public recreation. ^{lxiii}	

<p>Transportation</p>	<p>Potential construction related impacts on pedestrian and bicycle safety, especially as it relates to truck traffic within the vicinity of nearby residential neighborhoods, parks, and schools (see Section 3.14, <i>Transportation</i>).</p> <ul style="list-style-type: none"> • On-site parking requirements and potential impacts to off-site parking 	<p>School dropoff/pickup traffic concerns.^{lxiv} General traffic impacts during construction and operations.^{lxv}</p>	
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	<p>(see Section 3.14, <i>Transportation</i>).²</p> <ul style="list-style-type: none"> • Cut-through traffic through nearby residential neighborhoods in Torrance (see Section 3.14, <i>Transportation</i>). • Potential for circulation changes related to the vehicle driveways associated with the proposed Project and the potential increased risk of hazards along Flagler Lane, Towers Street, and other local roadways (see Section 3.14, <i>Transportation</i>). • Integration with existing and proposed 		
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	multi-modal transportation connections (see Section 3.14, <i>Transportation</i>).		
Tribal Cultural Resources	Potential for the former South Bay Hospital or other buildings on campus to merit review by the Redondo Beach Historic Preservation Commission and the potential to encounter archaeological resources during construction (see Section 3.4, <i>Cultural Resources and Tribal Cultural Resources</i>).		
Utilities/Service Systems	• Potential increases in utility usage at the Project site (i.e., water, sewer, electricity; see Section 3.15, <i>Utilities and</i>		

	<i>Service Systems</i>).		
Wildfire			

3. BCHD Aesthetics Impacts are Significant: BCHD Study Aesthetics Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following aesthetics topics: Plan is Inconsistent with Surrounding Uses; Design Maximizes Visual Bulk and Mass Damages to the Surrounding Community; Design Results in a Taking of Blue/Open Sky, Design Results in a Taking of Daytime Sunlight; Analysis Fails to Provide Hourly Shading/Shadowing Simulations, Analysis Fails to Provide Sufficient Key Viewing Location (KVL) Simulations; Design Results in a Taking of Palos Verdes Peninsula (PVP) Views;

Design Results in Negative Health Impacts of Shading/Shadowing and Reduced Sunlight; Design will Result in Excessive Glare and Reflection into Surrounding Neighborhoods; and Design will Result in Excessive Night Time Lighting into Surrounding Neighborhoods.

Significant Visual Impacts and BCHD DEIR Deficiencies and Errors Include: Illegal Taking of Blue Sky Views; Excessive Height Compared to Surrounding Land Uses; BCHD Failure to Choose Accurate "Maximum Elevation" KVL on 190th; BCHD Failure to Provide Modeling of Sufficient KVLs; BCHD Failure to Provide Accurate KVLs without Fake Mature Trees; and Failure to Adequately Provide Phase 2 Simulations. In all, the impacts are Significant, Incompatible with Issuance of a Conditional Use Permit, and Incompatible with Redondo Beach Precedent Requirements.

The simulations in Appendix A are from Google Earth Pro and were required to be completed by the public in order to intelligently participate in the DEIR process as a direct result of BCHD insufficient and inaccurate DEIR.

Significant Shading/Shadowing Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation.

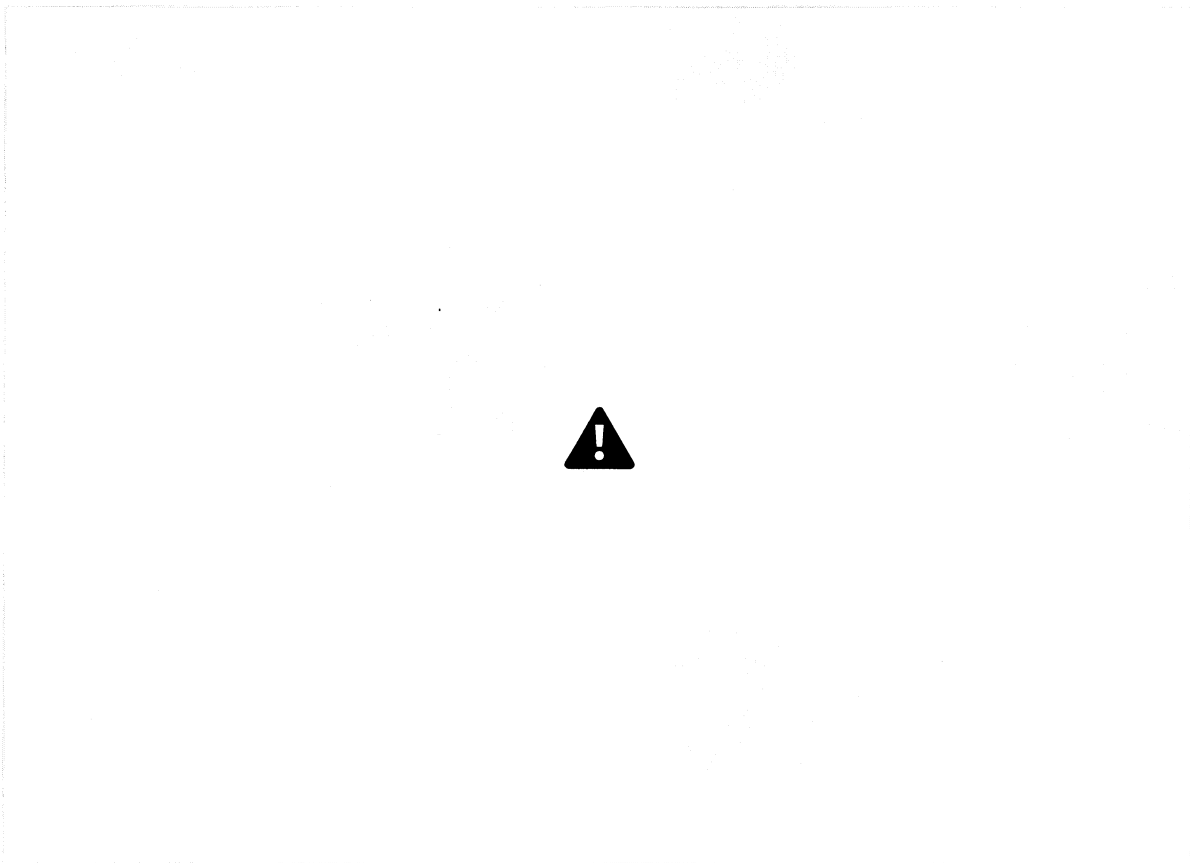
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health impacts of shading/shadowing, it must be correct, reissued, and recirculated for comment.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant "taking" of sunlight and recreation from Towers Elementary and surrounding residential uses.

Due to BCHD insufficient and defective analysis, the public was forced to "imagine" the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact

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to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.
WINTER SOLSTICE (Top) FALL/SPRING EQUINOX (Bottom)



4. BCHD Visual Impact is Significant; BCHD VIS-3 Is Faulty and Must Consider SBHD/BCHD Negative Behavior and Health Impacts on the Community

The DEIR incorrectly asserts that VIS-3 is less than significant. Due to decades of direct experience with SBHD and BCHD, it is a demonstrated fact that BCHD lacks the technical or maintenance ability to manage the negative health impacts of its excessive outdoor lighting. Direct evidence of BCHD non directional lighting, lighting left on all day, and lighting without maintained deflectors is presented. As BCHD is incapable of meeting RBMC requirements, it must recognize that its proposed lighting is a significant impact.

Further, CEO Bakaly's policy statement that BCHD has a moral obligation to protect the community further restricts the use of outdoor lighting. Excess nighttime lighting, such as SBHD and BCHDs existing unrestricted lighting has unequivocally negative health impacts on surrounding neighborhoods. BCHD cannot unevenly apply its policy of moral obligation only to 514 and seismic and ignore the health and well-being of the surrounding neighborhoods. At a minimum, if BCHD proceeds with a finding of less than significant, the conditional use permit must be denied.

Background

Since the early 2000s, neighbors have complained to Beach Cities Health District regarding the local impacts of excess noise, and non-directional excessive nighttime parking lot lighting, excessive nighttime glare impacts from the parking lot lighting and the building glass, and excessive nighttime signage lighting. The neighborhood situation escalated until the 510 medical office building (MOB) reduced its outdoor lighting. Neither the 514 nor 520 buildings followed suit. In fact, the 514 (former South Bay Hospital) building even added more excessive outdoor lighted signage.

As a health district, BCHD has failed its proactive obligation to not harm surrounding neighbors' health.

Evidence

The following nighttime photos represent both the excessive, non-directional lighting of BCHD, as well as, the poor state of repair of the one, single shield that was installed by BCHD at some past time. The shield was likely installed to reduce impacts on the adjacent residential homes.



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Peer Reviewed Medical Studies Supporting Health Damages by BCHD Actions BCHD is directly damaging the health and welfare of the surrounding neighborhoods with excess nighttime lighting. The studies from NIH on excess nighttime light pollution are in agreement of the damages.

Missing the Dark: Health Effects of Light Pollution

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>

Artificial Outdoor Nighttime Lights Associate with Altered Sleep Behavior in the American General Population

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4863221/>

Health Consequences of Electric Lighting Practices in the Modern World: A Report on the National Toxicology Program's Workshop on Shift Work at Night, Artificial Light at Night, and Circadian Disruption

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5587396/>

Artificial light during sleep linked to obesity

<https://www.nih.gov/news-events/nih-research-matters/artificial-light-during-sleep-linked-obesity>

Significant Nighttime Lighting Impacts and BCHD Deficiencies and Errors Include: Illegal Taking of Darkness Required for Sleep, Physical Health and Mental Health; and SBHD/BCHD Prior and Current Failures to Control Nighttime Lighting by Both Faulty Design and Operation.

Conclusion

The negative impacts of excess night lighting are peer-reviewed and consistent. BCHD has made no significant effort to reduce its negative impacts on the surrounding neighborhoods, and this is yet another environmental injustice impact by BCHD on the surrounding neighborhoods.

Furthermore, BCHD has established a precedent of supplanting required legal requirements

for safety action (such as seismic retrofit) and any best practices (such as the most stringent seismic ordinance in the United States that would allow continued operation of the 514 building until 2040) and replacing them with their own, more stringent standards. In this case, notwithstanding and municipal ordinances, this is a clear peer-reviewed danger to the surrounding neighbors and BCHD must both cease its current damages, and refrain from future damages from the existing campus and any future development.

5. BCHD Air Quality Impacts are Significant; BCHD's Air Quality Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following air quality topics: Lesser Polluting Engines Still Pollute and Damage Students, the Elderly, and Persons with Disabilities Health through Increased Marginal Emissions; Covered Hauling Trucks Will Have Significant Particulate Emissions; and BCHD 10-story Parking Ramp at Prospect and Diamond Will Have Significant Emissions. Many of these impacts will be to Towers and West High students along the defined haul route, along with nearby residents and residential uses that are stationary and will have 24/7/365 damages.

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Peer-reviewed Science is Clear that Particulates Lodge in the Brain stems of Young Student with Significant, Negative Impacts

BCHD is electing to deposit incremental particulates into the air along the main haul path for trucking leaving those sites at Towers and West High sports fields laden with brain stem filling debris. BCHD, as a Health District, has both moral and ethical obligations not to damage both the near term and long term health surrounding children and neighborhoods. But for BCHD's deliberate choice to demolish the 514 building despite a law or ordinance requiring seismic retrofit, BCHD's deliberate choice of heavy haul routes past schools, BCHD's deliberate failure to apply the Bakaly "moral obligation" to Torrance's school children, and BCHD's deliberate choice to add incremental emissions to the surrounding neighborhoods, including Beryl Heights Elementary, these health damages would not occur.

The following peer-reviewed studies demonstrate BCHD's intended health damages from excess PM_x particulates, including brain, memory, pulmonary and cardiac damages:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740125/>

The impact of PM_{2.5} on the human respiratory system (INCLUDES CHILD ASTHMA)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5017593/>

How air pollution alters brain development: the role of neuroinflammation (INCLUDES IMPACTS ON SCHOOL CHILDREN)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5920433/>

Function of PM_{2.5} in the pathogenesis of lung cancer and chronic airway inflammatory diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6157824/>

Outdoor particulate matter (PM10) exposure and lung cancer risk in the EAGLE study

<https://pubmed.ncbi.nlm.nih.gov/15668476/>

Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure

<https://ehp.niehs.nih.gov/doi/full/10.1289/EHP4434>

Prenatal Exposure to PM2.5 and Cardiac Vagal Tone during Infancy: Findings from a Multiethnic Birth Cohort

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4515716/>

PM2.5 and Cardiovascular Diseases in the Elderly: An Overview

<https://pubmed.ncbi.nlm.nih.gov/27567860/>

Cerebrospinal Fluid Biomarkers in Highly Exposed PM2.5 Urbanites: The Risk of Alzheimer's and Parkinson's Diseases in Young Mexico City Residents

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6. BCHD Air Emissions Significant Impacts will Create Premature Alzheimers in Children and is a Significant, Negative, Unethical and Immoral Act

Here is the legacy that the current BCHD Board of Directors and executive management are actively targeting: PREMATURE ALZHEIMER'S IN CHILDREN. Is BCHD building an 800 car, 10-story parking garage and a 793,000 sqft, South Bay Galleria sized complex largely for non-residents of the 3 Beach Cities that own BCHD worth destroying the future of our children? The children of Towers and Beryl Heights schools should not suffer more PM2.5 lodged in their brain stems because BCHD's Board wants to let developers lease our taxpayer owned campus for 50-100 years. RBUSD and TUSD will be grossly negligent if they allow our children to be bombarded by 3-5 generations of increased, unnecessary pollution as the result of non-residents of the area. The areas around Beryl Heights and Towers schools, and the children and residents must not be sacrificed for the ego needs of the BCHD Board and executive management to serve 95% non-local renters and PACE participants in their over development project.

Peer-reveiwed references from the UC system and other expert resources.

<https://www.universityofcalifornia.edu/news/air-pollution-impacts-childhood-development-study-shows>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6617650/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5893638/>

<https://airqualitynews.com/.../evidence-of-alzheimers.../>

https://www.who.int/ceh/publications/Advance-copy-Oct24_18150_Air-Pollution-and-Child-Health-merged-compressed.pdf?ua=1

7. BCHD Noise Impacts are Significant; Violate the ADA at Towers and West High Schools, and BCHDs Noise Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following noise topics: Analysis Fails to Consider Intermittent Noise and is Defective; Intermittent Noise Significantly Impacts Education at Towers Elementary; Intermittent Noise Significantly Impacts ADA IEP and 504 Plan Implementation at Towers Elementary; Significant Noise Impacts on the Health of Surrounding Residents; Event Noise Analysis is Insufficient and Defective; and BCHD Fails to Use Proper Noise Standards for Intermittent Noise and the Analysis is Defective.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its "moral obligation." If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a developer from construction while school is in

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session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of "one foot in boiling water, one foot in ice water – on average, it's comfortable" theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new "moral obligation" to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence based article references on the damages to students from excess noise.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent

impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise. (emphasis added)

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature's intent for "freedom from excessive noise" is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to

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Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical

implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from “excessive noise” requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts on students to protect their Legislative Intent right to freedom from excessive noise and not violate the Americans with Disabilities Act. BCHD must always uniformly use its moral obligation standard to consider more stringent than CEQA impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

8. BCHD Noise Impacts Represent a Public Health Hazard

The peer-reviewed article below demonstrates the PUBLIC HEALTH HAZARD of excessive noise. BCHD’s analysis fails to incorporate intermittent noise, and demonstrates that BCHD has no concern about the health of the surrounding neighborhoods.

<https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.00108s1123>

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Exposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. For other effects such as changes in the immune system and birth defects, the evidence is limited. Most public health impacts of noise were already identified in the 1960s and noise abatement is less of a scientific but primarily a policy problem. A subject for further research is the elucidation of the mechanisms underlying noise induced cardiovascular disorders and the relationship of noise with annoyance and nonacoustical factors modifying health outcomes. A high priority study subject is the effects of noise on children, including cognitive effects and their reversibility. Noise exposure is on the increase, especially in the general living environment, both in

industrialized nations and in developing world regions. This implies that in the twenty-first century noise exposure will still be a major public health problem. Key words: annoyance, cardiovascular effects, children's health, environmental health, environmental noise, hearing impairment, noise exposure, noise metrics, occupational noise, performance.

9. BCHDs Recreation Impact and Mitigation Analysis is Flawed

BCHD under-reports, minimizes impacts or excludes entirely the following recreation topics: Design Results in a Taking of Sunlight from Public Recreation at Towers and Significant Negative Impacts; and Design Results in a Taking of Sunlight from Student Health and Recreation at Towers and Significant Negative Impacts.

In BCHD CEQA EIR NOP comments filed by Mark Nelson, the following admonition was made to BCHD after it exempted any analysis of Recreation impacts a priori:

RECREATION

Appropriate study required. The NOP errs in its a priori speculative finding that the project will not have an adverse physical impact on the environment. I was recently made aware that according to a newspaper article <https://easyreadernews.com/redondo-beach-homelessness-resident-anger/> the 9th Circuit Court of Appeals in Martin versus the City of Boise decision, neither BCHD nor the City of Redondo Beach will be able to bar the unsheltered from camping on the public space created as part of this public project without providing adequate shelter to house all the unsheltered. BCHD as a public entity will de facto be an invitation for unsheltered housing as endorsed by the 9th Circuit. As a private entity has no such obligation, a similar project with exactly the same characteristics could be legally protected from becoming such a magnet. Thus, the mere creation of the public space by removing the concrete, and the public nature of BCHD, creates a non-mitigable impact for the project. Also see <https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

As such, the DEIR is FLAWED, MUST BE REANLYZED and RECIRCULATED.

10. BCHD Fails to Analyze Recreation Impacts and BCHD DEIR has Deficiencies

and Errors BCHD fails to evaluate and declare the following: Illegal Taking of Recreation from the Towers Elementary Fields; Illegal Taking of Sunlight from Adjacent Land Uses of Residential and Public School Required for Health; and Failure to Provide Hourly Shadowing for Public Evaluation of Recreation Impacts.

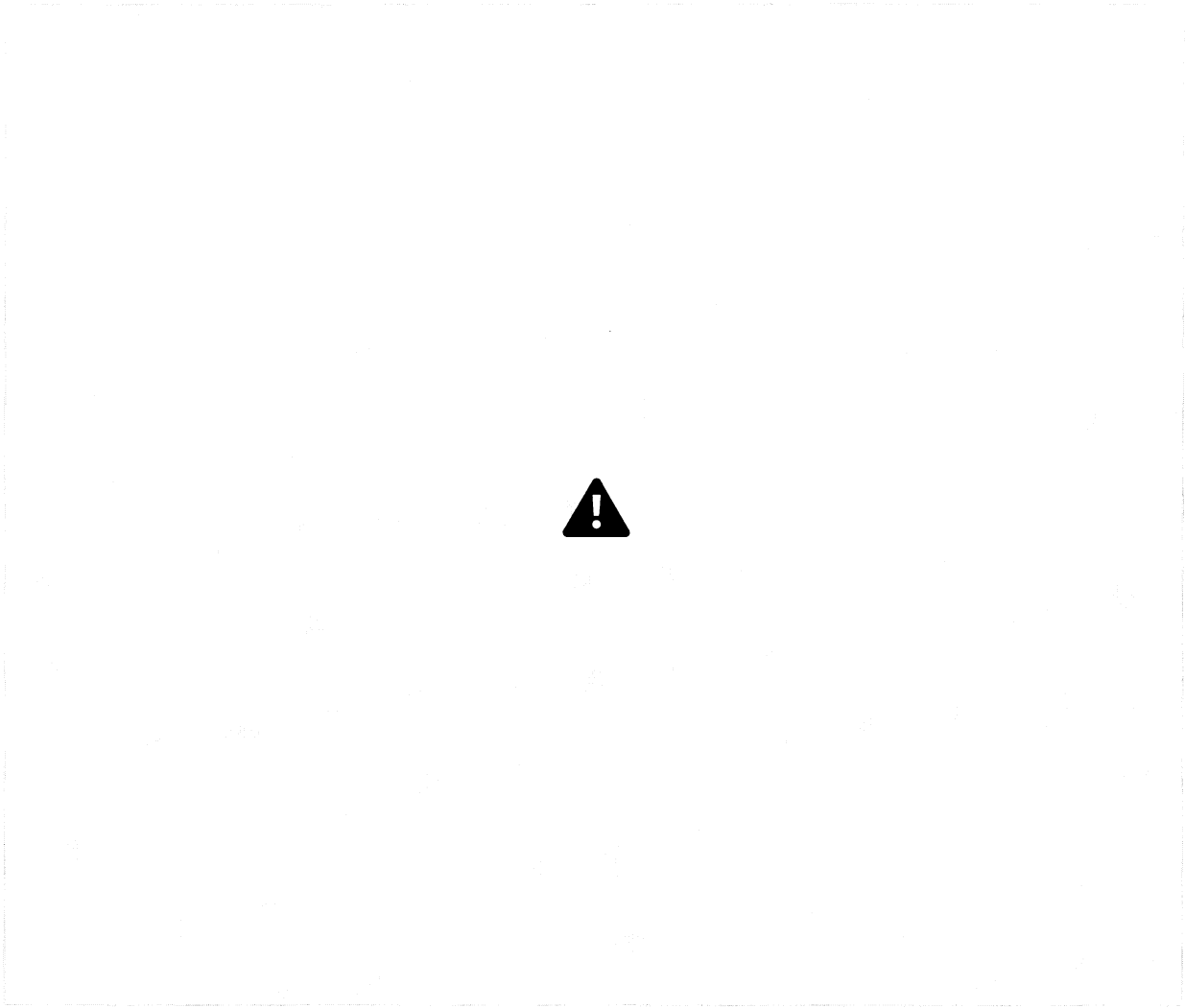
Because BCHDs shading/shadowing analysis is insufficient, fails to provide hourly data, fails to evaluate negative significant impacts on recreation at Towers and fails to evaluate the negative health

impacts of shading/shadowing, it must be corrected, reissued, and recirculated for comment in order to adequately address recreation impacts.

Due to BCHDs defective and insufficient analysis of shading/shadowing the public is denied intelligent participation in the CEQA process. The images below represent what little can be

salvaged to estimate impacts. Based on this evidence, the shading/shadowing impacts represent a significant “taking” of sunlight and recreation from Towers Elementary and surrounding residential uses. In the specific case of the Towers fields, BCHD is “taking” sunlight and thereby having a significant, negative impact on school and public recreation.

Due to BCHD insufficient and defective analysis, the public was forced to “imagine” the shadowing moving from September when when school year starts, across the fields to winter, and then back across the fields to spring. This is clearly and unequivocally a significant health impact to students from reduced Vitamin D and other positive physical and mental health attributes of sunlight; a similar impact to surrounding residential uses; a significant traffic safety impact to Beryl Street drivers; and a significant impact to school, team and public recreation.





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11. BCHD Traffic/Transportation Impact and Mitigation Analysis is Flawed BCHD under-reports, minimizes impacts or excludes entirely the following traffic/transportation topics: Thousands of Heavy Haul Truck Trips will have Significant Traffic Impacts; Tens of Thousands of Worker Commuter Trips will have Significant Traffic Impacts, and BCHD Plans Traffic Management; and Flaggers that will have Significant Traffic Impacts. Further, impacts on the health, education, and ADA/504 accommodations under the ADA of students at Towers Elementary are willfully ignored.

Summary

BCHD CEO asserts that BCHD has a moral obligation to protect community health. BCHD uses this claim to prematurely demolish or retrofit the 514 N Prospect building, despite its compliance with all federal, state, county and local ordinances. This is purely an elective act on the part of BCHD based on its "moral obligation." If BCHD is asserting a moral obligation to demolish the building, then BCHD must have the same moral obligation to protect the students at Towers and West High from noise and vibration interruptions in their classrooms caused by BCHD negative, significant traffic impacts.

Wood used Leq, average noise levels for analysis at Towers. These are inappropriate for intermittent noise and vibration. Furthermore, for students in a classroom, especially those with IEPs and 504 plans due to disabilities, the need for a distraction free environment is a legal right. As per the attachments, a school in Los Angeles has successfully stopped a

developer from construction while school is in session. There is little question that 85 db loaded and empty trucks running down Beryl past Towers will cause distractions to students for 5 or more years.

The DEIR errs in its use of “one foot in boiling water, one foot in ice water – on average, it’s comfortable” theory to hide its 85db intermittent noise source from construction transportation. The noise is significant at Towers and a violation of the ADA for students with IEPs and appropriate accommodations.

As BCHD asserts its new “moral obligation” to protect the community standard that exceeds ordinances, statutes and standards, it must also recognize that the interruption of classrooms with intermittent noise and vibration caused by traffic is a cause of cognitive impairment, learning interruption and a violation of ADA. BCHDs more stringent standard requires it to protect the students.

Attached is a settlement agreement due to impacts on school and hundreds of peer-reviewed, evidence based article references on the damages to students from excess noise regardless of cause.

BCHD has legal and moral obligations to protect students at Towers Elementary and also Torrance West High. The BCHD analysis is flawed and averages away intermittent impacts. Further, BCHD is asserting a moral obligation standard, and as such, it must always use it uniformly or abandon it.

According to CEQA Section § 21001. ADDITIONAL LEGISLATIVE INTENT, Americans with Disabilities Act

Per § 21001, the *Legislature further finds and declares that it is the policy of the state to: (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic,*

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natural, scenic, and historic environmental qualities, *and freedom from excessive noise.* (*emphasis added*)

BCHD asserts in Tables 3.11-16 and 3.11-17 that both provide modeled noise measurements and assume that Leg (Equivalent Continuous Sound Pressure Level) and Ldn (Day Night Average) are the appropriate measures for Towers and Beryl Heights Elementary school impacts and the DEIR finds that neither is a significant impact.

In the United States, the Americans with Disabilities Act (ADA) provides all students with disabilities the absolute right to an equal education. All students with IEPs or 504s that recognize the need for a quiet environment are going to be violated by BCHD proposed 103-foot, 800,000 sqft, 5-year development. The impacts that BCHD has summarily dismissed using average noise data will violate the ADA.

The DEIR errs in its use of average sound measures due to BCHD construction and construction traffic to evaluate the impacts of noise on the education of students. In doing so, the intermittent nature of the noise is ignored and the California Legislature's intent for "freedom from excessive noise" is not upheld for the students. The impact of unwanted noise on students includes, but is not limited to traffic, voices, construction, constant, and intermittent noise has been well documented in the peer reviewed literature (end notes NOISE Ref: 2 to Ref: 171). The DEIR fails to evaluate the impacts to Torrance West High and Beryl Heights Elementary from intermittent, excessive, construction transport noise.

The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process.

Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise-exposed children. Obviously, these findings have practical implications for protecting the education and cognitive development of students.

BCHD CEO Bakaly has stated that BCHD has a moral obligation to protect community members, and BCHD has used that obligation to establish a more stringent standard for protection of the community than that required by Redondo Beach Municipal Code or Los Angeles County or State of California law (Ref: 171). Even without application of this more stringent standard, but especially when relying on BCHD moral obligation, the appropriate evaluation of noise, and protection of students in schools from "excessive noise" requires the use of intermittent noise and full consideration of its detrimental impacts on cognitive development, learning, and disabilities. Surely the Americans with Disabilities Act protects students with disabilities from the impacts of BCHD construction and requires those impacts to be mitigated such that students continue to have an equal education.

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The DEIR ignores Legislative Intent and the more stringent moral obligation standard established by CEO Bakaly for BCHD. The DEIR must analyze intermittent noise and not rely on averaging. The DEIR must also specifically consider the unique impacts of noise and intermittent interruptions on education and cognitive function as found in the peer-reviewed, evidence based literature in order to adequately protect students at Towers and Beryl Elementary and West High.

Conclusion: The DEIR must consider intermittent noise impacts caused by BCHD induced traffic on students to protect their Legislative Intent right to freedom from excessive noise regardless of cause, and not violate the Americans with Disabilities Act. BCHD must also always uniformly use its moral obligation standard to consider more stringent than CEQA

impacts, just as it considered more stringent than seismic impacts for 514 N Prospect.

12. BCHD Has No Comprehensive Employee Analysis for RCFE or PACE Participants, Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the RCFE and PACE daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

13. BCHD Has No Comprehensive Employee Analysis for Phase 2 Direct Employees, Contractors, Medical Professionals, or Visitors

The public's right to intelligent participation in CEQA was denied due to a flawed analysis. BCHD provides no comprehensive, detailed analysis of the Phase 2 daily commuters listed above. The DEIR is defective, must be remedied and recirculated.

14. BCHD Knowingly Plans to Impact Community Chronic Stress, the Blue Zones Silent Killer Chronic Stress Causes and Damages

Blue Zones, a vendor of BCHD that BCHD spent over \$2M with, recognizes chronic stress as the silent killer. Given that BCHD spent \$2M of our taxpayer funds on Blue Zones, it should be clear that that BCHD either believes and acts consistent with Blue Zones, or, BCHD is chronically malfeasant.

<https://easyreadernews.com/lockdown-lessons-blue-zones-founder-dan-buettner-on-how-to-make-use-of-staying-at-home/>

Noise Impacts Leading to Chronic Stress Health Damages

The following references present peer-reviewed research between noise, chronic stress and negative health impacts. Clearly BCHD as a so-called premiere health agency is required to recognize and mitigate the impacts of chronic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898791/>

Title: The Adverse Effects of Environmental Noise Exposure on Oxidative Stress and Cardiovascular Risk

Epidemiological studies have provided evidence that traffic noise exposure is linked to cardiovascular diseases such as arterial hypertension, myocardial infarction, and stroke.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1568850/>

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Title: Noise and stress: a comprehensive approach.

The thesis of this paper is that research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2996188/>

Title: Noise and Quality of Life

The psychological effects of noise are usually not well characterized and often ignored. However, their effect can be equally devastating and may include hypertension, tachycardia, increased cortisol release and increased physiologic stress.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4873188/>

Title: Noise Annoyance Is Associated with Depression and Anxiety in the General Population

<https://pubmed.ncbi.nlm.nih.gov/15070524/>

Title: Health effects caused by noise: evidence in the literature from the past 25 years For an immediate triggering of protective reactions (fight/flight or defeat reactions) the information conveyed by noise is very often more relevant than the sound level. It was shown recently that the first and fastest signal detection is mediated by a subcortical area - the amygdala. For this reason even during sleep the noise from aeroplanes or heavy goods vehicles may be categorised as danger signals and induce the release of stress hormones. In accordance with the noise stress hypothesis, chronic stress hormone dysregulations as well as increases of established endogenous risk factors of ischaemic heart diseases have been observed under long-term environmental noise exposure. Therefore, an increased risk of myocardial infarction is to be expected.

Traffic Impacts Leading to Chronic Stress Health Damages

<https://pubmed.ncbi.nlm.nih.gov/29936225/>

Title: Chronic traffic noise stress accelerates brain impairment and cognitive decline

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503511/>

Title: Traffic Noise and Mental Health: A Systematic Review and Meta-Analysis Public policies to reduce environmental traffic noise might not only increase wellness (by reducing noise-induced annoyance), but might contribute to the prevention of depression and anxiety disorders

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2535640/>

Title: Traffic-Related Air Pollution and Stress: Effects on Asthma

Acute and chronic stress produce substantively different physiologic sequelae. Acute stress can induce bronchodilation with elevated cortisol (possibly masking short-term detrimental respiratory effects of pollution), whereas chronic stress can result in cumulative wear and tear (allostatic load) and suppressed immune function over time, increasing general susceptibility

<https://pubmed.ncbi.nlm.nih.gov/18629323/>

Title: Chronic traffic-related air pollution and stress interact to predict biologic and clinical outcomes in asthma

The physical and social environments interacted in predicting both biologic and clinical

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Friday, June 11, 2021 11:40 AM
To: Martinez, Oscar
Subject: FW: comments submitted to EIR@bchd.org 6-10-2012

From: Mary Ewell [REDACTED]
Sent: Friday, June 11, 2021 11:36 AM
To: bill.brand@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; nils.nehrenheim@redondo.org; todd.lowenstein@reondo.org; christian.horvath@redondo.org; zo@obagi4redondo.com; laura.emdee@redondo.org; brandy.forbes@redondo.org; mike.webb@redondo.org
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: comments submitted to EIR@bchd.org 6-10-2012

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

-----Original Message-----

From: Mary Ewell [REDACTED]
To: EIR@bchd.org <EIR@bchd.org>
Sent: Thu, Jun 10, 2021 10:13 am
Subject: opposition to the proposed "Healthy Living Campus"

I have been opposed to the Healthy Living campus from the first time the public were invited to attend your BCHD board meetings for many of the reasons below. I began appealing to the Board as a licensed Marriage and Family Therapist who has advocated for our youth, our greatest resource, whose lives in 5 neighboring schools would be disrupted as they come/go to school and during their school day for the particulate pollution they would be ingesting, exacerbating some breathing conditions more than others. Their safety and education are paramount to any of your profit motives.

Secondly, I challenged you all on the lack of a verifiable needs assessment for this Assisted Living and Memory Care facility, which was based on marketing predictions, not otherwise substantiated. The cost alone of living at this campus makes occupation prohibitive for the median income of Beach Cities residents, to which you replied, in effect, were not really your target population; ANYONE WHO COULD PAY YOUR PRICE WERE WELCOME, adding to the WEALTH DIVIDE that already is in question by our Governor for affordable housing, so much so that our Governor has made it incumbent upon the City of Redondo Beach to prove that they are not just planning, but IMPLEMENTING 2500 affordable housing units within our boundaries. Your Healthy Living Campus defies this mandate. Nor do you care. All along your profit motive has been clear as your driving force.

Further, you cannot justify building your FOR PROFIT H.L.C. on land zoned for a Public Community Facility, P-CF, which zoning is delegated for use by local governments to build facilities for hospitals, fire or police stations, schools, park/recreation -a designation purposed for the "common good of the ENTIRE community", not a privileged few who can pay the \$12,000. minimum/month for assisted living/memory care. You could, however, choose to augment community services for the majority of seniors in the area who want to "age in place", through grant money BCHD has an eye for, so that they, myself included, can "age in place" with some additional in home health services extended to us at a reasonable rate. I include other salient points for your consideration below. (These have been on the TRAO-TorranceRedondoAgainstOverdevelopment website, so familiar to you all).

Mary R.Ewell, M.F.T.
Redondo Beach, District 2

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Friday, June 11, 2021 12:49 PM
To: Martinez, Oscar
Subject: FW: CPRA - PRRs as of June 10 2021

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Friday, June 11, 2021 12:24 PM
To: PRR <PRR@bchd.org>; EIR <eir@bchd.org>
Cc: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>
Subject: CPRA - PRRs as of June 10 2021

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Public Comment to Torrance and Redondo Beach Mayors and Councils as Responsible Agencies:

CPRA Request to BCHD:

Provide an inventory of the total number of pending PRRs at BCHD as of the DEIR comment deadline of June 10, 2021 at 5PM. For reference, the May Board meeting record demonstrated that BCHD denied access to public information on over 100 PRRs through all causes on non-fulfillment.

All unfulfilled PRRs related to the DEIR or the HLC must be entered into the DEIR record as their delinquency denied the public the right to intelligent participation in CEQA.



Live Well.

Request Closed, Open & Withdrawn by Month				
Month	Closed	Open	Withdrawn	Total
Jan-20	14	0		14
Feb-20	3	0		3
Mar-20	1	0	1	2
Apr-20	8	0		8
May-20	36	0		36
Jun-20	112	23	1	136
Jul-20	17	0		17
Aug-20	13	1		14
Sep-20	69	8	11	88
Oct-20	51	0	9	60
Nov-20	52	5	6	63
Dec-20	33	7		40
Jan-21	26	6		32
Feb-21	14	19		33
Mar-21	19	20		39
Apr-21	23	17		40
May-21		12		12
TOTAL	491	118	28	637
% of Total	77%	19%	4%	100%

Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Friday, June 11, 2021 3:52 PM
To: Martinez, Oscar
Subject: FW: Public Comment - BCHD Appears to Have Had Little Public DEIR Outreach

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Friday, June 11, 2021 3:48 PM
To: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>
Cc: Paul Novak <pnovak@lalafco.org>
Subject: Public Comment - BCHD Appears to Have Had Little Public DEIR Outreach

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Dear Torrance and Redondo Beach Mayors and Councils:

As the comment period for the BCHD DEIR wraps up, I have used public data to analyze the amount of public outreach by BCHD. In addition, I am filing a number of CPRA requests, however, BCHD is nearly 1 year delinquent so self-serve data will be relied upon.

According to BCHDs YouTube channel that was setup for the DEIR, less than 0.6% of registered voters viewed BCHDs landing page. More detailed pages were even lesser viewed, as low as only 39 non-unique pageviews out of over 85,000 registered voters in the three Beach Cities.

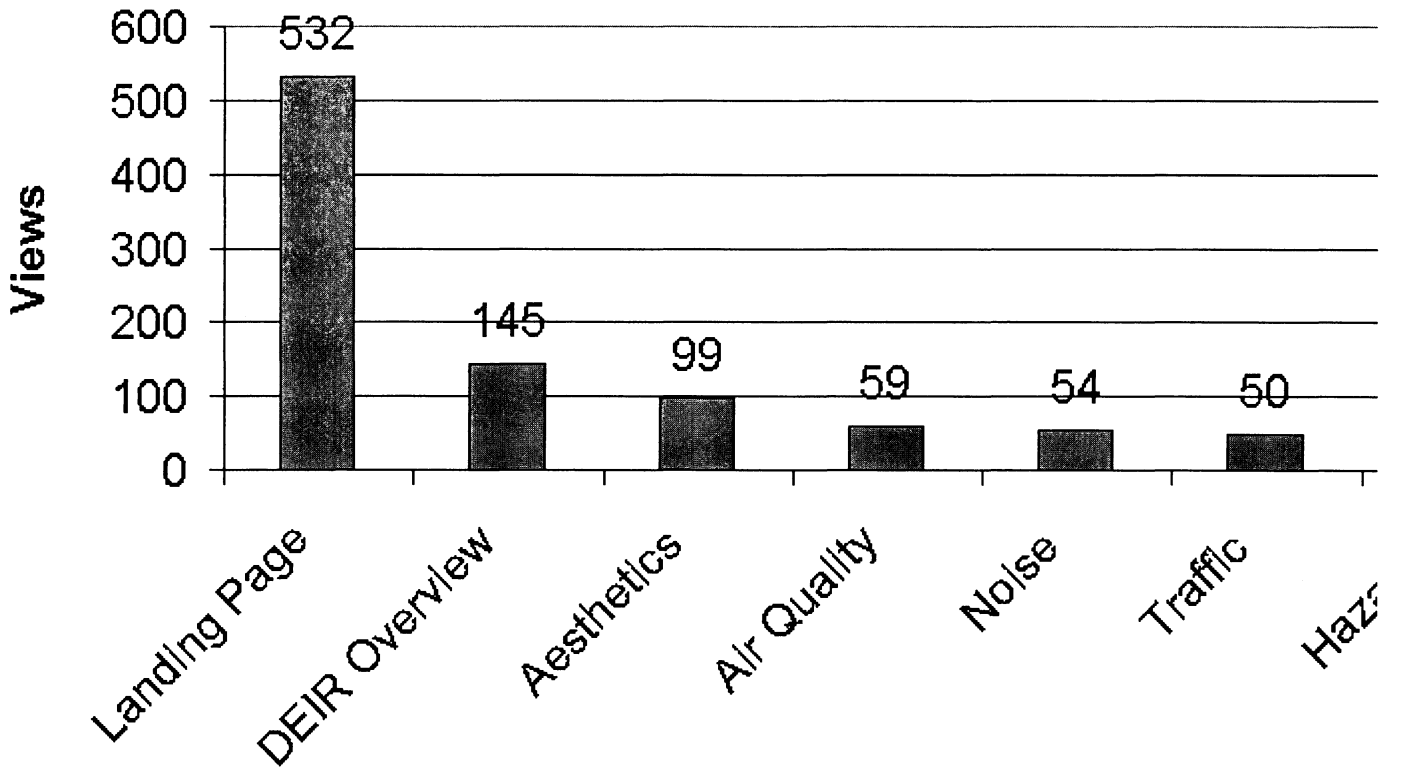
Further, while BCHD hand-delivered letters last year regarding a one day testing event at the "Flagler lot", no hand-delivered or USPS mailed letters were provided to surrounding residents. As Redondo Beach is well aware, Census data shows over 1,000 residents in the area bordered by Beryl, 190th, Prospect and Flagler. As 80%+ renters who have lower income and higher racial diversity than the rest of the surrounding area, those folks were clearly denied intelligent participation in the CEQA process by BCHD.

We will need to assure that a far better job of outreach occurs for the CUP and other related permits, especially in the EJ area to the north of the site. Thank you.

Mark Nelson
3 Year BCHD Volunteer, Community Working Group

Topic	Views	% Voters
Landing Page	532	0.62%
DEIR Overview	145	0.17%
Aesthetics	99	0.11%
Air Quality	59	0.07%
Noise	54	0.06%
Traffic	50	0.06%
Hazards	39	0.05%

BCHD DEIR Non-unique Pageviews (of 86,200 Registered Voters per LAVote)



Martinez, Oscar

From: Pena, Michelle on behalf of City Clerk
Sent: Tuesday, June 15, 2021 7:39 AM
To: Martinez, Oscar
Subject: FW: Public Comment on BCHD Induced Home Value Reductions of up to \$150K per Average Home
Attachments: BCHD Damages to Local Neighborhood Values.pdf

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Monday, June 14, 2021 5:53 PM
To: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; Brandy Forbes <brandy.forbes@redondo.org>
Subject: Public Comment on BCHD Induced Home Value Reductions of up to \$150K per Average Home

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Dear Mayors and Councilmembers of Redondo Beach and Torrance, and Redondo Beach Planning Commissioners:

As we are all aware, BCHD recently closed its DEIR comment period. The CEQA process does not include the evaluation of negative economic impacts unless they manifest in negative environmental impacts. The classic example is a small town Walmart that will leave the former central business district blighted. In its over 60-years of existence, BCHD has never conducted environmental or economic justice reviews of its impacts according to its California Public Records Act responses. As such, it has no record to stand on regarding its negative economic or health impacts to the surrounding neighborhoods.

As part of its Conditional Use Permit, the City of Redondo will consider negative impacts caused by BCHD's near tripling of campus size. For the record, and as an expert witness and economist, I am providing background to the Mayors, Councils and Planning Commission regarding the anticipated negative home price impacts from the BCHD project.

Additional BCHD Commercial Development Will Further Reduce Local Home Values

BCHD proposed development could reduce surrounding home values by up to \$150K on average

Based on studies, and confirmed by intuition, increasing amounts of commercial development beyond the amount that services the local neighborhood reduces residential home values. BCHD is attempting to nearly triple its buildings from 312,000 to 793,000 sqft. Ownership will be majority 3rd party and the fee structures will be whatever the market will bear. As such, it's commercial development like any other.

Using modeled results, BCHD expansion is expected to more than triple its current, negative impacts on home values. While the specific dollar amount cannot be estimated, even at a modest 5% of home value, a tripling

would result in an additional value decline of \$100,000 to \$150,000 compared to homes that are not impacted by BCHD.

Surrounding residents have suffered 60+ years of impacts from the failed South Bay Hospital and the BCHD operations, and BCHDs request to impart 50-100 years of additional damages is too costly for Redondo Beach residents to bear.

BCHD increased its project height from 60 to 103-feet tall and its above ground building size from 729,000 to 793,000 sqft following public comments to reduce size

According to City documents, the entire Beryl Heights neighborhood is between 455,000 and 785,000 sqft, while the former South Bay Hospital campus is currently 312,000sqft.ⁱⁱ BCHD initially proposed a 60-foot tall project with 729,000 sqft of surface buildings and 160,000 sqft of subterranean parking.ⁱⁱⁱ Following neighborhood outcry and a 1,200+ resident petition to downsize the project, BCHD increased the height to 103-foot tall and the surface buildings to 793,000 sqft^{iv} while removing the 160,000 sqft of subterranean parking from its plans.

BCHD will increase its share of the neighborhood SQFT from 33% to 56% of the size of BCHD + Beryl Heights Neighborhood

Using a midpoint estimate of 620,000 sqft for the size of all Beryl Heights homes together, the South Bay Hospital campus is currently 33% the neighborhood size of BCHD + Beryl Heights. BCHD is proposing to increase its share of the neighborhood to 56% as it increases from 312,000 to 793,000 sqft.

Commercial real estate studies suggest BCHD size increase will triple its negative impacts on local home values

There are not many statistically valid studies of the impact of increasing levels of commercial dominance in neighborhoods on the value of homes. As former faculty, it is my view that funding for those types of studies is lacking since commercial developers are reluctant to sponsor studies that may reveal their negative impacts on residential home values.

There is one statistically valid, two-stage least squares University of Chicago published study^v that includes estimated equations for computing the relative impact on residential home values based on the fraction of commercial in the neighborhood. As the authors describe, there is generally research to confirm that limited amounts of neighbor-serving commercial increase local property values, however, larger fractions of commercial development diminish home values. The authors found that the maximum gain to home values is at 5% commercial (for example, the Vons Plaza has a positive impact on home values) and beyond about 10%, the overall impact of commercial is to reduce home values.

Utilizing the estimated statistical equations, the increase of BCHDs share of local real estate from 33 to 56% will increase their negative impact on home values by 330%. Unfortunately, the models cannot predict the

magnitude of the home value decline in dollars due to the statistical specification of their model. Given local data, I am an expert witness and econometrician and I would be happy to model the reduction in local home values caused by BCHD expansion.

Based on a literature review, we can unequivocally state that tripling the campus will negatively impact surrounding home values, and based on computations using the article's models, the best estimate that we have is that the negative home values currently embedded in local home values will triple, further reducing values and home equity.

In Texas, state law requires the special districts that develop commercial projects set aside funds to fix the negative externalities that they cause. For example, one district collects a 1% sales tax on all sales in the district for its own internal purposes, but was required to set aside 10% of its revenues to be used toward the mitigation of the net negative impact the development might have within 2 miles of its borders.^{vi}

One option for the City, besides simply disallowing the BCHD project, would be to force 100% of the BCHD project to repatriate a fraction of gross revenue to be distributed to surrounding residents.

BCHD has never studied its negative Environmental and Economic Justice Impacts

For most families, their home is their largest single asset^{vii}. That is likely true for those surrounding BCHD. For over 60 years, the negative environmental and economic impacts have been borne by surrounding homes in the forms of traffic, toxic air emissions, chronic stress, noise, sirens, glare, excess night time lighting, and reduced privacy. Along with those impacts have come reduced home values, also as a result of BCHD. In a California Public Records Act response^{viii}, BCHD admitted it had no studies of its EJ impacts on the local neighborhoods. No matter what claims BCHD makes regarding benefits to the community, BCHD has admitted it has no studies of the negative EJ impacts it has caused, does cause, and will cause.

Conclusion

BCHDs proposed project will damage surrounding neighborhoods and cause home value reductions of the largest asset of most families. While specific estimates are unavailable, models suggest BCHD will cause a tripling of the current negative impact it has on local home prices in the surrounding area.

ⁱCity of Redondo Beach Neighborhood Design Guidelines.

<https://www.redondo.org/civicax/filebank/blobdload.aspx?BlobID=2871>

ⁱⁱBCHD EIR NOP June 2019. <https://www.bchdcampus.org/eir>

ⁱⁱⁱBCHD EIR NOP June 2019. <https://www.bchdcampus.org/eir>

^{iv}BCHD DEIR March 2021. <https://www.bchdcampus.org/deir>

^vStull, William J. "Community Environment, Zoning, and the Market Value of Single-Family Homes." The Journal of Law & Economics

^{vi}"COMMERCIAL DEVELOPMENT SPILLOVER EFFECTS UPON RESIDENTIAL VALUES." The Southwestern Economic Review

^{vii}Pew Research. <https://www.pewresearch.org/social-trends/2011/07/26/chapter-3-net-worth-by-type-of-asset/>

^{viii}Mon, Aug 10, 2020, 6:57 PM from Charlie Velasquez to Mark Nelson, no economic justice studies, available on request

ix Mon, Aug 10, 2020, 7:00 PM from Charlie Velasquez to Mark Nelson, no environmental justice studies, available on request

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- i City of Redondo Beach Neighborhood Design Guidelines. <https://www.redondo.org/civicax/filebank/blobdload.aspx?BlobID=2871>
- ii BCHD EIR NOP June 2019. <https://www.bchdcampus.org/eir>
- iii BCHD EIR NOP June 2019. <https://www.bchdcampus.org/eir>
- iv BCHD DEIR March 2021. <https://www.bchdcampus.org/deir>
- v Stull, William J. "Community Environment, Zoning, and the Market Value of Single-Family Homes." *The Journal of Law & Economics*
- vi "COMMERCIAL DEVELOPMENT SPILLOVER EFFECTS UPON RESIDENTIAL VALUES." *The Southwestern Economic Review*
- vii Pew Research. <https://www.pewresearch.org/social-trends/2011/07/26/chapter-3-net-worth-by-type-of-asset/>
- viii Mon, Aug 10, 2020, 6:57 PM from Charlie Velasquez to Mark Nelson, no economic justice studies, available on request
- ix Mon, Aug 10, 2020, 7:00 PM from Charlie Velasquez to Mark Nelson, no environmental justice studies, available on request

Martinez, Oscar

From: Cerda, Samantha on behalf of City Clerk
Sent: Tuesday, June 22, 2021 4:01 PM
To: Martinez, Oscar
Subject: FW: BCHD DEIR Public Notification and Outreach was Substandard and Inadequate

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Tuesday, June 22, 2021 3:52 PM
To: EIR <eir@bchd.org>; Communications <communications@bchd.org>
Cc: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; Paul Novak <pnovak@lalafco.org>; Steven Keller <skeller@rbusd.org>; rbpta <rbpta@rbusd.org>; Tim Stowe <superintendent@tusd.org>; torranceptas <torranceptas@gmail.com>; han.james@tusd.org; rflinn@rbusd.org; Brandy Forbes <brandy.forbes@redondo.org>
Subject: BCHD DEIR Public Notification and Outreach was Substandard and Inadequate

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Please verify sender before opening attachments or clicking on links.

PUBLIC COMMENT: BCHD, City of Redondo Beach Mayor, Council and Planning Commission, City of Torrance Mayor and Council, LALAFCO, RBUSD Superintendent and Board, TUSD Superintendent and Board, RBPTA, TUSDPTA

BCHD serves the 3 cities of Hermosa, Manhattan and Redondo Beach with approximately 120,000 residents (note: BCHD provided Covid testing to 85% non-residents per data from the County of LA, so it is very unclear what area BCHD actually services vis a vis LA County DPH which has the obligation and funding outside the 3 beach cities).

BCHD has yet to provide the number of unique IP address downloads of its draft EIR documents. BCHD is delinquent on CPRA requests back to June of 2020. See below for detail of their 22% outstanding CPRA responses with an average ripeness of 66.6 days and a maximum of one full year.

BCHD Views Reached 0.1% of BCHD Taxpayer-Owners

According to the data, BCHD reached a maximum of 0.1% of the Hermosa, Redondo, and Manhattan Beach population with its DEIR Overview, although only 0.02% viewed all videos. Information transfer by BCHD fell off from there to a low of 0.03% for noise, the only declared significant and non-avoidable impact by BCHD. Clearly, residents has no understanding of BCHDs impacts, nor were surrounding residents notified by mail of the release of the 103-foot, 793,000 sqft of surface buildings plan in March 2021 that followed the approved 75-foot tall plan in June of 2020

As both proponent and lead agency, BCHD appears to be gaming the process to minimize public knowledge and input. TRAO, a grassroots neighborhood organization, received over 1,200 signatures on a petition opposing the project. Unlike BCHD fraction percentage viewership of its DEIR, TRAO achieved a 1% opposition rate to the 60-foot, 729,000 sqft of surface building plan that BCHD subsequently nearly doubled height and increased surface sqft by removing 160,000 sqft of underground parking.

In my nearly 40 years of development, I have never seen such poor outreach as BCHD as both proponent and lead agency. As

According to BCHD, its self report delinquencies in CPRA responses are:

Request Closed, Open & Withdrawn by Month					CPRA Response Delinquent Days	
Month	Closed	Open	Withdrawn	Total		
Jan-20	14	0		14		
Feb-20	3	0		3		
Mar-20	1	0	1	2		
Apr-20	8	0		8		
May-20	36	0		36		
Jun-20	112	23	1	136	365	days
Jul-20	17	0		17		
Aug-20	13	1		14	305	days
Sep-20	69	8	11	88	275	days
Oct-20	51	0	9	60		
Nov-20	52	5	6	63	215	days
Dec-20	33	7		40	185	days
Jan-21	26	6		32	155	days
Feb-21	14	19		33	125	days
Mar-21	19	20		39	95	days
Apr-21	23	17		40	65	days
May-21	30	20		50	35	days
Jun-21	2	29		31		
TOTAL	523	155	28	706		
% of Total	74%	22%	4%	100%	66.6	Weighted Avg Days
					365	Max Days Delinquent

According to BCHDs Youtube page, as of June 11, 2021 the following statistics of the DEIR are shown:

DEIR Youtube Views

	Views	% Population
Views of All DEIR Videos	29	0.024%
Views of DEIR Overview	145	0.118%
Views of Aesthetics	99	0.081%
Views of Air Emissions	54	0.044%
Views of Hazards	59	0.048%
Views of Noise	39	0.032%
Views of Transportation	59	0.048%

Population



HB	19500
RB	67500
MB	35500
Total	122500

Martinez, Oscar

From: Cerda, Samantha on behalf of City Clerk
Sent: Monday, August 9, 2021 7:36 AM
To: Martinez, Oscar
Subject: FW: Public Comment - Public Objection to BCHD Proposed Project Size and Site Location

From: Mark Nelson (Home Gmail) <[REDACTED]>
Sent: Sunday, August 8, 2021 9:41 PM
To: Brandy Forbes <brandy.forbes@redondo.org>
Cc: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; Paul Novak <pnovak@lalafco.org>; Judy Rae <easyreader@easyreadernews.com>; Lisa Jacobs <lisa.jacobs@tbrnews.com>; Bill Brand <bill.brand@redondo.org>; Furey, Pat <PFurey@TorranceCA.gov>
Subject: Public Comment - Public Objection to BCHD Proposed Project Size and Site Location

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Please verify sender before opening attachments or clicking on links.

Dear Planning Commissioners and Director:

1,200 RESIDENTS PETITIONED BCHD TO REDUCE THE SIZE OF THE BCHD PROPOSAL TO BE CONSISTENT WITH THE SURROUNDING RESIDENTIAL 30-FOOT LAND USES

Following BCHDs EIR Notice of Preparation, a petition exceeding 1,200 signatures of local residents was gathered and provided to BCHD objecting to the size and location of the proposed 3rd party built commercial development. This "official" plan from BCHD that was included in the NOP of the EIR was 60-foot tall, 729,000 sqft of surface buildings, and located on the perimeter of the failed South Bay Hospital site.

BCHD NEARLY DOUBLED THE HEIGHT AND INCREASED THE SQUARE FEET OF SURFACE BUILDINGS IN THE DEIR FROM THE NOP DESPITE OBJECTIONS

Subsequently, in response to the 1,200 local resident objection, BCHD published a draft EIR for public comment that was 103-foot tall, 793,000 sqft of surface buildings (BCHD eliminated 160,000 sqft of underground parking) and still located on the perimeter of the failed hospital site.

BCHD CHOSE TO ENGAGE IN EJ WARFARE AGAINST THE NEIGHBORHOOD TO THE NORTH OF THE FAILED SOUTH BAY HOSPITAL PARCEL

To make matters even worse, BCHD appears to have engaged in a deliberate act of economic and environmental injustice by concentrating the 103-foot tower damages (133-feet above surrounding homes according to BCHD DEIR) on the north campus, on the perimeter, up against the lowest income, most diverse, youngest age residents surrounding the parcel. The area between Beryl and 190th/Anita and Prospect and Flagler has an average age that is half that of the east, south and west neighborhoods. In addition, it is a more diverse area with a lower income than the surrounding areas. In short, BCHD deliberately opted to use its economic and political power against the neighborhood that could least defend itself from 5 years of construction, toxic transportation emissions and noise, aesthetic damages, and 50-100 years of continued neighborhood EJ impacts.

In short, BCHD caved to the affluent southern and eastern neighborhoods and waged an EJ war on the lower income, younger, and more diverse Redondo Beach residents to the north.

BCHD IS PLANNING FOR 92% NON-RESIDENT TENANTS ON OUR PUBLIC LAND USE AND DISPROPORTIONATELY DAMAGING REDONDO BEACH RESIDENTS

BCHD cannot be allowed to diminish the health and welfare of the surrounding neighborhoods for the benefit of wealthy non-residents. Redondo Beach's Public land uses are for the public benefit of Redondo Beach residents. BCHD is a public entity that has subjected the surrounding neighborhoods to 60 years of wholly disproportionate EJ damages so far, and proposes an additional 50-100 years more for the sake of housing rich, non-residents. The benefit to Redondo Beach residents is clearly NEGATIVE in this case, despite BCHD misrepresentation to the City Attorney in the February 2019 memo from counsel. This is little different than if BCHD proposed a landfill that was open to all comers. Yes it would have small value to local residents, but the economic, environmental and health damages would swamp those benefits. BCHD is proposing a 92% non-resident benefit while Redondo Beach absorbs 100% of the damages for another 50-100 years following the 60 years of accumulated damage to date by BCHD/SBHD.

BCHD NEVER ASSESSED THE NEED FOR RCFE IN THE 3 BEACH CITIES

BCHD's consultant, MDS, conducted commercial analysis to determine the market for \$12,500 per month RCFE in a wide area, not for the 3 beach cities. Their analysis shows that the PV peninsula will have a larger demand by nearly 200% than the 3 beach cities for the use of our public land. Never did BCHD even analyze the needs of the 3 beach cities, because it was never planning to build a facility to serve OUR local seniors.

BCHD NEVER ASSESSED WHETHER THERE WAS ANY MARKET SHORTFALL FOR MARKET-PRICE RCFE FOR THE 3 BEACH CITIES

BCHD also never assessed whether there was any need for our public land to be used to create commercial, market-priced RCFE at \$12,500 per month. The market is doing a fine job of utilizing commercial land to build market priced commercial RCFE, and if BCHD is to be allowed to use our public land, then it must be for the exclusive tenancy of the 3 beach cities and provided at a cost-basis, not a severe, market price markup.

RESIDENTS MUST BE PROTECTED FROM BCHD COMMERCIAL DEVELOPMENT DAMAGES ON PUBLIC LAND

The Cities of Redondo Beach and Torrance must protect their residents from 50-100 years of additional economic and environmental injustice from BCHD. Redondo Beach must especially protect the neighborhood of approximately 1,000 residents to the north that is being taken advantage of due to its young age, lower income, increased diversity, and lesser political power than the southern and eastern neighborhoods to which BCHD clearly kowtowed. BCHD must be required to build SHORTER and SMALLER. The Redondo Beach Council determined that Kensington's 2-story design was consistent with surrounding residential land uses. BCHD must follow that same example or be denied design approval and a conditional use permit.

Mark Nelson
Redondo Beach
3+ Year BCHD Volunteer, Community Working Group

cc: Mayors and Councils of Redondo Beach and Torrance, Director of LALAFCO

Martinez, Oscar

From: Cerda, Samantha on behalf of City Clerk
Sent: Monday, August 16, 2021 7:30 AM
To: Martinez, Oscar
Subject: FW: Public Comment - Torrance and Redondo Beach Mayors and Council

From: Mark Nelson (Home Gmail) <[REDACTED]>
Sent: Sunday, August 15, 2021 1:19 PM
To: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>
Cc: Paul Novak <pnovak@lalafco.org>; Communications <communications@bchd.org>; EIR <eir@bchd.org>; Kevin Cody <kevin@easyreadernews.com>; Lisa Jacobs <lisa.jacobs@tbrnews.com>
Subject: Public Comment - Torrance and Redondo Beach Mayors and Council

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

Dear Mayors and Councils:

In its 2019 public filing (EIR NOP), BCHD proposed a 60-foot tall commercial development project on the failed South Bay Hospital campus. That development had about 730,000 sqft of above ground buildings and 160,000 sqft of underground parking.

Over 1,200 surrounding residents objected, banded together, and signed a petition in objection to the project. BCHD has never acknowledged the petition and fails to include those 1,200+ peoples' voices in any of BCHD public comment statistics. Their voices were "canceled" for not agreeing with BCHD.

In its 2021 public filing (EIR), BCHD increased the height of the project to over 103-feet, moved the 160,000 sqft of underground parking to a towering parking ramp, and ultimately increased the amount of above ground buildings to 793,000 sqft. So in response to the local residents' petition, BCHD made its project BOTH TALLER and BIGGER, totally ignoring the voices of over 1,200 surrounding residents.

Any claims by BCHD that it responded appropriately to the comments of the surrounding public are demonstrably false and over 1,200 surrounding residents continue their opposition the BCHDs oversized commercial project serving over 90% non-residents of Redondo Beach and over 80% non-residents of the 3 beach cities according to BCHDs own consultant MDSs estimates.

Mark Nelson
3+ Year BCHD Volunteer, CWG
Redondo Beach

Martinez, Oscar

From: Cerda, Samantha on behalf of City Clerk
Sent: Tuesday, August 31, 2021 7:43 AM
To: Martinez, Oscar
Subject: FW: Comments to Agencies regarding BCHD Responses to DEIR Comments
Attachments: Comments to FEIR v4.pdf

From: Mark Nelson (Home Gmail) <[REDACTED]>
Sent: Monday, August 30, 2021 6:19 PM
To: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; Brandy Forbes <brandy.forbes@redondo.org>; Tim Stowe <superintendent@tUSD.org>; han.james@tUSD.org
Cc: Paul Novak <pnovak@lalafco.org>
Subject: Comments to Agencies regarding BCHD Responses to DEIR Comments

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

For distribution to relevant legal and planning staffs:

Please find the first set of corrections to errors in the BCHD responses to public DEIR comments that was released at noon on Friday. These comments are keyed to the BCHD comment labels for easy access and the first page includes some overview comments.

Please direct any questions to me via email for quickest response and I will coordinate review and reply.

Mark Nelson (for BCHD Over-Development Group)
Redondo Beach, CA
3+ Year BCHD Volunteer, Healthy Living Campus

Transmittal Letter #1
Public Comment to Errors in BCHD DEIR Comment Responses

August 30, 2021

Subject: Error Corrections to BCHD Responses to Public DEIR Comments

To whom it may concern:

Despite BCHD dumping over 700 pages of comments out at noon on Friday August 27, 2021, dedicated reviewers have prepared a first pass of error correcting comments to BCHD responses that are available to agencies prior to the 10 day obligated window in CEQA. We encourage you to reference these corrections that identify errors of BCHD in both fact and process, note them, and posit solutions.

Topically, these comments include the incorrect actions and errors of BCHD such as:

- Discarding unfavorable comments as outside the scope of CEQA
- Denying all comments on the Purpose and Need (Benefits) as out of scope
- Refusing to allow peer-reviewed studies by applying unreasonably narrow content filters
- Failing to apply BCHD “moral obligation” standard to damages against surrounding neighborhoods
- Applying BCHD “moral obligation” selectively only to create a need to demolish or retrofit the 514 building
- Damaging the health and environment of surrounding residents and Redondo Beach in a manner that is wholly disproportionate to benefits
- Exceeding the need for \$12,500 per month RCFE in the 3 beach cities by 500%
- Failing to provide documentation of need for the proposed duplicative PACE facility
- Asserting benefits from BCHD programs that are unbudgeted and unmeasured
- Denying evidence that the BCHD HLC process and facility causes stress to the residents

Despite BCHD representations to the City Attorney of Redondo Beach that “clearly” the project has “significant benefits” to the residents of Redondo Beach, BCHD has failed to measure benefits and its for-profit corporate vendors, Blue Zones LLC and Healthways/Sharecare refuse to release any supporting materials to backup their unreasonable claims. BCHD has adopted that type of “trust us” mentality as well. BCHD has provided no net benefits analysis that support its assertion to the City.

It will become very clear from these error correction comments that BCHD fails to have the objective data and analysis required to add 50-100 years of additional damages atop the 60+ years combined damages from BCHD and SBHD.

By Mark Nelson
For BCHD Over-Development Group

**DRAFT FEIR ISSUE THEMES SET #1
BCHD OVER-DEVELOPMENT GROUP
REDONDO BEACH, CA**

Correction to Errors in BCHD Responses to DEIR Comments for the Written Record

BACKGROUND

BCHD Has Established a Pattern of Denying the Public Adequate Time to Review, Analyze and Comment on Never Before Seen Documents and Proposals

On Friday August 27, 2021 BCHD made public over 700 pages of BCHD generated responses to comments from the Public regarding the DEIR. The public is given until the BCHD Special Board Meeting on September 8, 2021 to read, analyze and respond to BCHD responses. This is 8 business days, including both Rosh Hashanah and Labor Day.

BCHD has a pattern of denying the public adequate time for review, analysis and comment. On June 12, 2021 BCHD released the never before seen campus design that the BCHD Board approved on June 17th, allowing only 3 business days for public review, analysis and comment. Over 100 comments against the campus design were received.

While only BCHD can speak for its motivation for providing the public a total of only 11 business days for review, analysis and comment on a \$400M project decision, a reasonable assumption would be that BCHD willfully intended to suppress public input through Draconian limits on public review, analysis and comment on never before seen project details of a project that BCHD first contemplated over 11 years prior.

GENERAL ERRORS OF BCHD RESPONSES TO PUBLIC COMMENTS BY THEME

BCHD Wrongly Excludes Comments Regarding the Project Purpose and Need

BCHD asserts that the project Purpose and Need (Benefits) are immutable and not subject to challenge. BCHD states “these comments do not address the adequacy of the Environmental Impact Report (EIR) with regard to the environmental impact analysis, mitigation measures, and alternatives. Rather, these comments express the opinions of the commenters regarding need and benefits of the proposed Project, a matter that has been subject to extensive review and public discussion by BCHD.”

BCHD denies the public intelligent participation by denying comment on Project Purpose and Need.

BCHD asserts that Project Alternatives flow from Project Objectives and those flow from Project Purpose and Need (Benefits). Therefore, BCHD de facto denies comments on Project Objectives and Alternatives if an appeal cannot be made to an invalid/incorrect Purpose and Need.

Hypothetical of BCHD Denying Intelligent Participation through Exclusion of Purpose and Need from FEIR Comments

A simple example is insightful. BCHD determines that the Project Need is to increase revenue to end homelessness. BCHD determines that a landfill serving 95% non-residents of 90277, 90% non-

residents of Redondo Beach and 80% non-residents of the three beach cities would raise sufficient revenues. BCHD determines that reducing homelessness for 80% non-residents is within its mission. BCHD further determines that the removal and recycling of waste, and bladder lined landfilling of toxics under extreme monitoring is a health benefit to the three beach cities. BCHD proceeds with a EIR for the project.

Under BCHD incorrect interpretation of CEQA cited above, BCHD denies public input challenging the landfill proposal. As a result, BCHD de facto denies public input challenging the objectives, because no appeal can be made to the Project Purpose and Need. BCHD also de facto denies public input challenging the alternatives, because the objectives are directly tied to the Purpose and Need.

As such BCHD has denied the public intelligent participation. The DEIR and FEIR of BCHD current proposal are defective, must be remediated and recirculated.

BCHD RCFE Does Not Meet the Needs of the Taxpayer-Owners of BCHD

The condemnation action of South Bay Hospital to obtain the North Prospect Avenue property cited the voter authorization for an emergency hospital for the three beach cities that formed South Bay Hospital District. That is the appropriate definition of public – the three beach cities of Hermosa Beach, Manhattan Beach and Redondo Beach. BCHD is utilizing scarce, public zoned land in Redondo Beach, depriving the residents of alternative uses. In doing so, BCHD consultants have determined that less than 10% of the occupancy of the commercially developed, owned and operated facility will serve Redondo Beach residents.

The entire disbenefit (aka neighborhood damages for 50-100 years and 6 generations) of construction and ongoing operations will fall to Redondo Beach residents, specifically those in 90277. Those residents will only represent less than 5% of tenants. In total, the facility is 400% oversized for the needs of the three beach cities, since less than 20% of tenancy will be from those three cities yet 100% of damages (or near fraction) will be suffered in the three beach cities, specifically, Redondo Beach.

CEO Bakaly, the highest ranking employee and policymaker of BCHD stated “[t]his is the public’s project, and it needs to meet their needs.” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Only 20% of the project is needed to meet the public’s needs. The additional 80% is commercial, market priced, \$12,500 per month speculative venture for non-residents. The public, that is, the three beach cities that formed and own BCHD, are left to suffer the negative externalities of the oversized project.

There have also been significant comments regarding the high market price of BCHD RCFE while using public land in a public land use in public zoning. With 80% of the facility for non-residents, the public benefits are completely outweighed by the 100% damages sustained by the taxpayer owners and residents.

The only conclusion that can be reasonably drawn is that the BCHD Purpose and Need for the project is invalid, therefore rendering the Project Objectives invalid and the Project Alternatives invalid, as they derive from a faulty Purpose and Need for the project. The DEIR and draft FEIR are invalid, must be remediated and recirculated.

BCHD PACE Facility was Late Added Absent any Specific Research Demonstrating the Need for a Duplicative PACE Service for the Three Beach Cities

BCHD provides no valid, quantitative evidence that the late-added PACE facility meets any unmet needs in the three beach cities. BCHD proposal is wholly duplicative of the services of an existing PACE that is registered with the State to service all zipcodes including the 3 beach cities. As such, BCHD Purpose and Need is invalid, rendering objectives and alternatives equally invalid. The DEIR and FEIR are therefore invalid and must be remediated and recirculated.

BCHD Revenue Objectives are Unsupported

BCHD asserts that it needs current and future revenues, however, per BCHD own CPRA response, BCHD does not (and has not in 28 years of existence) budget for programs, conduct cost accounting at the program level, nor develop net benefits (or benefit to cost ratios) for its programs. As such, BCHD cannot assert with any level of confidence that it provides benefits beyond its cost. Nor can BCHD assert that other uses of its funding will not have a higher social value.

BCHD commercial, for profit Blue Zones program vendors, Blue Zones LLC and Healthways/Sharecare, Inc. make outrageous, unsupported claims regarding the cost effectiveness of the program, however, when formally requested, but refuse to provide any documentation. Property tax revenues and the rents from taxpayer purchased assets cannot rely on both BCHD and its vendors “trust me” approach that refuses to transparently provide the claimed benefits of a commercial, for profit program.

BCHD failure to evaluate its programs for net benefits renders all BCHD revenue Objectives in the DEIR and FEIR defective. “Trust me” is not an option for an organization that spends 50% of its property tax revenue on only 10 executives, and over 50% of all revenues on staff.

BCHD failure to consider evidence demonstrating the defectiveness of their Objectives denies the public the right to intelligent participation. The DEIR, FEIR and BCHD Lead Agency process are all defective and must be remediated. It is unclear if the DEIR or FEIR can be made valid under the circumstances of BCHD failures and its vendors non-transparency.

BCHD Established “Moral Obligation to the Community” Standard Was Applied to the 514 N Prospect Residents Only and Discriminated Against All Other BCHD Taxpayer-owners and Residents

BCHD CEO Bakaly, the highest ranking policymaker and employee at BCHD stated in discussion of the HLC project that “we are a health district, we are a health district that has a moral obligation to be proactive and protect the people in our community” (https://www.youtube.com/watch?v=RCOX_GrreIY) The CEO then used that standard to discriminate against all other residents of the three beach cities and declared the 514 N Prospect building seismically unsafe and requiring retrofit or demolition. There are extensive comments discussing how the BCHD seismic consultant stated that best practices allow 25 years additional use and no laws require any action. In the July 2021 board meeting, BCHD outside counsel confirmed that the 514 building can continue to be used for current uses without any retrofit.

CEO Bakaly’s discrimination is multifaceted. His decision damages surrounding residents health and economic well being by forcing an unneeded project on them. His decision damages all owners of BCHD (the three beach cites) by imposing an unneeded financial obligation that consumes resources

that have better social uses. Yet, BCHD asserts that no human being can question the Purpose and Need for the project under CEQA. That view is morally offensive and wrong, as is Bakaly's overt discrimination.

BCHD Established "Moral Obligation to the Community" Standard Was Not Applied to Project Damages

BCHD CEO Bakaly, the highest ranking policymaker and employee at BCHD stated in discussion of the HLC project that "we are a health district, we are a health district that has a moral obligation to be proactive and protect the people in our community" (https://www.youtube.com/watch?v=RCOX_GrreIY) Thus the CEO has stated the BCHD moral obligation standard for action.

BCHD used its moral obligation standard to develop a reason to retrofit or demolish the 514 N Prospect Building, despite it meeting all currently required ordinances, laws and standards. It is clear that BCHD as a matter of policy from the CEO has identified that the protection of the community requires standards beyond those published and in common use, such as, BCHD requiring a \$100M seismic upgrade despite its consultant stating that "best practice" would allow 20-25 years of continued use. Further, BCHD outside counsel stated in the July 2021 board meeting that the facility meets all requirements for continued use.

Why then, does BCHD refuse to consider the peer-reviewed NIH published impacts of intermittent noise on students cognitive development? Why does BCHD refuse to consider the link between stress and heart disease, cognitive impacts, and mental health? Why does BCHD refuse to correct its current excess nighttime lighting? All these and many more peer reviewed studies of impacts from the BCHD HLC project were discarded by BCHD, while it ignores the lack of ordinances and best practices and fabricates a seismic safety hazard at the 514 N Prospect building?

BCHD clearly only perceives "moral obligations" when it is to BCHD commercial development advantage. Otherwise, as BCHD answered in public records requests, the public is forced to endure the letter of the law, receiving antiquated protections and not the heightened BCHD policy of a moral obligation to proactively protect health.

Either BCHD erred in its rejection of peer reviewed studies of prospective health damages filed in comments in the DEIR and needs to reprocess its DEIR, or BCHD believes (by definition) that protecting its commercial interests is "right" and protecting the health interests of the community from BCHD development damages is "wrong". Moral obligations are obligations arising from right and wrong, and are not situational as CEO Bakaly and BCHD have applied the documented BCHD policy. The DEIR and draft FEIR are in error, must be remediated and recirculated.

BCHD Wrongly Denies the Use of Peer Reviewed Studies Demonstrating BCHD Project Damages

BCHD is well known for its assertion of the use of evidence based studies to develop its programs. The evidence is generally, if not exclusively, from non-Redondo Beach, non-Hermosa Beach and non-Manhattan Beach geography and from studies on non-Redondo Beach, non-Hermosa Beach and non-Manhattan Beach populations. The evidence, often in the form of peer reviewed studies, is applied to the local area and population to develop programs, generalizing from the studies – studies that were not completed in the target geography nor with members of the target audience.

In the case of public comments to the DEIR, BCHD denies the use of peer reviewed studies, citing the generalized theme that peer reviewed NIH published studies that do not include very narrow specifics, such as the BCHD service area population, the specific acts of BCHD such as construction, heavy haul truck noise etc. are therefore not directly related to the project. Using BCHDs own fabricated standard, BCHDs own evidence based programs that Board Member Poster frequently espouses could not exist. No BCHD evidence based programs can be developed from BCHD evidence, for absent the program, the evidence cannot exist. They are developed from related peer reviewed studies instead using basic logic, science and health principles.

BCHD wrongly asserts, for example, that a peer reviewed study is invalid if it does not contain the precise issues and attributes of the BCHD project. For example, studies are presented that link intermittent noise to stress. Studies are presented that link stress to physical and mental damages, including from Blue Zones LLC, the company that BCHD has paid multi-million dollars for consulting and naming rights. Yet, BCHD rejects studies because they do not directly apply to the project – that is, the studies do not state that BCHD will cause intermittent high dB noise (an undisputed truth) and that such BCHD noise leads to physical and mental damages to the residents of the beach cities.

In summary, BCHD applies such a stringent self-serving standard to public comments that utilize peer reviewed research that not a single BCHD evidence based program could exist under the same excessive limits that BCHD refuses to apply to itself. For this reason, many of BCHD responses to comments are objectively invalid and in violent disagreement with logic, science and public health methodologies. The only conclusion that can be drawn is that BCHD responses to public comments are defective, must be corrected, and must be recirculated.

BCHD Wrongly Denies that Stress is an Outcome of their Project Impacts and its Process

In a July 20, 2019 published interview, CEO Bakaly, the highest ranking policymaker and employee at BCHD, offered that the BCHD HLC project was “stressing people out.” That interview was discussing the change from the 2017, ill defined project proposal to the 2019, 60-foot tall, 160,000 sqft underground parking and 729,000 sqft surface building proposal. CEO Bakaly went so far as to acknowledge that it was clear to himself and BCHD (presumably the Board) that people were worried and stressed. If BCHD CEO acknowledges that the mere concept of the HLC causes stress, it clearly follows that construction and ongoing operations will also cause stress. BCHD has also acknowledged that the existing facility has damaged the surrounding neighborhood in its FAQs.

BCHDs 60 foot tall 2019 project proposal was received poorly by the public. It caused a vast majority of negative comments to the project in the EIR NOP. BCHD subsequently approved a 75 foot tall design in June of 2020 and released an even larger 103 foot tall design in March of 2021. As each subsequent proposal from BCHD is both taller and contains as much, or more surface building sqft due to the elimination of 160,000 sqft of underground parking, it is reasonable to posit that the project now causes more stress to the public than Bakaly’s first claim. It is reasonable to assume that stress is monotonically increasing with stimulus, and in this case, the stimulus is the same or increasing (i.e., the project, height, sqft, etc.) and therefore CEO Bakaly’s statement about stress induction by the HLC project on the public is at least the same, or perhaps higher than when he made the assessment.

Thus, the highest ranking policy official and employee at BCHD, the CEO, has acknowledged that stress has been an outcome of the HLC project. Unfortunately, BCHD has elected to attempt to discard peer reviewed studies that clearly demonstrate that stress is the result of a number of impacts that

BCHD will have on the public, such as, intermittent noise, traffic, construction, loss of privacy, and others as presented in peer reviewed, NIH published studies in DEIR comments. The only conclusion that can be drawn is that BCHD self-serving attempted denial of peer reviewed, NIH published studies connecting impacts of BCHD HLC to stress renders the responses to DEIR comments defective, in need of correction, and requiring recirculation.

**DRAFT FEIR COMMENT SET #1
BCHD OVER-DEVELOPMENT GROUP
REDONDO BEACH, CA**

Correction to Errors in BCHD Responses to DEIR Comments for the Written Record

COMMENT - RECREATION

BCHD materially errs both in its initial analysis and response to DEIR comments. Recreation was not included in the NOP, despite public comments directing BCHD to do so. BCHD assumed away its negative impacts to recreation in June of 2019 when it refused to include recreation analysis in the NOP.

The Towers fields are used for organized sports activities, therefore, BCHD analysis is flawed and incorrect. The fields can be in use past the shading time that BCHD ignored in the DEIR and is a significant impact that could result in injury to players based on going from full sun to full shade at various times and locations on the field. This appears to be a willful misstatement of fact by BCHD in its response, as well as a willful and deliberate omission of the Recreation analysis in the DEIR. The DEIR was incomplete, failed to analyze Recreation even after being instructed by commenters in the NOP comments, and therefore the DEIR must be rehabilitated and recirculated for comment.

BCHD falsely asserts:

“During the Fall and Winter, the proposed RCFE Building would also cast shadows on Towers Elementary School – including the recreational field – in the evening hours (i.e., 5:00 p.m. during the Fall Equinox and 4:00 p.m. during the Winter Solstice). The latest dismissal time for Towers Elementary School students is at 3:12 p.m. for 4th and 5th graders; however, and Towers Elementary School closes at 4:00 p.m. Therefore, shadows cast by the proposed RCFE Building would not have a significant adverse effect on Towers Elementary School.”

BCHD has no valid supply curve of recreation field availability, nor any valid demand curve of recreational field use, and therefore has no foundation to conclude the impacts are not significant of its action. BCHD draws its conclusions from thin air. BCHD must provide such and recirculate the defective DEIR.

COMMENT – LEAD AGENCY STATUS

BCHD materially errs in its assessment of an obligation under CEQA to be the lead agency. BCHD's prior action deferring Lead Agency Status to the City of Redondo Beach demonstrates the falsehood of BCHD's response to comments. For both the 510 and 520 North Prospect Ave medical office buildings, BCHD's predecessor, SBHD, legally differed with BCHD's current interpretation. In neither case did BCHD assert a claim to the lead agency role, and further, it made no objection to the City of Redondo Beach's action to serve as lead agency. Either BCHD misled the public on both the 510 and 520 MOBs, or, BCHD is misleading the public now. In either event, BCHD has failed to comply with CEQA throughout history and until its prior legal positions are vetted by courts, BCHD's actions as lead agency are invalid. BCHD itself states that if it had objected to the City of Redondo Beach serving as lead agency for the 510 and 520 MOBs that BCHD would have had an obligation to mediate the issue at OPR. BCHD chose not to, thereby demonstrating that BCHD has no firm obligation, as it wrongly

asserts, to be lead agency. BCHD has no experience. BCHD should defer to a competent agency, the City of Redondo Beach.

BCHD states:

“If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to the Office of Planning and Research. If an agreement cannot be reached, any of the disputing public agencies, or the applicant if a private project is involved, may submit the dispute to the Office of Planning and Research for resolution.”

COMMENT – PROJECT NEED AND BENEFIT

BCHD materially errs when it asserts that the project purpose and need cannot be challenged. Absent the project purpose and need (or need and benefit as BCHD states) the project’s objectives would not exist. Absent the objectives, no environmental impacts could occur. BCHD’s argument is both incorrect and deliberately misleading. BCHD is in effect claiming that its project can fall from thin air and need is irrelevant. That is simply false. CEQA protects the environment from unnecessary damages, and absent a valid Purpose and Need with Benefits, the project itself is invalid as well.

As a matter of uncontested fact, BCHD’s MDS demonstrates that less than 20% of the RCFE is expected to house tenants from the 3 beach cities, while less than 10% will be from Redondo Beach, the City with 100% of the environmental damages. Further, BCHD has no mission to provide RCFE outside the 3 beach cities. BCHD is owned and operated by the taxpayer-owners of the 3 beach cities and operates on public land acquired and paid for by taxpayer approved bonds.

As a matter of uncontested fact, BCHD has no analysis demonstrating that the current PACE services provided to the zip codes of the planned BCHD PACE facility have a need for a duplicative PACE provider. BCHD was asked in several CPRA requests for evidence of the necessity of a duplicative PACE facility and could not provide evidence. BCHD incorrectly implies that it has evidence, which it does not and cannot provide, that duplicative PACE services are REQUIRED in the 3 beach cities. Further, BCHD has no mission to provide PACE outside the 3 beach cities. BCHD is owned and operated by the taxpayer-owners of the 3 beach cities. LA Coast PACE is legally registered with the state of California to service the zip codes of the beach cities.

COMMENT – SEISMIC SAFETY

BCHD materially errs in the interpretation of its seismic analysis and no action is required or needed.

BCHD’s consultant record is complete and demonstrates that BCHD has no obligation under either “best practice” or ordinance to upgrade its facilities. Youssef Associates states any action is “voluntary”, “best practice” is reflected in the City of LA Ordinance, under the ordinance, 20-25 years would be allowed for planning and execution and in the meantime, the building could be used as is.

In response to questioning during the July 2021 Board Meeting, both the CEO and BCHD’s outside counsel responded to a taxpayer owner that the building meets all applicable standards, laws and ordinances for continued use as an RCFE facility.

Further, the CEO developed a “moral obligation” standard to the residents of the building in a YouTube video where he also based his actions on his 4-year old child experience. The moral obligation standard is not used in any other part of the EIR, and therefore, it is an inappropriate fabrication for selective use.

he building has not suffered any damage or injury (BCHD has failed to provide any data in CPRA requests) in any earthquake in its 60 year life and that stands are evidence in the record.

COMMENT – DECLINING TENANCY

BCHD has failed to provide any evidence into the record that its tenants are leaving due to inadequacy of the facility, nor does the record support that incoming tenants require different facilities. Therefore the response misrepresents the record based on BCHD CPRA responses or lack thereof. Any of many failures on the part of BCHD maintenance or management could cause the space to be unattractive, not the least of which is significant investment in both TMMC and LCOM, the entities the drove South Bay Hospital out of public owned existence in 1984 when it could not function capably in the market.

BCHD asserts absent evidence:

“BCHD’s ability to attract tenants has diminished in recent years, in part because of the specialized nature of the former South Bay Hospital Building, which cannot be easily renovated to conform to tenant needs. Therefore, even if simply seismically retrofitting the Beach Cities Health Center were financially feasible, it would not address these additional issues associated with providing purpose-built facilities for outpatient medical services and other community health and wellness needs”

COMMENT - PROJECT OBJECTIVES

BCHD materially errs in its discussion of project objective comments. BCHD as an organization had no project budgeting, cost accounting nor financial benefits evaluation since 1993 per CPRA response. As a result, any assertions that BCHD requires current or future revenues are flatly unsupported and false. BCHD cannot demonstrate net benefits to the 3 beach cities, and BCHD executive management and board have been malfeasant to taxpayer owners by testing 84% non-residents of the 3 beach cities during covid. Clearly, an agency that fails to budget programs and fails to even account for the city of benefit, residence or employment for its programs cannot make any assertions about revenue requirements.

Further, BCHD provides no analysis of reduced program levels, nor of shut down. In fact, BCHD refuses to disclose its shut down analysis via CPRA response deeming it to be Attorney-Client Work Product.

BCHD fails to demonstrate any net benefits to the residents of Redondo Beach, despite its unsubstantiated claims to the Redondo Beach City Attorney and staff in 2018. The damages to Redondo Beach and surrounding residents are swamped by the benefits, especially since 95% of tenants will be non-residents of 90277 per BCHD own analysis. 100% damages less 5% benefits clearly provides a net damage to surrounding neighborhoods.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan

Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

BCHD fails to substantiate its benefit claims, and it has collected no valid data. BCHD fails to substantiate the local need for RCFE or PACE within the 3 beach cities. BCHD fails to provide an analysis of downsizing or shutdown and holds that Attorney Client Privileged.

Put quite simply, BCHD has fabricated its Purpose and Need and Project Objectives and provide no objective, statistically valid, fact based evidence for evaluation. As such, all alternatives are also invalid, because they cause environmental damage absent demonstrable benefits.

COMMENT – AFFORDABILITY OF RCFE

BCHD is a publicly owned and operated entity serving the 3 beach cities of Hermosa, Redondo and Manhattan Beach. BCHD has no current practices to account for where its spending nor benefits accrue, and LA County Health demonstrated that BCHD fails to evaluate programs (LiveWell Kids Pg 8 “no evaluation”) and also that BCHD serviced nearly 85% non-residents of the 3 beach cities during covid with taxpayer owner majority funding. Clearly, BCHD does not have the skills nor interest in affordably service the 3 beach cities.

That said and the sources being beyond dispute, BCHD is using publicly owned land, paid for with bond proceeds to allow a commercial private developer to charge market prices. This is a commercial use and the land must be rezoned to Commercial.

Furthermore, as a public entity, like a municipality as the CEO often claims in cost analogies, BCHD should be required to provide cost of service pricing, not wildly inflated market pricing. BCHD provides an analysis that less than 20% of the facility will be occupied and affordable to the 3 beach cities residents in its MDS work. Cain publicly identified the proposed complex as “upscale” in comments during the June 2020 Board and Finance Committee meetings. BCHD has made no attempt at affordability. The project should not be allowed on any public zoned land.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all

zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT – P-CF ZONING, LAND USE, AND DESIGN PROCESS

BCHD documents that no project over 70 feet has been allowed in the last roughly 40 years in Redondo Beach. As such, it is clear that there is no current precedent to allow BCHD 103-foot tower on a 30-foot elevation site. Further, adequate setbacks are required by the CUP, and as a result, the project must be moved to the center of the campus in order to be consistent with the surrounding 30-foot limited community. BCHD has made no attempt for adequate setbacks of community character consistency, and can make no claim that it is consistent with the CUP or design process.

COMMENT – PROGRAMMATIC DETAIL

The City of Redondo Beach comments were accurate, the programmatic EIR is an abject failure. It clearly fails to meet the accurate, stable and finite standard. As well, it fails to provide a translation of the health damages caused by the 2nd phase on the surrounding areas. BCHD failed to include the damages to surrounding neighborhoods in its analysis, rendering it defective and requiring recirculation.

COMMENT – AESTHETICS

BCHD statement “The EIR thoroughly assesses the impacts associated with aesthetics and visual resources that could result from construction and operation of the proposed Project in Section 3.1, *Aesthetics and Visual Resources*. The EIR thoroughly assesses the impacts associated with aesthetics and visual resources that could result from construction and operation of the proposed Project in Section 3.1, *Aesthetics and Visual Resources*.” is objectively false. Making an assertion does not make it true. BCHD failed to find the highest point on 190th as an example of a technical error. BCHD failed to consider as significant the “taking” of blue sky views. BCHD failed to consider the negative, significant health impacts of shading. In short, BCHD ignored all negative impacts of its 133-1/2 foot structure above the surrounding homes.

BCHD also failed to consider the environmental justice impacts of moving its structures to the north side of the campus. The multifamily between Beryl and 190th and Prospect and Flagler is more minority, younger, lower income, and lower asset as renters than the neighborhood that BCHD conceded to that is older, much wealthier, and whiter. In short, BCHD waged an aesthetic and Environmental Justice war on the neighborhood to the north while capitulating to the rich white neighborhood to the south. The action is clearly immoral and fails to meet the EJ criteria of the state AG office. This is embedded, institutional racism, as is the targeting of wealthy, predominantly white occupants for the RCFE.

BCHD analysis of aesthetics ignores the Peeping Tom privacy invasions as well. BCHD increased the campus height from 60-feet to 103-feet from the NOI to the DEIR despite over 1200 residents signing a petition to reduce the size. BCHD increased the above ground size of the campus from 729,000 sqft to 793,000 sqft from the NOI to the DEIR by removing the underground parking from the RCFE. As a result, the aesthetics of the RCFE and now required 8-10 story parking ramp have been ignored in the analysis.

The record is replete with visualizations from Google Earth Pro demonstrating the significant “taking” of blue sky and sun from surrounding neighborhoods and recreational uses.

As is clearly documented in the record by BCHD, the existing 75-foot building would not be allowed to be rebuilt in Redondo Beach based on actual permitted structures in the past 40 years. All other cities in the table are irrelevant. The CUP and Design Process occur and permit only in Redondo Beach. Using BCHD false logic, a structure the size of the Redondo Beach Generating Station should be allowed on its parcel, since over the years, the existing station has been tolerated. BCHD errs in its conclusion that just because an economically and environmentally damaging use is currently in existence (such as the Exide Battery Plant) that another should be allowed (BCHD RCFE).

Material error – the trees on Beryl are slated for removal.

BCHD materially errs when it states “As described in Section 1.6, *Project Background*, since the inception of the proposed Project in 2017, BCHD has been dedicated to engaging in public outreach, including forming a 20-person Community Working Group (CWG) to represent the various populations and organizations in the Beach Cities and engage local participants in the planning of proposed redevelopment. The proposed Project was developed as a result of more than 60 meetings hosted over a 3-year period and attended by more than 550 community members.” BCHD ignores the voices of over 1,200 petitioners and attempts to silence their voices. There exists no location, absent 1960 Miami Beach, where such an absurd structure is consistent with the neighborhood character. The Redondo Beach City Council approved Kensington as being consistent with 30-foot high surrounding neighborhoods and that represents current precedent for RCFE in P-CF.

If BCHD were a landfill or human remains crematorium, would it be allowed to replace itself as a consistent use? No. The same is true of a 103-foot tall assisted living that services less than 10% of Redondo Beach tenants and a PACE facility that is so poorly analyzed it has no estimates of any use whatsoever and is 100% duplicative of a state-registered existing PACE facility.

BCHDs analysis of size, mass, and height is purely subjective, incorrect, and inconsistent with the comments of over 1200 petitioners.

BCHDs detailed response to invasion of privacy from a 103-foot tall building on a 30-foot hill is to the effect of: **we peep in your windows now**. Specifically, BCHD asserts “Many of the backyards in the first row of residences adjacent to the BCHD campus are visible from the fourth and uppermost floor of the Beach Cities Health Center under existing conditions.”

As with the argument that BCHD has been a dominant eyesore for 60 years and therefore has the right to build even higher on the perimeter of the lot, BCHD also asserts that they can watch your private moments now, so what’s another 30 or 40 feet and the building moved from the center of campus to the most distant edge?

It can not be dismissed that BCHD recognizes the damage of locating on the perimeter and is concealing its knowledge of the damage. BCHD in the 2nd CWG meeting provided a slide that the campus concept was to insulate the surrounding neighborhoods by putting parking around the perimeter. BCHD knows that its current design is damaging and denies it. BCHD appears to falsify its FEIR by hiding known aesthetic damages that it disclosed to the CWG.

COMMENT - HAZARD AND HAZARDOUS MATERIALS

BCHD discussion fails to analysis nuclear medical waste, human remains and other biohazards remaining in the footprint of the hospital, and copious amounts of urine, human waste, and reproductive bodily fluids on BCHD property from people suffering homelessness. Based on BCHDs revelation that it currently partakes of invasion of privacy from the high floors of the buildings, there are also concern regarding bodily fluids that may be in the upper story units as well.

COMMENT – NOISE ANALYSIS

False statement by BCHD:

“Many also asserted, without substantiating evidence or expert opinion, that the proposed Project would result in impacts to school children at Towers Elementary School.”

BCHD flatly misrepresents the record. The following peer-reviewed studies were submitted to BCHD as comments to the DEIR, conclusively demonstrating that an 85db intermittent noise generator and associated vibration will impact the learning and well being of Towers students. It is simply ABHORRENT that an alleged health district that asserts a “moral obligation” to the health of surrounding residents would attempt to deny peer reviewed, NIH posted studies.

Peer reviewed impacts of intermittent noise provided to BCHD in comments:

Negative Environmental Impacts: Construction Noise, Construction Vibration, Construction Traffic, Intermittent Noise, Operational Noise, Parking Ramp Noise, Special Event Noise, Maintenance Noise, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay

Peer-reviewed Impacts of Intermittent Noise on Students

Noise/vibration processing xlix

Cognitive development l li (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901841/>)

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3757288/>)

Learning delay lii (<https://www.edweek.org/leadership/low-level-classroom-noise-distracts-experts-say/2015/01>)

Disabilities Impacts liii

(https://www.researchgate.net/publication/264730841_The_Effect_of_a_Noise_Reducing_Test_Accommodation_on_Elementary_Students_with_Learning_Disabilities)

Damaging Dose Level Unknown liv (<http://www.edaud.org/journal/2001/4-article-01.pdf>)

Towers Elementary lv DEIR Figure 2-10 shows Towers Elementary and West High on Haul Route Health Impacts lvi (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/pdf/envhper00310-0128.pdf>)

Reduced Memory lvii (<https://asa.scitation.org/doi/10.1121/1.2812596#:~:text=While%20at%20school%20children%20are,%2C%20motivation%2C%20and%20reading%20ability>)

There is clear, peer-reviewed evidence that BCHDs activities of heavy haul past an operating school will cause damages to students, and the inappropriate analysis conducted by BCHD is only appropriate for an adult work setting. BCHD failed to consider the cognitive level or position of the students and the intermittent impact.

COMMENT – MN70-10

BCHD is composed of Redondo Beach, Hermosa Beach and Manhattan Beach as taxpayer owners. Not El Segundo, Torrance, Palos Verdes Estates, Rancho Palos Verdes, etc. BCHD errs in its comments by failing to take a narrow view of damages and benefits, as will occur to the surrounding neighborhoods.

MDS study plainly demonstrates that 5% of residents in RCFE will be from 90277, under 10% from Redondo Beach where the damages occur and under 20% from all 3 beach cities. As a result, BCHD flatly misrepresents its own study.

BCHD presents no evidence of any benefit whatsoever from PACE to BCHD that is incremental to the existing PACE program. Further, BCHD has no zip code or city level demographic studies from its hastily prepared decision to include PACE at the 11th hour. As a CWG member, PACE was NEVER raised in our group in over 3 years.

BCHD per CPRA responses has no spending nor benefits of programs by zip code, so, BCHD cannot defend any net benefits analysis. Further, BCHD demonstrated that 84% of covid testing benefits were for non-residents of the 3 beach cities. In short, with certainty, DAMAGES accrue to REDONDO BEACH and especially 90277, while BCHD though its own decades of sloppy and incomplete analysis cannot demonstrate any value of benefits from its programs that are not budgeted nor evaluated. The comment MN70-10 is correct as written and BCHD errs in its own self-interest and falsely asserts BCHD has analysis that BCHD asserts in CPRA responses does not exist.

COMMENT – NOISE Lmax

BCHD errs when it fails to use Lmax as the measure of sleep interruption of surrounding residential from all sources of campus noise and when it fails to use Lmax to evaluate the impacts to Towers students. As was provided to BCHD in comments, studies utilize Lmax for transportation noise evaluation and have found that single events resulting in a 10dB Lmax event impact sleep and concentration. (<https://www.mdpi.com/1660-4601/15/3/519/pdf>, <https://www.eea.europa.eu/publications/good-practice-guide-on-noise/download>) The CPUC has clearly set precedent as a CEQA agency in using Lmax to determine negative impacts and BCHD errs and attempts to negatively impact surrounding neighborhoods for decades and generations as well as during construction.

COMMENT – HEAVY HAUL ROUTE

The following statement is nonsensical by BCHD “The road segment of Beryl Street between Flagler Lane and West 190th Street would be avoided. Outbound haul trucks would instead leave the Project site from the vacant Flagler Lot by traveling west on Beryl Street, north on North Prospect Avenue, and west on West 190th Street towards Interstate (I-) 405.”

COMMENT – ENVIRONMENTAL JUSTICE

BCHD asserts that it has no impact on EJ, because it chooses a strict interpretation, unlike its moral obligation standard used with seismic on the 514 building. As a result, the 80% renters 30% minority, 30% lower income 60% younger and politically ineffective renters north of Beryl are not considered to impacted at BCHD assaults them and their neighborhood with a 400 foot long 103 foot Miami Vice building on a 30 foot tall hill. BCHD is reminded that the surrounding neighborhoods on all sides are 30 foot or less height limited. BCHD is asserting white, wealthy, homeowner privilege and sweeping its actions under the rug.

COMMENT – LACK OF CREDIBILITY OF THE CONSULTANT

Per BCHD CPRA responses, the entire board of BCHD has no experience in EIRs or their certification. Further, BCHD and SBHD skirted their obligations under CEQA to be lead agency in the cases of the 510 and 520 MOBs, thereby failing to develop and experience.

Thus, the credibility of the consultant is of high relevance.

WOOD Plc environmental practice is a very small part of the asset and revenue streams of WOOD Plc, a UK based company. WOOD Plc engages in the following environmentally damaging practice lines: off shore oil, tar sands oil, oil refining, development by US National Parks (Meridian Refining), and was designated on the London “WRECKERS OF THE EARTH: A MAP OF ECOCIDAL CAPITALISM IN LONDON” listing. It is very difficult given the revenue sources and activities of WOOD Plc to have confidence in their CEQA protection of surrounding neighborhoods.

COMMENT – PARTICULATES

Notwithstanding the content of the BCHD analysis, BCHD fails to draw a connection between the health impacts of emissions and the emissions levels. That is a failure of recent court rulings and is required.

COMMENT – SCHOOL TRAFFIC

As with BCHDs attempt to average away high levels of intermittent noise that will disturb both sleep and cognition based on peer-reviewed studies through NIH that were provided from 10-20 different persons commenting on the DEIR, BCHD fails to analyze the health and safety impacts of traffic delays, toxic idling emissions, and danger of pedestrian/student/child vs. BCHD traffic interactions. This is a failure and leaves the children/students of Torrance and Redondo Beach at quantified risk from both BCHD construction and operational traffic.

COMMENT – SCHOOL IMPACTS

RBUSD failed in its duty to students by failing to file comments as did the TUSD. As a result, the TUSD should be generalized to traffic impacts on RUHS, Shores, Perras and Beryl from excess traffic, cut through traffic, traffic delays from flagpersons, emissions, intermittent disturbances, etc. RBUSDs failure as an agency to protect their students does not free BCHD from the obligation due to its actions. Despite a number of comments regarding impacts to RBUSD schools, BCHD has no RBUSD plan for safety, drop off and pickup, intermittent noise, the use of explosives for demolition, and emissions dispersion.

COMMENT – PF3

BCHD concedes that it freely elected to both increase the height of the project and the surface square feet to maximize the impacts on Redondo Beach and minimize the impacts on Torrance. BCHD states “With regard to the proposed site plan associated with the RCFE Building, it should be noted that the Beach Cities Health District (BCHD) has already revised the building footprint to minimize the adjacency of the building with the single-family residential neighborhood to the east within the City of Torrance.”

Furthermore, as noted before, the area from Beryl to 190th between Flagler and Prospect is economically disadvantaged, non-homeowners, higher minority, younger, and less politically powerful than the wealthier, older, predominantly white neighborhoods to the east and south. As such, BCHD

waged EJ war on the City of Redondo Beach residents of the north of Beryl neighborhood. For 50-100 years, BCHD will make the renters suffer the lack of blue sky, noise echos, emissions, loss of privacy, and other negative impacts because BCHD found it politically expedient to damage the well being of those roughly 1000 people. BCHD should be ashamed of its exhibition of privilege.

COMMENT – PF12

The statement by BCHD is flatly false “1. Cul-de-sac at Tomlee Avenue: Views from this location are largely obstructed by residential development and largely already represented by Representative View 2.”

Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

The statement by BCHD is flatly false “Towers Street & Mildred Avenue Intersection: Views of the Project site from this location are located farther from the Project site and largely already represented by Representative View 3.” Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

The statement by BCHD is flatly false “3. Tomlee Avenue & Mildred Avenue Intersection: As described for the Towers Street & Mildred Avenue intersection, views of the Project site from this location are farther from the Project site and largely already represented by Representative View 3.” Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

As BCHD is prone to doing, it quotes chapter and verse of inapplicable codes to various issues, including CEQA, Attorney Client Privilege, and CPRA refusals. This is another case where BCHD fails to meet the standard by providing too few views and by failing to analyze those views that were completed and provided in comments. BCHD wrongly states that it has complied with “CEQA Guidelines Section 15151 states that “[a]n evaluation of environmental effects of a proposed project need not be exhaustive...”. This is particularly true when analyzing impacts to public views, as there are many locations and orientations of views that could be considered in an analysis, and the consideration of all such views would be exhaustive and unreasonable. Instead, an analysis of aesthetic and visual resources must consider all views, but need only identify those that are the most representative and would provide “...a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental considerations” (CEQA Guidelines Section 15151).” Instead, BCHD needs to analyze comments, recognize that there are simulations, and identify the significant impacts.

COMMENT - PF16

BCHD ineptly and falsely claims that 1) it modeled the highest point on 190th (190th & Flagler) when that is clearly false and 190th & Prospect is higher, and 2) that exposing the mere peek view of the PV peninsula is adequate. The following example demonstrates the significant impact proposed by BCHD

on the PV view, and BCHDs ridiculously false claim about what a remaining acceptable (non-significant reduction) view is:



BCHD assertions that it does not have a significant aesthetic impact at even 5 stories is false. BCHD must meet the City Council’s Kensington in a 30-foot tall neighborhood and be limited to 2-stories or the CUP MUST BE DENIED.

BCHD uses distorted logic when it claims “As described in Impact VIS-1, the Phase 2 development program would result in the construction of a new building(s) ranging in height from 53 feet to 68 feet above ground level and a new parking structure, reaching a maximum height of 76 feet. However, given the height of the proposed development in Phase 2, it would not be visible behind the proposed RCFE Building” Simply because BCHD blocks one set of views with a damaging building does not entitle it to continue. If anything, BCHD has demonstrated that Phase 1 is a significant impact and must be mitigated to Kensington units.

COMMENT – BCHD CESSATION OF OPERATION

BCHD has failed to include cessation of operations as its no project case. BCHD must quantitatively provide its benefits and costs to the 3 beach cites both historically and prospectively in order to determine if BCHD should continue operations. As of now, BCHD No Project Alternative is inaccurate based on codes and standards and BCHDs outside counsel’s interpretation of the continued use of the hospital building as it meets all codes. Further, BCHD acknowledges that is has a Cessation of Operation scenario analysis, however without any stated reason, BCHD asserts attorney-client privilege from its clients, the owners of BCHD.

COMMENT – PF17

BCHD failed to utilize the Google Earth Pro sugar cube analysis that clearly demonstrates the negative and significant impacts of Phase 2. BCHD cannot simply avoid inconvenient inputs. BCHD Phase 2 cannot be allowed without height limits of 30 feet to be consistent with the Beryl Heights neighborhood and design guidelines. This is also consistent with the RCFE approval and precedent for Kensington.

COMMENT – PF18

BCHD currently produces negative and significant 3000K+ light damage to the surrounding neighborhoods. In its 60+ years of operation, BCHD has been a net damage to physical and mental health through Blue Zones Chronic Stress “the Silent Killer”. Comments demonstrate the current negative impacts of excessive night time lighting, including numerous photos. Comments also include the peer reviewed studies that demonstrate the negative impacts of the surround neighborhood health and well being. Nighttime lighting must be directional (current is not) and cannot exit the BCHD property. In addition, it must be 3000K or below as per the AMA guideline memo. The negative impacts of BCHD proposed outdoor nighttime lighting are peer reviewed and are:

Cancer xxii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>

Depression xxiii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5299389/>

Ecological Damages xxiv [https://books.google.com/books?](https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one)

[hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one](https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one)

Sleep Deprivation xxv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>

Weight Gain xxvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2972983/>

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

It is amply clear that BCHD failed to fully and correctly process citizen comments and that the draft FEIR is defective.

COMMENT PF-29

BCHD errs in its analysis of operational noise. Both the Torrance and Redondo Beach noise ordinances limit the noise at the lotline of the residential properties to the maximum residential limits. Therefore, BCHD needs to conform to 50dB daytime and 45dB nighttime levels in Redondo Beach per 4-24.301 Maximum permissible sound levels by land use categories. That would be applicable to Beryl street residential, Prospect Ave residential, and Diamond street residential. BCHD planned events are not exempt and any permits will be actively opposed.

COMMENT PF-41

As noted by Torrance, the public was denied intelligent participation in the CEQA process by the BCHD failure to provide a coherent, correct document with correct visualizations, accurate tables and complete information. The DEIR was a failed document and must be corrected and recirculated.

COMMENT WB-3

The BCHD DEIR and FEIR must be rejected if they continue to include the ill examined Phase 2 that is not stable, accurate or finite. It cannot be approved.

COMMENT WB-5

BCHD fails to meet the 0.5 FAR for the 800,000 SQFT project.

COMMENT - ALTERNATIVE 6 ERROR BY BCHD

I agree with the City of Redondo Beach that intelligent participation was not possible due to the BCHD errors in the DEIR. Absent full definition of Alternative 6, there is no way for the public to participate fully. The DEIR needs to be corrected and recirculated for this significant error.

COMMENT – WB29

BCHD simply errs in its assessment that a mere tip of PV is sufficient to avoid significant impacts. Further, BCHD failed in choosing the highest point on 190th, an error that requires correction and recirculation.

COMMENT – WB42

No variances will be permitted and all variance requests will be litigated.

COMMENT – WB44

BCHD noise must conform to lot line maximums of surrounding residential property.

COMMENT – WB47

BCHD has not provided an adequate analysis of the detrimental impacts to Prospect, Diamond and Beryl both worker commuting and heavy haul. Nor has BCHD adequately assessed the damages to the Prospect frontage road.

COMMENT – TRAO2

BCHD wrongly characterizes CEQA and the obligation of BCHD that it shirked twice in the past. BCHD was not under an obligation to serve as lead agency and BCHD is simply incorrect. As a taxpayer-owner of BCHD, I assert that a legal opinion must be disclosed to the public. We the public are spending millions in taxes and asset revenues to fund that excursion that BCHD will not provide evidence for.

COMMENT – TRAO6

BCHD has misled the public vis a vis seismic. BCHD seismic consultant and outside counsel both confirm that the building is appropriate and legal for use, that no codes nor standards require retrofit, in the case of Youssef Assoc. that best practices allow 25 years more use. BCHD is misrepresenting the issue and erred in its response.

COMMENT – TRAO7

The cost of retrofitting is wholly irrelevant. Given the statement of the outside counsel and Youssef that no codes nor standards require retrofit, the action of seismic retrofit would be malfeasance to taxpayer owners.

COMMENT – TRAO10

BCHD has replied in a number of CPRA responses that it does not have statistically representative samples for its surveys and that it does not have non-response bias estimates. Its quite clear that TRAO is correct that BCHD surveys are of dubious quality and poorly written.

COMMENT – TRAO13

The MDS study demonstrates that less than 20% of tenants for RCFE will be from the 3 beach cities and only 5% from the 90277 area where 100% of the damages occur. That is a fact not in question as it comes from BCHD own accepted studies. Therefore, if only 20% of the space is needed, the project is wildly oversized and speculative. BCHD as a public entity is not allowed to engage in real estate speculation.

COMMENT – TRAO15

TRAO accurately states that Phase 2 is unstable, that is, it is not accurate, stable and finite. As such it cannot be approved because it fails a primary requirement for a project. The City of Torrance also recognized this failure by BCHD.

COMMENT – TRAO18

TRAO appropriately recognizes that the RCFE represents a “taking” of blue sky, sun and other attributes from the lower income, more diverse, younger, renters in the north of Beryl neighbor. Those 1000 or so people are losers in an EJ war waged by BCHD. BCHD has acknowledged to Torrance that it moved the buildings from the influential neighbors of Torrance to the hapless renters of Redondo Beach.

COMMENT – TRAO20

BCHDs response demonstrates the BCHD did not read other comments and failed to use the exhibits supplied by other commenters. BCHD did an insufficient presentation of aesthetic damages in order to mislead the public.

COMMENT – TRAO22

BCHD has failed the reasonableness standard for analysis and presentation. BCHD correctly states “As stated in CEQA Guidelines 15003(i), *“CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).”* BCHD incorrectly states that it has met this standard with absolutely no evidence to support its assertion beyond its own opinion, which is heavily biased as both the PROPONENT and LEAD AGENCY. Further, none of the sitting Board members of BCHD have CEQA experience according to a BCHD CPRA response.

COMMENT TRAO31

Residents have no obligation to mitigate noise from BCHD by closing windows. In the event that BCHD exceeds noise standards, residents should require a noise metering by their City and file complaints for inadequate mitigation by BCHD.

COMMENT TRAO34

BCHD errs in failing to consider the peer reviewed impacts of Lmax on sleep and cognition. Peer reviewed studies were presented in the DEIR comments, and due to BCHD failure to process comments thoroughly, they were represented earlier in this document. Lmax impacts neighbors, nightworkers, PTSD trauma survivors, children, and especially students with ADA accommodations. BCHD reliance on average noise levels is a failure and damages the health of residents per peer-reviewed studies.

COMMENT – LETTER TO1

BCHD asserts that it is not uncommon for lead agencies without experience or expertise to use the written standards of other agencies. If BCHD were experienced and competent, it would have developed its own standards.

COMMENT - TRAO86

BCHD fails to develop a correct no project alternative. No seismic retrofit is required according to BCHD reports from Youssef, and further the outside Counsel of BCHD stated that the building meets all ongoing requirements for use. As such, the no project alternative is objectively false. The no project alternative should include use of the hospital building, but no retrofit for 20-25 years according to Youssef identification of best practice. BCHD errs, the DEIR is incorrect and must be recirculated for this horrendous material error.

COMMENT – TRAO87

Since BCHD does not prepare project or program budgets, cost accounts or financial evaluations, BCHD has no idea if reducing services will increase or decrease its net benefit or reduce its net disbenefits. BCHD has been thoroughly questioned in CPRA requests with no useful, documented responses. Therefore, BCHD has NOT adequately determined its program reduction strategy. Reduced programs could increase taxpayer value and moot the project. This requires revision and recirculation of the DEIR.

COMMENT – TRAO89

Notwithstanding the merits of TRAO89, BCHD asserts facts not in evidence when it wrongly states “This comment claims that almost all BCHD objectives do not have merit. However, this comment represents the commenter’s opinion and does not reflect the extensive deliberations that BCHD has engaged in regarding the project objectives and the substantial technical and financial analysis that have informed these deliberations. Refer to the response to comment TRAO-6 regarding the purpose and need for the seismic retrofit.”

What is clear from CPRA responses is that BCHD in nearly 30 years has not prepared program budgets, cost accounts nor benefit-cost analyses. What is clear is that BCHD has no backup for its assertions regarding the LiveWell program per LA County Health, the Blue Zones program per Healthways and Blue Zones LLC (2 for profit companies) nor the financial benefits of any other program it fields. What is clear is that BCHD does not have the capabilities to engage in “informed deliberations” based on the gross negligence of its acts as reported in CPRA responses. If the management or board of BCHD were engaged in the private sector, their performance would rate C to F and they would not receive trophies, plaques and awards from public sector paid membership organizations.

COMMENT – TRAO93

BCHD failed to correct the incorrect assertion of TRAO93 that the CHF and Adventureplex are revenue neutral. BCHD does not have sufficient budgeting or accounting practices to make that assessment.

COMMENT – TRAO110

BCHD fails to inform TRAO that BCHD has no detailed analysis of the need for a duplicate PACE facility in Redondo Beach. All zip codes in the area are already served by PACE registered with the

state. BCHD merely accepted the opinion of its multimillion dollar contract Cain Bros investment bankers absent any substantial, statistically valid research. BCHD is doing incomplete and inaccurate work responding to comments.

COMMENT - FL1-2

The comment is factually correct. The zip code data is directly from MDS. BCHD is a creation of only 3 municipalities. Those 3 municipalities purchased the campus with bond proceeds and build the hospital. Those municipalities are the only 3 governmental units that are relevant to the analysis, and according to MDS by zip code analysis, 30% of tenants are from the rest of the US, California and outside the area. 50% are from outside the 3 governmental units that own BCHD. Over 90% total are non-residents of Redondo Beach.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

For the purposes of the CUP, only the benefits to Redondo Beach are relevant, not even the benefits to the other 2 municipalities. BCHD statements are irrelevant to the requirements of a CUP on P-CF land in Redondo Beach. The BCHD project fails the basic test of having net benefits to Redondo Beach and was misrepresented to the City of Redondo Beach City Attorney. Further, in CPRA responses, BCHD acknowledges that is has not net benefits analysis for any of its programs.

COMMENT – FL1-4

BCHDs prior acts, nor the acts of any other health district cannot justify future acts. BCHD has not provided any legal opinion to its taxpayer-owners demonstrating that its planned act of providing majority ownership to a private entity that will require site control of public P-CF land is lawful.

Further, BCHD has no net benefits analysis to demonstrate that it needs current or additional revenues. It is likely that with respect to Redondo Beach, the net damages to home values and the environment exceed the meager benefit of 5%-8% tenancy of the facility for non-residents.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD

overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT - FL1-5

Kensington was subject to a CUP and design guidelines in the same manner that BCHD will be. BCHD inherited a publicly approved, voter funded failed public hospital. The hospital failed in 1984 after only 24 years of operation and was a rental building until its 1998 demise. The building exists only by happenstance as does BCHD. No precedent of BCHD prior acts are determinative to a CUP. The surrounding neighborhoods of the Kensington are essentially identical to the surround neighborhoods of BCHD. Residential and light commercial with 30 foot maximum heights. BCHD cannot expect that past, voter decisions apply to a current, 80% commercial venture. BCHD errs in its opinion.

COMMENT – FL1-6

BCHD cannot rely on its current campus and bad acts to provide cover for future bad acts. Kensington is the standard for consistency of an RCFE surrounding by residential and light commercial and any significant deviation from Kensington will be discriminatory and lead to litigation. SBHD failed to fulfill its bargain with the taxpayer-owners and there is no obligation to BCHD implied after that failure.

COMMENT – FL1-7

BCHD has no net benefits analysis available and the reference to “A quantitative analysis of BCHD’s services can be found in the Community Health Report (<https://www.bchd.org/healthreport>) as well as the Priority-Based Annual Budgets (<https://www.bchd.org/operating-budgets>)” is objectively false. BCHD has provided CPRA responses specifically stating that for its nearly 30 years of operation, it has no benefit-cost nor net benefits analysis. BCHD response to FL1-7 is either irrelevant or false or both. The accurate statement is that BCHD has no benefits analysis, because it has no program level budgets for its 40+ programs, no related cost accounting, and no benefits assessment that utilizes any standard methodology, such as CDC Polaris, for example.

COMMENT – FL1-9

BCHD falsely states that the specific damages to health are dealt with in the DEIR. They were not. For example, cognitive impacts from PMs are a direct result from the peer reviewed literature causing long term damages. BCHD asserts, without proof, that it analyzes these health damages, when it does not.

Further, BCHD uses a moral obligation to the health of the community standard as discussed by CEO Bakaly to forward its defective theory that the 514 building requires seismic retrofit or demolition. It does not, and BCHDs own outside counsel stated that fact in the July 2021 board meeting. The same moral obligation standard requires that BCHD for consistency evaluate the specified, NIH documented, peer reviewed health damages that will be caused by BCHDs actions.

COMMENT – FL1-10

Refer to the prior Kensington discussion. The surroundings of Kensington and BCHD are nearly identical with 30 foot or lesser maximum heights. The design guidelines for Beryl Heights require

conforming heights. BCHD is falsely asserting that it can damage the surrounding neighborhoods in excess of the Kensington damage in the CUP. That is a false assertion.

COMMENT – FL1-11

The comment stands as accurate. The BCHD proposed PACE is 100% duplicative of existing PACE. The existing PACE is state registered serving these zipcodes. If BCHD needs a Websters definition of duplicative, then by all means, look it up. Should there also be a Costco in each city? A nuclear reactor? A refinery? BCHD has no analysis to back up its assertion that there is any unmet need for PACE in the 3 beach cities. BCHD has no basis for duplication and use of Redondo Beach P-CF property for any non-residents of the 3 beach cities. BCHD response is objectively false.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT – FL1-12

BCHD asserts “The claim that vehicle travel to and from the Project site would result in Alzheimer’s like symptoms and delayed development is unsubstantiated and unfounded.” in the direct face of peer-reviewed, NIH posted research. BCHD as a health district claims a moral obligation to proactively protect the health of the surrounding area, however, BCHD chooses to ignore peer-reviewed research when such research is inconvenient to BCHD commercial real estate development plans. This is very similar to BCHD having no evidence that there is unmet PACE need beyond the existing PACE services available currently in the 3 beach cities.

COMMENT FL1-13

The comment is accurate and BCHDs response is irrelevant to the comment.

COMMENT FL1-15

The comment is accurate. The BCHD development will exceed the damage done to the surrounding neighbors compared to the Kensington RCFE on P-CF land. The BCHD project also fails to meet the Beryl Heights design guidelines.

COMMENT FL1-16

South Bay Hospital and District were formed to meet the specific needs of the 3 beach cities. Citations were provided to BCHD from both LA Times and the Daily Breeze. The funding was exclusively from the 3 beach cities, as was the right to property tax and the bond measure funding. South Bay Hospital was not built for the needs of non-residents from a size or cost perspective. Its election to accept federal funding required it to accept non-residents, however that was not the design nor intent of the facility.

This is well documented in the citations provided. BCHD has no basis for developing an 80% non-resident facility on P-CF land in Redondo Beach. There will not be net benefits to Redondo Beach and the CUP should therefore be denied.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-17

BCHD as it states in CPRA responses has not budgeted, conducted cost accounting, evaluation, or net benefit analysis of its programs since 1993. BCHD cannot provide any meaningful analysis to demonstrate any positive net benefits. As pointed out by LA County Health, BCHD failed in program assessment on the LiveWell Kids program by failing to include a control group. Objectively, BCHD, like SBHDs failed public hospital in 1984, has insufficient analysis, management and controls to demonstrate any net positive impact beyond the taxpayer-owner funding that it receives. As an expert witness, I do not believe I have ever witnessed an organization with so little analytical discipline. Until I provided a CPRA request, BCHD appeared unaware that 84% of its covid testing was for non-residents. LA County Health has the obligation for both services and costs for non-residents of the 3 beach cities, and BCHD fails to even track service delivery by zip code or city, again, from CPRA responses.

The analytically deficient BCHD is in no position, and has no analysis nor data, to demonstrate net benefits from its programs.

COMMENT – FL1-18

BCHD continues to err in its comments. The LA County data showed that 84% of BCHD covid testing (and therefore expenses) were for outside the 3 beach cities. Thankfully, BCHDs apparent lack of attention to detail has not killed anyone that we know of yet. And yes, the fact that BCHD fails to track benefits is relevant, because it goes to lack of benefits, which goes to false objectives, which implies incorrect alternatives. BCHD alternatives are defective because BCHD has no accurate assessment of its service delivery or value – according to BCHD CPRA responses.

COMMENT – FL1-19

Without any factual dispute, the damages to the local surrounding community are large, they are pervasive, they are disproportionate to benefits, and they are total. The permitting for the CUP is exclusive to Redondo Beach which will have less than 10% of tenants in the RCFE and BCHD has provided absolutely no analysis demonstrating any benefit to Redondo Beach residents from the duplicative PACE. What is clear, is that the CEQA and economic damages that can be considered in the

CUP will in fact be centered on the local Redondo Beach area in their entirety, as they have been for over 60 years.

COMMENT – FL1-20

The comment is accurate as it was filed. BCHD response is irrelevant and invalid.

COMMENT FL1-22

BCHD provides no fact basis for “Contrary to the assertion in the comment, the open space would not be privately owned or otherwise cordoned off for security purposes.” BCHD will be a minority owner of the development that it proposes and has denied taxpayer-owners details of the structure. The comment stands as accurate based on BCHDs released data. If BCHD has documentation of its claim, provide it. The onus of the fact base is on BCHD as the developer.

COMMENT FL1-23

The comment is accurate as written. BCHD assertion is false. BCHD has been constantly changing the project throughout the process from 60 feet to 75 feet to 103 feet tall, adding PACE, removing underground parking, adding 10 story surface parking, inserting an electrical substation, increasing surface buildings from 730K to 790K sqft, etc. The project has failed to be stable, finite or accurate throughout the EIR process from NOP to FEIR. Intelligent participation was thwarted.

COMMENT FL1-24

BCHD errs in its response. BCHD is commercially inept if it asserts that it will need to terminate all leases, as it writes. The comment is accurate as written and BCHD has both failed its obligation to develop alternatives appropriately, and defined unreasonable commercial options. Perhaps this is why South Bay Hospital failed after only 24 years?

COMMENT FL1-25

BCHD is arbitrarily absent any code or standard obligation demolishing the 514 building. As a result, BCHD has asserted an arbitrary standard. The development of community gardens has clear costs, benefits and net benefits, unlike the failed or non-existent net benefits analysis that BCHD admits to in CPRA responses for the past nearly 30 years.

BCHDs no project alternative is defective. There is no foundational basis in ordinance per the BCHD outside counsel and the BCHD seismic consultant for any seismic upgrade. The counsel asserts the building meets all codes, as does the consultant. Therefore, the no project alternative is objectively false.

Last, BCHD has failed to demonstrate any need for funding based on objective analysis of impacts and net benefits using any public health benefits model, such as the CDCs Polaris model. Therefore, any impacts to BCHD funding cannot be demonstrated to have a positive or negative impact on health. It is quite possible that the negative benefits (costs) outweigh the delivered benefits to the 3 beach cities and overall, financial welfare and health would increase if the cities used the funds in more effective manners than BCHD. I cite BCHDs recent CPRA response where it conducted NO ANALYSIS prior to donating \$20,000 worth of gift cards to the BeachLife Festival. BCHD cannot demonstrate positive net benefits, and asserting benefits does not make them so.

COMMENT FL1-27

BCHD has no analysis demonstrating that the 3 beach cities have any unmet need for a duplicative PACE facility. BCHD response to the comment is objectively false.

COMMENT FL1-28

The comment is accurate as written. BCHD MDS consultant can only demonstrate less than 20% tenancy from the 3 beach cities that own and operate the BCHD. If BCHD is developing a commercial enterprise for outside the 3 beach cities, then the P-CF zoning must be changed to commercial. The 3 beach cities chartered the SBHD that failed and was ultimately renamed to BCHD. They did not charter it to service outside the 3 beach cities. Citations from LA Times and Daily Breeze have been provided a number of times to substantiate the intent of the SBHD development.

COMMENT FL1-29

BCHD errs in its response. 514 is no longer a public hospital. It failed in 1984. Therefore the discussion is irrelevant. BCHD has wrongly asserted a moral obligation to retrofit or demolish 514 absent any lawful need. The comment stands as accurate.

COMMENT FL1-30

The comment is accurate as written. BCHD cannot defend its purpose and need (benefits) nor its objectives, and therefore, its alternatives are unproven. BCHD per CPRA has failed to budget, analyze or assess its programs for nearly 30 years and has no determination nor documentation of cost-effectiveness in delivery of services.

COMMENT FL1-30 [SIC]

The comment is accurate as written. BCHD provides no demonstration of net benefits for the RCFE since over 80% of the monolith will service non-residents of the 3 beach cities while all the damages fall inside Redondo Beach.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-31

BCHD errs in its response. BCHD mission statement does not include commercial real estate. BCHD has no analysis of net benefits for RCFE for the 3 beach cities. BCHD has no charter that extends beyond the 3 beach cities. BCHD does not even track the location of service delivery, per CPRA responses. In short the objectives are unsupported by any tangible fact base. BCHD cannot demonstrate current or future revenues are needed, because it cannot provide any substantiation via analysis of net

benefits to the 3 beach cities due to analytical and process failure of management and the board. BCHD objectives are inherently defective as they flow from lack of facts and analysis.

COMMENT FL1-32

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-33

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-34

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD can provide no fact base of net benefits to the 3 beach cities based on its CPRA responses.

COMMENT FL1-35

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-36

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-37

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. Therefore, having demonstrated the lack of foundation of both, BCHD alternatives are de facto invalid. FL1-37 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT – BCHD PROJECTS FAIL TO PROVIDE ANY EVIDENCE OF NET BENEFITS

Because this series of comments demonstrates using BCHD own data that it cannot demonstrate net benefits, because it fails to evaluate them, then BCHD has both invalid Objectives and Alternatives. As such, BCHD has NO DEMONSTRATED NET BENEFITS to justify any environmental damages, especially, any unmitigated damages in any form.

COMMENT FL1-38

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD requires the use of a CEO stated moral obligation standard to desire and support seismic retrofit, while BCHD refuses to use the same moral obligation standard to protect the health and well being of surrounding neighborhoods.

COMMENT FL1-39

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid. FL1-39 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-40

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD has provided no peer-reviewed or otherwise scientific studies or evidence that any specific amount of open space is required. Worse yet, BCHD provided a specious argument regarding prior, also unfounded plan space, which is misleading and irrelevant. Comment FL1-40 is accurate and stands as written. BCHD has provided no valid counterargument and the related BCHD Objective is nullified.

COMMENT FL1-41

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD continues to make the specious argument that 70% of tenants are expected to be from a 5 mile radius. However, per BCHD own MDS consultant, less the 10% of tenants will be from Redondo Beach and less than 20% from all 3 beach cities together. 80% will be non-residents and BCHD will be consuming scarce public land use and public zoning for activities that do not provide net benefits to Redondo Beach. The comment is accurate, BCHD response is misleading and specious. BCHD Purpose and Need, and related Objective is invalid.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-42

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid. FL1-42 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-43

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid and any derivative analysis is technically inaccurate and insufficient. FL1-43 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-44

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD requires the use of a CEO stated moral obligation standard to desire and support seismic retrofit, while BCHD refuses to use the same moral obligation standard to protect the health and well being of surrounding neighborhoods. No project alternative that includes demolition or retrofit is technically valid. Further, BCHD outside counsel stated that the building meets all needed codes and standards in the July 2021 Board meeting, therefore the No Project Alternative is objectively false and misleading.

COMMENT FL1-45

The comment is objectively true, demonstrates conclusively that BCHD has a pattern of ignoring public input that is counter to its pro-development interests and that the statement of known concerns is insufficient. Further, BCHDs misleading response reinforces that the voices of the over 1200 neighborhood resident petitioners was not considered. That single block of voices exceeds all other BCHD project input. The results of EIR, failing to consider and implement reduced height and size, are defective and technically insufficient.

COMMENT FL1-46

For over 60 years, BCHD and SBHD have polluted the surrounding areas with non-directional, non-shield lighting. Numerous complaints have been made to BCHD and as demonstrated conclusively in photo evidence, BCHD continues to have excess nighttime lighting. Furthermore, BCHD continues to ignore 2015 American Medical Association guidance that outdoor lighting be 3000K or less. The totality of studies demonstrate to a sufficient level that BCHDs moral obligation standard requires the building to be set back for health purposes, non reflective surfaces be mandatory for health purposes, noise absorbing surfaces be required for health purposes, and excessive night time lighting be curtailed for health purposes. BCHD CEO Bakaly established that BCHD has a moral obligation to the community regarding health, and this is objectively a violation of that stated moral obligation of the CEO. Therefore, failure to adhere to the BCHD Policy of moral obligation renders the EIR counter to BCHD stated CEO level policy and invalid.

COMMENT BCHD RESPONSE ERRORS TO NIH PEER-REVIEWED STUDIES AND POOR QUALITY OF WORK IN RESPONSES

BCHD takes a far too narrow view of all of the peer-reviewed studies and there falsely rejects them as not substantial evidence. BCHD is simply incorrect and also due to its own poor quality work, has failed to interpret the comments accurately and apparently lacks the scientific, logic and health knowledge to interpret peer reviewed medical research. ***BCHDs lack of expertise denies the public intelligent participation in CEQA.***

BCHD states “The reference linking nighttime lighting to mental disorder, *Sunshine, Serotonin, and Skin: A Partial Explanation for Seasonal Pattens [SIC] in Psychopathology*, specifically addresses season exposure to sunlight and also does not reference shade or shadows. Again, none of these studies or literature reviews meet the definition of substantial evidence provided in CEQA Guidelines 15384.”

BCHD errs. Error #1: As BCHD ultimately notes, the reference is for the impacts of shade and shadowing, not excess nighttime lighting. Error #2: The absence of light caused by shade or shadowing is the absence of sunlight and the NIH, peer-reviewed study is on point. Error #3: As such, the reference, as do the others, does meet the burden of 15384.

If BCHD is incapable of addressing the translation of shade and shadowing to lack of exposure to sunlight, then BCHD has demonstrated to any reasonable person standard that it is incompetent in science, logic and health and only seeks to build its commercial development while damaging the health of surrounding neighborhoods. BCHD has demonstrated that it is unable or unwilling to separate its roles as PROJECT PROPONENT from LEAD AGENCY.

COMMENT FL1-49

BCHD acknowledges that it plans to generate radioactive and other toxic waste and transport it on a routine basis from the site.

COMMENT FL1-50

BCHD ignores the preponderance of NIH peer reviewed evidence that intermittent noise disrupts cognitive processes for children. As such, BCHD noise averaging ignores intermittent events. Noise averaging was developed for workplace safety and evaluation, not for use in educational settings. BCHD errs, the analysis is technically defective, and must be remediated and recirculated.

BCHD also assumes that its strict reliance on AQMD and other local standards will adequately protect children. BCHD makes no such assumption regarding the seismic capability of the ordinances related to the 514 building. In fact, the CEO explicitly expounds on a BCHD moral obligation standard to protect the health of the community, and promptly ignores the current ordinances for a BCHD moral obligation standard that is much more stringent.

Obviously BCHD is not concerned with the health of the surrounding residents, only with its development objectives as project proponent. Further, the CEO standard of moral obligation makes the BCHD response counter to existing BCHD policy.

COMMENT FL1-51

BCHD states “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.” BCHD errs by using the incorrect measurement for intermittent noise.

Intermittent noise is demonstrated in studies provided to BCHD to interrupt sleep and cognition. Intermittent noise is also demonstrated in studies provided to BCHD to cause stress. Stress is demonstrated to BCHD to be the “Silent Killer” by Blue Zones LLC, a company that BCHD has paid millions of dollars to for advice. It is unclear how millions of dollars of expenditures for advice can translate into irrelevance.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

BCHD errs in its statement that sirens at all hours of the day and night are negligible. BCHD provides no evidence of its laughable 10 second estimate as well, thereby rendering its response as false.

COMMENT FL1-54

BCHD did ignore recreational impacts. In the NOP the category was removed. In the DEIR, the category of impacts was not present. Comments to the NOP specifically required recreational analysis and were ignored by BCHD. BCHD statement is demonstrably false.

BCHDs demand substitution argument is specious and without any analysis. There is not an unlimited supply of fields at any temporal moment and therefore, absent BCHD demonstrating such, this is a significant impact on recreation and must be mitigated fully by BCHD.

COMMENT FL1-57

BCHD introduces facts not in evidence in the DEIR.

COMMENT FL1-59

BCHD has consistently left non-directional lighting on 24/7/365. The lighting indiscriminately interrupts that ability to sleep of surrounding residences and BCHD has demonstrated its inability to moderate its negative impacts. Comment FL1-59 stands as written based on the fact base and numerous peer-reviewed studies of the health damages of excess nighttime lighting.

COMMENT FL1-61

BCHD fails to use its CEO policy of a moral obligation to the health of the community by failing to consider the specific health impacts, such as early onset Alzheimer’s from its proposed actions. BCHD is expressly against CEO policy.

COMMENT FL1-63

It is a simple, uncontested fact that Leq is unable to measure Lmax events in a meaningful way. For example, a gunshot each hour is a significant Lmax event but would fall as rounding error to an 8 hour Leq, even if the gunshot were in a library. Thus Leq is the incorrect measure and Lmax must be used

for intermittent noise, such as, sirens, traffic, construction, etc. to determine their impacts, including Blue Zones LLC chronic stress “the Silent Killer” on the surrounding community. This is literally a question in grade school math and averaging.

COMMENT FL1-64

The original comment is fact based and accurate. BCHD has absolutely no evidence that its intermittent noise will not impact some residents in a manner consistent to peer reviewed studies. BCHD uses peer reviewed studies to develop its services. Further, BCHD ascribes 100% value to those studies, since BCHD acknowledges that it does not evaluate its programs to determine their cost effectiveness. Thus, BCHD has set a standard through its own usage of peer-reviewed studies of acceptance. BCHD flatly contradicts its ordinary operating procedures as an institution by denying the studies. As the LA County of Health noted on LiveWell Kids, BCHD failed to setup a framework for analysis and evaluation of the program. Therefore, BCHD is apparently non-expert in evaluation and must accept peer reviewed studies as evidence, even if not conducted on the target area..

COMMENT FL1-72

Quite simply put, BCHDs inability to do transitive processing is a stunning failure in logic, health and science. Peer reviewed articles definitively link many events that will occur with BCHD construction and operation to stress. Peer reviewed articles definitively link stress with damaging health. BCHD statement “For example, neither of these literature reviews mention construction, noise, traffic, etc. or other issues that have been raised” is patently absurd and self serving to the Proponent role only. Ample studies have been provided to demonstrate the creation of stress, and this peer reviewed article links the stress with physical damages. BCHD is ignoring valid, peer reviewed research when it does not support its role as PROPONENT of a commercial project. The original fact based comment stands as accurate.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-1

BCHD CEO Bakaly as made a public, unqualified policy statement “we are a health district that has a moral obligation to be proactive and protect the people in our community” in https://www.youtube.com/watch?v=RCOX_GrreIY

In the event that BCHD attempts to delete the file, it has been archived. This “moral obligation” CEO policy is very important evidence as to the policy of BCHD. The CEO cites “moral obligation” as the reason for ignoring the standing codes and ordinances for the 514 building and deciding that the seismic issues will be mitigated as a health protection despite having no legal obligation. The CEO established a BCHD policy that its “moral obligation” exceeds the mere metric of the law.

In a CPRA response, BCHD reneged on the policy and stated that children, students and other community members will be forced to endure the lagging laws and standards and will not gain the benefit of the moral obligation. This calls all of BCHD unwritten CEQA policies and evaluation metrics into question, as the public no longer can have intelligent participation as BCHD has no

published CEQA metrics for evaluation and cannot rely on the word of the CEO, unless they fall into the very narrow category of providing direct benefits to the BCHD. The comment is accurate as filed and BCHD hypocritical application of the Bakaly moral obligation standard will be an issue on September 8th and at the Cities.

COMMENT FL2-8

BCHD response is bizarre. It selected one single article on mitigation of stress and then complained that the article does not contain the per se specifics of the BCHD. BCHD ability to generalize, especially from Blue Zones LLC, a company paid multi-million dollars in tax funding from BCHD. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error. Further, BCHD has already declared that the project induces stress in the public.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-9

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from stress is faulty. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-10

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from traffic, noise, and caused stress is faulty. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

COMMENT FL2-11

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from excess nighttime lighting is faulty and morally repugnant. BCHD CEO asserts a moral obligation standard to the community. Moral obligations are not dependent on the audience, they are absolute by definition. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

BCHD has caused and currently causes excess nighttime lighting as demonstrated with numerous photos in comments. There is no expectation that BCHD will moderate its 60 years of bad behavior. Excess nighttime lighting and darkness deprivation are documented causes of physical and mental health damages. The peer reviewed studies were provided to BCHD. BCHD is, and its 133-foot, 800,000 sqft campus plan will, create additional excess nighttime lighting and therefore will increase physical and mental health damages. BCHD assertion that no peer reviewed studies demonstrate that BCHD excess nighttime lighting is currently causing damages is anti-science and surely against the CEO standard of moral obligation to the community. BCHD surely understands the basics of science, health and logic, or, is that a faulty assumption? I am ashamed of BCHD attempt to shirk its responsibility under CEQA and as a local public health agency.

COMMENT – FL2-18

BCHD errs again by assuming that Leq is the correct measure for all neighbors, all health conditions, at all times of the day. Lmax is a more appropriate measure of intermittent noise by definition, as Leq ignores intermittent noise events and averages them across 8 hours. For example, a 60 second 85dB noise event will register strongly on Lmax, but be averaged away in Leq space. The City of Redondo Beach has noise standards for 5 min and 1 hour average noise, but at no time does the City permit the use of 8 hour noise measures in its ordinances. BCHD has been provided ample peer reviewed evidence for the health damages of intermittent noise in cognitive process, development, sleep interruption, etc.

COMMENT – FL2-21

BCHD errs. The studies demonstrate a generalization of patterns of physical and mental health damages from noise, such as the intermittent noises caused by BCHD construction and ongoing operations. BCHD 8 hour averaging would willfully ignore the 10,000 heavy trucks intermittent damages. BCHD fails in its moral obligation standard and CEO should be forced to retract it and his errant choice to demolish the 514 building.

COMMENT – FL2-25

Again, BCHD fails to generalize the damages from peer reviewed studies of the reduction in privacy on physical and mental health to its 133 foot tall monolith with clear views into bedrooms, bathrooms, living rooms, and yards. BCHD errs. BCHD routinely generalizes peer reviewed studies in its program design, yet when confronted with studies that are counter to BCHD development desires, it denies that generalization is appropriate. Even absent BCHD stated Moral Obligation standard, this is an error in science, health and logic.

BCHD expects via its errant comments that there exist peer reviewed studies for the expansion of BCHD and its myriad negative health impacts on the surrounding neighborhoods. Using that stringent standard and faulty logic, BCHD would have no programs, as no peer reviewed (evidence based) studies could ever be used by BCHD to support program development. All would fail as they were not exactly the same audience, location, timing, or other attributes that BCHD is attempting to use to invalidate peer reviewed, NIH published studies. Worse yet, BCHD in CPRA responses has acknowledged, as has LA County Health, that BCHD does not do statistically valid, rigorous program evaluation. In fact in the case of LiveWell Kids, BCHD is precluded from a formal evaluation because it failed to establish a control group.

BCHD wrongly asserts the following impossible to meet standard with respect to the use of peer reviewed, NIH, health literature “For example, the comment provides citations for two articles with no clear connection to the proposed Project or the EIR analysis.” The articles make clear scientific connection to the negative impacts of privacy reduction on physical and mental health, and without any dispute, BCHD project at 133 feet or more above neighborhoods, will invade home privacy in the surrounding residential uses, thereby causing physical and mental health damages.

COMMENT FL2-26

Yet again, BCHD denies that peer reviewed, NIH published, studies are applicable to the residents of the 3 beach cities, the surrounding neighborhoods, or the physical and mental health damages scientifically demonstrated in the articles provided to BCHD that clearly link noise to health damages. Further, the studies imply that BCHD use of 8 hour noise averaging minimizes that ability to identify the damages that BCHD will cause. BCHD errs.

COMMENT FL2-27

As with FL2-26, BCHD errs and denies that peer reviewed studies are generalizable to the BCHD area, population, or activities. BCHD will need to revise its development of programs to avoid the use of any peer reviewed studies that do not directly address the BCHD surrounding population. BCHD is both ignoring its own policy of a moral obligation to protect the community and its own ordinary practice of using the results of evidence based studies to prepare its own programs.

COMMENT MN84-1

Without dispute, the current design of the HLC approved by the BCHD Board in June 2020 received more negative comments at the Board meeting, and more negative comments in the DEIR comments than the previous design. Not surprising since the original design was 60 feet tall, and the final design is 103 feet tall. Further the initial design with underground parking had only 729,000 sqft of above ground buildings and the final with the 8-10 story parking ramp in a residential neighborhood has nearly 800,000 sqft of surface buildings.

CEO Bakaly himself has declared the previous design to be stress inducing, therefore, BCHD has made the linkage between the HLC and mental/physical health damages caused by stress.

By simple logic, the current design with even more opposition is even more stress inducing. But only if equally stress inducing, the fact is indisputable that BCHD has declared HLC stressful. Therefore, BCHD CEO has declared the project to be stress inducing without challenge. The peer reviewed NIH studies represent the BCHD chosen method of research for evidence basis on its programs, so that is an accepted process to BCHD. Therefore, BCHD project is causing stress and peer reviewed studies, including by Blue Zones LLC demonstrate the strong causal relationship between stress, early death, and physical/mental health damages. Therefore, BCHD errs.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

Martinez, Oscar

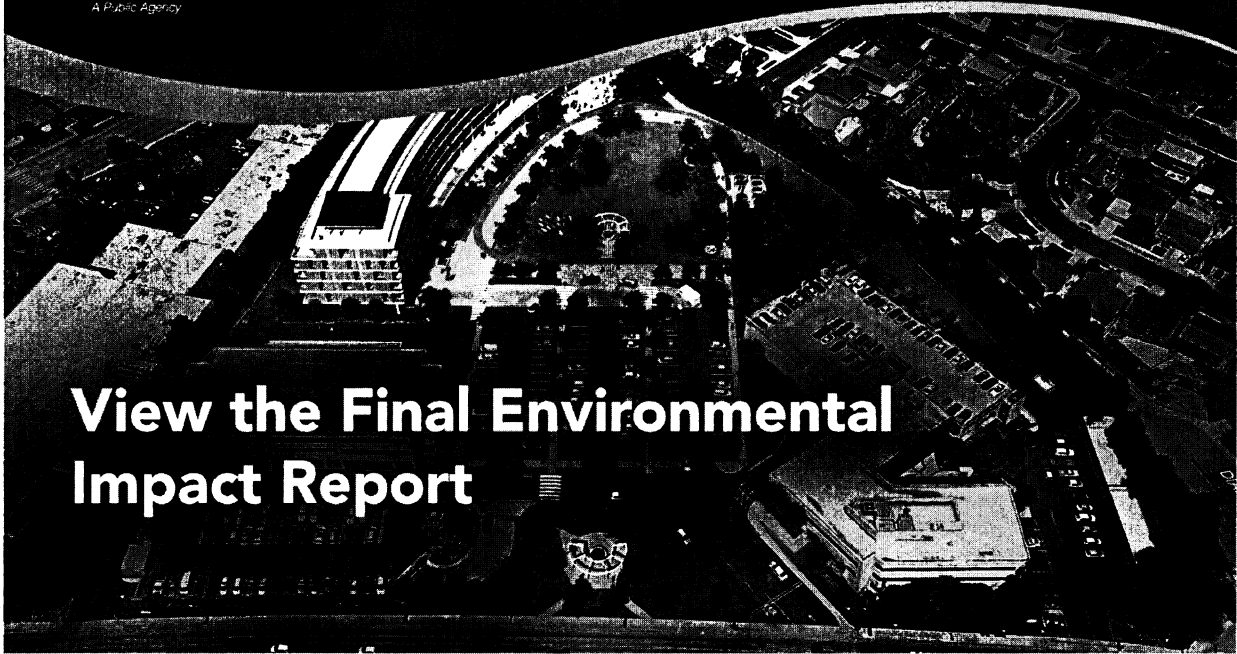
From: Cerda, Samantha on behalf of City Clerk
Sent: Tuesday, September 7, 2021 7:31 AM
To: Martinez, Oscar
Subject: FW: Public Comment - Fwd: Healthy Living Campus Final EIR Now Available

From: Mark Nelson (Home Gmail) <[REDACTED]>
Sent: Friday, September 3, 2021 8:38 PM
To: Eleanor Manzano <cityclerk@redondo.org>; City Clerk <CityClerk@TorranceCA.gov>; cityclerk@citymb.info; Communications <communications@bchd.org>; EIR <eir@bchd.org>
Subject: Public Comment - Fwd: Healthy Living Campus Final EIR Now Available

WARNING: External e-mail
Please verify sender before opening attachments or clicking on links.

To reinforce my previous comment to the Cities, please find an email from BCHD sent after business hours on Friday, a full day after BCHD posted its 1800 page FEIR. The delay is clear evidence of BCHDs ongoing campaign to disenfranchise residents and taxpayer owners of BCHD from commenting on the widely opposed project.

----- Forwarded message -----
From: Beach Cities Health District <communications@bchd.org>
Date: Fri, Sep 3, 2021 at 8:18 PM
Subject: Healthy Living Campus Final EIR Now Available
To: [REDACTED]



View the Final Environmental Impact Report

September 3, 2021

The Final Environmental Impact Report (EIR) for the proposed Healthy Living Campus Master Plan on Beach Cities Health District's property at 514 N. Prospect Ave. is available.

The BCHD Board of Directors will hold a public hearing Wednesday night, Sept. 8, where the Board will consider certifying that the Environmental Impact Report (EIR) for the District's Healthy Living Campus Master Plan complies with the California Environmental Quality Act (CEQA). Certifying the EIR is a determination that the report complies with CEQA; it is not the approval of the project.

The public can view the meeting agenda, resolution and staff report and find links to access the meeting via Zoom and provide written comments prior to the meeting at www.bchd.org/board-of-director-meetings. The final EIR document and appendices are available at www.bchdcampus.org/eir.

[View the Draft Environmental Impact Report](#)



[Learn More](#)

**BCHD Virtual Board Meeting
September 8
[View the Board Packet](#)**

At the meeting, the board will consider certification of the Environmental Impact Report (EIR) for the Healthy Living Campus project. Certifying the EIR is a determination that the report was completed in compliance with the California Environmental Quality Act (CEQA), not the approval of the project.

**Wednesday, September 8
6:30 p.m.**

About the Environmental Impact Report

In 1970, the California Environmental Quality Act (CEQA) became state law. CEQA requires state and local agencies within California to analyze proposed projects that may have a significant environmental impact and conduct environmental review. The District has prepared an Environmental Impact Report (EIR) detailing potential environmental impacts and outlining measures to avoid or mitigate significant impacts, if feasible.

What is the purpose on an EIR?

An EIR is for project decision-makers and the public to understand environmental impacts of a proposed project and review plans to mitigate those impacts. [Learn More.](#)



Describe current environmental conditions (baseline)

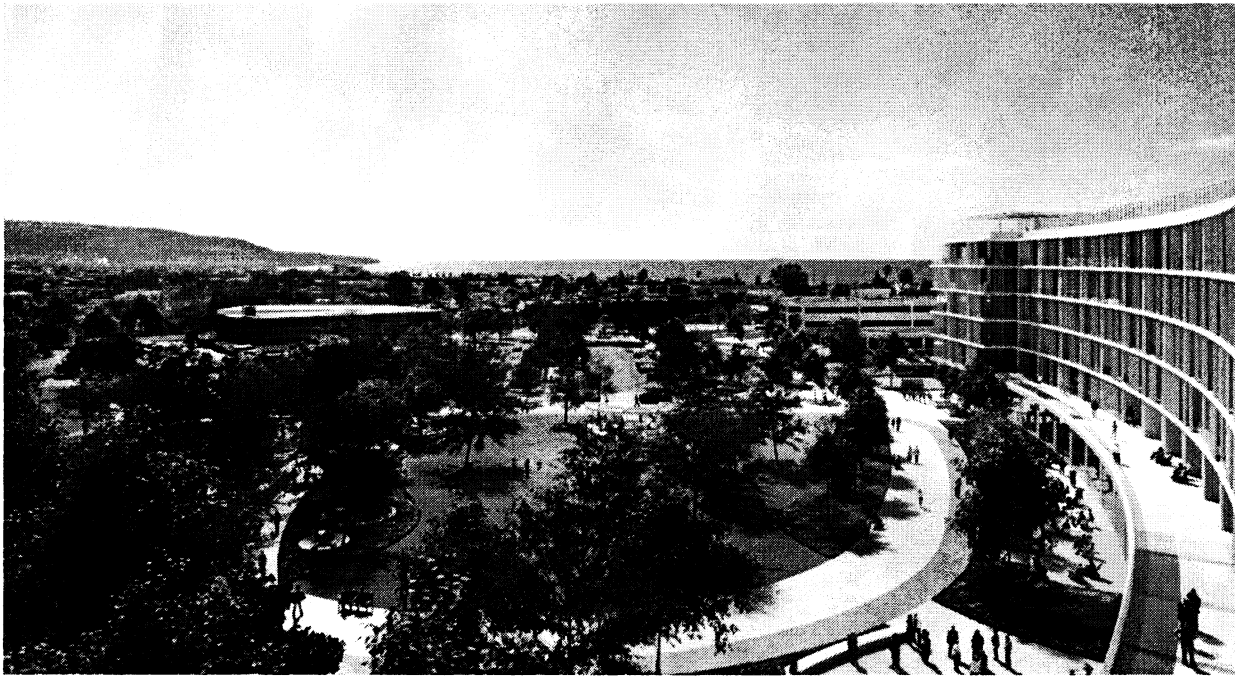


Identify potential effects of the project



If there is a significant effect, develop measures to avoid or lessen the effect

bchdcampus.org



Beach Cities Health District | 514 N. Prospect Ave., 1st Floor, Redondo Beach, CA 90277

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Sent by communications@bchd.org powered by



Martinez, Oscar

From: Cerda, Samantha on behalf of City Clerk
Sent: Tuesday, September 7, 2021 7:35 AM
To: Martinez, Oscar
Subject: FW: Public Comment - BCHD Board Meeting Sept 8 to Self-approve Enviro Damages to Surrounding Neighborhood
Attachments: BCHD Final Comments on FEIR and Regulatory Non-compliance with RBMC.pdf; Errors in BCHD Responses to DEIR Comments.pdf

From: BCHD DEIR <bchd.deir@gmail.com>
Sent: Friday, September 3, 2021 5:42 PM
To: cityclerk@citymb.info; cityclerk@redondo.org; City Clerk <CityClerk@TorranceCA.gov>; Furey, Pat <PFurey@TorranceCA.gov>; bill.brand@redondo.org
Subject: Public Comment - BCHD Board Meeting Sept 8 to Self-approve Enviro Damages to Surrounding Neighborhood

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Dear Electeds:

BCHD dumped out the nearly 1800 page Final Environmental Impact Report late in the afternoon on Thursday 9/2. That gives 2 business days to review, analyze and comment prior to the Board meeting on 9/8. It overlaps with both Rosh Hashanah and Labor Day.

If anyone ever needed a clearer signal that BCHD doesn't want participation in their Wealthy Living Campus process, look no further than this pattern of suppression.

In June of 2020, BCHD dumped out its never before seen plan on a Friday evening and allowed only the following Monday and Tuesday for review, analysis and comment before approving it over the top of massive resident objection at their Board meeting on Wednesday. BCHD has an established pattern of public comment suppression prior to important Board decisions regarding their \$400M, commercially operated and 80% commercially owned project on Public land.

The project is commercial and serves 80% non-residents of the three beach cities that own BCHD yet dumps 100% of the damages for up to 100 years and 5 generations into the surrounding neighborhoods.

Attached are the comments of the BCHD Overdevelopment Group of local residents. These comments to BCHD FEIR and DEIR comment responses have been entered into the BCHD Board record and the BCHD EIR record. We are also encouraging residents to comment to BCHD, despite this being a holiday weekend, another tactic of BCHD to suppress input.

Comments to BCHD should be sent to both EIR@bchd.org and Communications@bchd.org.

When the time comes for the 2 Conditional Use Permits and the Design Review, we will be active at the City in attempting to protect our neighborhoods from this oversized 103-foot tall project built atop a 30-foot berm peeping into surrounding yards, decks, bathrooms and bedrooms in the surrounding neighborhoods.

BCHD Overdevelopment Group
<https://www.facebook.com/bigbadbchd>

bcc: EIR Comment Group

**STATEMENT OF EVENTS AND FEIR ERRORS
BCHD OVER-DEVELOPMENT GROUP
REDONDO BEACH, CA**

**The BCHD FEIR Project Chronology is Defective and the DEIR is Non-Complaint with the
Regulatory Requirements of the Redondo Beach Municipal Code**

BCHD FORMATION AND CHRONOLOGY OF PROJECT EVENTS

South Bay Hospital District executed a TAKING – it legally condemned – the Prospect Ave property for the express purpose of a Hospital for the residents of the 3 Beach Cities and attached that legal action to the title record of the land.

To emphasize – the title to the land is for a hospital, and the purpose of the district as formed by voters is exclusively the benefit of the residents of the 3 beach cities. BCHD currently serves none of the functions required by its condemnation of private land following the failure of South Bay Hospital.

South Bay Hospital failed in 1984 after less than 25 years of operation as a publicly owned hospital.

South Bay Hospital District became a real estate management company after that, renting the shell of the hospital out to commercial operators.

In 1993 SBHD distanced itself from its upcoming failure as landlord of the hospital and renamed itself BCHD. The hospital that rented the failed South Bay Hospital building ceased operations in 1998.

Since 1993, BCHD has not developed budgets, done cost-accounting, or computed cost-effectiveness for its 40+ individual programs according to CPRA responses by BCHD. Therefore, BCHD has no objective information as to whether or not everything it does could be done better and cheaper by others. Nor does BCHD have any evidence of which programs are beneficial and which spend precious tax resources and fail to provide benefits that exceed costs.

BCHD has no objective, quantitative measure of the benefits of its property tax spending nor of its spending of rents from taxpayer owner purchased land and buildings.

Approximately 50% of BCHD property tax revenues are spent on salaries and benefits for the top 10 executives.

In 2009, consultants proposed the current commercial real estate development that BCHD is attempting.

In 2017, BCHD formed the Community Working Group and in the second meeting, BCHD discussed how the project will have clear negative impacts on the surrounding neighborhoods and provided a presentation including a slide demonstrating the BCHD philosophy to reduce its negative impacts by surrounding any development with surface parking lots along the perimeter of the lot.

BCHDs 2019 design “The Great Wall of Redondo” reneged on its promise not to damage surrounding neighborhoods and proposed a 60 foot tall, 4-story structure along the north, east and south perimeter.

Over 1200 local residents signed a petition opposing the project as too tall and too large.

In June of 2020, BCHD allowed only 3 business days for public review, analysis and comment on a 75-foot tall proposal, with an additional 70,000 sqft of surface building sqft.

In March of 2021, BCHD increased the height to 103 feet while retaining the additional 70,000 sqft, bringing the total development to 793,000 sqft.

In September of 2021, BCHD published a nearly 2000 page Final EIR on September 2, allowing only two business days for public review, analysis and comment prior to the September 8 self-certification meeting by BCHD. Neither BCHD, nor any of its Board members have ever certified an EIR. In the past two developments on the campus, BCHD/SBHD deferred to the City of Redondo Beach, an experienced and qualified CEQA agency.

During Covid, about 6 out of every 7 Covid tests by BCHD was for a non-resident of the district. LA County Health had the legal obligation to provide testing and pay for it, yet BCHD used our tax money from the 3 beach cities.

In Board meeting documents, BCHD states that it spent \$4M on Covid and will be reimbursed \$1M from FEMA. Therefore, taxpayers of the 3 beach cities paid about \$2.5M in BCHD expenses to run testing and vaccination operations for non-residents.

BOTH BCHD COMMERCIAL DEVELOPMENT PROJECT AND PROGRAM BENEFITS ARE UNSUPPORTED

The project provides on de minimis benefits to the residents of the 3 beach cities that own BCHD. Less than 20% of the RCFE facility will serve residents. Less than 10% will serve residents of Redondo Beach that sustains the damages. Less than 5% will service south Redondo 90277. Private, \$12,500 per month full market rate facilities are in supply, built by the private sector on private commercial land. As such, BCHD has no quantitative demonstration of net benefits to support any statements of overriding consideration.

In 28 years of operation, BCHD has failed to conduct budgeting, cost accounting or program cost effectiveness evaluation at the program level. Thus, BCHD has no demonstration that it provided net benefits in the past, currently provides net benefits, or will provide them in the future.

NO PROJECT ALTERNATIVE IN INCORRECT

The “No Project” Alternative is incorrect. BCHD consultants and outside counsel both state that the 514 building meets all applicable codes and standards for continuing use. Furthermore, the consultant states that “best practice” would allow 25 years continued use. BCHD had incorrectly characterized the No Project Alternative and its financial benefits to BCHD and its taxpayer-owners and overstated the damages by falsely asserting that the building must be demolished.

AESTHETICS DAMAGES

Impact VIS-1 is significant. BCHD falsely asserts that only scenic vistas can be the cause of a visual impact. Clearly that is false on its face. By BCHDs so-called standard, a 10 story, gray, concrete block building would have no visual impact on the surrounding neighborhoods so long as it does not block the BCHD determined vista. The environmental, physical and mental disbenefits of blocking views of blue sky, trees, or other views are well understood and BCHD rejected peer-reviewed studies demonstrating negative impacts.

Impact VIS-2 is significant. No where in the Torrance or Redondo Beach general plans is the height and mass of buildings specified. As such, BCHD falsely states that the aesthetics are consistent with the general plan. Further, the surrounding neighborhoods all have 30 foot or lesser height limits, and as a result, BCHDs proposed and unknown height appears to be 400 to 500% of the surrounding neighborhoods and significantly degrades the character. Using BCHD incorrect interpretation, a 500 foot tall structure that serves any general plan use would have no visual impact. Clearly that is false and BCHD logic is flawed.

Impact VIS-3 is significant. BCHD has a long history of ignoring excess nighttime light emanating from non-directional lighting on the existing campus. BCHD falsely assumes that its compliance is assured, it is not, and the damages of BCHD were well documented in various peer reviewed health studies provided to BCHD.

Impact VIS-4 is significant. BCHD rejected valid, NIH peer-reviewed and published studies showing the damages of the interruption of sunlight (known as shadowing or shading). BCHD standards of evaluation are apparently flawed, for as a health organization, BCHD should have the expertise to develop peer-reviewed, evidence based standards.

Negative impacts to blue sky views are ignored and are significant. The extreme height of BCHD planned commercial development blocks both blue sky views from east and north, and sunset views

from east neighborhoods. BCHD analysis ignores the impact of its destruction of the blue sky views and the negative impacts on the mental health of surrounding residents.

Representative View 1 is deceptive and defective. BCHD must use the cudesac at the north end of Tomlee, north of Towers, to demonstrate the impact.

Representative View 2 is a significant impact. BCHDs own language highlights the significant aesthetic damages to the surrounding neighborhood and cements the violation of CUP requirements. BCHD states “While the existing Project site is barely visible, the view along Flagler Lane is influenced by the open sky above the slope. The Project would substantially reduce access to open sky from this view, and would change the visual character of this view from the residences in this Torrance neighborhood as well as travelers along Flagler Lane and Towers Street. Source: VIZf/x 2021.”

Representative View 3 is defective. BCHD refers to compliance with RBMC 10-2.622 which does not appear to exist. Also RV3 contains the same significant impacts as RV2, and is in fact, more impactful in its damages to the open blue sky.

Representative View 4 is a significant impact. BCHD makes an unsupported assertion that the 133 foot tall structure’s obscuring open sky and blue sky is not significant. The opinion is unfounded and not based on quantitative measures that demonstrate an additional 62.7% reduction in sky over the existing buildings.

Phase 2 View Impacts from Prospect are significant. An additional 47% of sky view is removed by the proposed Phase 2 which represents a significant impact to the surrounding neighborhoods.

AIR QUALITY AND RELATED HEALTH DAMAGES

Impact AQ-1 is significant. BCHD has established a moral obligation standard as elucidated by the CEO that BCHD has an affirmative moral obligation to protect the health of the community. Any increased loading of toxic air contaminants, particulates, Nox, etc. are detrimental to health and under a moral obligation standard are significant. The allowed amount of toxic pollution under AQMD, CARB and federal rules is excessive and non compliant with moral obligations to protect health.

Impact AQ-2 is significant. BCHD has established a moral obligation standard as elucidated by the CEO that BCHD has an affirmative moral obligation to protect the health of the community. Any increased loading of toxic air contaminants, particulates, Nox, etc. are detrimental to health and under a moral obligation standard are significant. The allowed amount of toxic pollution under AQMD, CARB and federal rules is excessive and non compliant with moral obligations to protect health.

Impact AQ-3 is significant. BCHD has established a moral obligation standard as elucidated by the CEO that BCHD has an affirmative moral obligation to protect the health of the community. Any increased loading of toxic air contaminants, particulates, Nox, etc. are detrimental to health and under a moral obligation standard are significant. The allowed amount of toxic pollution under AQMD, CARB and federal rules is excessive and non compliant with moral obligations to protect health.

Impact AQ-4 is significant. BCHD has established a moral obligation standard as elucidated by the CEO that BCHD has an affirmative moral obligation to protect the health of the community. Any increased loading of toxic air contaminants, particulates, Nox, etc. are detrimental to health and under a

moral obligation standard are significant. The allowed amount of toxic pollution under AQMD, CARB and federal rules is excessive and non compliant with moral obligations to protect health.

Impact AQ-5 is significant. BCHD has established a moral obligation standard as elucidated by the CEO that BCHD has an affirmative moral obligation to protect the health of the community. Any increased loading of toxic air contaminants, particulates, Nox, etc. are detrimental to health and under a moral obligation standard are significant. The allowed amount of toxic pollution under AQMD, CARB and federal rules is excessive and non compliant with moral obligations to protect health.

GREEN HOUSE GAS AND RELATED HEALTH DAMAGES

Impact GHG-1 is significant. The state of California and the United States both have in place policies to reduce GHG emissions. Such policies make the explicit declaration GHG creation in California and the United States is not de minimis. The BCHD claim that it will generate GHGs, but that they are de minimis and do not impact the overall amount of GHGs is false. The state of California and the United States are both highly effective in mitigating GHGs via high efficiency use of energy, however, both are pursuing policies of GHG reduction, not de minimis use. Even without BCHDs moral obligation to protect the community, BCHD cannot assume nor declare that it is allowed to generate GHGs and that they GHGs are irrelevant. BCHD GHG generation is significant and requires mitigation to net zero under moral obligations.

NOISE AND RELATED HEALTH DAMAGES

NOI-1 is significant. Construction noise is significant, non-mitigable, and results in a wide array of mental and physical health damages are demonstrated in various peer-reviewed studies provided to BCHD regarding the well understood mental and physical stress impacts of noise. BCHD under its CEO mandated moral obligation to protect the community, must mitigate the activities, up to and including, termination of the project in order to protect the health of the surrounding community.

NOI-2 is significant. Construction transport vibration and related noise is significant, non-mitigable, and results in a wide array of mental and physical health damages are demonstrated in various peer-reviewed studies provided to BCHD regarding the impacts of intermittent noise to learning, physical and mental health. BCHD under its CEO mandated moral obligation to protect the community, must mitigate the activities, up to and including, termination of the project in order to protect the health of the surrounding community.

NOI-3 is significant. Outdoor activity until 10PM will present both constant and intermittent noise to surrounding residential receptors in excess of 50 db day and 45 db night as stated in RBMC. Further, since BCHD was presented peer-reviewed studies demonstrating the negative health impacts of consistent and intermittent noise, application of the BCHD CEO mandated moral obligation to protect the community standard declares the activities to be significant. The activities must be banned.

SCOPE OF THE EIR

The scope of the EIR is defective. Despite public input at the NOP time, BCHD deliberately ignored an analysis of Recreation. BCHD has significant and non-mitigable shading/shadowing/sunlight interruption impacts on the Towers fields used for public recreation in addition with school activity.

AREAS OF KNOWN PUBLIC CONTROVERSY

The areas of known public controversy discussion is defective. The presence of a 1200+ petition of opposition to height and size is ignored.

PROJECT DESCRIPTION – PHASE 2

2.5.2.2 Physical Design Considerations and Priority-based Budgeting is defective. BCHD priority based budgeting is nascent and covers a de minimis portion of the \$15M annual budget. As such it is inappropriate for a \$100s of millions expenditure. Further, BCHD has no quantitative benefits analysis, such as CDC Polaris, and BCHD accounting and budgeting have been consistently unable to provide cost effectiveness metrics. Thus, BCHD Phase 2 must be discarded and brought as a separate EIR. Data collection for BCHD Community Health Report was defective and cannot be relied upon. BCHD failed to use a representative sample and the survey suffered from significant bias. BCHD has never provided any bias analysis, and as such, BCHD prior studies are also defective. The damage of the environment cannot be allowed based on defective public sector analysis.

REGULATORY NON-COMPLIANCE WITH RBMC

The BCHD project is incompatible with both RBMC 10-2.2502 Planning Commission Design Review and RBMC 10-2.2506 Conditional Use Permits. As such the project/program cannot be CEQA certified as it fails regulatory compliance in Redondo Beach.

The current design and location of the facility is unable to meet RBMC design standards.

10-2.2502 Planning Commission Design Review.

(a) Purpose. Planning Commission Design Review is established to ensure compatibility, originality, variety, and innovation in the architecture, design, landscaping, and site planning of developments in the community. The provisions of this section will serve to protect property values, prevent the blight and deterioration of neighborhoods, promote sound land use, encourage design excellence, and protect the overall health, safety, and welfare of the City.

Ensure compatibility is the first attribute of the Planning Commission Design Review. BCHD proposes a 133-foot above the surrounding residential neighborhood commercial RCFE facility. It is a commercial facility because it will charge full commercial rates, be owned 80% by a commercial entity, and be operated 100% by a commercial entity. It is also commercial because over 95% of the tenants per BCHD consultant MDS computations will be from outside the local neighborhood sustaining the damages, and over 80% will be non-residents of the three beach cities that are the taxpayer owners of BCHD. Thus, the facility will be offering commercial services.

BCHD project is incompatible – as a non-residential, non local serving, commercial enterprise owned (undeniably up to 80% or more privately owned) and operated venture, the BCHD project is incompatible with the surrounding largely residential, 30-foot or under neighborhoods of both Redondo Beach and Torrance. The only other commercial in the area is the Von's Plaza, which unlike the BCHD proposed project, services the local neighborhood. As noted above, BCHD project is 95% outsiders of the local neighborhoods by BCHDs own estimation. Since the facility is both commercial, for non-residents, and over 100-feet taller than the surrounding community, it is clearly incompatible with the surrounding community. Further planning criteria do not require evaluation, as an absolute failure to be compatible, the first criteria, moots any further review.

Unlike BCHD, SBHDs hospital was voter-approved and developed to service the local area

BCHD cannot make an appeal to prior use. BCHD is a result of the failed SBHD and SBHD was formed explicitly by a vote, funded by the public as a bond measure, granted ongoing operating funding through property taxes, and served the three beach cities. The legal documents justifying the “taking” of the Prospect land are crystal clear. BCHD can make no such representation and has openly

stated in Board meetings that it is pursuing this development to deliberately circumvent the public as BCHD expects it will not receive approval for funding this project.

BCHD has depressed surrounding property values

Proprietary statistical models clearly show a negative impact on local housing values due to BCHD.

BCHD expansion will further depress surrounding property values

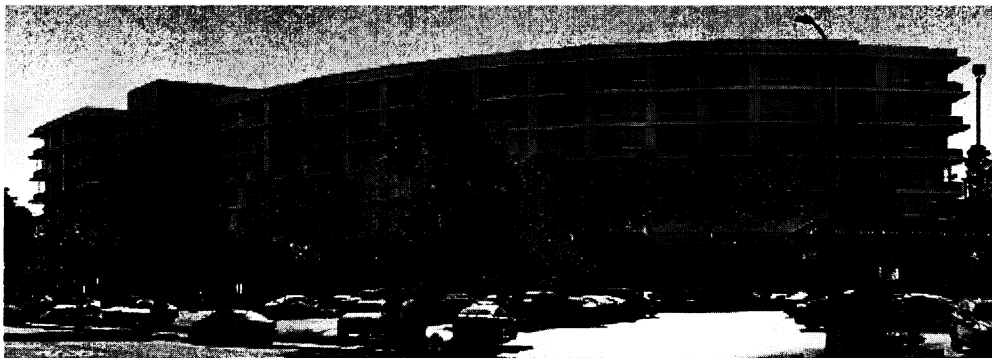
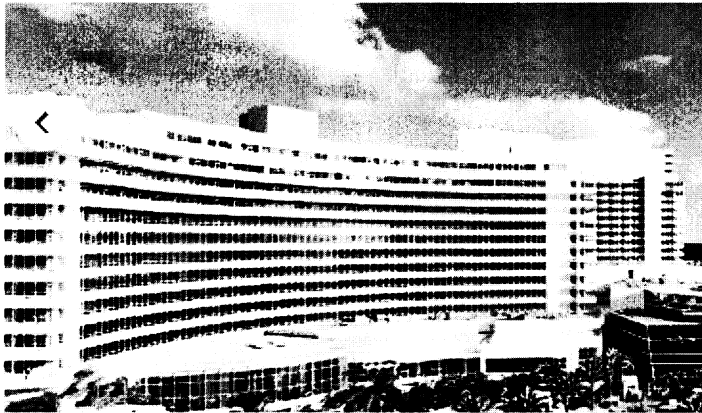
Proprietary statistical models clearly show a further negative impact on local housing values due to BCHD planned expansion.

BCHD construction and operation will have negative health impacts on the surrounding community

BCHD acknowledges a significant and unavoidable impacts on the local community. Further, BCHD refutes peer reviewed, NIH published research demonstrating significant negative health impacts from added particulates, constant noise, sirens, traffic, intermittent noise and stress. Peer reviewed studies provided to BCHD in the EIR process as comments clearly demonstrate that the project will have many negative health impacts, including chronic stress (the Blue Zones LLC Silent Killer). BCHD CEO has acknowledged that the process has “stressed people out” and as such, even BCHD concurs that it causes stress which has undeniable negative health impacts.

BCHD design is not innovative or excellence

As a scaled down version of the 1954 Fountainbleau Miami Beach, the design is anything but innovative or excellence. It is aged, stale, and recycled, failing the design review criteria.



BCHD net benefits do not protect the health, safety and welfare of Redondo Beach

Contemporaneous legal documents demonstrate that SBHD was voter approved to provide benefits to the three beach cities, not 80% non-residents. Further, Redondo Beach and to a lesser extent neighboring Torrance, absorb 100% of the damages during the construction period and the next 100

years. BCHD has no demonstration that the benefits to Redondo Beach are outweighed by the facilities damages to Redondo Beach via construction, health impacts, traffic, emissions, etc. Recall that little more than 60 years ago medical doctors supported cigarette smoking. Today's current levels of noise, stress, particulates, toxic air pollutants and other negative impacts of BCHD's proposal will like be known as carcinogens and other hazards 50 years from now, when the facility is in midlife and surrounding neighborhoods have had their early deaths accelerated.
(<https://tobaccofreelife.org/resources/smoking-medical-professionals/>)

(b) Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this section:

(1) User impact and needs. The design of the project shall consider the impact and the needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns.

BCHD will significantly invade surrounding privacy

From a vantage point of 133 feet above the surrounding neighborhoods, BCHD will clearly be a "Peeping Tom." Interestingly that's a role that BCHD is comfortable with, having responded to comments that BCHD already can see into windows, yards and homes from high floors of the failed hospital building. Somehow, we are already Peeping Toms, was not the response I expected, however it does clarify why BCHD believes it should be able to invade residential privacy.

(2) Relationship to physical features. The location of buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural features of the landscape to include the preservation of existing trees, where feasible.

BCHD exacerbates the physical features of the site

Sitting atop a 30-foot bluff, with a significant height advantage on the surrounding neighborhoods, and with over 10 taxpayer bond funded acres of land, it is truly puzzling how BCHD arrived at a 100-foot structure built on a hill. South Bay Hospital has been an eyesore for three generations. BCHD must embrace the design principles of Kensington Redondo Beach and spread out a 2-story development and not create a "mountain" as it would be put in Feng Shui. The current design fails to even consider the impacts to surrounding neighborhoods due to height and mass.

(4) Balance and integration with the neighborhood. The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties.

BCHD project is wholly incompatible with no harmonious scale or bulk relationship to surrounding property

By intent, BCHD is 133-feet above the neighborhood, with a broadside of windows facing north into the densest local area with over 1000 residents between Beryl and 190th, Flagler and Prospect per the US Census. The surrounding buildings are 30 feet or less and fail to reach up to the foundations of the proposed building. In plain English, BCHD plan is an abject failure in compatibility with surrounding property.

(7) Consistency with residential design guidelines. The project shall be consistent with the intent of residential design guidelines adopted by resolution of the City Council

BCHD project is wholly inconsistent with the intent of Beryl Heights residential design guidelines

The BCHD project is not consistent with the intent of Beryl Heights residential design guidelines as published by the City of Redondo Beach. Beryl Heights shares the Prospect Ave border with BCHD, and as such, Beryl Heights design guidelines should apply to any Beryl Heights facing buildings or surfaces.

(8) Conditions of approval. The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare.

BCHD and the Planning Commission are obligated to set conditions of approval that meet the requirements of the design review

Specific, non-exhaustive code authorized changes to the BCHD plan to render it compliant include:

- 1) Reduced heights to 30-feet, yielding a mere 60-feet above street level due to physical setting
- 2) Increased setbacks on all sides of the project for noise reduction and privacy (“Peeping Tom” reduction)
- 3) Noise barriers to mitigate health damaging impacts of construction and construction traffic
- 4) Consistency with the design guidelines of Beryl Heights
- 5) Demonstration of affirmative need for duplicative PACE facility to reduce public health damages from negative impacts
- 6) Cost-based rates for Redondo Beach residents to avoid negative public health and welfare impacts from the use of public land for commercial development

10-2.2506 Conditional Use Permits.

(a) Purpose. The purpose of a Conditional Use Permit shall be to review certain uses possessing unique characteristics, as listed in Article 2 of this chapter, to insure that the establishment or significant alteration of those uses will not adversely affect surrounding uses and properties nor disrupt the orderly development of the community. The review shall be for the further purpose of stipulating such conditions regulating those uses to assure that the criteria of this section shall be met.

BCHD is adversely affect surrounding uses and properties

Existing CUP is insufficient for expanded, new built RCFE. The existing CUP for memory care at the Silverado location is limited in scope. It encompasses only 60 units (maximum 120 beds) and per the Silverado management during a Redondo Beach Council meeting, only houses 80 persons. BCHD expansion to over 200 rooms in a perimeter facing, 133 feet above ground facility is a much larger, and more invasive level of use. Therefore, the current CUP is insufficient and a CUP must be considered de novo.

Substantial remediation is due to the current design to allow for issuance of the 2 needed CUPs.

PACE requires a CUP. If PACE is a medical facility, then it is not allowed in C2 by either right or by CUP. If PACE is an adult daycare, then it requires a CUP in C2 zoning.

Surrounding uses are damaged by proposed height. If the current planned 103 foot building is required as stated by Cain Brothers to provide expansive views, then the CUP must be denied. The provision of expansive views as stated by Cain also invades the privacy of the surrounding neighborhoods, thereby impacting their residential use.

BCHD admits it has significant negative impacts on local neighborhoods. BCHD also admits in its EIR analysis that it has negative and significant impacts on the community, which were easily demonstrated via peer reviewed, NIH published studies to have negative health impacts. As a public health agency with a CEO stated policy of a moral obligation to protect the surrounding community, BCHD internal policy prohibits the damages on surrounding uses and home values as well.

BCHD has reduced surrounding property values and further expansion will have further impact. Proprietary statistical models also demonstrate that the expansion of the BCHD facility will have continued negative impacts on the surrounding areas.

BCHD has no demonstrated need for PACE. As a public agency on public land, BCHD has provided no need demonstration for its PACE facility, and as such, we have no idea if 2% of the daily 200 transportees will be local or 20%. Given that PACE is 90% funded by Medicaid, it is unlikely that many surrounding seniors will be participants based on household income and assets. As a result, the CUP requirement for the PACE facility cannot currently be fulfilled due to a lack of responsible analysis by BCHD. The current presumption must be that BCHD consolidates pickup service and minimizes the peer reviewed negative health impacts of vehicle emissions on the surrounding neighborhood.

BCHD will require deep setbacks to reduce damage to surrounding uses. As a commercial use, majority owned by a commercial entity and 100% operated by a commercial entity on a 30 foot bluff, BCHD will require deep setbacks to reduce its noise, glare and privacy impacts that diminish the surrounding uses.

BCHD will require 2 story construction to reduce damage to surrounding uses. As a commercial use, majority owned by a commercial entity and 100% operated by a commercial entity on a 30 foot bluff, BCHD will require deep setbacks to reduce its noise, glare and privacy impacts that diminish the surrounding uses.

BCHD will require alternatives to an 800 car parking ramp at Prospect and Diamond to manage impacts on school drop off and pickup. Access to the ramp is directly damaging to Prospect traffic and will increase emissions and delay pickup and dropoff at Beryl, RUHS and Parras schools. The parking ramp must be moved to an alternative location and replaced with bus transit, or, the access point must be moved onto Beryl to avoid Prospect.

BCHD must use only directional, less than 3000K lighting. BCHD and SBHD before it have been careless at best and malicious at worst using what the American Medical Association calls “prison lighting” outdoors. The bright white light has been struck down in a memo by the AMA. Further, BCHD uses non directional lighting and sample photos were filed a number of times, including as formal EIR comments. Peer reviewed studies, also provided to BCHD, demonstrate the damages of excess nighttime lighting.

Transmittal Letter #1
Public Comment to Errors in BCHD DEIR Comment Responses

August 30, 2021

Subject: Error Corrections to BCHD Responses to Public DEIR Comments

To whom it may concern:

Despite BCHD dumping over 700 pages of comments out at noon on Friday August 27, 2021, dedicated reviewers have prepared a first pass of error correcting comments to BCHD responses that are available to agencies prior to the 10 day obligated window in CEQA. We encourage you to reference these corrections that identify errors of BCHD in both fact and process, note them, and posit solutions.

Typically, these comments include the incorrect actions and errors of BCHD such as:

- Discarding unfavorable comments as outside the scope of CEQA
- Denying all comments on the Purpose and Need (Benefits) as out of scope
- Refusing to allow peer-reviewed studies by applying unreasonably narrow content filters
- Failing to apply BCHD “moral obligation” standard to damages against surrounding neighborhoods
- Applying BCHD “moral obligation” selectively only to create a need to demolish or retrofit the 514 building
- Damaging the health and environment of surrounding residents and Redondo Beach in a manner that is wholly disproportionate to benefits
- Exceeding the need for \$12,500 per month RCFE in the 3 beach cities by 500%
- Failing to provide documentation of need for the proposed duplicative PACE facility
- Asserting benefits from BCHD programs that are unbudgeted and unmeasured
- Denying evidence that the BCHD HLC process and facility causes stress to the residents

Despite BCHD representations to the City Attorney of Redondo Beach that “clearly” the project has “significant benefits” to the residents of Redondo Beach, BCHD has failed to measure benefits and its for-profit corporate vendors, Blue Zones LLC and Healthways/Sharecare refuse to release any supporting materials to backup their unreasonable claims. BCHD has adopted that type of “trust us” mentality as well. BCHD has provided no net benefits analysis that support its assertion to the City.

It will become very clear from these error correction comments that BCHD fails to have the objective data and analysis required to add 50-100 years of additional damages atop the 60+ years combined damages from BCHD and SBHD.

By Mark Nelson
For BCHD Over-Development Group

**DRAFT FEIR ISSUE THEMES SET #1
BCHD OVER-DEVELOPMENT GROUP
REDONDO BEACH, CA**

Correction to Errors in BCHD Responses to DEIR Comments for the Written Record

BACKGROUND

BCHD Has Established a Pattern of Denying the Public Adequate Time to Review, Analyze and Comment on Never Before Seen Documents and Proposals

On Friday August 27, 2021 BCHD made public over 700 pages of BCHD generated responses to comments from the Public regarding the DEIR. The public is given until the BCHD Special Board Meeting on September 8, 2021 to read, analyze and respond to BCHD responses. This is 8 business days, including both Rosh Hashanah and Labor Day.

BCHD has a pattern of denying the public adequate time for review, analysis and comment. On June 12, 2021 BCHD released the never before seen campus design that the BCHD Board approved on June 17th, allowing only 3 business days for public review, analysis and comment. Over 100 comments against the campus design were received.

While only BCHD can speak for its motivation for providing the public a total of only 11 business days for review, analysis and comment on a \$400M project decision, a reasonable assumption would be that BCHD willfully intended to suppress public input through Draconian limits on public review, analysis and comment on never before seen project details of a project that BCHD first contemplated over 11 years prior.

GENERAL ERRORS OF BCHD RESPONSES TO PUBLIC COMMENTS BY THEME

BCHD Wrongly Excludes Comments Regarding the Project Purpose and Need

BCHD asserts that the project Purpose and Need (Benefits) are immutable and not subject to challenge. BCHD states “these comments do not address the adequacy of the Environmental Impact Report (EIR) with regard to the environmental impact analysis, mitigation measures, and alternatives. Rather, these comments express the opinions of the commenters regarding need and benefits of the proposed Project, a matter that has been subject to extensive review and public discussion by BCHD.”

BCHD denies the public intelligent participation by denying comment on Project Purpose and Need.

BCHD asserts that Project Alternatives flow from Project Objectives and those flow from Project Purpose and Need (Benefits). Therefore, BCHD de facto denies comments on Project Objectives and Alternatives if an appeal cannot be made to an invalid/incorrect Purpose and Need.

Hypothetical of BCHD Denying Intelligent Participation through Exclusion of Purpose and Need from FEIR Comments

A simple example is insightful. BCHD determines that the Project Need is to increase revenue to end homelessness. BCHD determines that a landfill serving 95% non-residents of 90277, 90% non-

residents of Redondo Beach and 80% non-residents of the three beach cities would raise sufficient revenues. BCHD determines that reducing homelessness for 80% non-residents is within its mission. BCHD further determines that the removal and recycling of waste, and bladder lined landfilling of toxics under extreme monitoring is a health benefit to the three beach cities. BCHD proceeds with a EIR for the project.

Under BCHD incorrect interpretation of CEQA cited above, BCHD denies public input challenging the landfill proposal. As a result, BCHD de facto denies public input challenging the objectives, because no appeal can be made to the Project Purpose and Need. BCHD also de facto denies public input challenging the alternatives, because the objectives are directly tied to the Purpose and Need.

As such BCHD has denied the public intelligent participation. The DEIR and FEIR of BCHD current proposal are defective, must be remediated and recirculated.

BCHD RCFE Does Not Meet the Needs of the Taxpayer-Owners of BCHD

The condemnation action of South Bay Hospital to obtain the North Prospect Avenue property cited the voter authorization for an emergency hospital for the three beach cities that formed South Bay Hospital District. That is the appropriate definition of public – the three beach cities of Hermosa Beach, Manhattan Beach and Redondo Beach. BCHD is utilizing scarce, public zoned land in Redondo Beach, depriving the residents of alternative uses. In doing so, BCHD consultants have determined that less than 10% of the occupancy of the commercially developed, owned and operated facility will serve Redondo Beach residents.

The entire disbenefit (aka neighborhood damages for 50-100 years and 6 generations) of construction and ongoing operations will fall to Redondo Beach residents, specifically those in 90277. Those residents will only represent less than 5% of tenants. In total, the facility is 400% oversized for the needs of the three beach cities, since less than 20% of tenancy will be from those three cities yet 100% of damages (or near fraction) will be suffered in the three beach cities, specifically, Redondo Beach.

CEO Bakaly, the highest ranking employee and policymaker of BCHD stated “[t]his is the public’s project, and it needs to meet their needs.” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Only 20% of the project is needed to meet the public’s needs. The additional 80% is commercial, market priced, \$12,500 per month speculative venture for non-residents. The public, that is, the three beach cities that formed and own BCHD, are left to suffer the negative externalities of the oversized project.

There have also been significant comments regarding the high market price of BCHD RCFE while using public land in a public land use in public zoning. With 80% of the facility for non-residents, the public benefits are completely outweighed by the 100% damages sustained by the taxpayer owners and residents.

The only conclusion that can be reasonably drawn is that the BCHD Purpose and Need for the project is invalid, therefore rendering the Project Objectives invalid and the Project Alternatives invalid, as they derive from a faulty Purpose and Need for the project. The DEIR and draft FEIR are invalid, must be remediated and recirculated.

BCHD PACE Facility was Late Added Absent any Specific Research Demonstrating the Need for a Duplicative PACE Service for the Three Beach Cities

BCHD provides no valid, quantitative evidence that the late-added PACE facility meets any unmet needs in the three beach cities. BCHD proposal is wholly duplicative of the services of an existing PACE that is registered with the State to service all zipcodes including the 3 beach cities. As such, BCHD Purpose and Need is invalid, rendering objectives and alternatives equally invalid. The DEIR and FEIR are therefore invalid and must be remediated and recirculated.

BCHD Revenue Objectives are Unsupported

BCHD asserts that it needs current and future revenues, however, per BCHD own CPRA response, BCHD does not (and has not in 28 years of existence) budget for programs, conduct cost accounting at the program level, nor develop net benefits (or benefit to cost ratios) for its programs. As such, BCHD cannot assert with any level of confidence that it provides benefits beyond its cost. Nor can BCHD assert that other uses of its funding will not have a higher social value.

BCHD commercial, for profit Blue Zones program vendors, Blue Zones LLC and Healthways/Sharecare, Inc. make outrageous, unsupported claims regarding the cost effectiveness of the program, however, when formally requested, but refuse to provide any documentation. Property tax revenues and the rents from taxpayer purchased assets cannot rely on both BCHD and its vendors “trust me” approach that refuses to transparently provide the claimed benefits of a commercial, for profit program.

BCHD failure to evaluate its programs for net benefits renders all BCHD revenue Objectives in the DEIR and FEIR defective. “Trust me” is not an option for an organization that spends 50% of its property tax revenue on only 10 executives, and over 50% of all revenues on staff.

BCHD failure to consider evidence demonstrating the defectiveness of their Objectives denies the public the right to intelligent participation. The DEIR, FEIR and BCHD Lead Agency process are all defective and must be remediated. It is unclear if the DEIR or FEIR can be made valid under the circumstances of BCHD failures and its vendors non-transparency.

BCHD Established “Moral Obligation to the Community” Standard Was Applied to the 514 N Prospect Residents Only and Discriminated Against All Other BCHD Taxpayer-owners and Residents

BCHD CEO Bakaly, the highest ranking policymaker and employee at BCHD stated in discussion of the HLC project that “we are a health district, we are a health district that has a moral obligation to be proactive and protect the people in our community” (https://www.youtube.com/watch?v=RCOX_GrreIY) The CEO then used that standard to discriminate against all other residents of the three beach cities and declared the 514 N Prospect building seismically unsafe and requiring retrofit or demolition. There are extensive comments discussing how the BCHD seismic consultant stated that best practices allow 25 years additional use and no laws require any action. In the July 2021 board meeting, BCHD outside counsel confirmed that the 514 building can continue to be used for current uses without any retrofit.

CEO Bakaly’s discrimination is multifaceted. His decision damages surrounding residents health and economic well being by forcing an unneeded project on them. His decision damages all owners of BCHD (the three beach cities) by imposing an unneeded financial obligation that consumes resources

that have better social uses. Yet, BCHD asserts that no human being can question the Purpose and Need for the project under CEQA. That view is morally offensive and wrong, as is Bakaly's overt discrimination.

BCHD Established "Moral Obligation to the Community" Standard Was Not Applied to Project Damages

BCHD CEO Bakaly, the highest ranking policymaker and employee at BCHD stated in discussion of the HLC project that "we are a health district, we are a health district that has a moral obligation to be proactive and protect the people in our community" (https://www.youtube.com/watch?v=RCOX_GrreIY) Thus the CEO has stated the BCHD moral obligation standard for action.

BCHD used its moral obligation standard to develop a reason to retrofit or demolish the 514 N Prospect Building, despite it meeting all currently required ordinances, laws and standards. It is clear that BCHD as a matter of policy from the CEO has identified that the protection of the community requires standards beyond those published and in common use, such as, BCHD requiring a \$100M seismic upgrade despite its consultant stating that "best practice" would allow 20-25 years of continued use. Further, BCHD outside counsel stated in the July 2021 board meeting that the facility meets all requirements for continued use.

Why then, does BCHD refuse to consider the peer-reviewed NIH published impacts of intermittent noise on students cognitive development? Why does BCHD refuse to consider the link between stress and heart disease, cognitive impacts, and mental health? Why does BCHD refuse to correct its current excess nighttime lighting? All these and many more peer reviewed studies of impacts from the BCHD HLC project were discarded by BCHD, while it ignores the lack of ordinances and best practices and fabricates a seismic safety hazard at the 514 N Prospect building?

BCHD clearly only perceives "moral obligations" when it is to BCHD commercial development advantage. Otherwise, as BCHD answered in public records requests, the public is forced to endure the letter of the law, receiving antiquated protections and not the heightened BCHD policy of a moral obligation to proactively protect health.

Either BCHD erred in its rejection of peer reviewed studies of prospective health damages filed in comments in the DEIR and needs to reprocess its DEIR, or BCHD believes (by definition) that protecting its commercial interests is "right" and protecting the health interests of the community from BCHD development damages is "wrong". Moral obligations are obligations arising from right and wrong, and are not situational as CEO Bakaly and BCHD have applied the documented BCHD policy. The DEIR and draft FEIR are in error, must be remediated and recirculated.

BCHD Wrongly Denies the Use of Peer Reviewed Studies Demonstrating BCHD Project Damages

BCHD is well known for its assertion of the use of evidence based studies to develop its programs. The evidence is generally, if not exclusively, from non-Redondo Beach, non-Hermosa Beach and non-Manhattan Beach geography and from studies on non-Redondo Beach, non-Hermosa Beach and non-Manhattan Beach populations. The evidence, often in the form of peer reviewed studies, is applied to the local area and population to develop programs, generalizing from the studies – studies that were not completed in the target geography nor with members of the target audience.

In the case of public comments to the DEIR, BCHD denies the use of peer reviewed studies, citing the generalized theme that peer reviewed NIH published studies that do not include very narrow specifics, such as the BCHD service area population, the specific acts of BCHD such as construction, heavy haul truck noise etc. are are therefore not directly related to the project. Using BCHDs own fabricated standard, BCHDs own evidence based programs that Board Member Poster frequently espouses could not exist. No BCHD evidence based programs can be developed from BCHD evidence, for absent the program, the evidence cannot exist. They are developed from related peer reviewed studies instead using basic logic, science and health principles.

BCHD wrongly asserts, for example, that a peer reviewed study is invalid if it does not contain the precise issues and attributes of the BCHD project. For example, studies are presented that link intermittent noise to stress. Studies are presented that link stress to physical and mental damages, including from Blue Zones LLC, the company that BCHD has paid multi-million dollars for consulting and naming rights. Yet, BCHD rejects studies because they do not directly apply to the project – that is, the studies do not state that BCHD will cause intermittent high dB noise (an undisputed truth) and that such BCHD noise leads to physical and mental damages to the residents of the beach cities.

In summary, BCHD applies such a stringent self-serving standard to public comments that utilize peer reviewed research that not a single BCHD evidence based program could exist under the same excessive limits that BCHD refuses to apply to itself. For this reason, many of BCHD responses to comments are objectively invalid and in violent disagreement with logic, science and public health methodologies. The only conclusion that can be drawn is that BCHD responses to public comments are defective, must be corrected, and must be recirculated.

BCHD Wrongly Denies that Stress is an Outcome of their Project Impacts and its Process

In a July 20, 2019 published interview, CEO Bakaly, the highest ranking policymaker and employee at BCHD, offered that the BCHD HLC project was “stressing people out.” That interview was discussing the change from the 2017, ill defined project proposal to the 2019, 60-foot tall, 160,000 sqft underground parking and 729,000 sqft surface building proposal. CEO Bakaly went so far as to acknowledge that it was clear to himself and BCHD (presumably the Board) that people were worried and stressed. If BCHD CEO acknowledges that the mere concept of the HLC causes stress, it clearly follows that construction and ongoing operations will also cause stress. BCHD has also acknowledged that the existing facility has damaged the surrounding neighborhood in its FAQs.

BCHDs 60 foot tall 2019 project proposal was received poorly by the public. It caused a vast majority of negative comments to the project in the EIR NOP. BCHD subsequently approved a 75 foot tall design in June of 2020 and released an even larger 103 foot tall design in March of 2021. As each subsequent proposal from BCHD is both taller and contains as much, or more surface building sqft due to the elimination of 160,000 sqft of underground parking, it is reasonable to posit that the project now causes more stress to the public than Bakaly’s first claim. It is reasonable to assume that stress is monotonically increasing with stimulus, and in this case, the stimulus is the same or increasing (i.e., the project, height, sqft, etc.) and therefore CEO Bakaly’s statement about stress induction by the HLC project on the public is at least the same, or perhaps higher than when he made the assessment.

Thus, the highest ranking policy official and employee at BCHD, the CEO, has acknowledged that stress has been an outcome of the HLC project. Unfortunately, BCHD has elected to attempt to discard peer reviewed studies that clearly demonstrate that stress is the result of a number of impacts that

BCHD will have on the public, such as, intermittent noise, traffic, construction, loss of privacy, and others as presented in peer reviewed, NIH published studies in DEIR comments. The only conclusion that can be drawn is that BCHD self-serving attempted denial of peer reviewed, NIH published studies connecting impacts of BCHD HLC to stress renders the responses to DEIR comments defective, in need of correction, and requiring recirculation.

**DRAFT FEIR COMMENT SET #1
BCHD OVER-DEVELOPMENT GROUP
REDONDO BEACH, CA**

Correction to Errors in BCHD Responses to DEIR Comments for the Written Record

COMMENT - RECREATION

BCHD materially errs both in its initial analysis and response to DEIR comments. Recreation was not included in the NOP, despite public comments directing BCHD to do so. BCHD assumed away its negative impacts to recreation in June of 2019 when it refused to include recreation analysis in the NOP.

The Towers fields are used for organized sports activities, therefore, BCHD analysis is flawed and incorrect. The fields can be in use past the shading time that BCHD ignored in the DEIR and is a significant impact that could result in injury to players based on going from full sun to full shade at various times and locations on the field. This appears to be a willful misstatement of fact by BCHD in its response, as well as a willful and deliberate omission of the Recreation analysis in the DEIR. The DEIR was incomplete, failed to analyze Recreation even after being instructed by commenters in the NOP comments, and therefore the DEIR must be rehabilitated and recirculated for comment.

BCHD falsely asserts:

“During the Fall and Winter, the proposed RCFE Building would also cast shadows on Towers Elementary School – including the recreational field – in the evening hours (i.e., 5:00 p.m. during the Fall Equinox and 4:00 p.m. during the Winter Solstice). The latest dismissal time for Towers Elementary School students is at 3:12 p.m. for 4th and 5th graders; however, and Towers Elementary School closes at 4:00 p.m. Therefore, shadows cast by the proposed RCFE Building would not have a significant adverse effect on Towers Elementary School.”

BCHD has no valid supply curve of recreation field availability, nor any valid demand curve of recreational field use, and therefore has no foundation to conclude the impacts are not significant of its action. BCHD draws its conclusions from thin air. BCHD must provide such and recirculate the defective DEIR.

COMMENT – LEAD AGENCY STATUS

BCHD materially errs in its assessment of an obligation under CEQA to be the lead agency. BCHD's prior action deferring Lead Agency Status to the City of Redondo Beach demonstrates the falsehood of BCHD's response to comments. For both the 510 and 520 North Prospect Ave medical office buildings, BCHD's predecessor, SBHD, legally differed with BCHD's current interpretation. In neither case did BCHD assert a claim to the lead agency role, and further, it made no objection to the City of Redondo Beach's action to serve as lead agency. Either BCHD misled the public on both the 510 and 520 MOB's, or, BCHD is misleading the public now. In either event, BCHD has failed to comply with CEQA throughout history and until its prior legal positions are vetted by courts, BCHD's actions as lead agency are invalid. BCHD itself states that if it had objected to the City of Redondo Beach serving as lead agency for the 510 and 520 MOB's that BCHD would have had an obligation to mediate the issue at OPR. BCHD chose not to, thereby demonstrating that BCHD has no firm obligation, as it wrongly

asserts, to be lead agency. BCHD has no experience. BCHD should defer to a competent agency, the City of Redondo Beach.

BCHD states:

“If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to the Office of Planning and Research. If an agreement cannot be reached, any of the disputing public agencies, or the applicant if a private project is involved, may submit the dispute to the Office of Planning and Research for resolution.”

COMMENT – PROJECT NEED AND BENEFIT

BCHD materially errs when it asserts that the project purpose and need cannot be challenged. Absent the project purpose and need (or need and benefit as BCHD states) the project’s objectives would not exist. Absent the objectives, no environmental impacts could occur. BCHD’s argument is both incorrect and deliberately misleading. BCHD is in effect claiming that its project can fall from thin air and need is irrelevant. That is simply false. CEQA protects the environment from unnecessary damages, and absent a valid Purpose and Need with Benefits, the project itself is invalid as well.

As a matter of uncontested fact, BCHD’s MDS demonstrates that less than 20% of the RCFE is expected to house tenants from the 3 beach cities, while less than 10% will be from Redondo Beach, the City with 100% of the environmental damages. Further, BCHD has no mission to provide RCFE outside the 3 beach cities. BCHD is owned and operated by the taxpayer-owners of the 3 beach cities and operates on public land acquired and paid for by taxpayer approved bonds.

As a matter of uncontested fact, BCHD has no analysis demonstrating that the current PACE services provided to the zip codes of the planned BCHD PACE facility have a need for a duplicative PACE provider. BCHD was asked in several CPRA requests for evidence of the necessity of a duplicative PACE facility and could not provide evidence. BCHD incorrectly implies that it has evidence, which it does not and cannot provide, that duplicative PACE services are REQUIRED in the 3 beach cities. Further, BCHD has no mission to provide PACE outside the 3 beach cities. BCHD is owned and operated by the taxpayer-owners of the 3 beach cities. LA Coast PACE is legally registered with the state of California to service the zip codes of the beach cities.

COMMENT – SEISMIC SAFETY

BCHD materially errs in the interpretation of its seismic analysis and no action is required or needed.

BCHD’s consultant record is complete and demonstrates that BCHD has no obligation under either “best practice” or ordinance to upgrade its facilities. Youssef Associates states any action is “voluntary”, “best practice” is reflected in the City of LA Ordinance, under the ordinance, 20-25 years would be allowed for planning and execution and in the meantime, the building could be used as is.

In response to questioning during the July 2021 Board Meeting, both the CEO and BCHD’s outside counsel responded to a taxpayer owner that the building meets all applicable standards, laws and ordinances for continued use as an RCFE facility.

Further, the CEO developed a “moral obligation” standard to the residents of the building in a YouTube video where he also based his actions on his 4-year old child experience. The moral obligation standard is not used in any other part of the EIR, and therefore, it is an inappropriate fabrication for selective use.

he building has not suffered any damage or injury (BCHD has failed to provide any data in CPRA requests) in any earthquake in its 60 year life and that stands are evidence in the record.

COMMENT – DECLINING TENANCY

BCHD has failed to provide any evidence into the record that its tenants are leaving due to inadequacy of the facility, nor does the record support that incoming tenants require different facilities. Therefore the response misrepresents the record based on BCHD CPRA responses or lack thereof. Any of many failures on the part of BCHD maintenance or management could cause the space to be unattractive, not the least of which is significant investment in both TMMC and LCOM, the entities the drove South Bay Hospital out of public owned existence in 1984 when it could not function capably in the market.

BCHD asserts absent evidence:

“BCHD’s ability to attract tenants has diminished in recent years, in part because of the specialized nature of the former South Bay Hospital Building, which cannot be easily renovated to conform to tenant needs. Therefore, even if simply seismically retrofitting the Beach Cities Health Center were financially feasible, it would not address these additional issues associated with providing purpose-built facilities for outpatient medical services and other community health and wellness needs”

COMMENT - PROJECT OBJECTIVES

BCHD materially errs in its discussion of project objective comments. BCHD as an organization had no project budgeting, cost accounting nor financial benefits evaluation since 1993 per CPRA response. As a result, any assertions that BCHD requires current or future revenues are flatly unsupported and false. BCHD cannot demonstrate net benefits to the 3 beach cities, and BCHD executive management and board have been malfeasant to taxpayer owners by testing 84% non-residents of the 3 beach cities during covid. Clearly, an agency that fails to budget programs and fails to even account for the city of benefit, residence or employment for its programs cannot make any assertions about revenue requirements.

Further, BCHD provides no analysis of reduced program levels, nor of shut down. In fact, BCHD refuses to disclose its shut down analysis via CPRA response deeming it to be Attorney-Client Work Product.

BCHD fails to demonstrate any net benefits to the residents of Redondo Beach, despite its unsubstantiated claims to the Redondo Beach City Attorney and staff in 2018. The damages to Redondo Beach and surrounding residents are swamped by the benefits, especially since 95% of tenants will be non-residents of 90277 per BCHD own analysis. 100% damages less 5% benefits clearly provides a net damage to surrounding neighborhoods.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan

Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

BCHD fails to substantiate its benefit claims, and it has collected no valid data. BCHD fails to substantiate the local need for RCFE or PACE within the 3 beach cities. BCHD fails to provide an analysis of downsizing or shutdown and holds that Attorney Client Privileged.

Put quite simply, BCHD has fabricated its Purpose and Need and Project Objectives and provide no objective, statistically valid, fact based evidence for evaluation. As such, all alternatives are also invalid, because they cause environmental damage absent demonstrable benefits.

COMMENT – AFFORDABILITY OF RCFE

BCHD is a publicly owned and operated entity serving the 3 beach cities of Hermosa, Redondo and Manhattan Beach. BCHD has no current practices to account for where its spending nor benefits accrue, and LA County Health demonstrated that BCHD fails to evaluate programs (LiveWell Kids Pg 8 “no evaluation”) and also that BCHD serviced nearly 85% non-residents of the 3 beach cities during covid with taxpayer owner majority funding. Clearly, BCHD does not have the skills nor interest in affordably service the 3 beach cities.

That said and the sources being beyond dispute, BCHD is using publicly owned land, paid for with bond proceeds to allow a commercial private developer to charge market prices. This is a commercial use and the land must be rezoned to Commercial.

Furthermore, as a public entity, like a municipality as the CEO often claims in cost analogies, BCHD should be required to provide cost of service pricing, not wildly inflated market pricing. BCHD provides an analysis that less than 20% of the facility will be occupied and affordable to the 3 beach cities residents in its MDS work. Cain publicly identified the proposed complex as “upscale” in comments during the June 2020 Board and Finance Committee meetings. BCHD has made no attempt at affordability. The project should not be allowed on any public zoned land.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all

zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT – P-CF ZONING, LAND USE, AND DESIGN PROCESS

BCHD documents that no project over 70 feet has been allowed in the last roughly 40 years in Redondo Beach. As such, it is clear that there is no current precedent to allow BCHD 103-foot tower on a 30-foot elevation site. Further, adequate setbacks are required by the CUP, and as a result, the project must be moved to the center of the campus in order to be consistent with the surrounding 30-foot limited community. BCHD has made no attempt for adequate setbacks of community character consistency, and can make no claim that it is consistent with the CUP or design process.

COMMENT – PROGRAMMATIC DETAIL

The City of Redondo Beach comments were accurate, the programmatic EIR is an abject failure. It clearly fails to meet the accurate, stable and finite standard. As well, it fails to provide a translation of the health damages caused by the 2nd phase on the surrounding areas. BCHD failed to include the damages to surrounding neighborhoods in its analysis, rendering it defective and requiring recirculation.

COMMENT – AESTHETICS

BCHD statement “The EIR thoroughly assesses the impacts associated with aesthetics and visual resources that could result from construction and operation of the proposed Project in Section 3.1, *Aesthetics and Visual Resources*. The EIR thoroughly assesses the impacts associated with aesthetics and visual resources that could result from construction and operation of the proposed Project in Section 3.1, *Aesthetics and Visual Resources*.” is objectively false. Making an assertion does not make it true. BCHD failed to find the highest point on 190th as an example of a technical error. BCHD failed to consider as significant the “taking” of blue sky views. BCHD failed to consider the negative, significant health impacts of shading. In short, BCHD ignored all negative impacts of its 133-1/2 foot structure above the surrounding homes.

BCHD also failed to consider the environmental justice impacts of moving its structures to the north side of the campus. The multifamily between Beryl and 190th and Prospect and Flagler is more minority, younger, lower income, and lower asset as renters than the neighborhood that BCHD conceded to that is older, much wealthier, and whiter. In short, BCHD waged an aesthetic and Environmental Justice war on the neighborhood to the north while capitulating to the rich white neighborhood to the south. The action is clearly immoral and fails to meet the EJ criteria of the state AG office. This is embedded, institutional racism, as is the targeting of wealthy, predominantly white occupants for the RCFE.

BCHD analysis of aesthetics ignores the Peeping Tom privacy invasions as well. BCHD increased the campus height from 60-feet to 103-feet from the NOI to the DEIR despite over 1200 residents signing a petition to reduce the size. BCHD increased the above ground size of the campus from 729,000 sqft to 793,000 sqft from the NOI to the DEIR by removing the underground parking from the RCFE. As a result, the aesthetics of the RCFE and now required 8-10 story parking ramp have been ignored in the analysis.

The record is replete with visualizations from Google Earth Pro demonstrating the significant “taking” of blue sky and sun from surrounding neighborhoods and recreational uses.

As is clearly documented in the record by BCHD, the existing 75-foot building would not be allowed to be rebuilt in Redondo Beach based on actual permitted structures in the past 40 years. All other cities in the table are irrelevant. The CUP and Design Process occur and permit only in Redondo Beach. Using BCHD false logic, a structure the size of the Redondo Beach Generating Station should be allowed on its parcel, since over the years, the existing station has been tolerated. BCHD errs in its conclusion that just because an economically and environmentally damaging use is currently in existence (such as the Exide Battery Plant) that another should be allowed (BCHD RCFE).

Material error – the trees on Beryl are slated for removal.

BCHD materially errs when it states “As described in Section 1.6, *Project Background*, since the inception of the proposed Project in 2017, BCHD has been dedicated to engaging in public outreach, including forming a 20-person Community Working Group (CWG) to represent the various populations and organizations in the Beach Cities and engage local participants in the planning of proposed redevelopment. The proposed Project was developed as a result of more than 60 meetings hosted over a 3-year period and attended by more than 550 community members.” BCHD ignores the voices of over 1,200 petitioners and attempts to silence their voices. There exists no location, absent 1960 Miami Beach, where such an absurd structure is consistent with the neighborhood character. The Redondo Beach City Council approved Kensington as being consistent with 30-foot high surrounding neighborhoods and that represents current precedent for RCFE in P-CF.

If BCHD were a landfill or human remains crematorium, would it be allowed to replace itself as a consistent use? No. The same is true of a 103-foot tall assisted living that services less than 10% of Redondo Beach tenants and a PACE facility that is so poorly analyzed it has no estimates of any use whatsoever and is 100% duplicative of a state-registered existing PACE facility.

BCHD's analysis of size, mass, and height is purely subjective, incorrect, and inconsistent with the comments of over 1200 petitioners.

BCHD's detailed response to invasion of privacy from a 103-foot tall building on a 30-foot hill is to the effect of: **we peep in your windows now**. Specifically, BCHD asserts “Many of the backyards in the first row of residences adjacent to the BCHD campus are visible from the fourth and uppermost floor of the Beach Cities Health Center under existing conditions.”

As with the argument that BCHD has been a dominant eyesore for 60 years and therefore has the right to build even higher on the perimeter of the lot, BCHD also asserts that they can watch your private moments now, so what's another 30 or 40 feet and the building moved from the center of campus to the most distant edge?

It can not be dismissed that BCHD recognizes the damage of locating on the perimeter and is concealing its knowledge of the damage. BCHD in the 2nd CWG meeting provided a slide that the campus concept was to insulate the surrounding neighborhoods by putting parking around the perimeter. BCHD knows that its current design is damaging and denies it. BCHD appears to falsify its FEIR by hiding known aesthetic damages that it disclosed to the CWG.

COMMENT - HAZARD AND HAZARDOUS MATERIALS

BCHD discussion fails to analysis nuclear medical waste, human remains and other biohazards remaining in the footprint of the hospital, and copious amounts of urine, human waste, and reproductive bodily fluids on BCHD property from people suffering homelessness. Based on BCHDs revelation that it currently partakes of invasion of privacy from the high floors of the buildings, there are also concern regarding bodily fluids that may be in the upper story units as well.

COMMENT – NOISE ANALYSIS

False statement by BCHD:

“Many also asserted, without substantiating evidence or expert opinion, that the proposed Project would result in impacts to school children at Towers Elementary School.”

BCHD flatly misrepresents the record. The following peer-reviewed studies were submitted to BCHD as comments to the DEIR, conclusively demonstrating that an 85db intermittent noise generator and associated vibration will impact the learning and well being of Towers students. It is simply ABHORRENT that an alleged health district that asserts a “moral obligation” to the health of surrounding residents would attempt to deny peer reviewed, NIH posted studies.

Peer reviewed impacts of intermittent noise provided to BCHD in comments:

Negative Environmental Impacts: Construction Noise, Construction Vibration, Construction Traffic, Intermittent Noise, Operational Noise, Parking Ramp Noise, Special Event Noise, Maintenance Noise, Intermittent Education Interruptions at Towers Elementary, Violation of Towers Student ADA IEP and 504 Plans

Negative Health Impacts: Mood Disorders, Sleep Disorders, Depression, Job Loss, Domestic Violence, Anxiety, Cardiovascular Disease, Stroke, Cognitive Delay

Peer-reviewed Impacts of Intermittent Noise on Students

Noise/vibration processing xlix

Cognitive development l li (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901841/>)

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3757288/>)

Learning delay lii (<https://www.edweek.org/leadership/low-level-classroom-noise-distracts-experts-say/2015/01>)

Disabilities Impacts liii

(https://www.researchgate.net/publication/264730841_The_Effect_of_a_Noise_Reducing_Test_Accommodation_on_Elementary_Students_with_Learning_Disabilities)

Damaging Dose Level Unknown liv (<http://www.edaud.org/journal/2001/4-article-01.pdf>)

Towers Elementary lv DEIR Figure 2-10 shows Towers Elementary and West High on Haul Route Health Impacts lvi (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637786/pdf/envhper00310-0128.pdf>)

Reduced Memory lvii (<https://asa.scitation.org/doi/10.1121/1.2812596#:~:text=While%20at%20school%20children%20are,%2C%20motivation%2C%20and%20reading%20ability>)

There is clear, peer-reviewed evidence that BCHDs activities of heavy haul past an operating school will cause damages to students, and the inappropriate analysis conducted by BCHD is only appropriate for an adult work setting. BCHD failed to consider the cognitive level or position of the students and the intermittent impact.

COMMENT – MN70-10

BCHD is composed of Redondo Beach, Hermosa Beach and Manhattan Beach as taxpayer owners. Not El Segundo, Torrance, Palos Verdes Estates, Rancho Palos Verdes, etc. BCHD errs in its comments by failing to take a narrow view of damages and benefits, as will occur to the surrounding neighborhoods.

MDS study plainly demonstrates that 5% of residents in RCFE will be from 90277, under 10% from Redondo Beach where the damages occur and under 20% from all 3 beach cites. As a result, BCHD flatly misrepresents its own study.

BCHD presents no evidence of any benefit whatsoever from PACE to BCHD that is incremental to the existing PACE program. Further, BCHD has no zip code or city level demographic studies from its hastily prepared decision to include PACE at the 11th hour. As a CWG member, PACE was NEVER raised in our group in over 3 years.

BCHD per CPRA responses has no spending nor benefits of programs by zip code, so, BCHD cannot defend any net benefits analysis. Further, BCHD demonstrated that 84% of covid testing benefits were for non-residents of the 3 beach cities. In short, with certainty, DAMAGES accrue to REDONDO BEACH and especially 90277, while BCHD though its own decades of sloppy and incomplete analysis cannot demonstrate any value of benefits from its programs that are not budgeted nor evaluated. The comment MN70-10 is correct as written and BCHD errs in its own self-interest and falsely asserts BCHD has analysis that BCHD asserts in CPRA responses does not exist.

COMMENT – NOISE Lmax

BCHD errs when it fails to use Lmax as the measure of sleep interruption of surrounding residential from all sources of campus noise and when it fails to use Lmax to evaluate the impacts to Towers students. As was provided to BCHD in comments, studies utilize Lmax for transportation noise evaluation and have found that single events resulting in a 10dB Lmax event impact sleep and concentration. (<https://www.mdpi.com/1660-4601/15/3/519/pdf>, <https://www.eea.europa.eu/publications/good-practice-guide-on-noise/download>) The CPUC has clearly set precedent as a CEQA agency in using Lmax to determine negative impacts and BCHD errs and attempts to negatively impact surrounding neighborhoods for decades and generations as well as during construction.

COMMENT – HEAVY HAUL ROUTE

The following statement is nonsensical by BCHD “The road segment of Beryl Street between Flagler Lane and West 190th Street would be avoided. Outbound haul trucks would instead leave the Project site from the vacant Flagler Lot by traveling west on Beryl Street, north on North Prospect Avenue, and west on West 190th Street towards Interstate (I-) 405.”

COMMENT – ENVIRONMENTAL JUSTICE

BCHD asserts that it has no impact on EJ, because it chooses a strict interpretation, unlike its moral obligation standard used with seismic on the 514 building. As a result, the 80% renters 30% minority, 30% lower income 60% younger and politically ineffective renters north of Beryl are not considered to impacted at BCHD assaults them and their neighborhood with a 400 foot long 103 foot Miami Vice building on a 30 foot tall hill. BCHD is reminded that the surrounding neighborhoods on all sides are 30 foot or less height limited. BCHD is asserting white, wealthy, homeowner privilege and sweeping its actions under the rug.

COMMENT – LACK OF CREDIBILITY OF THE CONSULTANT

Per BCHD CPRA responses, the entire board of BCHD has no experience in EIRs or their certification. Further, BCHD and SBHD skirted their obligations under CEQA to be lead agency in the cases of the 510 and 520 MOBs, thereby failing to develop and experience.

Thus, the credibility of the consultant is of high relevance.

WOOD Plc environmental practice is a very small part of the asset and revenue streams of WOOD Plc, a UK based company. WOOD Plc engages in the following environmentally damaging practice lines: off shore oil, tar sands oil, oil refining, development by US National Parks (Meridian Refining), and was designated on the London “WRECKERS OF THE EARTH: A MAP OF ECOCIDAL CAPITALISM IN LONDON” listing. It is very difficult given the revenue sources and activities of WOOD Plc to have confidence in their CEQA protection of surrounding neighborhoods.

COMMENT – PARTICULATES

Notwithstanding the content of the BCHD analysis, BCHD fails to draw a connection between the health impacts of emissions and the emissions levels. That is a failure of recent court rulings and is required.

COMMENT – SCHOOL TRAFFIC

As with BCHDs attempt to average away high levels of intermittent noise that will disturb both sleep and cognition based on peer-reviewed studies through NIH that were provided from 10-20 different persons commenting on the DEIR, BCHD fails to analyze the health and safety impacts of traffic delays, toxic idling emissions, and danger of pedestrian/student/child vs. BCHD traffic interactions. This is a failure and leaves the children/students of Torrance and Redondo Beach at quantified risk from both BCHD construction and operational traffic.

COMMENT – SCHOOL IMPACTS

RBUSD failed in its duty to students by failing to file comments as did the TUSD. As a result, the TUSD should be generalized to traffic impacts on RUHS, Shores, Parras and Beryl from excess traffic, cut through traffic, traffic delays from flagpersons, emissions, intermittent disturbances, etc. RBUSDs failure as an agency to protect their students does not free BCHD from the obligation due to its actions. Despite a number of comments regarding impacts to RBUSD schools, BCHD has no RBUSD plan for safety, drop off and pickup, intermittent noise, the use of explosives for demolition, and emissions dispersion.

COMMENT – PF3

BCHD concedes that it freely elected to both increase the height of the project and the surface square feet to maximize the impacts on Redondo Beach and minimize the impacts on Torrance. BCHD states “With regard to the proposed site plan associated with the RCFE Building, it should be noted that the Beach Cities Health District (BCHD) has already revised the building footprint to minimize the adjacency of the building with the single-family residential neighborhood to the east within the City of Torrance.”

Furthermore, as noted before, the area from Beryl to 190th between Flagler and Prospect is economically disadvantaged, non-homeowners, higher minority, younger, and less politically powerful than the wealthier, older, predominantly white neighborhoods to the east and south. As such, BCHD

waged EJ war on the City of Redondo Beach residents of the north of Beryl neighborhood. For 50-100 years, BCHD will make the renters suffer the lack of blue sky, noise echos, emissions, loss of privacy, and other negative impacts because BCHD found it politically expedient to damage the well being of those roughly 1000 people. BCHD should be ashamed of its exhibition of privilege.

COMMENT – PF12

The statement by BCHD is flatly false “1. Cul-de-sac at Tomlee Avenue: Views from this location are largely obstructed by residential development and largely already represented by Representative View 2.”

Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

The statement by BCHD is flatly false “Towers Street & Mildred Avenue Intersection: Views of the Project site from this location are located farther from the Project site and largely already represented by Representative View 3.” Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

The statement by BCHD is flatly false “3. Tomlee Avenue & Mildred Avenue Intersection: As described for the Towers Street & Mildred Avenue intersection, views of the Project site from this location are farther from the Project site and largely already represented by Representative View 3.” Dozens of Google Earth Pro simulations were provided in comments, including those views from the culdesac. Those views clearly show obstruction of sky and sun, a “taking” of blue sky, and significant negative impacts. BCHD misrepresents the record and fails to consider the comments and evidence demonstrating the impacts.

As BCHD is prone to doing, it quotes chapter and verse of inapplicable codes to various issues, including CEQA, Attorney Client Privilege, and CPRA refusals. This is another case where BCHD fails to meet the standard by providing too few views and by failing to analyze those views that were completed and provided in comments. BCHD wrongly states that it has complied with “CEQA Guidelines Section 15151 states that “[a]n evaluation of environmental effects of a proposed project need not be exhaustive...”. This is particularly true when analyzing impacts to public views, as there are many locations and orientations of views that could be considered in an analysis, and the consideration of all such views would be exhaustive and unreasonable. Instead, an analysis of aesthetic and visual resources must consider all views, but need only identify those that are the most representative and would provide “...a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental considerations” (CEQA Guidelines Section 15151).” Instead, BCHD needs to analyze comments, recognize that there are simulations, and identify the significant impacts.

COMMENT - PF16

BCHD ineptly and falsely claims that 1) it modeled the highest point on 190th (190th & Flagler) when that is clearly false and 190th & Prospect is higher, and 2) that exposing the mere peek view of the PV peninsula is adequate. The following example demonstrates the significant impact proposed by BCHD

on the PV view, and BCHDs ridiculously false claim about what a remaining acceptable (non-significant reduction) view is:



BCHD assertions that it does not have a significant aesthetic impact at even 5 stories is false. BCHD must meet the City Council's Kensington in a 30-foot tall neighborhood and be limited to 2-stories or the CUP MUST BE DENIED.

BCHD uses distorted logic when it claims "As described in Impact VIS-1, the Phase 2 development program would result in the construction of a new building(s) ranging in height from 53 feet to 68 feet above ground level and a new parking structure, reaching a maximum height of 76 feet. However, given the height of the proposed development in Phase 2, it would not be visible behind the proposed RCFE Building" Simply because BCHD blocks one set of views with a damaging building does not entitle it to continue. If anything, BCHD has demonstrated that Phase 1 is a significant impact and must be mitigated to Kensington units.

COMMENT – BCHD CESSATION OF OPERATION

BCHD has failed to include cessation of operations as its no project case. BCHD must quantitatively provide its benefits and costs to the 3 beach cites both historically and prospectively in order to determine if BCHD should continue operations. As of now, BCHD No Project Alternative is inaccurate based on codes and standards and BCHDs outside counsel's interpretation of the continued use of the hospital building as it meets all codes. Further, BCHD acknowledges that is has a Cessation of Operation scenario analysis, however without any stated reason, BCHD asserts attorney-client privilege from its clients, the owners of BCHD.

COMMENT – PF17

BCHD failed to utilize the Google Earth Pro sugar cube analysis that clearly demonstrates the negative and significant impacts of Phase 2. BCHD cannot simply avoid inconvenient inputs. BCHD Phase 2 cannot be allowed without height limits of 30 feet to be consistent with the Beryl Heights neighborhood and design guidelines. This is also consistent with the RCFE approval and precedent for Kensington.

COMMENT – PF18

BCHD currently produces negative and significant 3000K+ light damage to the surrounding neighborhoods. In its 60+ years of operation, BCHD has been a net damage to physical and mental health through Blue Zones Chronic Stress “the Silent Killer”. Comments demonstrate the current negative impacts of excessive night time lighting, including numerous photos. Comments also include the peer reviewed studies that demonstrate the negative impacts of the surround neighborhood health and well being. Nighttime lighting must be directional (current is not) and cannot exit the BCHD property. In addition, it must be 3000K or below as per the AMA guideline memo. The negative impacts of BCHD proposed outdoor nighttime lighting are peer reviewed and are:

Cancer xxii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>

Depression xxiii <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5299389/>

Ecological Damages xxiv [https://books.google.com/books?](https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one)

[hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one](https://books.google.com/books?hl=en&lr=&id=dEEGtAtR1NcC&oi=fnd&pg=PR5&ots=85Uef2g1gP&sig=HPoWrx5555Fr9i10Qrv8vxSHsBc#v=one)

Sleep Deprivation xxv <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375361/>

Weight Gain xxvi <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2972983/>

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

It is amply clear that BCHD failed to fully and correctly process citizen comments and that the draft FEIR is defective.

COMMENT PF-29

BCHD errs in its analysis of operational noise. Both the Torrance and Redondo Beach noise ordinances limit the noise at the lotline of the residential properties to the maximum residential limits. Therefore, BCHD needs to conform to 50dB daytime and 45dB nighttime levels in Redondo Beach per 4-24.301 Maximum permissible sound levels by land use categories. That would be applicable to Beryl street residential, Prospect Ave residential, and Diamond street residential. BCHD planned events are not exempt and any permits will be actively opposed.

COMMENT PF-41

As noted by Torrance, the public was denied intelligent participation in the CEQA process by the BCHD failure to provide a coherent, correct document with correct visualizations, accurate tables and complete information. The DEIR was a failed document and must be corrected and recirculated.

COMMENT WB-3

The BCHD DEIR and FEIR must be rejected if they continue to include the ill examined Phase 2 that is not stable, accurate or finite. It cannot be approved.

COMMENT WB-5

BCHD fails to meet the 0.5 FAR for the 800,000 SQFT project.

COMMENT - ALTERNATIVE 6 ERROR BY BCHD

I agree with the City of Redondo Beach that intelligent participation was not possible due to the BCHD errors in the DEIR. Absent full definition of Alternative 6, there is no way for the public to participate fully. The DEIR needs to be corrected and recirculated for this significant error.

COMMENT – WB29

BCHD simply errs in its assessment that a mere tip of PV is sufficient to avoid significant impacts. Further, BCHD failed in choosing the highest point on 190th, an error that requires correction and recirculation.

COMMENT – WB42

No variances will be permitted and all variance requests will be litigated.

COMMENT – WB44

BCHD noise must conform to lot line maximums of surrounding residential property.

COMMENT – WB47

BCHD has not provided an adequate analysis of the detrimental impacts to Prospect, Diamond and Beryl both worker commuting and heavy haul. Nor has BCHD adequately assessed the damages to the Prospect frontage road.

COMMENT – TRAO2

BCHD wrongly characterizes CEQA and the obligation of BCHD that it shirked twice in the past. BCHD was not under an obligation to serve as lead agency and BCHD is simply incorrect. As a taxpayer-owner of BCHD, I assert that a legal opinion must be disclosed to the public. We the public are spending millions in taxes and asset revenues to fund that excursion that BCHD will not provide evidence for.

COMMENT – TRAO6

BCHD has misled the public vis a vis seismic. BCHD seismic consultant and outside counsel both confirm that the building is appropriate and legal for use, that no codes nor standards require retrofit, in the case of Youssef Assoc. that best practices allow 25 years more use. BCHD is misrepresenting the issue and erred in its response.

COMMENT – TRAO7

The cost of retrofitting is wholly irrelevant. Given the statement of the outside counsel and Youssef that no codes nor standards require retrofit, the action of seismic retrofit would be malfeasance to taxpayer owners.

COMMENT – TRAO10

BCHD has replied in a number of CPRA responses that it does not have statistically representative samples for its surveys and that it does not have non-response bias estimates. Its quite clear that TRAO is correct that BCHD surveys are of dubious quality and poorly written.

COMMENT – TRAO13

The MDS study demonstrates that less than 20% of tenants for RCFE will be from the 3 beach cities and only 5% from the 90277 area where 100% of the damages occur. That is a fact not in question as it comes from BCHD own accepted studies. Therefore, if only 20% of the space is needed, the project is wildly oversized and speculative. BCHD as a public entity is not allowed to engage in real estate speculation.

COMMENT – TRAO15

TRAO accurately states that Phase 2 is unstable, that is, it is not accurate, stable and finite. As such it cannot be approved because it fails a primary requirement for a project. The City of Torrance also recognized this failure by BCHD.

COMMENT – TRAO18

TRAO appropriately recognizes that the RCFE represents a “taking” of blue sky, sun and other attributes from the lower income, more diverse, younger, renters in the north of Beryl neighbor. Those 1000 or so people are losers in an EJ war waged by BCHD. BCHD has acknowledged to Torrance that it moved the buildings from the influential neighbors of Torrance to the hapless renters of Redondo Beach.

COMMENT – TRAO20

BCHDs response demonstrates the BCHD did not read other comments and failed to use the exhibits supplied by other commenters. BCHD did an insufficient presentation of aesthetic damages in order to mislead the public.

COMMENT – TRAO22

BCHD has failed the reasonableness standard for analysis and presentation. BCHD correctly states “As stated in CEQA Guidelines 15003(i), *“CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).”* BCHD incorrectly states that it has met this standard with absolutely no evidence to support its assertion beyond its own opinion, which is heavily biased as both the PROPONENT and LEAD AGENCY. Further, none of the sitting Board members of BCHD have CEQA experience according to a BCHD CPRA response.

COMMENT TRAO31

Residents have no obligation to mitigate noise from BCHD by closing windows. In the event that BCHD exceeds noise standards, residents should require a noise metering by their City and file complaints for inadequate mitigation by BCHD.

COMMENT TRAO34

BCHD errs in failing to consider the peer reviewed impacts of Lmax on sleep and cognition. Peer reviewed studies were presented in the DEIR comments, and due to BCHD failure to process comments thoroughly, they were represented earlier in this document. Lmax impacts neighbors, nightworkers, PTSD trauma survivors, children, and especially students with ADA accommodations. BCHD reliance on average noise levels is a failure and damages the health of residents per peer-reviewed studies.

COMMENT – LETTER TO1

BCHD asserts that it is not uncommon for lead agencies without experience or expertise to use the written standards of other agencies. If BCHD were experienced and competent, it would have developed its own standards.

COMMENT - TRAO86

BCHD fails to develop a correct no project alternative. No seismic retrofit is required according to BCHD reports from Youssef, and further the outside Counsel of BCHD stated that the building meets all ongoing requirements for use. As such, the no project alternative is objectively false. The no project alternative should include use of the hospital building, but no retrofit for 20-25 years according to Youssef identification of best practice. BCHD errs, the DEIR is incorrect and must be recirculated for this horrendous material error.

COMMENT – TRAO87

Since BCHD does not prepare project or program budgets, cost accounts or financial evaluations, BCHD has no idea if reducing services will increase or decrease its net benefit or reduce its net disbenefits. BCHD has been thoroughly questioned in CPRA requests with no useful, documented responses. Therefore, BCHD has NOT adequately determined its program reduction strategy. Reduced programs could increase taxpayer value and moot the project. This requires revision and recirculation of the DEIR.

COMMENT – TRAO89

Notwithstanding the merits of TRAO89, BCHD asserts facts not in evidence when it wrongly states “This comment claims that almost all BCHD objectives do not have merit. However, this comment represents the commenter’s opinion and does not reflect the extensive deliberations that BCHD has engaged in regarding the project objectives and the substantial technical and financial analysis that have informed these deliberations. Refer to the response to comment TRAO-6 regarding the purpose and need for the seismic retrofit.”

What is clear from CPRA responses is that BCHD in nearly 30 years has not prepared program budgets, cost accounts nor benefit-cost analyses. What is clear is that BCHD has no backup for its assertions regarding the LiveWell program per LA County Health, the Blue Zones program per Healthways and Blue Zones LLC (2 for profit companies) nor the financial benefits of any other program it fields. What is clear is that BCHD does not have the capabilities to engage in “informed deliberations” based on the gross negligence of its acts as reported in CPRA responses. If the management or board of BCHD were engaged in the private sector, their performance would rate C to F and they would not receive trophies, plaques and awards from public sector paid membership organizations.

COMMENT – TRAO93

BCHD failed to correct the incorrect assertion of TRAO93 that the CHF and Adventureplex are revenue neutral. BCHD does not have sufficient budgeting or accounting practices to make that assessment.

COMMENT – TRAO110

BCHD fails to inform TRAO that BCHD has no detailed analysis of the need for a duplicate PACE facility in Redondo Beach. All zip codes in the area are already served by PACE registered with the

state. BCHD merely accepted the opinion of its multimillion dollar contract Cain Bros investment bankers absent any substantial, statistically valid research. BCHD is doing incomplete and inaccurate work responding to comments.

COMMENT - FL1-2

The comment is factually correct. The zip code data is directly from MDS. BCHD is a creation of only 3 municipalities. Those 3 municipalities purchased the campus with bond proceeds and build the hospital. Those municipalities are the only 3 governmental units that are relevant to the analysis, and according to MDS by zip code analysis, 30% of tenants are from the rest of the US, California and outside the area. 50% are from outside the 3 governmental units that own BCHD. Over 90% total are non-residents of Redondo Beach.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

For the purposes of the CUP, only the benefits to Redondo Beach are relevant, not even the benefits to the other 2 municipalities. BCHD statements are irrelevant to the requirements of a CUP on P-CF land in Redondo Beach. The BCHD project fails the basic test of having net benefits to Redondo Beach and was misrepresented to the City of Redondo Beach City Attorney. Further, in CPRA responses, BCHD acknowledges that is has not net benefits analysis for any of its programs.

COMMENT – FL1-4

BCHDs prior acts, nor the acts of any other health district cannot justify future acts. BCHD has not provided any legal opinion to its taxpayer-owners demonstrating that its planned act of providing majority ownership to a private entity that will require site control of public P-CF land is lawful.

Further, BCHD has no net benefits analysis to demonstrate that it needs current or additional revenues. It is likely that with respect to Redondo Beach, the net damages to home values and the environment exceed the meager benefit of 5%-8% tenancy of the facility for non-residents.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD

overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT - FL1-5

Kensington was subject to a CUP and design guidelines in the same manner that BCHD will be. BCHD inherited a publicly approved, voter funded failed public hospital. The hospital failed in 1984 after only 24 years of operation and was a rental building until its 1998 demise. The building exists only by happenstance as does BCHD. No precedent of BCHD prior acts are determinative to a CUP. The surrounding neighborhoods of the Kensington are essentially identical to the surround neighborhoods of BCHD. Residential and light commercial with 30 foot maximum heights. BCHD cannot expect that past, voter decisions apply to a current, 80% commercial venture. BCHD errs in its opinion.

COMMENT – FL1-6

BCHD cannot rely on its current campus and bad acts to provide cover for future bad acts. Kensington is the standard for consistency of an RCFE surrounding by residential and light commercial and any significant deviation from Kensington will be discriminatory and lead to litigation. SBHD failed to fulfill its bargain with the taxpayer-owners and there is no obligation to BCHD implied after that failure.

COMMENT – FL1-7

BCHD has no net benefits analysis available and the reference to “A quantitative analysis of BCHD’s services can be found in the Community Health Report (<https://www.bchd.org/healthreport>) as well as the Priority-Based Annual Budgets (<https://www.bchd.org/operating-budgets>)” is objectively false. BCHD has provided CPRA responses specifically stating that for its nearly 30 years of operation, it has no benefit-cost nor net benefits analysis. BCHD response to FL1-7 is either irrelevant or false or both. The accurate statement is that BCHD has no benefits analysis, because it has no program level budgets for its 40+ programs, no related cost accounting, and no benefits assessment that utilizes any standard methodology, such as CDC Polaris, for example.

COMMENT – FL1-9

BCHD falsely states that the specific damages to health are dealt with in the DEIR. They were not. For example, cognitive impacts from PMs are a direct result from the peer reviewed literature causing long term damages. BCHD asserts, without proof, that it analyzes these health damages, when it does not.

Further, BCHD uses a moral obligation to the health of the community standard as discussed by CEO Bakaly to forward its defective theory that the 514 building requires seismic retrofit or demolition. It does not, and BCHDs own outside counsel stated that fact in the July 2021 board meeting. The same moral obligation standard requires that BCHD for consistency evaluate the specified, NIH documented, peer reviewed health damages that will be caused by BCHDs actions.

COMMENT – FL1-10

Refer to the prior Kensington discussion. The surroundings of Kensington and BCHD are nearly identical with 30 foot or lesser maximum heights. The design guidelines for Beryl Heights require

conforming heights. BCHD is falsely asserting that it can damage the surrounding neighborhoods in excess of the Kensington damage in the CUP. That is a false assertion.

COMMENT – FL1-11

The comment stands as accurate. The BCHD proposed PACE is 100% duplicative of existing PACE. The existing PACE is state registered serving these zipcodes. If BCHD needs a Websters definition of duplicative, then by all means, look it up. Should there also be a Costco in each city? A nuclear reactor? A refinery? BCHD has no analysis to back up its assertion that there is any unmet need for PACE in the 3 beach cities. BCHD has no basis for duplication and use of Redondo Beach P-CF property for any non-residents of the 3 beach cities. BCHD response is objectively false.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT – FL1-12

BCHD asserts “The claim that vehicle travel to and from the Project site would result in Alzheimer’s like symptoms and delayed development is unsubstantiated and unfounded.” in the direct face of peer-reviewed, NIH posted research. BCHD as a health district claims a moral obligation to proactively protect the health of the surrounding area, however, BCHD chooses to ignore peer-reviewed research when such research is inconvenient to BCHD commercial real estate development plans. This is very similar to BCHD having no evidence that there is unmet PACE need beyond the existing PACE services available currently in the 3 beach cities.

COMMENT FL1-13

The comment is accurate and BCHDs response is irrelevant to the comment.

COMMENT FL1-15

The comment is accurate. The BCHD development will exceed the damage done to the surrounding neighbors compared to the Kensington RCFE on P-CF land. The BCHD project also fails to meet the Beryl Heights design guidelines.

COMMENT FL1-16

South Bay Hospital and District were formed to meet the specific needs of the 3 beach cities. Citations were provided to BCHD from both LA Times and the Daily Breeze. The funding was exclusively from the 3 beach cities, as was the right to property tax and the bond measure funding. South Bay Hospital was not built for the needs of non-residents from a size or cost perspective. Its election to accept federal funding required it to accept non-residents, however that was not the design nor intent of the facility.

This is well documented in the citations provided. BCHD has no basis for developing an 80% non-resident facility on P-CF land in Redondo Beach. There will not be net benefits to Redondo Beach and the CUP should therefore be denied.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-17

BCHD as it states in CPRA responses has not budgeted, conducted cost accounting, evaluation, or net benefit analysis of its programs since 1993. BCHD cannot provide any meaningful analysis to demonstrate any positive net benefits. As pointed out by LA County Health, BCHD failed in program assessment on the LiveWell Kids program by failing to include a control group. Objectively, BCHD, like SBHDs failed public hospital in 1984, has insufficient analysis, management and controls to demonstrate any net positive impact beyond the taxpayer-owner funding that it receives. As an expert witness, I do not believe I have ever witnessed an organization with so little analytical discipline. Until I provided a CPRA request, BCHD appeared unaware that 84% of its covid testing was for non-residents. LA County Health has the obligation for both services and costs for non-residents of the 3 beach cities, and BCHD fails to even track service delivery by zip code or city, again, from CPRA responses.

The analytically deficient BCHD is in no position, and has no analysis nor data, to demonstrate net benefits from its programs.

COMMENT – FL1-18

BCHD continues to err in its comments. The LA County data showed that 84% of BCHD covid testing (and therefore expenses) were for outside the 3 beach cities. Thankfully, BCHDs apparent lack of attention to detail has not killed anyone that we know of yet. And yes, the fact that BCHD fails to track benefits is relevant, because it goes to lack of benefits, which goes to false objectives, which implies incorrect alternatives. BCHD alternatives are defective because BCHD has no accurate assessment of its service delivery or value – according to BCHD CPRA responses.

COMMENT – FL1-19

Without any factual dispute, the damages to the local surrounding community are large, they are pervasive, they are disproportionate to benefits, and they are total. The permitting for the CUP is exclusive to Redondo Beach which will have less than 10% of tenants in the RCFE and BCHD has provided absolutely no analysis demonstrating any benefit to Redondo Beach residents from the duplicative PACE. What is clear, is that the CEQA and economic damages that can be considered in the

CUP will in fact be centered on the local Redondo Beach area in their entirety, as they have been for over 60 years.

COMMENT – FL1-20

The comment is accurate as it was filed. BCHD response is irrelevant and invalid.

COMMENT FL1-22

BCHD provides no fact basis for “Contrary to the assertion in the comment, the open space would not be privately owned or otherwise cordoned off for security purposes.” BCHD will be a minority owner of the development that it proposes and has denied taxpayer-owners details of the structure. The comment stands as accurate based on BCHDs released data. If BCHD has documentation of its claim, provide it. The onus of the fact base is on BCHD as the developer.

COMMENT FL1-23

The comment is accurate as written. BCHD assertion is false. BCHD has been constantly changing the project throughout the process from 60 feet to 75 feet to 103 feet tall, adding PACE, removing underground parking, adding 10 story surface parking, inserting an electrical substation, increasing surface buildings from 730K to 790K sqft, etc. The project has failed to be stable, finite or accurate throughout the EIR process from NOP to FEIR. Intelligent participation was thwarted.

COMMENT FL1-24

BCHD errs in its response. BCHD is commercially inept if it asserts that it will need to terminate all leases, as it writes. The comment is accurate as written and BCHD has both failed its obligation to develop alternatives appropriately, and defined unreasonable commercial options. Perhaps this is why South Bay Hospital failed after only 24 years?

COMMENT FL1-25

BCHD is arbitrarily absent any code or standard obligation demolishing the 514 building. As a result, BCHD has asserted an arbitrary standard. The development of community gardens has clear costs, benefits and net benefits, unlike the failed or non-existent net benefits analysis that BCHD admits to in CPRA responses for the past nearly 30 years.

BCHDs no project alternative is defective. There is no foundational basis in ordinance per the BCHD outside counsel and the BCHD seismic consultant for any seismic upgrade. The counsel asserts the building meets all codes, as does the consultant. Therefore, the no project alternative is objectively false.

Last, BCHD has failed to demonstrate any need for funding based on objective analysis of impacts and net benefits using any public health benefits model, such as the CDCs Polaris model. Therefore, any impacts to BCHD funding cannot be demonstrated to have a positive or negative impact on health. It is quite possible that the negative benefits (costs) outweigh the delivered benefits to the 3 beach cities and overall, financial welfare and health would increase if the cities used the funds in more effective manners than BCHD. I cite BCHDs recent CPRA response where it conducted NO ANALYSIS prior to donating \$20,000 worth of gift cards to the BeachLife Festival. BCHD cannot demonstrate positive net benefits, and asserting benefits does not make them so.

COMMENT FL1-27

BCHD has no analysis demonstrating that the 3 beach cities have any unmet need for a duplicative PACE facility. BCHD response to the comment is objectively false.

COMMENT FL1-28

The comment is accurate as written. BCHD MDS consultant can only demonstrate less than 20% tenancy from the 3 beach cities that own and operate the BCHD. If BCHD is developing a commercial enterprise for outside the 3 beach cities, then the P-CF zoning must be changed to commercial. The 3 beach cities chartered the SBHD that failed and was ultimately renamed to BCHD. They did not charter it to service outside the 3 beach cities. Citations from LA Times and Daily Breeze have been provided a number of times to substantiate the intent of the SBHD development.

COMMENT FL1-29

BCHD errs in its response. 514 is no longer a public hospital. It failed in 1984. Therefore the discussion is irrelevant. BCHD has wrongly asserted a moral obligation to retrofit or demolish 514 absent any lawful need. The comment stands as accurate.

COMMENT FL1-30

The comment is accurate as written. BCHD cannot defend its purpose and need (benefits) nor its objectives, and therefore, its alternatives are unproven. BCHD per CPRA has failed to budget, analyze or assess its programs for nearly 30 years and has no determination nor documentation of cost-effectiveness in delivery of services.

COMMENT FL1-30 [SIC]

The comment is accurate as written. BCHD provides no demonstration of net benefits for the RCFE since over 80% of the monolith will service non-residents of the 3 beach cities while all the damages fall inside Redondo Beach.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-31

BCHD errs in its response. BCHD mission statement does not include commercial real estate. BCHD has no analysis of net benefits for RCFE for the 3 beach cities. BCHD has no charter that extends beyond the 3 beach cities. BCHD does not even track the location of service delivery, per CPRA responses. In short the objectives are unsupported by any tangible fact base. BCHD cannot demonstrate current or future revenues are needed, because it cannot provide any substantiation via analysis of net

benefits to the 3 beach cities due to analytical and process failure of management and the board. BCHD objectives are inherently defective as they flow from lack of facts and analysis.

COMMENT FL1-32

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-33

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-34

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD can provide no fact base of net benefits to the 3 beach cities based on its CPRA responses.

COMMENT FL1-35

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-36

The comment is objectively true and supported as it was written using CPRA and BCHD fact base.

COMMENT FL1-37

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. Therefore, having demonstrated the lack of foundation of both, BCHD alternatives are de facto invalid. FL1-37 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT – BCHD PROJECTS FAIL TO PROVIDE ANY EVIDENCE OF NET BENEFITS

Because this series of comments demonstrates using BCHD own data that it cannot demonstrate net benefits, because it fails to evaluate them, then BCHD has both invalid Objectives and Alternatives. As such, BCHD has NO DEMONSTRATED NET BENEFITS to justify any environmental damages, especially, any unmitigated damages in any form.

COMMENT FL1-38

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD requires the use of a CEO stated moral obligation standard to desire and support seismic retrofit, while BCHD refuses to use the same moral obligation standard to protect the health and well being of surrounding neighborhoods.

COMMENT FL1-39

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid. FL1-39 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-40

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD has provided no peer-reviewed or otherwise scientific studies or evidence that any specific amount of open space is required. Worse yet, BCHD provided a specious argument regarding prior, also unfounded plan space, which is misleading and irrelevant. Comment FL1-40 is accurate and stands as written. BCHD has provided no valid counterargument and the related BCHD Objective is nullified.

COMMENT FL1-41

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD continues to make the specious argument that 70% of tenants are expected to be from a 5 mile radius. However, per BCHD own MDS consultant, less the 10% of tenants will be from Redondo Beach and less than 20% from all 3 beach cities together. 80% will be non-residents and BCHD will be consuming scarce public land use and public zoning for activities that do not provide net benefits to Redondo Beach. The comment is accurate, BCHD response is misleading and specious. BCHD Purpose and Need, and related Objective is invalid.

Even BCHD CEO Bakaly states that he project needs to meet the needs of the public, and clearly that public is comprised of the 3 beach cities that founded and funded the failed South Bay Hospital and that also fund, own, and operate the BCHD. The condemnation decree that established the right to the land clearly stated that it was for the benefit of the 3 beach cities (Hermosa, Redondo, Manhattan Beach) “[S]aid BCHD CEO Tom Bakaly. “This is the public’s project, and it needs to meet their needs.” The needs of the public that owns the BCHD is only 20% of the RCFE units according to BCHD consultant. Therefore the public is being damaged by 400% more than required as BCHD overbuilds a commercial development. BCHD own work clearly demonstrates the need for the 3 beach cities to be only 20% of the RCFE, and BCHD has no analysis whatsoever to demonstrate that the duplicative PACE facility serves any need over the existing PACE facility registered with the State for all zip codes proposed to be serviced by the BCHD PACE. (Bakaly @ <https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>)

COMMENT FL1-42

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid. FL1-42 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-43

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD failure to address statistically valid, net benefits based current and future revenue needs demonstrates the technical insufficiency of both the Purpose and Need (Benefits) and derivative Objectives. BCHD lack of budgeting, cost accounting and net benefits analysis for the enterprise programs beginning in 1993 is the cause of the failure and root of the lack of the data for any benefits analysis.

Therefore, having demonstrated the lack of foundation of both Purpose and Need and Objectives, BCHD Project Alternatives are de facto invalid and any derivative analysis is technically inaccurate and insufficient. FL1-43 is accurate, fact based using BCHD data, and demonstrates a chain of failure by the public agency to have a benefits case that can be used to defend any environmental impacts or project.

COMMENT FL1-44

The comment is objectively true and supported as it was written using CPRA and BCHD fact base. BCHD requires the use of a CEO stated moral obligation standard to desire and support seismic retrofit, while BCHD refuses to use the same moral obligation standard to protect the health and well being of surrounding neighborhoods. No project alternative that includes demolition or retrofit is technically valid. Further, BCHD outside counsel stated that the building meets all needed codes and standards in the July 2021 Board meeting, therefore the No Project Alternative is objectively false and misleading.

COMMENT FL1-45

The comment is objectively true, demonstrates conclusively that BCHD has a pattern of ignoring public input that is counter to its pro-development interests and that the statement of known concerns is insufficient. Further, BCHDs misleading response reinforces that the voices of the over 1200 neighborhood resident petitioners was not considered. That single block of voices exceeds all other BCHD project input. The results of EIR, failing to consider and implement reduced height and size, are defective and technically insufficient.

COMMENT FL1-46

For over 60 years, BCHD and SBHD have polluted the surrounding areas with non-directional, non-shield lighting. Numerous complaints have been made to BCHD and as demonstrated conclusively in photo evidence, BCHD continues to have excess nighttime lighting. Furthermore, BCHD continues to ignore 2015 American Medical Association guidance that outdoor lighting be 3000K or less. The totality of studies demonstrate to a sufficient level that BCHDs moral obligation standard requires the building to be set back for health purposes, non reflective surfaces be mandatory for health purposes, noise absorbing surfaces be required for health purposes, and excessive night time lighting be curtailed for health purposes. BCHD CEO Bakaly established that BCHD has a moral obligation to the community regarding health, and this is objectively a violation of that stated moral obligation of the CEO. Therefore, failure to adhere to the BCHD Policy of moral obligation renders the EIR counter to BCHD stated CEO level policy and invalid.

COMMENT BCHD RESPONSE ERRORS TO NIH PEER-REVIEWED STUDIES AND POOR QUALITY OF WORK IN RESPONSES

BCHD takes a far too narrow view of all of the peer-reviewed studies and there falsely rejects them as not substantial evidence. BCHD is simply incorrect and also due to its own poor quality work, has failed to interpret the comments accurately and apparently lacks the scientific, logic and health knowledge to interpret peer reviewed medical research. ***BCHDs lack of expertise denies the public intelligent participation in CEQA.***

BCHD states “The reference linking nighttime lighting to mental disorder, *Sunshine, Serotonin, and Skin: A Partial Explanation for Seasonal Patterns [SIC] in Psychopathology*, specifically addresses season exposure to sunlight and also does not reference shade or shadows. Again, none of these studies or literature reviews meet the definition of substantial evidence provided in CEQA Guidelines 15384.”

BCHD errs. Error #1: As BCHD ultimately notes, the reference is for the impacts of shade and shadowing, not excess nighttime lighting. Error #2: The absence of light caused by shade or shadowing is the absence of sunlight and the NIH, peer-reviewed study is on point. Error #3: As such, the reference, as do the others, does meet the burden of 15384.

If BCHD is incapable of addressing the translation of shade and shadowing to lack of exposure to sunlight, then BCHD has demonstrated to any reasonable person standard that it is incompetent in science, logic and health and only seeks to build its commercial development while damaging the health of surrounding neighborhoods. BCHD has demonstrated that it is unable or unwilling to separate its roles as PROJECT PROPONENT from LEAD AGENCY.

COMMENT FL1-49

BCHD acknowledges that it plans to generate radioactive and other toxic waste and transport it on a routine basis from the site.

COMMENT FL1-50

BCHD ignores the preponderance of NIH peer reviewed evidence that intermittent noise disrupts cognitive processes for children. As such, BCHD noise averaging ignores intermittent events. Noise averaging was developed for workplace safety and evaluation, not for use in educational settings. BCHD errs, the analysis is technically defective, and must be remediated and recirculated.

BCHD also assumes that its strict reliance on AQMD and other local standards will adequately protect children. BCHD makes no such assumption regarding the seismic capability of the ordinances related to the 514 building. In fact, the CEO explicitly expounds on a BCHD moral obligation standard to protect the health of the community, and promptly ignores the current ordinances for a BCHD moral obligation standard that is much more stringent.

Obviously BCHD is not concerned with the health of the surrounding residents, only with its development objectives as project proponent. Further, the CEO standard of moral obligation makes the BCHD response counter to existing BCHD policy.

COMMENT FL1-51

BCHD states “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.” BCHD errs by using the incorrect measurement for intermittent noise.

Intermittent noise is demonstrated in studies provided to BCHD to interrupt sleep and cognition. Intermittent noise is also demonstrated in studies provided to BCHD to cause stress. Stress is demonstrated to BCHD to be the “Silent Killer” by Blue Zones LLC, a company that BCHD has paid millions of dollars to for advice. It is unclear how millions of dollars of expenditures for advice can translate into irrelevance.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

BCHD errs in its statement that sirens at all hours of the day and night are negligible. BCHD provides no evidence of its laughable 10 second estimate as well, thereby rendering its response as false.

COMMENT FL1-54

BCHD did ignore recreational impacts. In the NOP the category was removed. In the DEIR, the category of impacts was not present. Comments to the NOP specifically required recreational analysis and were ignored by BCHD. BCHD statement is demonstrably false.

BCHDs demand substitution argument is specious and without any analysis. There is not an unlimited supply of fields at any temporal moment and therefore, absent BCHD demonstrating such, this is a significant impact on recreation and must be mitigated fully by BCHD.

COMMENT FL1-57

BCHD introduces facts not in evidence in the DEIR.

COMMENT FL1-59

BCHD has consistently left non-directional lighting on 24/7/365. The lighting indiscriminately interrupts that ability to sleep of surrounding residences and BCHD has demonstrated its inability to moderate its negative impacts. Comment FL1-59 stands as written based on the fact base and numerous peer-reviewed studies of the health damages of excess nighttime lighting.

COMMENT FL1-61

BCHD fails to use its CEO policy of a moral obligation to the health of the community by failing to consider the specific health impacts, such as early onset Alzheimer’s from its proposed actions. BCHD is expressly against CEO policy.

COMMENT FL1-63

It is a simple, uncontested fact that Leq is unable to measure Lmax events in a meaningful way. For example, a gunshot each hour is a significant Lmax event but would fall as rounding error to an 8 hour Leq, even if the gunshot were in a library. Thus Leq is the incorrect measure and Lmax must be used

for intermittent noise, such as, sirens, traffic, construction, etc. to determine their impacts, including Blue Zones LLC chronic stress “the Silent Killer” on the surrounding community. This is literally a question in grade school math and averaging.

COMMENT FL1-64

The original comment is fact based and accurate. BCHD has absolutely no evidence that its intermittent noise will not impact some residents in a manner consistent to peer reviewed studies. BCHD uses peer reviewed studies to develop its services. Further, BCHD ascribes 100% value to those studies, since BCHD acknowledges that it does not evaluate its programs to determine their cost effectiveness. Thus, BCHD has set a standard through its own usage of peer-reviewed studies of acceptance. BCHD flatly contradicts its ordinary operating procedures as an institution by denying the studies. As the LA County of Health noted on LiveWell Kids, BCHD failed to setup a framework for analysis and evaluation of the program. Therefore, BCHD is apparently non-expert in evaluation and must accept peer reviewed studies as evidence, even if not conducted on the target area..

COMMENT FL1-72

Quite simply put, BCHDs inability to do transitive processing is a stunning failure in logic, health and science. Peer reviewed articles definitively link many events that will occur with BCHD construction and operation to stress. Peer reviewed articles definitively link stress with damaging health. BCHD statement “For example, neither of these literature reviews mention construction, noise, traffic, etc. or other issues that have been raised” is patently absurd and self serving to the Proponent role only. Ample studies have been provided to demonstrate the creation of stress, and this peer reviewed article links the stress with physical damages. BCHD is ignoring valid, peer reviewed research when it does not support its role as PROPONENT of a commercial project. The original fact based comment stands as accurate.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-1

BCHD CEO Bakaly as made a public, unqualified policy statement “we are a health district that has a moral obligation to be proactive and protect the people in our community” in https://www.youtube.com/watch?v=RCOX_GrreIY

In the event that BCHD attempts to delete the file, it has been archived. This “moral obligation” CEO policy is very important evidence as to the policy of BCHD. The CEO cites “moral obligation” as the reason for ignoring the standing codes and ordinances for the 514 building and deciding that the seismic issues will be mitigated as a health protection despite having no legal obligation. The CEO established a BCHD policy that its “moral obligation” exceeds the mere metric of the law.

In a CPRA response, BCHD reneged on the policy and stated that children, students and other community members will be forced to endure the lagging laws and standards and will not gain the benefit of the moral obligation. This calls all of BCHD unwritten CEQA policies and evaluation metrics into question, as the public no longer can have intelligent participation as BCHD has no

published CEQA metrics for evaluation and cannot rely on the word of the CEO, unless they fall into the very narrow category of providing direct benefits to the BCHD. The comment is accurate as filed and BCHD hypocritical application of the Bakaly moral obligation standard will be an issue on September 8th and at the Cities.

COMMENT FL2-8

BCHD response is bizarre. It selected one single article on mitigation of stress and then complained that the article does not contain the per se specifics of the BCHD. BCHD ability to generalize, especially from Blue Zones LLC, a company paid multi-million dollars in tax funding from BCHD. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error. Further, BCHD has already declared that the project induces stress in the public.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-9

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from stress is faulty. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

COMMENT FL2-10

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from traffic, noise, and caused stress is faulty. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

COMMENT FL2-11

Again, BCHD failure to use logic, science and health knowledge to generalize from peer reviewed articles to health damages from excess nighttime lighting is faulty and morally repugnant. BCHD CEO asserts a moral obligation standard to the community. Moral obligations are not dependent on the audience, they are absolute by definition. The original comment stands as written, supported by numerous peer reviewed studies. BCHD failure in application is BCHDs own error.

BCHD has caused and currently causes excess nighttime lighting as demonstrated with numerous photos in comments. There is no expectation that BCHD will moderate its 60 years of bad behavior. Excess nighttime lighting and darkness deprivation are documented causes of physical and mental health damages. The peer reviewed studies were provided to BCHD. BCHD is, and its 133-foot, 800,000 sqft campus plan will, create additional excess nighttime lighting and therefore will increase physical and mental health damages. BCHD assertion that no peer reviewed studies demonstrate that BCHD excess nighttime lighting is currently causing damages is anti-science and surely against the CEO standard of moral obligation to the community. BCHD surely understands the basics of science, health and logic, or, is that a faulty assumption? I am ashamed of BCHD attempt to shirk its responsibility under CEQA and as a local public health agency.

COMMENT – FL2-18

BCHD errs again by assuming that Leq is the correct measure for all neighbors, all health conditions, at all times of the day. Lmax is a more appropriate measure of intermittent noise by definition, as Leq ignores intermittent noise events and averages them across 8 hours. For example, a 60 second 85dB noise event will register strongly on Lmax, but be averaged away in Leq space. The City of Redondo Beach has noise standards for 5 min and 1 hour average noise, but at no time does the City permit the use of 8 hour noise measures in its ordinances. BCHD has been provided ample peer reviewed evidence for the health damages of intermittent noise in cognitive process, development, sleep interruption, etc.

COMMENT – FL2-21

BCHD errs. The studies demonstrate a generalization of patterns of physical and mental health damages from noise, such as the intermittent noises caused by BCHD construction and ongoing operations. BCHD 8 hour averaging would willfully ignore the 10,000 heavy trucks intermittent damages. BCHD fails in its moral obligation standard and CEO should be forced to retract it and his errant choice to demolish the 514 building.

COMMENT – FL2-25

Again, BCHD fails to generalize the damages from peer reviewed studies of the reduction in privacy on physical and mental health to its 133 foot tall monolith with clear views into bedrooms, bathrooms, living rooms, and yards. BCHD errs. BCHD routinely generalizes peer reviewed studies in its program design, yet when confronted with studies that are counter to BCHD development desires, it denies that generalization is appropriate. Even absent BCHD stated Moral Obligation standard, this is an error in science, health and logic.

BCHD expects via its errant comments that there exist peer reviewed studies for the expansion of BCHD and its myriad negative health impacts on the surrounding neighborhoods. Using that stringent standard and faulty logic, BCHD would have no programs, as no peer reviewed (evidence based) studies could ever be used by BCHD to support program development. All would fail as they were not exactly the same audience, location, timing, or other attributes that BCHD is attempting to use to invalidate peer reviewed, NIH published studies. Worse yet, BCHD in CPRA responses has acknowledged, as has LA County Health, that BCHD does not do statistically valid, rigorous program evaluation. In fact in the case of LiveWell Kids, BCHD is precluded from a formal evaluation because it failed to establish a control group.

BCHD wrongly asserts the following impossible to meet standard with respect to the use of peer reviewed, NIH, health literature “For example, the comment provides citations for two articles with no clear connection to the proposed Project or the EIR analysis.” The articles make clear scientific connection to the negative impacts of privacy reduction on physical and mental health, and without any dispute, BCHD project at 133 feet or more above neighborhoods, will invade home privacy in the surrounding residential uses, thereby causing physical and mental health damages.

COMMENT FL2-26

Yet again, BCHD denies that peer reviewed, NIH published, studies are applicable to the residents of the 3 beach cities, the surrounding neighborhoods, or the physical and mental health damages scientifically demonstrated in the articles provided to BCHD that clearly link noise to health damages. Further, the studies imply that BCHD use of 8 hour noise averaging minimizes that ability to identify the damages that BCHD will cause. BCHD errs.

COMMENT FL2-27

As with FL2-26, BCHD errs and denies that peer reviewed studies are generalizable to the BCHD area, population, or activities. BCHD will need to revise its development of programs to avoid the use of any peer reviewed studies that do not directly address the BCHD surrounding population. BCHD is both ignoring its own policy of a moral obligation to protect the community and its own ordinary practice of using the results of evidence based studies to prepare its own programs.

COMMENT MN84-1

Without dispute, the current design of the HLC approved by the BCHD Board in June 2020 received more negative comments at the Board meeting, and more negative comments in the DEIR comments than the previous design. Not surprising since the original design was 60 feet tall, and the final design is 103 feet tall. Further the initial design with underground parking had only 729,000 sqft of above ground buildings and the final with the 8-10 story parking ramp in a residential neighborhood has nearly 800,000 sqft of surface buildings.

CEO Bakaly himself has declared the previous design to be stress inducing, therefore, BCHD has made the linkage between the HLC and mental/physical health damages caused by stress.

By simple logic, the current design with even more opposition is even more stress inducing. But only if equally stress inducing, the fact is indisputable that BCHD has declared HLC stressful. Therefore, BCHD CEO has declared the project to be stress inducing without challenge. The peer reviewed NIH studies represent the BCHD chosen method of research for evidence basis on its programs, so that is an accepted process to BCHD. Therefore, BCHD project is causing stress and peer reviewed studies, including by Blue Zones LLC demonstrate the strong causal relationship between stress, early death, and physical/mental health damages. Therefore, BCHD errs.

CEO Bakaly stated “It was clear to Bakaly and the Health District that the original Healthy Living Campus was ‘stressing people out.’” (<https://easyreadernews.com/redondo-beach-residents-eye-healthy-living-campus-plans/>) Therefore, BCHD has already acknowledged, in fact declared over 2 years ago, that the original HLC was stress inducing. The current HLC has greater quantitative measures of opposition and negative comment, and is therefore at least as stress inducing, and logically, MORE stress inducing. BCHD has publicly declared via its CEO that the project is causing stress, and that is a fact not in dispute.

Martinez, Oscar

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Thursday, September 2, 2021 2:53 PM
To: Brandy Forbes
Cc: Martinez, Oscar
Subject: Re: Inquiry regard BCHD

WARNING: External e-mail

Please verify sender before opening attachments or clicking on links.

Thanks. I've literally been the proponent for billion\$ in projects and have never seen the level of CEQA incompetence that BCHD is exhibiting. We are 2 business days away from the self-certification meeting and we have nothing yet. Thankfully Redondo did the 510 and 520 Medical Office Building enviro work, or we'd have 100-foot tall structures lining Prospect, also across from residential. It's too bad a competent agency didn't do this EIR, but, it is what it is.

Thx!

On Thu, Sep 2, 2021 at 2:46 PM Brandy Forbes <Brandy.Forbes@redondo.org> wrote:

Mark,

The City of Redondo Beach has not received an official final EIR document from Beach Cities Health District.

Thank you,

Brandy Forbes

Community Development Director

Department of Community Development

415 Diamond Street

Redondo Beach, CA 90277

(310) 318-0637 x2200

brandy.forbes@redondo.org

www.redondo.org



From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Wednesday, September 1, 2021 1:47 PM
To: Brandy Forbes <Brandy.Forbes@redondo.org>; Martinez, Oscar <OMartinez@torranceca.gov>
Subject: Inquiry regard BCHD



*ATTN: Email is from an external source; **Stop, Look, and Think** before opening attachments or links.*

Has either Torrance or Redondo received the draft FEIR from BCHD? It is not posted and we're only a week away, with several days of holidays and obligations. Further, I expect the document to easily be 1000 pages and a design that has been withheld from the public based on the responses to comments that was posted at noon last friday.

Thanks!

Please note that email correspondence with the City of Redondo Beach, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt. The City of Redondo Beach shall not be responsible for any claims, losses or damages resulting from the use of digital data that may be contained in this email.

Martinez, Oscar

From: Martinez, Oscar
Sent: Thursday, September 2, 2021 3:53 PM
To: 'Mark Nelson (Home Gmail)'; Brandy Forbes
Subject: RE: Inquiry regard BCHD

Mr. Nelson,
The City of Torrance has not received a copy of an official FEIR.

Oscar Martinez

Planning & Environmental Manager – Community Development Department
City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov |
www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Mark Nelson (Home Gmail) [REDACTED]
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To: Brandy Forbes <brandy.forbes@redondo.org>; Martinez, Oscar <OMartinez@TorranceCA.gov>
Subject: Inquiry regard BCHD

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From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Thursday, September 2, 2021 3:57 PM
To: Martinez, Oscar
Cc: Brandy Forbes
Subject: Re: Inquiry regard BCHD

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Please verify sender before opening attachments or clicking on links.

Thanks. I guess we'll be giving up our weekend. If you were not aware, BCHD dumped out their campus plan on June 12th 2020 at 6PM and then approved it after 3 business days on June 17th. This is a well understood tactic of BCHD to minimize public engagement and input.

I'll be shining up my reading glasses for the weekend! Thx!

On Thu, Sep 2, 2021 at 3:52 PM Martinez, Oscar <OMartinez@torranceca.gov> wrote:

Mr. Nelson,

The City of Torrance has not received a copy of an official FEIR.

Oscar Martinez

Planning & Environmental Manager – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax | OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

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Thanks!

Martinez, Oscar

From: Mark Nelson [REDACTED]
Sent: Thursday, September 2, 2021 7:01 PM
To: Martinez, Oscar
Cc: Brandy Forbes
Subject: Re: Inquiry regard BCHD

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I'm assuming you both received links shortly later. It's a hard read. Changes are unclear and simulations are poor and contain. Prior heights. Very difficult to follow.

Sent from my iPhone

On Sep 2, 2021, at 3:56 PM, Mark Nelson (Home Gmail) [REDACTED] wrote:

Thanks. I guess we'll be giving up our weekend. If you were not aware, BCHD dumped out their campus plan on June 12th 2020 at 6PM and then approved it after 3 business days on June 17th. This is a well understood tactic of BCHD to minimize public engagement and input.

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Oscar Martinez

Planning & Environmental Manager – Community Development Department

City of Torrance | 3031 Torrance Blvd | Torrance CA 90503 | 310-618-5870 voice | 310-618-5829 fax |
OMartinez@TorranceCA.gov | www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Mark Nelson (Home Gmail) [REDACTED]
Sent: Wednesday, September 1, 2021 1:47 PM
To: Brandy Forbes <brandy.forbes@redondo.org>; Martinez, Oscar <OMartinez@TorranceCA.gov>
Subject: Inquiry regard BCHD

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Has either Torrance or Redondo received the draft FEIR from BCHD? It is not posted and we're only a week away, with several days of holidays and obligations. Further, I expect the document to easily be 1000 pages and a design that has been withheld from the public based on the responses to comments that was posted at noon last friday.

Thanks!

Martinez, Oscar

From: Robert Ronne [REDACTED]
Sent: Sunday, September 5, 2021 8:33 AM
To: Furey, Pat; Chen, George; Mattucci, Aurelio; Griffiths, Mike; Ashcraft, Heidi; Kalani, Sharon; Walser, Jack; Sullivan, Patrick
Cc: Santana, Danny; Martinez, Oscar; Robert Ronne
Subject: BCHD "Final" EIR Debacle

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All:

Thank you for your continued commitment to protecting the interests of Torrance and its residents against the massive expansion proposed by BCHD. BCHD's ill-advised project will disproportionately impact Torrance residents, to the extent of jeopardizing the health, safety, and welfare of thousands of vulnerable children and the elderly.

As you are (painfully and acutely) aware, with the "short notice before a holiday weekend" release of its "final" EIR, BCHD has continued its practice of "jamming" both the public and responsible agencies, such as Torrance. Over the past 2 years, BCHD has routinely truncated our time and ability to respond to the shabby and rushed EIR process which BCHD has chosen to implement.

In that regard, BCHD's callous disregard for others is probably causing you all to work over this long holiday break. Hence, this weekend communication to you all, which will be (uncharacteristically for me) brief.

I see three areas which merit further comments to the final EIR by Torrance as a responsible agency. (These are the areas from my view over which Torrance has discretion, and which will, perhaps later in the process, be the subject of staff review of permit applications by BCHD, and then Torrance Commission and/or Council hearings, as well as potential litigation).

Those three (3) areas are:

- 1) The "local access" ordinance, which prevents any use by BCHD of Torrance land, particularly Flagler Lane or Flagler Alley, for ingress and egress to the project (i.e., no "service road", no "curb cut", no sidewalks, etc).
- 2) The Hillside Overlay ordinance, which prohibits entirely the use of any and all Torrance land to support in any fashion the BCHD project. Thus, the BCHD project may not use any part of Torrance land for their project (the entire area up to Beryl is in the Hillside Zone), including for

necessary shoring and/or grading to build retaining walls, or to construct any other elements needed by BCHD to further their project.

3) Even if Torrance land is not used for access to the project or for building retaining walls, I am as certain as a lay person can be that the Flagler slope, with those creaky boards providing support, cannot withstand the construction process and/or bear the heavy load of the weight of a 6 story building. At a minimum, the final EIR should have included a complete and honest engineering study addressing in detail the issue of the stability of Flagler slope during each, every and **all** phases and timeframes of the project construction. BCHD's proposed massive construction project and towering structure will certainly deprive Torrance land of lateral and subjacent support, causing a potential collapse of the hillside (which is about 30 feet high at points, and while not vertical, appears to be well over a 45 degree slope. This is a recipe for instability).

Thus, a collapse of that hillside land onto Flagler Lane, Flagler Alley, and perhaps into homes in Torrance during and/or after construction is a real possibility, and that is not a legally permissible result.

If you feel it is appropriate, please address these items in Torrance's comments to the "final" EIR issued. Finally, I (strongly) urge Torrance to consider litigating the EIR once BCHD files their NOD. One would surmise BCHD will attempt to move forward with their project "no matter what", and intervention by use of the legal process seems inevitable. BCHD's failing to take into account the physical risk to Torrance property and its residents is a shocking conscious disregard of our City and its citizens.

Finally, in all honesty the way BCHD has handled this matter is an insult to Torrance, particularly to its hard working staff and its elected officials. Each of you have other pressing matters which BCHD's illegal conduct impinges on.

If you have any questions, comments, or concerns, please feel free to contact me.

Very Truly Yours,
Law Offices of Robert R. Ronne
By: Robert R. Ronne.

Martinez, Oscar

From: Ann Wolfson [REDACTED]
Sent: Tuesday, September 7, 2021 1:14 PM
To: Furey, Pat; Chen, George; Walser, Jack; Griffiths, Mike; Mattucci, Aurelio; Ashcraft, Heidi; Kalani, Sharon; City Clerk; Chaparyan, Aram; Santana, Danny; Martinez, Oscar
Subject: Letter Regarding Response to BCHD's Final EIR

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Dear Honorable Mayor, City Council Members, and City Officials,

Thank you in advance to you for your vigilance in your attention to the BCHD project that will impact many Torrance residents.

I am writing to you to make you aware of **just a few** of the many omissions and deficiencies not addressed in their FEIR, that is set for a Certification Public Hearing on Wed, Sept. 8 at 6:00 p.m.

As you know, BCHD is the Project Applicant, Lead Agency and Certifier of the Final EIR. They are judge and jury in the CEQA process. Therefore careful review by the responsible agencies, the Cities of Torrance and Redondo Beach, who are experienced in reviewing CEQA requirements and intent is essential.

Why is it important? The residents of Torrance and Redondo Beach will experience the impacts of health and safety hazards, traffic, congestion, and noise for over 5 years of construction. The City of Torrance will be responsible for the health, safety and well being of its residents and schools. City services such as police, fire, roads, traffic enforcement, hazardous materials, emergency services, will be taxed.

And, ultimately, if this misguided project goes forward, permanent damage to residents and schools in the surrounding neighborhoods and loss of the panoramic open views for many thousands of South Bay residents, what our community is known for.

In fact, in a likely and dangerous precedent of things to come, they nearly completely ignored the requests of their CEQA Responsible Agencies: the City of Torrance and City of Redondo Beach.

Here are a few reasons the Final EIR is not acceptable to the City of Torrance, and does not meet the letter or intent of CEQA requirements.

BCHD has:

- Deflected City of Torrance requests to reduce the height and scale of the project, citing incompatibility with municipal code on scale, mass with surrounding neighborhoods. BCHD's response to the request asserts the visual impact is "less than significant" with mitigation.
 - Denied and deflected suggestion to reposition the campus further west.
 - Denied the fact that it is in conflict with City municipal code and Torrance's assertion that the project would the municipal code: the scale, mass and character of the RCFE is incompatible with surrounding residents.
- Noise remains a "Significant and Unavoidable Impact" exceeding CEQA required thresholds for both intermittent and monthly averages "for Phase 1 and Phase 2". No additional mitigations for noise were made. Without reducing Noise, the Board will likely approve "Overriding Considerations" in this CEQA category.
- Did not address Torrance Hillside ordinance and neglected to adequately address Torrance's comment to "identify and analyze the slope and series of retaining walls along the eastern border of the Project site."

According to the Converse Consultants report they cite:

- A key bulleted finding: "Variable thickness undocumented fill soils were encountered in the borings. The undocumented fill is not considered suitable for any slab or foundation support." And further conclusion, "Due to the undocumented fill encountered at the site, we recommend the future planned building site be over-excavated..." "Over-excavation for retaining walls...If loose, disturbed, or otherwise unsuitable materials are encountered at the bottom of excavation, deeper removal will be required until firm native soils are encountered."

Note: Flagler Alley is currently narrowed to approx. 6-10 ft. wide due to the 30 ft. hillside deterioration and sliding of soils on the east side of their property, near home property lines to the east.

- They've not included any mention of a petition signed by over 1200 voter registered local residents in Section 1.8 - Known Areas of Public Controversy.

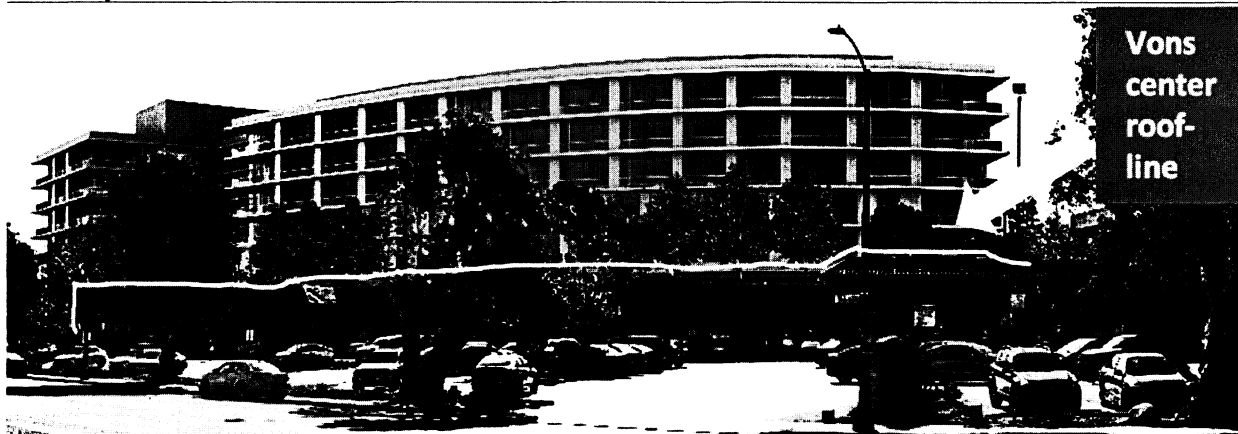
See some example excerpts of the responses to comments below:

Request from City of Torrance and many commenters to reduce height and provide setbacks,

BCHD's response to comment:

“... the height of the RCFE Building was also raised from 4 stories to 7 stories to further minimize the total building footprint. However, the bulk and mass of the RCFE Building was focused behind the Redondo Village Shopping Center, which provides a setback of 250 feet and also forms a step-down in building height to the single- and multi-family residential development along Beryl Street.”

Reality: Here is Vis 2 from the DEIR Here's what it looks like from Vis. 2 below:

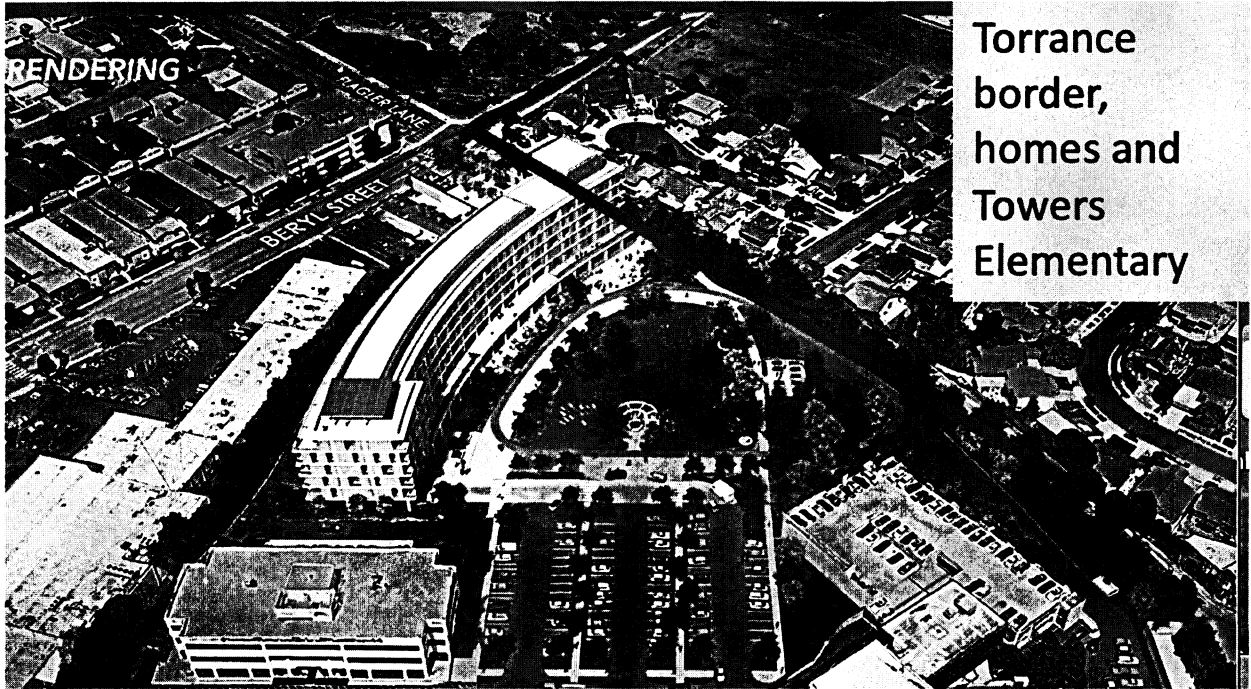


Request from City of Torrance, and many commenters to also set back structure away from homes to the East of the property.

BCHD's response to comment:

“BCHD is unable to located (sic) the building footprint further to the west due to the constraints associated with the existing BCHD campus. The building footprint must accommodate the continued operation of the Beach Cities Health Center as well as the Providence Little Company of Mary Medical Institute Building. The site plan must also accommodate internal circulation roads and pathways between these buildings. Further, while BCHD is considers ways to accommodate floor to ceiling height reductions to achieve Mitigation Measure (MM) VIS-1, **additional setbacks in the RCFE Building cannot be accommodated** without a substantial reduction in Assisted Living units and Memory Care units.

Reality: BCHD's Rendering of Phase 1 shows proposed proximity to Torrance homes to the east and Towers Elementary School and options for repositioning further east.



Torrance
border,
homes and
Towers
Elementary

Please exert any authority that Torrance has, including possible litigation, to protect its citizens.

Sincerely,
Ann Wolfson