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October 5, 2022

Mayor Steve Napolitano
Mayor Pro Tem Richard Montgomery
Councilmember Joe Franklin
Councilmember Suzanne Hadley
Councilmember Hildy Stern
Manhattan Beach City Council
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear Members of the City Council of Manhattan Beach:

I write to inform the City Council that our law firm, Crowell & Moring LLP, has agreed to provide legal services on a **pro bono basis** to residents through the non-profit organization “Chill The Build” (“CTB”). Consistent with the opposition to the HighRose Verandas project (“HighRose”) throughout the community and as expressed by some members on this council, CTB is similarly opposed for many reasons, including:

- 1) the City Planning Commission (“CPC”) failed to conduct the necessary environmental studies as provided for in applicable California and Federal law given that the low-income element of the proposed project is located immediately adjacent to a 111 year old, active refinery with a long history of specific, environmental challenges, including methane intrusion, groundwater pollution and other safety hazards. Further, the CPC failed to issue a determination as to how applicable specific, quantifiable standards set forth by the U.S. Environmental Protection Agency, CAL-EPA, and other agencies would apply to these known environmental challenges and whether mitigation would be feasible.
- 2) if the City approves HighRose, it would be perpetuating a decades-old social injustice of setting up affordable housing of less fortunate communities, many of whom are historically disadvantaged black and brown people of color, into inherently dangerous locations such as next to oil wells and refineries. Governor Newsom signed AB 2011 on September 28, 2022, which recognizes that building affordable housing within 3200 feet of a refinery is dangerous and cities need to exercise their discretion to conduct appropriate review. A City approval of the project would have serious Federal and state law and policy implications.

Crowell & Moring LLP is an international law firm of approximately 600 lawyers in Washington D.C., Los Angeles, San Francisco, New York, London, Brussels, Doha, and Shanghai. Our firm was named among the top 20 law firms named by American Lawyer to its recent “A-List” which recognizes our commitment to a variety of factors, including our commitment to pro bono and public service.¹ We regularly

¹ <https://www.crowell.com/NewsEvents/PressReleasesAnnouncements/The-American-Lawyer-Names-Crowell-Moring-to-2021-A-List>

contribute more than 40,000 hours in pro bono services annually, particularly to communities to give a voice with those without access to justice.²

There are significant legal arguments in favor of the City if it stands with the residents to reject HighRose and remand for an appropriate environmental study. We believe our **pro bono** work could be beneficial to the City and should significantly mitigate the litigation cost concerns that some on the City Council may have expressed. Notwithstanding my offer at public comment in the prior City Council meeting to collaborate, I have not heard from the City Attorney or anyone else charged with formulating strategy that supports the residents and defends our City against the developer of HighRose.

The offer remains open.

If the City Council has any questions, please feel free to email or call me.

Sincerely,



Evan Y. Chuck

Cc: Quinn Barrow, Esq., City Attorney
Bruce Moe, City Manager
Carrie Tai, Community Development
Director

² <https://www.crowell.com/pro-bono>