

Councilmember Hildy Stern
September 5, 2022

Hildy Stern
Councilmember
Manhattan City Council
1400 Highland Ave.
Manhattan Beach, CA 90266

Via Email

Dear Councilmember Stern,

We write on behalf of a group of diverse citizens of color and allies who are residents of Manhattan Beach to express our outrage that the City Council is considering approving the HighRose project. We are not a “fringe” group as the developer has mischaracterized in the last meeting. We are a group of residents across all neighborhoods in Manhattan Beach that include partners at major law firms, executives at major media companies and private equity firms, entrepreneurs, local business owners, medical professionals, firefighters, engineers, young professionals, educators, and concerned parents.

For the reasons below, we urge you to oppose the project. You are well-respected for your support of diversity, equity and inclusion. Now more than ever, Manhattan Beach needs the proven hero that you have shown yourself to be.

California’s social and environmental justice advocates are on the threshold of having Governor Newsom sign AB 2011, which acknowledges that building affordable housing next to a refinery is unsafe – so much that AB 2011 makes clear that any development project is not ministerial, but in fact discretionary, if any of the “housing on the site is located within 3,200 feet of a facility that **actively** extracts or **refines oil** or natural gas.” (See Section 65912.113 generally and specifically Section 65912.113 (e) of AB 2011).

Most importantly, because HighRose is literally located next to the refinery, we urge you to prevent the city from perpetuating a historic, social injustice of locating low income housing next to the environmental hazards that black and brown historically disadvantaged people have been forced into for decades. This injustice is what the legislature and Governor have been trying to address in AB 2011 by creating a setback of 3,200 feet between affordable housing projects and refineries. While AB 2011 may or may not apply to the project once it is signed by Governor Newsom, it is an acknowledgment by the State of California of the tireless efforts of environmental justice advocates seeking to address this historic injustice, particularly those of Asian, Latinx and African-American descent who survived the 2012 explosion at the Chevron refinery in Richmond, CA — an event I (Evan Chuck) personally witnessed.

I was on the Bay Bridge on August 6, 2012 with my parents when a fireball spread a cloud of toxic smoke over Richmond, California and prompted a reported 15,000 residents to seek medical treatment. My parents and I are Chinese immigrants. While my parents had the means to live in San Francisco, many of

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their friends could not afford to live close to their places of work, and lived in Richmond and the surrounding areas. Most of them could barely speak English and were frequently victimized by hazardous events like this. Their children are among the social and environmental justice warriors today who have made AB 2011 possible, including the setback of 3,200 feet described in Section 65912.113 of AB 2011.



(Actual photo from August 6, 2012 taken on the Bay Bridge by Evan Chuck)

This is deeply personal to me and so many of us who are immigrants. We are among the fortunate ones who have worked hard to be able to live in a beautiful city like Manhattan Beach. We welcome others of all backgrounds to join us. We do not, however, want the social injustices of the past to be repeated at HighRose – particularly ones that can be avoided easily.

We are disappointed with the refrain by some on the City Council that say the City's "hands are tied" legally. Where are the possible solutions provided by the City Attorney and its external legal resources that include a full-throated defense of the City and residents' views? Where is the analysis about the liability risk of the City and staff's failure to do the kind of investigation that is either required or brought to the City's attention multiple times — including an independent examination as to whether the well documented health and safety concerns voiced by residents meet objective standards established by EPA, Cal-EPA for hazards like methane intrusion and groundwater pollution? Where is the analysis regarding the City taking a position consistent with AB 2011 and the 3,200 feet setback described above and its potential impact in reducing litigation exposure to the State and environmental groups when its position would be aligned?

We need you, Councilmember Stern, to understand that we can do our part to address California's affordable housing crisis --- but because of the particular characteristics of this property (e.g., it is next to a refinery), we need to acknowledge what California recognizes – that building affordable housing within 3,200 feet of a refinery is not something that is "ministerial" but requires careful review, particularly from an environmental, health and safety perspective. This is a prudent path to follow and should provide a basis for mitigating exposure from liability.

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Please stand with us, California and the social and environmental justice movement as you have always appeared to champion. Please vote NO on HighRose.

Sincerely,



Evan Y. Chuck



Mitchell Chun

JOINING IN SUPPORT

Peter Kim	Jessica Teng	Lydia King
Eelean Oh	Lance Tong	Lee Philips Meller
Linda Chen	Jimmy Chen	Alix Chen
Janice Chen	Mike Chen	Kristy Choo
Nicole Abou-Rjeili	Bertha Garibaldi	Emma von Jansky
Eddie Myers	Zamir Siddiqi	Robert Maynaz
Don Nelson, Jr.	Evanne Rochelson	Emmy Yao
Melinda Chao	Mo Denitz	Maxine Hamada Leral
Stephen Thomaidis	Greg Ferry	Kyle Simpson
Brian Humphrey	Maria Escobar	Malco Escobar
Tianyu Renner	Robert Renner	

Cc: Mayor/Councilmember Steve Napolitano
Mayor Pro Tem/Councilmember Richard Montgomery
Councilmember Joe Franklin
Councilmember Suzanne Hadley