

Contact Information

Neighborhood Council: Northwest San Pedro Neighborhood Council

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Date of NC Board Action: 11/10/2009

Type of NC Board Action: Against Proposal

Impact Information

Date: 05/10/2010

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 05-1853

Agenda Date:

Item Number:

Brief Summary: The Northwest San Pedro Neighborhood Council:1.Opposes the proposed ordinance as it is currently written;.Opposes any transfer of liability for slip and fall accidents on the sidewalk to the adjoining property owner; Requests that a method for tree removal be developed; and Requests that a full array of options be presented to the community for comment and input through a series of workshops throughout the City

Additional Information:



**Northwest San Pedro Neighborhood Council
November 9, 2009 Board and Stakeholder Meeting Minutes
Peck Park, 6:30pm**

1. **Call to Order:** President Dan Dixon called the meeting to order at 6:34pm
2. **Roll Call:** Board members in attendance were: Dan Dixon, Diana Nave, Paula Mazzarino, John Greenwood, Craig Goldfarb, Gabriel Rivas, Meryl Moilov, Philip Nicolay, Ray Patricio, David Arvonio, Laureen Vivian, Mary Hamlin, Barbara Schach, Peter Burmeister. The following board members were excused: Mollie Abbatiello, John Mavar and Capt. George Thompson. A quorum was present. Approximately 24 stakeholders present.
3. **Approval of Minutes of the October 12, 2009 Meeting:** Diana Nave made a motion to approve the minutes of the September 14, 2009, seconded by Laureen Vivian and approved unanimously by the board.
4. **Presentation by City Clerk's Office--Procedures for 2010 Elections:** Sofia Torers, a representative from the City Clerk's office announced that the Board elections will be held Tuesday June 8th. She talked about the minimum voting age of 16, documentation is required to prove stakeholder status. Candidate filing begins March 10 and ends April 9th. Those interested in applying can access forms on the Clerk's website. A regional meeting will be held for stakeholders to get more information. Only disabled stakeholders will be able to vote by mail. Because of budget deficits there will be no outreach. John Greenwood asked questions about the election procedures. Ms. Torres stated that the clerk's office will discuss possible changes that the Board may request.
5. **Report from Councilwoman's Office:** Ana Dragin reported on the following:
 - a. Hernandez Ranch. Meeting 6:30 this Thursday at Peck Park. Conceptual plan has been approved and final
 - b. Peck Park upgrades: 10 bids have been submitted. Construction should begin around the end of February.
 - c. New Cell Tower at Taper Avenue and Westmont. There was a meeting regarding this issue earlier in the day and Dr. Vladovic of the LAUSD was present to voice his opposition. The council office also presented a statement. They are meeting with T-Mobile tomorrow.
 - d. ATSAC (Synchronizing of Traffic Signals in San Pedro): Work on the signals began last Monday at 36th and Pacific. It is estimated that it will take 18 months to do all of San Pedro. Information flyers were available.
 - e. Downtown San Pedro Parking Meter Issue: The Council office is meeting with downtown merchants to see how they can help them and come up with solutions. Parking is free on Sundays and past 6:00pm. Hahn will keep fighting for the business community.
6. **Report from LAPD:** Officers Ashcraft and Nua were in attendance. They commented on the following:
 - a. Cooper continuation school kids are now using public transportation so there has been an increase in fighting.

- b. Motor vehicle burglaries are still a problem.
 - c. The good news is that overall crime is down in the area.
7. **Mark Mariscol from Dept. of Rec and Parks:** Mariscol commented on the following:
- a. Averill Park: There is a debate about the issuing of permits and possibly making use of the park on a first come and first serve basis.
 - b. **Model Airplanes at Field of Dreams:** Mariscol's main reason for attending the meeting was to make the NWSPNC aware of an issue regarding permits for flying model airplanes. There is a provision with Rec and Parks that allows the General Manager to designate the area for flying model airplanes. If such a permit is issued permanently the challenge is that no one could be on that property while the group in question are flying the planes. This may be an issue and they want to make sure the community is aware. The item will be put on the Issues Committee agenda.
8. **LAUSD:** Jacob Haik, Deputy Chief of Staff to Dr. Vladovic, commented on the following:
- a. Regarding the Cooper Continuation School's recent problems (school buses are no longer transporting the kids to school because of budget cuts), the LAUSD is assigning extra school police there. Paula commented on the need to keep the Cooper school transportation in tact.
 - b. Regarding San Pedro High School's annex at Angel's Gate, the new road is almost completed. All current navy buildings are being relocated and a historic district is being created in the area. Jacob will return from time to time to update the Council on the progress.
 - c. Regarding the Marine Mammal Center: There is a classroom on the site but funding was cut so they no longer had a teacher. They have now worked out the situation and a teacher is assigned for about 4 hours a day. Dan asked the community to think of ways to fully fund a full time teacher at the Marine Mammal Center. The stimulus dollars helped the school district from declaring bankruptcy.
9. **Port of Los Angeles:** Augie Bezmalinovich talked about the following:
- a. December 4, 7-9pm, Holiday Spirit Fountain event. Santa, red car will be running for free, food opportunities and more.
 - b. January 9, 2010 from 10am – 2on, Grand Opening of the 22nd Street Park. There will be a large tent set up and festivities include free food, games and activities for the kids. More info to come.
 - c. Future POLA meetings: November 19th 6pm at Banning's Landing. Discussion on the waterfront.
 - d. December 3rd, 8:30am, meeting at the POLA Admin Bldg, talking about China Shipping aesthetic mitigation funds and how they will be appropriated.
 - e. Port hosted an MTA meeting to discuss light rail coming to the harbor area. About 100 participants. Nice to see the community agree on something.
10. **DONE (Department of Neighborhood Empowerment):** Rosa Arcadia provided a handout with announcements and commented on the following:
- a. Thursday an email blast was sent out. The most recent message was a request for the neighborhood councils to submit their budget for the \$45,000 funding as well as the allocation of roll over funds. Each NC will be reviewed individually.
 - b. Some changes in the funding program. Administrator Jackie Mendez is overseeing the program. All hands at DONE are on deck to try to find way to revamp the funding program.
 - c. Regional training on Nov. 21st. in South LA at 2942 S. Vineyard Avenue, Los Angeles 90016. Ethics component will be included in the training. Other topics include the 2010 Census and how the neighborhood councils can assist.

- d. DONE'S New website will be up soon under www.empowerla.com.

11. Public Comment:

- a. **Mark DiBacco:** Stakeholder who related his frustrations with the Department of Transportation for "unjust" towing and impounding of his vehicles. He does not feel that the situation was handled in a fair manner and is hoping to get some assistance with his issues.
- b. **Angela Romero:** Lives on Summerland and 2-1/2 months ago she started a new Blog. She walks block by block taking pictures and meeting members of the community and then reports on her travels in her blog at www.Sanpedroxb.com. She will continue to walk all over San Pedro to report about our community.
- c. **Heather Smirnoff:** She is the face of the newly formed 8th Street Neighborhood Watch, Walker to Weymouth. Second meeting tomorrow.

12. Issues Committee-Cell Tower Controversy:

- a. **Building of cell towers throughout San Pedro.** The issue of cell towers in San Pedro is huge. It is also a city wide issue. As a Council we want to talk about and begin to craft a position we can take to effect change with city policy regarding cell towers (includes the FCC). Immediate issues for us are the proposed cell towers on Western Avenue (there are also 8 in Coastal San Pedro). A cell tower was erected without notice to the community, homeowners or affected school on Westmont at Taper. It includes an underground vault and is negatively impacting the quality of life for the community in that area. This is not an isolated issue it is happening all over the country. Cell companies expect to have 30 times as many as there are now. What is the process by which these cell towers are erected? Is there a process? Is the city aware of them? Is there anything we as citizens can do to regulate their location? Other cities have taken up this fight. Our council will continue discussions on this very important issue which literally affects the quality of life in our community.
- b. **Motion Re Cell Tower at Bynner and Western:** John Greenwood made a motion that the Northwest San Pedro Neighborhood Council voice its opposition of the Cell Tower at Bynner and Western. Gabriel Rivas seconded the motion which was passed unanimously by the Board. A letter will be crafted for the Council office.
- c. **Motion Re Cell Tower at Westmont Drive:** Barbara Schach made a motion that the Northwest San Pedro Neighborhood Council request that the cell tower at Westmont and Taper be removed. The motion was seconded by Pete Burmeister and passed with a unanimous vote from the Board. Jacob Haik commented on the action being taken by the LAUSD. Chuck Hart suggested that all the organizations group together in opposition.
- d. **Motion Re Cell Tower Regulation:** The following motion was made by Diana Nave and seconded by David Arvonio and after discussion was passed unanimously by the NWSPNC Board.

***NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL
MOTION REGARDING CITY POLICY REGULATING CELL TOWERS***

WHEREAS Cell towers are increasingly being constructed in or near residential areas throughout the City of Los Angeles, including many installations in public rights of way which are either unregulated or minimally regulated under the City's current regulatory scheme, and

WHEREAS the number of cell tower facilities required to accommodate growing telecommunications needs is rapidly expanding, and

WHEREAS concerns have been raised about the impact of cell towers on nearby residents, including noise, aesthetics and safety issues,

WHEREAS the recent Ninth Circuit decisions in Sprint v. County of San Diego and Sprint v. City of Palos Verdes Estates, provide municipalities with greater legal authority to regulate wireless telecommunications facilities based on aesthetic considerations than had been believed at the time the City's current ordinances were adopted, and

WHEREAS there is an urgent need for robust and comprehensive aesthetic and safety regulations, in light of the telecommunications industry's statement that projections for data traffic show a 30-fold increase in demand and efforts by the telecommunication to severely limit public input into the siting process,

Now Therefore Be It Resolved that the Northwest San Pedro Neighborhood Council:

1. That the City immediately impose a moratorium on all wireless telecommunications facility installations in the City and/or applications for approval of such installations in the City in order to allow time for the City Attorney's review and report and the crafting of a comprehensive new ordinance as set forth above.

2. Supports the motions contained in CF 09-2645 and the earlier CF 08-2440 and calls on the City Attorney to review and report to the City Council within 30 days on what new tools are available to regulate wireless telecommunication facilities in light of the Sprint v. San Diego and Sprint v. Palos Verdes cases.

3. In connection with the above review the City Attorney should continue to research the extent of the City's involvement in the Joint Pole Agreement and to what extent the City has authority to regulate wireless telecommunications facility installations involving utility poles and replacement poles notwithstanding the Joint Pole Agreement's provisions.

4. That the City establish a task force composed of appropriate city departments including, but not limited to, Department of Water and Power, Planning, Building and Safety, Harbor, Public Works, and the CAO, representatives of Neighborhood Councils, and other community organizations and stakeholder groups, to assist in the development of a city policy on the siting of telecommunications facilities.

5. That the City Attorney with input from the above referenced task force, prepare a comprehensive new ordinance to address the height, appearance, number, location and approval process for wireless communication facilities.

- e. Motion Re Opposition to CTIA petition Re Wireless Facilities:** Diana explained the motion which calls for the city to oppose the CTIA petition. Diana then presented the following motion which was seconded by Mary Hamlin and passed unanimously in favor.

NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL

MOTION RE OPPOSITION TO CTIA PETITION RE WIRELESS FACILITIES

Whereas the telecommunications industry has projected a thirty-fold increase in need for wireless communication facilities, and

Whereas, CTIA, the Wireless Association, has filed a petition for relief with the Federal Communications Commission which would among other things set unrealistically short time frames for approving the siting of wireless facilities and pre-empt existing state and local ordinances that require a variance for every wireless siting; and

Whereas the National League of Cities noted that "the Petition poses a significant threat to local zoning and land use authority," and has distributed a format for use by Cities to file comments opposing the petition,

Be it Resolved that the Northwest San Pedro Neighborhood Council:

1. *Opposes the unrealistically short time frames, and the pre-emption of ordinances requiring variances for wireless siting, proposed by the CTIA in their petition to the FCC*
2. *Calls upon the City of Los Angeles to do everything in their power to inform the FCC of their opposition to the petition and provide us with details of what steps they are taking in regard to this issue.*

- f. **Formation of a task group within the Issues Committee to study this cell tower issue.** Dan Dixon talked about the need for such a task group.
- g. **Motion Re Crosswalk:** There was a short discussion on the need for a crosswalk at the intersection of Capitol and Via Sebastian because of the dangerous conditions that affect the students and residents of that community when attempting to cross the street in that area. Diana Nave made a motion that the Northwest San Pedro Neighborhood Council request that the Department of Transportation install a crosswalk at the intersection of Capitol Drive and Via Sebastian. The motion was seconded by Pete Burmeister and passed unanimously by the Board.
- h. **Motion to support halving of parking meter charges in downtown San Pedro and suspension of charges during the holiday season.** There was a discussion on the need to support downtown businesses during these difficult economic times and the adverse affect that the increase in parking meter fees has had on the community. A motion was made by Pete Burmeister to support the halving of parking meter charges in downtown San Pedro and suspension of charges during the holiday season. The motion was seconded by Laureen Vivian and passed unanimously by the Board.

13. Land Use and Planning:

a. **Proposed Ordinance Re: Sidewalk Repair:**

Diana Nave gave background information on this issue and then made the following motion which was seconded by Laureen Vivian and unanimously approved by the NWSPNC Board.

NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL RESOLUTION RELATED TO SIDEWALK ORDINANCE

Whereas nearly half of all sidewalks in the City of Los Angeles are in need of repair, and these sidewalks cause injury to those who walk on the sidewalks and subjects the city to liability, and

Whereas the City of Los Angeles is facing a serious budget shortfall, and

Whereas, an Ordinance has been drafted (CF 05-1383-S1) that would Amend Subsection (e) of Section 62.104 of the LAMC to transfer liability and responsibility to property owners for repair of curbs, driveways and sidewalks due to tree root damage; and

Whereas the City does not allow the adjoining property owners to remove the root cause of the sidewalk damage, i.e. the offending trees, and

Whereas the Northwest San Pedro Neighborhood Council is desirous of promoting both tree-lined streets and safe sidewalks;

Now Therefore Be It Resolved that the Northwest San Pedro Neighborhood Council:

1. *Opposes the proposed ordinance as it is currently written.*
2. *Opposes any transfer of liability for slip and fall accidents on the sidewalk to the adjoining property owner.*
3. *Requests that the two existing sidewalk task forces be expanded to include representatives of Neighborhood Councils from throughout the City;*
4. *Requests that the task forces continue to explore all possible options, including the point of sale option, and the issue of tree removal.*
5. *Requests that the full array of options be presented to the community for comment and input through a series of workshops throughout the City.*
6. *Requests that there be adequate time for review and comment by Neighborhood Councils.*

- b. **Bicycle Plan** The City of Los Angeles has recently completed a draft Bicycle Plan. The draft plan proposes approximately 696 miles of new bikeways and new policies related to implementation, education, enforcement, engineering, parking, transit integration, maintenance and evaluation. A copy of the draft plan is available at www.labikeplan.org or at the San Pedro Library. Comments on the plan are currently due Nov 6 and can be submitted through the project website www.labikeplan.org, via email to jordann.turner@lacity.org or via mail to City of Los Angeles, Dept of City Planning, Attn Jordann Turner, 200 N. Sprint St Room 721 LA 90012.
- c. **Resolution in support of Light Rail Lines:** After summarizing the issue, Diana Nave made a motion (wording below) seconded by John Greenwood. During discussion, Tom Politeo, a member of the Sierra Club, talked about supporting public transit and especially electric transportation. David Arvonio made an amendment which was passed and the following amended motion was passed unanimously by the Board.]

***NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL
RESOLUTION IN SUPPORT OF RAIL LINES***

Whereas the Port is a key engine of LA's economic development,

Whereas there is significant commercial development planned in the harbor area by the Port of LA totaling \$2 billion,

Whereas Mayor Villaraigosa has identified the Harbor Area as a Green Tech Zone with the goal of establishing numerous new businesses here,

Whereas that development is designed to and will bring hundreds of thousands, of yearly visitors to the Port area, and special events already do bring thousands of visitors on a single day,

Whereas it is important to provide LAX to Port of Los Angeles service to support cruise terminal patrons,

Whereas that development will create jobs and attract additional permanent residents,

*Whereas the 405 and 110 freeways are overburdened with cars **on weekdays and weekends,***

*Whereas reliable public transit is the only **affordable and sustainable** alternative to these overburdened freeways, and*

Whereas the anticipated 30-year timeline is unacceptably long;

BE IT RESOLVED THAT the Northwest San Pedro Neighborhood Council:

- 1. Commits to making San Pedro, Wilmington and the Harbor Gateway transit-ready and transit-friendly communities which are less dependent on cars, and*
- 2. Supports and requests public rail transit lines serving San Pedro, Wilmington and the Harbor Gateway by connecting them with both the South Bay and LAX via the Harbor Subdivision Line, and downtown Los Angeles via the 110 Freeway Route, and*
- 3. Requests that our elected and appointed representatives do all in their power to see that the MTA, SCAG and any necessary agency, create and prioritize such transit for the harbor area with a rapid timeline and the necessary policy and planning efforts needed to support effective transit.*

- d. **Accessory Dwelling Units:** Diana asked board members to review the handout which will be an agenda item at the planning committee meeting on Nov. 19th.

- e. **Motion Opposing Re Cut-through Alley from Miraflores Avenue to Channel Street :** The following motion was made by Craig Goldfarb and seconded by Gabriel Rivas. The motion passed by unanimous vote of the Board.

Whereas the Northwest San Pedro Neighborhood Council has studied and reviewed the proposed Miraflores to Channel cut through.

Whereas we have been able to ascertain that peak traffic on Channel is quite heavy and drivers would have limited time to react to traffic coming from the cut through. Further the difficulty of stopping on a grade where this cut through will be quite difficult.

Therefore, we oppose the cut through as it would create an unsafe condition.

14. **Port committee:** Phil Nicolay delayed the presentation of the Motion regarding inclusion of neighborhood councils in Waterfront Development Planning due to time constraints and announced that the next meeting of the Port Committee is scheduled for December 1st.
15. **Treasurer's Report:** Craig Goldfarb reported that the Budget and Finance Committee is currently working on a framework for funding guidelines which should be ready to present by the next board meeting. The following motions were then presented:
- a. Motion to revise previous Bloch Field Sponsorship to direct allocation of up to \$3,500 for field equipment and supplies. This Motion was made by Craig Goldfarb and seconded by John Greenwood. During discussion several board members felt the need for additional information, such as a detailed list of expenditures, before voting on this motion. *Diana Nave made a motion to table the Bloch Field Sponsorship until a budget was provided. The motion to table was seconded by Garbriel Rivas and passed by the Board with a vote of 9 yes and 1 no. The motion will be revisited when the additional information is received.*
 - b. *The board passed a motion to allocate \$1,000 for sponsorship of the Weymouth Corners Holiday Celebration with 10 yes votes (1 abstention).*
 - c. Motion regarding modification of annual budget reflecting revision of rollover funds. Craig Goldfarb discussed the need for new procedures regarding money allocations and presented a motion (see below) which was seconded by Diana Nave. Board member David Arvonio felt that more information should have been provided to the board members on this issue before voting and made a motion to table Craig's motion, seconded by Paula Mazzarino. The motion to table Craig's motion failed with 5 yes votes and 6 no votes and Craig's original motion was passed with 10 yes votes and 0 no vote (1 abstention). The wording of the motion follows:
Whereas the NWSPNC currently allocates money to groups/organizations on an open-ended basis. Due to budget constraints, this is no longer feasible or prudent. Therefore, the NWSPNC will sunset/end any allocation at the end of each budget cycle at which time all open motions concerning money allocations will be reviewed and voted on as part of the new budget.

16. Meeting adjourned at 9:08pm.

Respectfully submitted by Kristina Smith, NC Admin Asst.

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RESOLUTION RELATED TO SIDEWALK ORDINANCE

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5. Requests that the full array of options be presented to the community for comment and input through a series of workshops throughout the City
6. Requests that there be adequate time for review and comment by Neighborhood Councils.

Adopted Unanimously 11/10/09