

BLUE FOLDER ITEM

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

CITY COUNCIL MEETING JANUARY 7, 2025

J.1 PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

- **PUBLIC COMMUNICATION**

From: [Stop BCHD](#)
To: [CityClerk](#); [Michael Webb](#); [Kevin Cody](#); [Marc Wiener](#); [Sean Scully](#)
Subject: Fwd: Public Comment - Non-Agenda Items - Jan 6 2025 Council Meeting - Spot Upzoning of BCHD and 200 N PCH Parcels Violates GC 65852
Date: Tuesday, January 7, 2025 1:19:22 PM
Attachments: [Public Comment - City of RB State Law Violation of Inequitable FARs across Zones 1-3-2025 \(1\).pdf](#)

CAUTION: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Public Comment - Highlighted version of the public comment to be added into the official record of the General Plan, EIR Amendment, and any action on Zoning regarding P-CF.

----- Forwarded message -----

From: **Stop BCHD** <stop.bchd@gmail.com>
Date: Mon, Jan 6, 2025 at 10:00 AM
Subject: Public Comment - Non-Agenda Items - Jan 6 2025 Council Meeting - Spot Upzoning of BCHD and 200 N PCH Parcels Violates GC 65852
To: Eleanor Manzano <cityclerk@redondo.org>, Nils Nehrenheim <nils.nehrenheim@redondo.org>, <paige.kaluderovic@redondo.org>, <todd.loewenstein@redondo.org>, <scott.behrendt@redondo.org>, Zein Obagi <zein.obagi@redondo.org>, Michael Webb <michael.webb@redondo.org>, <marc.wiener@redondo.org>, Sean Scully <sean.scully@redondo.org>, <joy.ford@redondo.org>, <cheryl.park@redondo.org>, James Light <james.light@redondo.org>
Cc: Kevin Cody <kevin@easyreadernews.com>, Garth Meyer <gmeyer@easyreadernews.com>, <douglas.boswell@redondo.org>, <wayne.craig@redondo.org>, <sheila.lamb@redondo.org>, <gale.hazeltine@redondo.org>, <robert.gaddis@redondo.org>

In Rutan & Tucker (RUTAN) correspondence to the Council on behalf of BCHD, RUTAN cites Government Code 65852 with the following:

["All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones." (emphasis added) In *Neighbors in Support of Appropriate Land Use v. Tuolumne County* (2007), the courts held that "the foundations of zoning would be undermined if local governments could grant favored treatment to some owners on a purely ad hoc basis. Cities and counties unquestionably have the power to rezone and their decisions to do so are entitled to great deference; but rezoning, even of the smallest parcels, still necessarily respects the principle of uniformity.]

BCHD has requested to be spot upzoned to a 1.25 FAR for its P-CF zoned parcel. Council has taken the first step to the spot upzoning by conducting an \$18,000 environmental analysis that supports only the action of spot upzoning of the single BCHD parcel.

Assuming that RUTAN is not attempting to mislead the Council, and that RUTAN provided a faithful interpretation of GC 65852, then the Council

CANNOT spot upzone the BCHD parcel without providing uniform treatment to all P-CF. Per GC 65852, all P-CF parcels require uniform treatment (see RUTAN above "even the smallest parcels still necessarily reflects the principle of uniformity.)

Further, the Council increased the FAR of 200 N PCH to 1.25. 200 N PCH is zoned P-SF, yet other P-SF parcels were not granted the uniformity REQUIRED by GC 65852 as provided in comments by RUTAN.

Last, the 415 Diamond parcel is zoned P-CIV, and has no peers in P-CIV. Therefore, it appears that it has, and can remain, FAR 1.25 as its own zone.

This is a very concerning issue to the residents and taxpayers impacted by the proposed spot upzoning of the BCHD parcel. The Council appears bound to the principle of uniforming in FAR assignment within zones - and - the Council appears on a path of violation of GC 65852 with both the spot upzoning of the 200 N PCH parcel and the BCHD parcel. We ask the Council to adhere strictly to the law and reevaluate its non-uniform zone restrictions in favor of full compliance with GC65852 as presented by RUTAN on behalf of its client BCHD. If the Council believes that RUTAN provided false information, the public has a right to know that as well. Thank you.

StopBCHD.com

SUBJECT: Public Comment - BCHD's Law Firm RUTAN's Legal Argument to the Redondo

Beach Council and City Attorney was based on Incorrect Information

The following narrative explains how Rutan & Tucker LLP (RUTAN) correspondence to the City of

Redondo Beach regarding BCHD contains material errors that render at least some of its claims moot.

Neither BCHD, RUTAN nor the City of Redondo Beach City Attorney appear to have reviewed the

RUTAN correspondence nor vetted the claims. The errors were glaring and simple to find.

Based on BCHD's claims of suing the City, undoubtedly predicated on this attorney work, correspondence and advice of RUTAN, the City of Redondo Beach Council spent \$18,000 on an

unnecessary Addendum to its General Plan EIR. Should the City of Redondo Beach continue to increase

the FAR of BCHD to 1.25 based on false assertions, the surrounding property owners will be further

damaged by larger commercial activity, especially since BCHD and the privately owned development it

plans will service 80% to 95% non-residents of the District and over 90% non-residents of Redondo

Beach. All damages will accrue to the health, welfare and property values of surrounding residents.

We enter this into the record at Redondo Beach and request the City Council protect surrounding property owners and reverse its intent to grant BCHD a 1.25 FAR based on flawed legal analysis and incorrect “facts” by RUTAN.

The Council record has many references to BCHD’s proposed litigation, the Council’s reaction, and the Council’s choice to prepare an Addendum based on BCHD’s litigation threats. HOWEVER – THE CITY FAILED TO ASSESS THE FALSE NATURE OF THE ARGUMENTS PRIOR TO ITS CONSIDERATION OF THE EIR ADDENDUM. It is not the job of the residents to review and interpret legal correspondence, despite the fact that we suffer the damages of the City’s failure to do so in a timely fashion.

Rutan & Tucker LLP (RUTAN) represents the real estate development actions of BCHD and AES owner Leo Pustilnikov. RUTAN filed comments at least twice (June 26, 2023 and again January 31, 2024) on behalf of BCHD and claimed in brief:

“similarly situated properties in the City with a public or institutional (P) land use designation and PCF zoning designation are owned and controlled by the City, for which there is a different maximum FAR of 1.25.”

RUTAN goes on to further claim:

“the City is seeking to establish a parcel-specific land-use restriction which limits the Campus to a unique 0.75 FAR not shared by its own public or institutional (P) designated properties of a similar size and use.”

Both statements misrepresent the facts of the situation, either by error or intent, and are FALSE

The only parcels with proposed 1.25 FAR are 415 Diamond (P-CIV zoned) and 200 N PCH (P-SF zoned). As RUTAN notes, BCHD is P-CF zoned. All three parcels are Public-Institutional (P-I) land use, but all three have different zoning and therefore belong to different zones, despite sharing a common land use designation.

Furthermore, the P-I land use previously had a Planning Commission determined FAR. That is no longer allowable in California as planning standards must include objective standards and measures.

Therefore, FARs must be assigned and quantitative. The City elected to determine a default FAR for PI

land use of 0.75. BCHD is currently built out to 0.77 FAR. BCHD as one of about 20 P-I land use parcels was by default assigned the 0.75 base FAR. The other two public safety parcels in different zones were assigned 1.25 FAR. A single Google search of “City of Redondo Beach zoning map” refers directly to the City of Redondo Beach’s website and color coded GIS maps of zoning. All zoning can be confirmed by observation.

As stated at the beginning of this correspondence, the City Council appears to have acted in reaction to BCHD’s litigation threats when it spent \$18,000 on an Addendum to the EIR. The public has never heard any discussion of the inaccuracies in the RUTAN correspondence and we can only assume that at least some of the basis for the Council’s action was ill considered. This is a request for the Council to order a thorough analysis of the RUTAN work, evaluate it for accuracy, and then consider whether or not the material error presented, along with the Council’s ordered review and analysis nullify the litigation threat sufficiently to leave BCHD parcel at 0.75 FAR in the default P-I baseline. The attachment that follows provides a more in-depth analysis of the RUTAN incorrect assertions and their resulting incorrect conclusion based on Government Code 65852.

ANALYSIS OF RUTAN COMMUNICATION TO THE CITY OF REDONDO BEACH The RUTAN Communication on behalf of BCHD

BCHD's counsel, RUTAN, made the following statement to the City of Redondo Beach:
A. THE PROPOSED FAR REQUIREMENTS FOR PROPERTIES WITH A PUBLIC OR INSTITUTIONAL (P) LAND USE DESIGNATION VIOLATE GOVERNMENT CODE § 65852. (emphasis added) The proposed FAR requirements violate the uniformity requirements of the Planning & Zoning Law. As required under Section 65852 of the Government Code (emphasis added), with regards to zoning districts:

“All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.” (emphasis added) In *Neighbors in Support of Appropriate Land Use v. Tuolumne County* (2007), the courts held that “the foundations of zoning would be undermined if local governments could grant favored treatment to some owners on a purely ad hoc basis. Cities and counties unquestionably have the power to rezone and their decisions to do so are entitled to great deference; but rezoning, even of the smallest parcels, still necessarily respects the principle of uniformity. This is because a rezoning places a parcel within a general category of parcels (those in the new zone), all of which are subject to the same zoning regulations. The county’s action in this case, by contrast, placed the [landowner’s] land in a class by itself.”

Similarly, there appears to be one parcel of its size with a public or institutional (P) land use designation and P-CF zoning designation subject to this proposed maximum FAR of 0.75 – the Campus. Why? Because the other similarly situated properties in the City with a public or institutional (P) land use designation and P-CF zoning designation are owned and controlled by the City, for which there is a different maximum FAR of 1.25. In essence, the City is seeking to establish a parcel-specific land-use restriction which limits the Campus to a unique 0.75 FAR not shared by its own public or institutional (P) designated properties of a similar size and use."

Let's assume that RUTAN is not attempting to mislead the Redondo Beach City Council or City Attorney and is factually providing and applying Government Code 65852. It is important that RUTAN is not deliberately misleading the Council, because Council members have made numerous statements following the RUTAN assertions based the need for "spot upzoning" BCHD to 1.25 FAR on the RUTAN representation of Government Code 65852 (GC 65852) and litigation threats.

The resulting action of the Council will disadvantage surrounding residents and take property value from them that will likely not be compensated. A 0.75 FAR will not create the level of destruction of neighborhood character and property value as the 1.25 FAR that RUTAN advocates for above. Dissection and Analysis of the RUTAN claim

1. RUTAN appears correct that all three parcels in its discussion (BCHD, 415 Diamond, 200 N. PCH) are in the proposed land use of Public-Institutional (P-I). RUTAN created its own naming convention of "public or institutional (P)" but it's meaning is clear from context.
2. RUTAN appears incorrect in its assertion that the BCHD and other City-owned parcels are zoned PCF, yet have different FAR. There are none. BCHD is P-CF. 415 Diamond is P-CIV. 200 N PCH is PSF. (see <https://redondobeachgis.maps.arcgis.com/apps/PublicInformation/index.html?appid=56b9e46bf9014bf08684b8e53a4658cb>) If different zoning within land use allows for different regulations for those zoned parcels, then there is no violation of GC 65852 from having different regulations for the three parcels. Clearly, that is not consistent with the meaning of the RUTAN communication nor its assertion that BCHD should have 1.25 FAR because the other two parcels are in the same zone as BCHD and have 1.25 FAR.
3. Having established that the three parcels in the RUTAN discussion have different zoning (P-CF, PCIV and P-SF) the only consistent theory that supports BCHD and RUTAN is that the parcels share

P-I
land use (called P by RUTAN).

4. The proposed default Floor Area Ratio (FAR) by the City of Redondo Beach for the default land use of P-I (including BCHD) is 0.75 FAR. The exception is two parcels that are currently zoned P-CIV and P-SF within the P-I land use and have a proposed 1.25 FAR. BCHD and all others are defaulted.

5. Based on the RUTAN presentation and its interpretation of GC 65852, all P-I land use must have the same regulations, that is, the same FAR in this discussion. P-I is broad and encompasses schools and school property, City property, and BCHD. Therefore, the choices can be other than only 0.75 and 1.25 FAR, however whatever FAR regulation that is selected must be uniform for all P-I per RUTAN claim.

6. If the RUTAN theory and interpretation of GC 65852 is correct, then the Redondo Beach addendum to the PEIR for the General Plan supporting 1.25 FAR for BCHD is in error. The PEIR invests in the false narrative that the three parcels in P-I land use can somehow be endowed with a 1.25 FAR, while all other P-I parcels are relegated to some non-uniform FAR. The RUTAN interpretation and theory does not allow for selective “upzoning” nor “downzoning”. The theory requires “regulations shall be uniform for each class or kind of building or use of land throughout each zone” directly from GC 65852. The three parcels have no commonality other than their land use of P-I. They do not share common zoning.

7. If the RUTAN theory and interpretation of GC 65852 is incorrect (willfully or in error), then there is no issue with BCHD (P-CF) having a different FAR than P-SF and P-CIV parcels within the land use P-I. GC 65852 also states “the regulation in one type of zone may differ from those in other types of zones.” If the City of Redondo Beach’s P-I is not the “zone”, but the actual zoning (e.g., P-CIV, P-CF) is the “zone”, then those parcels are allowed to have different regulations and the BCHD 0.75 FAR is not in violation of the GC.

8. Under the RUTAN theory as advanced, the “zone” is the land use, P-I. All P-I parcels MUST CARRY THE SAME REGULATIONS, including FAR per GC 65852.

9. If the RUTAN theory as advanced is incorrect and the “zone” is at the zoning level of P-CF,

P-SF, and P-CIV, then the RUTAN theory does not support the conclusion that BCHD must be allowed the same FAR as the P-CIV and the P-SF parcels. The three parcels would represent three distinct zones.

10. Either way, whether RUTAN is correct or incorrect, the current situation of different regulations within land use (P-I) and different regulations within zoning (P-SF, P-CIV, P-CF) fails to satisfy the requirement of GC 65852. P-CF's carry different FARs and P-SFs carry different FARs within parcels. This is not allowed based on RUTAN interpretation of GC 65852.

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StopBCHD.com (StopBCHD@gmail.com) is a Neighborhood Quality-of-Life Community concerned about the quality-of-life, health, and economic damages that BCHDs 110-foot above the street, 800,000 sqft commercial development will inflict for the next 50-100 years. Our neighborhoods have been burdened since 1960 by the failed South Bay Hospital project and have not received the benefit of the voter-approved acute care public hospital since 1984. Yet we still suffer 100% of the damages and we will suffer 100% of the damages of BCHDs proposal.

TO: Redondo Beach City Council, City Attorney, Planning Commission, Planning Director, Planning Manager

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nils.nehrenheim@redondo.org,
paige.kaluderovic@redondo.org,
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marc.wiener@redondo.org,
sean.scully@redondo.org

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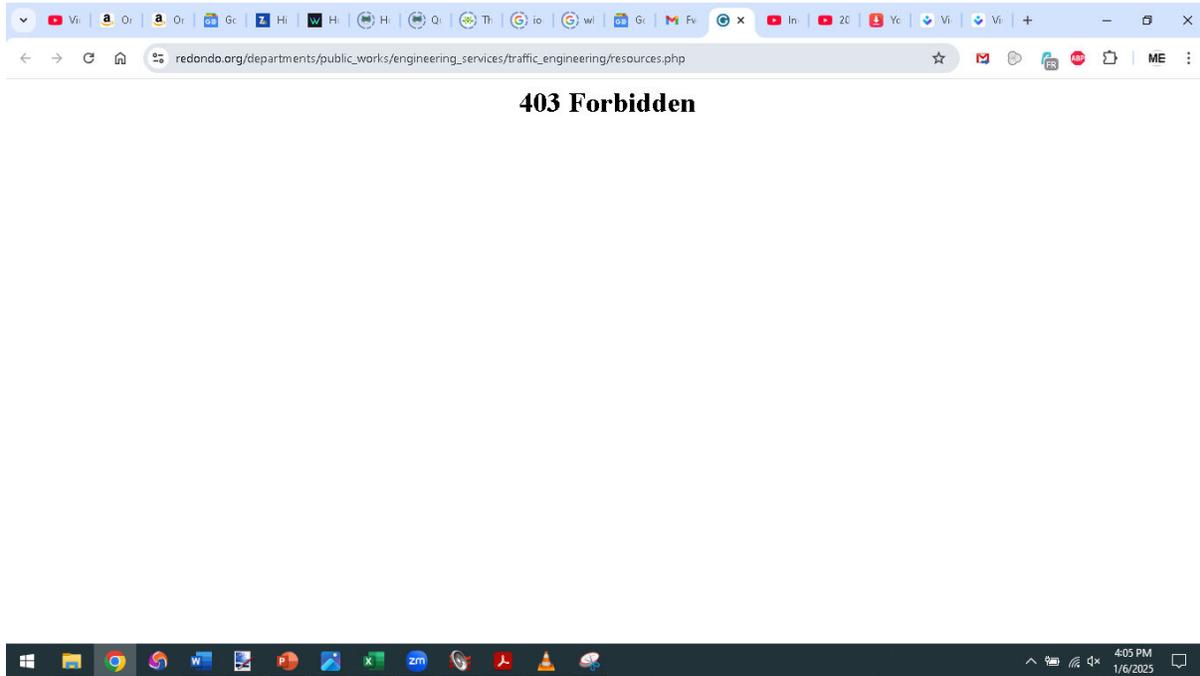
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From: [Mark Nelson \(Home Gmail\)](#)
To: [Paige Kaluderovic](#)
Cc: [City Clerk](#); [Nils Nehrenheim](#); [Todd Loewenstein](#); [Scott Behrendt](#); [Zein Obagi](#); [Kevin Cody](#); [Michael Webb](#); [Darryl Boyd](#)
Subject: Re: Fw: Prospect improvements
Date: Monday, January 6, 2025 4:15:11 PM
Attachments: [Outlook-1620250106.png](#)
[img001.png](#)
[img002.png](#)

CAUTION: Email is from an external source. Stop, Look, and Think before opening attachments or links.

Last email. Given my travel schedule, this email serves as my signature and support for speed abatement plans. Further, we have literally 100's of hours of video of wrong was drivers on the one-way portion of the frontage. I will ask my security company to prepare some video samples and enter them into the record as a public comment on this issue yet this month. Thank you.

On Mon, Jan 6, 2025 at 4:06 PM Mark Nelson (Home Gmail) <[REDACTED]> wrote:
The link seems to be dead at this moment.



On Mon, Jan 6, 2025 at 4:04 PM Mark Nelson (Home Gmail) <[REDACTED]> wrote:
Very helpful, thanks. The noise sources are all to the east of Prospect and the unmitigated, significant noise from BCHD, along with traffic and other damages has already reduced property values by \$170M in RB and Torrance within 1/2-mile. Further, BCHD has removed the buffer of the surrounding neighborhoods from their plans, so we face long term financial damages to property values without some meaningful noise solution.

BCHD LIED to its Community Working Group at its VERY FIRST Community Meeting

May 2017 Meeting
BCHD committed to protecting surrounding neighborhoods from its development and operation by providing a buffer zone and building in a center core area

June 2017 Meeting
BCHD reiterated protection

July 2017 Meeting
BCHD provided an architect's plan for high rise buildings build on the edge of the site, up against Redondo Beach and Torrance residential neighborhoods

While BCHD was misrepresenting its plan to the CWG - BCHD was secretly working with Architects to REMOVE THE PROMISED BUFFER ZONE

From BCHD FEIR -
"the EIR identifies a potentially significant noise impact as construction noise levels cannot be mitigated to a less than significant level due to technical issues and constraints associated with the construction of noise barriers for the proposed Project."

BCHD is willfully electing to damage surrounding neighborhood value and resident health with unmitigated noise from a project that will service 80% to 95% non-residents on 100% District resident owned land. The least we can get as surrounding property owners and residents is a buffer.

On Mon, Jan 6, 2025 at 3:43 PM Paige Kaluderovic <Paige.Kaluderovic@redondo.org> wrote:
Mr. Nelson,

I received your email regarding concerns for the 500-600 block of Prospect and the median between Prospect and the frontage road. In collaboration with Mr. Boyd and city staff we met with residents of your

block early last month to discuss these issues and possible solutions. Below is an email update following that meeting that details what our next steps are to address this. I will be sure to include you on future communications on this topic.

Regards,

Paige Kaluderovic

Mayor Pro Tem

Council District 3

310.697.3819 - voice.text.fax

[415 Diamond St., Redondo Beach, CA 90277](mailto:paige.kaluderovic@redondo-beach.org)



From: Paige Kaluderovic

Sent: Thursday, December 19, 2024 12:30 PM

To: Darryl Boyd <[REDACTED]> Karen Heck <[REDACTED]> Dennis Heck <[REDACTED]> Bernard Dubois <[REDACTED]> David Monaghan <[REDACTED]>

Subject: Prospect improvements

Good afternoon,

I wanted to update you on what was discussed at our meeting earlier this month. I've included the emails for the neighbors I have been in contact with, but if you could please share with others I would greatly appreciate it.

Repairing the irrigation systems and replanting median shrubbery that is hardy that will provide privacy and noise mitigation:

- Public works have put this work into their schedule and will begin toward the end of January. When I have more information on the exact dates, I will be sure to get the word out to all neighbors. And we will look to coordinate in regard to the street sweeping times there.

Building a block wall or other fencing like that near South High School:

- I have requested a Budget Response Report (BRR) for the cost to build a block wall or something similar to what is near South High School. This will not come back until we are ready to discuss the next budget cycle in June. A couple things to note about these options:
 - The fencing near South High is designed to prevent pedestrians from crossing PCH midblock, not sound attenuation.
 - Some things to think about with a block wall: there is a potential it could create an "echo chamber" effect on the resident's side. Also, it can unintentionally create a false sense of security for drivers on Prospect, inadvertently increasing speeds. So, these are things we should study further.

Measures to reduce speeds on Prospect:

- Our traffic engineers are evaluating what measures can be implemented here - including speed tables. This may take some time as this is new measure, and we need to include our emergency response teams in the conversation.
- RBDP has conducted traffic details and installed the digital signage for a period of time in this stretch and will continue to make this location part of their attention as available. I encourage residents to call our non-emergency line (310) 379-5411 to report and request enforcement.

Reducing the sirens for emergency responders on Prospect:

- I've spoken with our police and fire teams about this. This is an emergency route, one of few that travel North to South. In the past, when the hospital was operational, it is very possible they would turn their sirens off as they are entering the property. But this is no longer the end destination for emergency vehicles, so the sirens are needed. That being said they are aware of the issue and will be judicious about the use of the sirens to the extent they are able.

Options to change the ingress/egress access to the frontage road to prevent cut-through traffic:

- Our traffic team is working up some options. They will consult RBDP and Rbfd and present them to our Public Works & Sustainability Commission as well. During the process we gather resident feedback.

Installing speed cushions on the frontage road

- This is definitely something that can be done. There is a procedure in place for these requests please see below and the attached forms.

*The City has a policy for approving speed cushions/speed bumps, which requires resident support before a speed survey is conducted. We did a quick check of the **500-600 frontage block of Prospect** (not the main road) and ruled out easy technical reasons that would preclude installation, like steep slopes or critical emergency access. Attached are the following:*

- The City's speed cushion policy.
- A notification letter on our letterhead that you can share when circulating the petition. We will not mail this out. The letter has a QR code link of the above policy so that residents can read it on their own devices.
- The actual petition for residents to read, consider, and sign. Please print as many copies as you need; this is the ticket to the next step. We do some verification of residency and may ask for proof of address (utility bill) if the name doesn't match our owner records. Please avoid widely circulating the full results of the petition so that we can minimize potential conflicts between neighbors if this reaches the public meeting stage.
- The address list of residences. Per our internal map program, there are 27 residences with frontage along the subject block. The 2/3 threshold is based on this.

I want to thank you for taking the time to meet with everyone. I realize it difficult to make time with work and family schedules. Bringing everyone into the conversation is always helpful. Have a great holiday season and we will continue to work on ways to make improvements there.

Regards,

Paige Kaluderovic

Mayor Pro Tem

Council District 3

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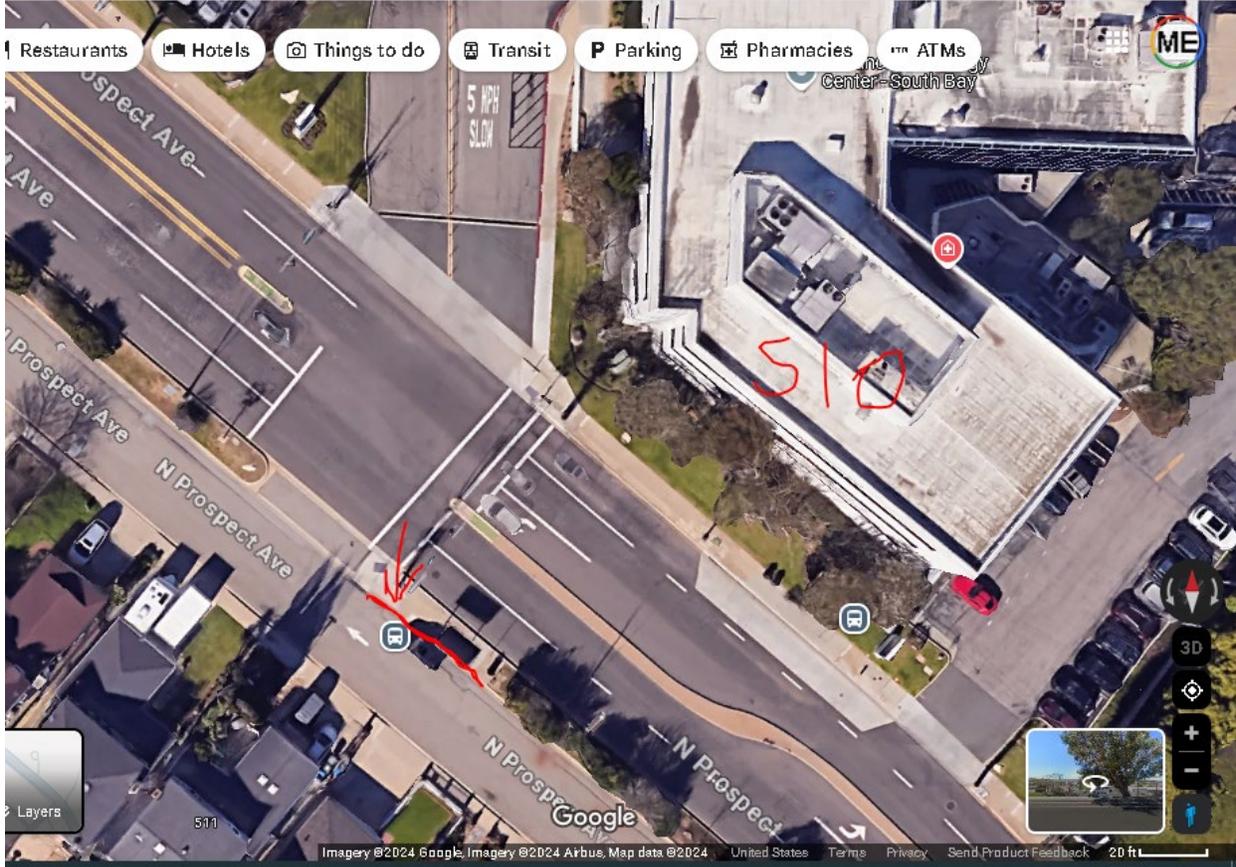
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From: [Mark Nelson \(Home Gmail\)](#)
To: [CityClerk](#); [Michael Webb](#); [Mike Witzansky](#)
Subject: Public Comment - AB413 Compliance - Red Curb Needed on 500 blk N Prospect Frontage at BCHD Entrance
Date: Wednesday, December 25, 2024 1:40:34 PM
Attachments: [image.png](#)

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The bus stop and crosswalk services a high number of youth and disabled. It is very dangerous to have vehicle parked there, obscuring visibility.

Please comply with AB413 an paint that curb red to improve pedestrian safety at the designated crosswalk.



From: [Stop BCHD](#)
To: [Communications](#); [CityClerk](#); [Nils Nehrenheim](#); [Todd Loewenstein](#); [Zein Obagi](#); [Paige Kaluderovic](#); [Scott Behrendt](#); [Michael Webb](#); [Garth Meyer](#); [Kevin Cody](#)
Subject: Public Comment - BCHD Board Member Vanessa Poster's Re-election FACEBOOK claims
Date: Thursday, December 26, 2024 6:02:42 PM

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PUBLIC COMMENT - RECORDED - Wow - From Board Member
Vanessa Poster's BCHD RE-ELECTION FACEBOOK ACCOUNT

[Re-Elect Vanessa Poster, Beach Cities Health District.](#)



May be an image of text

[Beach Cities Health](#)

Practicing gratitude has incredible effects, from improving our mental health to boosting our relationships with others. Explore ways you can be more appreciati... See more

Comment

[BCHD Over-Development](#)

Public Comment - Recorded - Taxpayers pay the BCHD CEO and CFO \$590,000 a year. Shouldn't they be removed and their pay allocated to direct health care instead of EXECUTIVE OVERHEAD?

Like

Reply



Author

[Re-Elect Vanessa Poster, Beach Cities Health District](#)

[BCHD Over-Development](#) thank you so much for caring about our community. As I have said multiple times... let's schedule a time to sit down and talk about your concerns!

[3d](#)

Reply

[BCHD Over-Development](#)

[Re-Elect Vanessa Poster, Beach Cities Health District](#) - PUBLIC COMMENT - RECORDED - Let's be honest - not like your testimony on October 1 2024 misleading the RB City Council with a made up statement that the Planning Commission was admonished by the City Attorney on the Record. That was CLEARLY FALSE. You've been offered a number of meetings - even a public debate. No one from StopBCHD or TRAO will EVER meet with you in private. We have full expectations that the entire meeting will turn into a FALSE PRESS RELEASE by BCHD. That's your demonstrated relationship with the public. At some point - you need to apologize publicly to the CITY COUNCIL and BCHD needs to condemn your false testimony.

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StopBCHD.com (StopBCHD@gmail.com) is a Neighborhood Quality-of-Life Community concerned about the quality-of-life, health, and economic damages that BCHDs 110-foot above the street, 800,000 sqft commercial development will inflict for the next 50-100 years. Our neighborhoods have been burdened since 1960 by the failed South Bay Hospital project and have not received the benefit of the voter-approved acute care public hospital since 1984. Yet we still suffer 100% of the damages and we will suffer 100% of the damages of BCHDs proposal.

From: [Stop BCHD](#)
To: [CityClerk](#); [Nils Nehrenheim](#); [Paige Kaluderovic](#); [Todd Loewenstein](#); [Scott Behrendt](#); [Zein Obagi](#); [Michael Webb](#); [Marc Wiener](#); [Sean Scully](#); [Joy Ford](#); [Cheryl Park](#); [James Light](#)
Cc: [Kevin Cody](#); [Garth Meyer](#); [Douglas Boswell](#); [Wayne Craig](#); [Sheila W. Lamb](#); [Gale S. Hazeltine](#); [Robert Gaddis](#)
Subject: Public Comment - Non-Agenda Items - Jan 6 2025 Council Meeting - Spot Upzoning of BCHD and 200 N PCH Parcels Violates GC 65852
Date: Monday, January 6, 2025 10:01:41 AM

CAUTION: Email is from an external source; Stop, Look, and Think before opening attachments or links.

In Rutan & Tucker (RUTAN) correspondence to the Council on behalf of BCHD, RUTAN cites Government Code 65852 with the following:

["All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones." (emphasis added) In *Neighbors in Support of Appropriate Land Use v. Tuolumne County* (2007), the courts held that "the foundations of zoning would be undermined if local governments could grant favored treatment to some owners on a purely ad hoc basis. Cities and counties unquestionably have the power to rezone and their decisions to do so are entitled to great deference; but rezoning, even of the smallest parcels, still necessarily respects the principle of uniformity.]

BCHD has requested to be spot upzoned to a 1.25 FAR for its P-CF zoned parcel. Council has taken the first step to the spot upzoning by conducting an \$18,000 environmental analysis that supports only the action of spot upzoning of the single BCHD parcel.

Assuming that RUTAN is not attempting to mislead the Council, and that RUTAN provided a faithful interpretation of GC 65852, then the Council **CANNOT** spot upzone the BCHD parcel without providing uniform treatment to all P-CF. Per GC 65852, all P-CF parcels require uniform treatment (see RUTAN above "even the smallest parcels still necessarily reflects the principle of uniformity.)

Further, the Council increased the FAR of 200 N PCH to 1.25. 200 N PCH is zoned P-SF, yet other P-SF parcels were not granted the uniformity **REQUIRED** by GC 65852 as provided in comments by RUTAN.

Last, the 415 Diamond parcel is zoned P-CIV, and has no peers in P-CIV. Therefore, it appears that it has, and can remain, FAR 1.25 as its own zone.

This is a very concerning issue to the residents and taxpayers impacted by the proposed spot upzoning of the BCHD parcel. The Council appears bound to the principle of uniforming in FAR assignment within zones - and - the Council appears on a path of violation of GC 65852 with both the spot upzoning of the 200 N PCH parcel and the BCHD parcel. We ask the Council to adhere strictly to the law and reevaluate its non-uniform zone restrictions in favor of full compliance with GC65852 as presented by RUTAN on behalf of its client BCHD. If the Council believes that RUTAN provided false information, the public has a right to know that as well. Thank you.

StopBCHD.com

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StopBCHD.com (StopBCHD@gmail.com) is a Neighborhood Quality-of-Life Community concerned about the quality-of-life, health, and economic damages that BCHDs 110-foot above the street, 800,000 sqft commercial development will inflict for the next 50-100 years. Our neighborhoods have been burdened since 1960 by the failed South Bay Hospital project and have not received the benefit of the voter-approved acute care public hospital since 1984. Yet we still suffer 100% of the damages and we will suffer 100% of the damages of BCHDs proposal.

From: [Stop BCHD](#)
To: [Communications](#)
Cc: [CityClerk](#); cityclerk@hermosabeach.gov; cityclerk@manhattanbeach.gov; [Kevin Cody](#); executiveoffice@bos.lacounty.gov; [Holly J. Mitchell](#); [info](#); tevains@scng.com
Subject: Public Comment All Agencies - There is no "emergency" due to seismic standards at BCHD
Date: Friday, January 3, 2025 9:42:30 AM

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BCHD CEO has asserted in the Daily Breeze that BCHD may seek "emergency" funding to demolish the 514 building. Any claim of an emergency is patently false and will be opposed in every venue by the public. As a public agency, BCHD has an obligation to tell the FULL TRUTH at all times.

We remind the agencies of Board Member Poster's accusation in testimony at the October 1 2024 Redondo Beach City Council meeting that the Redondo Beach City Attorney had admonished the Planning Commissioners "on the record" for targeting BCHD. That was demonstrated to be FALSE.

There is neither any emergency, nor any legal obligation to demolish 514 N Prospect and BCHD CEO's false claim must be rejected.

CITY OF LA and COUNTY OF LA ORDINANCES DO NOT APPLY INSIDE THE CITY OF REDONDO BEACH

LA RETROFIT ORDINANCE

In October 2015 City of Los Angeles adopted -
Mandatory Earthquake Hazard Reduction in Existing Concrete Buildings

Compliance Timeline

- 3 years – Submit checklist to determine if building is subject to ordinance
- 10 years – Submit detailed evaluation
 - Comply w/ordinance requirements
 - Plans for seismic upgrade to comply w/ordinance
 - Plans for demolition
- 25 years – Complete all retrofit or demolition work

Ordinance represents "Best Practice"

City of Redondo Beach has not adopted ordinance, yet

Any seismic retrofit work for BCHD towers considered voluntary at this time



Youssef states that if City of LA ordinance applied to BCHD, it would have 25 years to complete all retrofit or demolition!

City of Redondo has NO Seismic Ordinance

BCHD is electively demolishing the building – NO REQUIREMENT

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From: [Mark Nelson \(Home Gmail\)](#)
To: [Paige Kaluderovic](#)
Cc: [CityClerk](#); [Nils Nehrenheim](#); [Todd Loewenstein](#); [Scott Behrendt](#); [Zein Obagi](#); [Kevin Cody](#); [Michael Webb](#)
Subject: Public Comment: 500-600 Block N. Prospect Ave
Date: Monday, January 6, 2025 3:28:54 PM

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Public Comment - City Council with Focus on D3:

The current state of the dirt berm between the Prospect frontage and "big" Prospect is a mess. It looks terrible. There's dust and dirt everywhere. There's emissions, road noise, and visual blight. Furthermore, BCHD self-approved their EIR with SIGNIFICANT, NON-MITIGATED noise damages to the surrounding residents. It seems more and more likely that we need a sound wall, not shrubbery, and certainly not dirt.

Darryl Boyd on our street has been spearheading the process to get this fixed, and I fully support his activity.

Mark Nelson
Property Owner - N Prospect Ave

From: [Stop BCHD](#)
To: [CityClerk](#); cityclerk@hermosabeach.gov; cityclerk@manhattanbeach.gov; executiveoffice@bos.lacounty.gov; [Kevin Cody](#); [info](#); [Holly J. Mitchell](#)
Subject: Public Comment: BCHD Financial Malfeasance - \$30 in costs per \$1 of benefits?
Date: Friday, December 20, 2024 5:25:46 PM

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How is it possible that BCHD has agreed to a 30-year requirement to service SPA8 for allcove, and yet never computed the 30-year cost to Resident Taxpayers?

We estimate the cost at \$170M across 30 years. 91% of the service area of SPA8 are non-residents.

Yet, BCHD is agreeing to this \$170M liability without ever even estimating the cost of allcove operation. Further, The \$170M liability is an obligation from a mere \$6.3M grant. That's roughly \$30 of cost per \$1 of Grant.

How is this not malfeasance?

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From: [Stop BCHD](#)
To: [CityClerk](#); [Nils Nehrenheim](#); [Paige Kaluderovic](#); [Todd Loewenstein](#); [Scott Behrendt](#); [Zein Obagi](#); [Michael Webb](#); [Marc Wiener](#); [Sean Scully](#); [Kevin Cody](#); [Garth Meyer](#)
Subject: Public Comment: The City of Redondo Beach Failed to Conduct Adequate Diligence on BCHD's Counsel's Claims
Date: Monday, January 6, 2025 8:01:15 AM
Attachments: [Public Comment - City of RB State Law Violation of Inequitable FARs across Zones 1-3-2025.pdf](#)

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The attached letter discusses the material errors of the communications of RUTAN to the City. In various discussions at the Council, Councilmembers have asserted that they may spot upzone BCHD based on the litigation risk from RUTAN. However, the City has never publicly addressed the material errors in RUTAN's work.

A group of 40 StopBCHD participants enters the attachment into the record and firmly believes that the City has failed in its fiduciary responsibility to residents and taxpayers by failing to thoroughly consider the law and the errors put forth in RUTAN's work for BCHD.

StopBCHD - a neighborhood quality of life preservation group

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TO: Redondo Beach City Council, City Attorney, Planning Commission, Planning Director, Planning Manager

EMAIL: cityclerk@redondo.org,
nils.nehrenheim@redondo.org,
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todd.loewenstein@redondo.org,
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marc.wiener@redondo.org,
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SUBJECT: Public Comment - BCHD's Law Firm RUTAN's Legal Argument to the Redondo Beach Council and City Attorney was based on Incorrect Information

The following narrative explains how Rutan & Tucker LLP (RUTAN) correspondence to the City of Redondo Beach regarding BCHD contains material errors that render at least some of its claims moot. Neither BCHD, RUTAN nor the City of Redondo Beach City Attorney appear to have reviewed the RUTAN correspondence nor vetted the claims. The errors were glaring and simple to find.

Based on BCHD's claims of suing the City, undoubtedly predicated on this attorney work, correspondence and advice of RUTAN, the City of Redondo Beach Council spent \$18,000 on an unneeded Addendum to its General Plan EIR. Should the City of Redondo Beach continue to increase the FAR of BCHD to 1.25 based on false assertions, the surrounding property owners will be further damaged by larger commercial activity, especially since BCHD and the privately owned development it plans will service 80% to 95% non-residents of the District and over 90% non-residents of Redondo Beach. All damages will accrue to the health, welfare and property values of surrounding residents.

We enter this into the record at Redondo Beach and request the City Council protect surrounding property owners and reverse its intent to grant BCHD a 1.25 FAR based on flawed legal analysis and incorrect "facts" by RUTAN.

The Council record has many references to BCHD's proposed litigation, the Council's reaction, and the Council's choice to prepare an Addendum based on BCHD's litigation threats. **HOWEVER – THE CITY FAILED TO ASSESS THE FALSE NATURE OF THE ARGUMENTS PRIOR TO ITS CONSIDERATION OF THE EIR ADDENDUM.** It is not the job of the residents to review and interpret legal correspondence, despite the fact that we suffer the damages of the City's failure to do so in a timely fashion.

Rutan & Tucker LLP (RUTAN) represents the real estate development actions of BCHD and AES owner Leo Pustilnikov. RUTAN filed comments at least twice (June 26, 2023 and again January 31, 2024) on behalf of BCHD and claimed in brief:

“similarly situated properties in the City with a public or institutional (P) land use designation and P-CF zoning designation are owned and controlled by the City, for which there is a different maximum FAR of 1.25.”

RUTAN goes on to further claim:

“the City is seeking to establish a parcel-specific land-use restriction which limits the Campus to a unique 0.75 FAR not shared by its own public or institutional (P) designated properties of a similar size and use.”

Both statements misrepresent the facts of the situation, either by error or intent, and are **FALSE**

The only parcels with proposed 1.25 FAR are 415 Diamond (P-CIV zoned) and 200 N PCH (P-SF zoned). As RUTAN notes, BCHD is P-CF zoned. All three parcels are Public-Institutional (P-I) land use, but all three have different zoning and therefore belong to different zones, despite sharing a common land use designation.

Furthermore, the P-I land use previously had a Planning Commission determined FAR. That is no longer allowable in California as planning standards must include objective standards and measures. Therefore, FARs must be assigned and quantitative. The City elected to determine a default FAR for P-I land use of 0.75. BCHD is currently built out to 0.77 FAR. BCHD as one of about 20 P-I land use parcels was by default assigned the 0.75 base FAR. The other two public safety parcels in different zones were assigned 1.25 FAR. A single Google search of “City of Redondo Beach zoning map” refers directly to the City of Redondo Beach’s website and color coded GIS maps of zoning. All zoning can be confirmed by observation.

As stated at the beginning of this correspondence, the City Council appears to have acted in reaction to BCHD’s litigation threats when it spent \$18,000 on an Addendum to the EIR. The public has never heard any discussion of the inaccuracies in the RUTAN correspondence and we can only assume that at least some of the basis for the Council’s action was ill considered.

This is a request for the Council to order a thorough analysis of the RUTAN work, evaluate it for accuracy, and then consider whether or not the material error presented, along with the Council’s ordered review and analysis nullify the litigation threat sufficiently to leave BCHD parcel at 0.75 FAR in the default P-I baseline.

The attachment that follows provides a more in-depth analysis of the RUTAN incorrect assertions and their resulting incorrect conclusion based on Government Code 65852.

ANALYSIS OF RUTAN COMMUNICATION TO THE CITY OF REDONDO BEACH

The RUTAN Communication on behalf of BCHD

BCHD's counsel, RUTAN, made the following statement to the City of Redondo Beach:

A. THE PROPOSED FAR REQUIREMENTS FOR PROPERTIES WITH A PUBLIC OR INSTITUTIONAL (P) LAND USE DESIGNATION VIOLATE GOVERNMENT CODE § 65852. (emphasis added) The proposed FAR requirements violate the uniformity requirements of the Planning & Zoning Law. **As required under Section 65852 of the Government Code (emphasis added)**, with regards to zoning districts:

“All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.” (emphasis added) In *Neighbors in Support of Appropriate Land Use v. Tuolumne County* (2007), the courts held that “the foundations of zoning would be undermined if local governments could grant favored treatment to some owners on a purely ad hoc basis. Cities and counties unquestionably have the power to rezone and their decisions to do so are entitled to great deference; but rezoning, even of the smallest parcels, still necessarily respects the principle of uniformity. This is because a rezoning places a parcel within a general category of parcels (those in the new zone), all of which are subject to the same zoning regulations. The county’s action in this case, by contrast, placed the [landowner’s] land in a class by itself.”

Similarly, there appears to be one parcel of its size with a public or institutional (P) land use designation and P-CF zoning designation subject to this proposed maximum FAR of 0.75 – the Campus. Why? Because the other similarly situated properties in the City with a public or institutional (P) land use designation and P-CF zoning designation are owned and controlled by the City, for which there is a different maximum FAR of 1.25. In essence, the City is seeking to establish a parcel-specific land-use restriction which limits the Campus to a unique 0.75 FAR not shared by its own public or institutional (P) designated properties of a similar size and use."

Let’s assume that RUTAN is not attempting to mislead the Redondo Beach City Council or City Attorney and is factually providing and applying Government Code 65852. It is important that RUTAN is not deliberately misleading the Council, because Council members have made numerous statements following the RUTAN assertions based the need for “spot upzoning” BCHD to 1.25 FAR on the RUTAN representation of Government Code 65852 (GC 65852) and litigation threats.

The resulting action of the Council will disadvantage surrounding residents and take property value from them that will likely not be compensated. A 0.75 FAR will not create the level of destruction of neighborhood character and property value as the 1.25 FAR that RUTAN advocates for above.

Dissection and Analysis of the RUTAN claim

1. RUTAN appears correct that all three parcels in its discussion (BCHD, 415 Diamond, 200 N. PCH) are in the proposed land use of Public-Institutional (P-I). RUTAN created its own naming convention of “public or institutional (P)” but it’s meaning is clear from context.

2. RUTAN appears incorrect in its assertion that the BCHD and other City-owned parcels are zoned P-CF, yet have different FAR. There are none. BCHD is P-CF. 415 Diamond is P-CIV. 200 N PCH is P-SF. (see <https://redondobeachgis.maps.arcgis.com/apps/PublicInformation/index.html?appid=56b9e46bf9014bf08684b8e53a4658cb>) If different zoning within land use allows for different regulations for those zoned parcels, then there is no violation of GC 65852 from having different regulations for the three parcels. Clearly, that is not consistent with the meaning of the RUTAN communication nor its assertion that BCHD should have 1.25 FAR because the other two parcels are in the same zone as BCHD and have 1.25 FAR.

3. Having established that the three parcels in the RUTAN discussion have different zoning (P-CF, P-CIV and P-SF) the only consistent theory that supports BCHD and RUTAN is that the parcels share P-I land use (called P by RUTAN).

4. The proposed default Floor Area Ratio (FAR) by the City of Redondo Beach for the default land use of P-I (including BCHD) is 0.75 FAR. The exception is two parcels that are currently zoned P-CIV and P-SF within the P-I land use and have a proposed 1.25 FAR. BCHD and all others are defaulted.

5. Based on the RUTAN presentation and its interpretation of GC 65852, all P-I land use must have the same regulations, that is, the same FAR in this discussion. P-I is broad and encompasses schools and school property, City property, and BCHD. Therefore, the choices can be other than only 0.75 and 1.25 FAR, however whatever FAR regulation that is selected must be uniform for all P-I per RUTAN claim.

6. If the RUTAN theory and interpretation of GC 65852 is correct, then **the Redondo Beach addendum to the PEIR for the General Plan supporting 1.25 FAR for BCHD is in error.** The PEIR invests in the false narrative that the three parcels in P-I land use can somehow be endowed with a 1.25 FAR, while **all other P-I parcels are relegated to some non-uniform FAR.** The RUTAN interpretation and theory does not allow for selective “upzoning” nor “downzoning”. The theory requires “regulations shall be uniform for each class or kind of building or use of land throughout each zone” directly from GC 65852. The three parcels have no commonality other than their land use of P-I. They do not share common zoning.

7. If the RUTAN theory and interpretation of GC 65852 is incorrect (willfully or in error), then there is no issue with BCHD (P-CF) having a different FAR than P-SF and P-CIV parcels within the land use P-I. GC 65852 also states “the regulation in one type of zone may differ from those in other types of zones.” If the City of Redondo Beach’s P-I is not the “zone”, but the actual zoning (e.g., P-CIV, P-CF) is the “zone”, then those parcels are allowed to have different regulations and the BCHD 0.75 FAR is not in violation of the GC.

8. Under the RUTAN theory as advanced, the “zone” is the land use, P-I. All P-I parcels MUST CARRY THE SAME REGULATIONS, including FAR per GC 65852.

9. If the RUTAN theory as advanced is incorrect and the “zone” is at the zoning level of P-CF, P-SF, and P-CIV, then the RUTAN theory does not support the conclusion that BCHD must be allowed the same FAR as the P-CIV and the P-SF parcels. The three parcels would represent three distinct zones.

10. Either way, whether RUTAN is correct or incorrect, the current situation of different regulations within land use (P-I) and different regulations within zoning (P-SF, P-CIV, P-CF) fails to satisfy the requirement of GC 65852. P-CF’s carry different FARs and P-SFs carry different FARs within parcels. This is not allowed based on RUTAN interpretation of GC 65852.

From: [Mark Nicholson \(Home Gmail\)](#)
To: [Celia Auld](#); [Richard Hines](#); [Wesley Williams](#)
Subject: [Re: Public Comment - AB413 Compliance - Red Curb Needed on 500 16th N Prospect Portage at 804D Entrance](#)
Date: Friday, December 27, 2024 2:27:05 PM
Attachments: [Image001](#)
[Image002](#)

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This is a case where both sides of the intersection need to be painted. Cars routinely park to 0-feet from the intersection on both sides, as shown by this photo. The vehicle is literally parked beyond where the straight curb stops. There is a bike path push button on that pole as well.



On Wed, Dec 25, 2024 at 1:39 PM Mark Nicholson (Home Gmail) wrote:
The bus stop and crosswalk services a high number of youth in disabled it is very dangerous to have vehicle parked there, obscuring visibility
Please comply with AB413 an paint that curb red to improve pedestrian safety at the designated crosswalk

