



## Northwest **San Pedro** Neighborhood Council

"Your Community Voice"

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August 10, 2010

Councilwoman Janice Hahn  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Councilwoman Hahn,

At the Northwest San Pedro Neighborhood Council August Board Meeting we were pleased to hear from Gordon that you are taking up the issue of the E-Z Smog. Please let us know if there is anything else we can do in this regard.

Thank you also for your support in opposition to the proposed topless bar at 1010 N. Gaffey. For your records a copy of our resolution of opposition is attached.

We appreciate your willingness to move forward with the naming of the trails at Peck Park after Ray Patricio. Unfortunately we reluctantly have decided to withdraw this request because Ray is adamant about not having the trails named after him.

We passed the following additional motions for which we would like your support:

- A resolution asking the City to include the seven local area Neighborhood Councils in the selection of mitigation projects and the funding of those projects rather than delegating those powers solely to a private non-profit corporation. We feel this is in keeping with the role envisioned for Neighborhood councils in the Charter. A copy of the resolution and some background about this action are attached. Additionally, we have a number of concerns about the documents the City is negotiating with the prospective non-profit which we intend to address in the near future.
- Support bringing the USS Iowa to the San Pedro waterfront.
- Oppose DONE imposing mandatory By-Laws requirements on Neighborhood Councils. We are supportive of having all by-laws follow the same general outline, but beyond that it should be left to each Council to determine their

**Diana Nave**  
President

**Bob Bryant**  
Vice President

**Craig Goldfarb**  
Treasurer

**George  
Thompson**  
Secretary

own by-laws as was contemplated by the Charter Commission.

Thank you for your consideration of these requests. As you are aware, I will be out of town. Should you need additional information in my absence, please contact Phil Nicolay, our Port Committee Chair, with regard to the mitigation funds at 301-469-4474. For anything else please contact Bob Bryant, Vice-President, at 310-833-5676.

Diana Nave, President

cc: Gordon Teuber, Frank Hong, Erika Velasquez

## NWSPNC RESOLUTION IN OPPOSITION TO TOPLESS BAR

Whereas the property at 1010 N. Gaffey Street at the Channel Street offramp of the Harbor Freeway has been discussed as the location for a topless bar, and

Whereas this is not an appropriate symbol for an entrance to San Pedro, and

Whereas this location is already overrun with traffic much of the day, and

Whereas the property is less than a block from the skate park, a heavily used youth facility, and is across the street from the Harbor Area Animal Shelter, frequented by families, and

Whereas the Northwest San Pedro Neighborhood Council has already heard citizen concern about such a business being located anywhere in San Pedro, and

Whereas the business will bring an inappropriate element into San Pedro,

Therefore, the NWSPNC opposes the use of this property for a topless bar;  
Urges the property owner to come up with other options for the property, and  
Urges Councilwoman Janice Hahn to do everything she can to oppose a topless bar in San Pedro.

ADOPTED Unanimously 8/10/10

## BACKGROUND ON RESOLUTION REGARDING PORT MITIGATION FUNDING

The attached resolution asks the Board of Harbor Commissioners and the Council Office to include the seven local neighborhood councils in the environmental mitigation review process rather than delegating this power solely to a private non-profit group in which the Neighborhood Councils have no say.

The spending of more than \$50 Million in public funds in the local community is at stake.

### Background

In 2008 the Board of Harbor Commissioners approved the EIR for the TraPac terminal expansion project. This project, along with the adjacent China Shipping project, will add an additional 3.5 million truck trips a year on the 110 Freeway. During the comment period, NWSPNC commented on the EIR, including proposing specialized air filtration equipment for schools, offices and homes.

The City Charter provides a statutory right to Neighborhood Councils in providing input and review of City projects but because they have that official status, they are not allowed to sue the City. However, 15 groups and two individuals [the “Appellants Group”] did appeal the BHC approval to the City Council and as a result, with the assistance of the Council Office, an agreement was reached [the “MOU”] providing for funds to be provided for mitigation for both the TraPac project as well as other projects not yet defined or assessed under the environmental laws.

One aspect of the MOU called for creating a non-profit entity to administer \$12.04 Million in the first year, including \$500,000 in up-front administrative costs and \$300,00 for further studies, and substantial additional funds each subsequent year. Although there is nothing in the MOU specifying the composition of the non-profit, the Appellants and their several consultants have drafted the documents so that the Appellants will be in perpetual control of the non-profit. The documents also provide for paid positions with substantial compensation, plus consultants such as legal staff, investment advisors, environmental and planning staff, etc.

The City could just as easily insisted on a broader and cheaper administration for the non-profit. They could have [and should have] included the Neighborhood Councils in the process., especially since the MOU required the non-profit to be established in accordance with, among other things, the City Charter. Instead, the Charter provisions relating to the role of Neighborhood Councils have been completely ignored.

The BHC and the Appellants Group are negotiating the various implementing documents as we speak. Anyone wishing to see how complicated they are, how money will be siphoned away from actual mitigation, can read the nine transmittals that accompanied the BHC agenda item. Several of those transmittals have attachments of their own. We have read them and are prepared to answer questions you may have. You can also read them at [http://www.portoflosangeles.org/Board/2010/July/commission\\_agenda\\_072210.asp](http://www.portoflosangeles.org/Board/2010/July/commission_agenda_072210.asp)

Both State Lands and the City Attorney have raised many questions about the documents. They continue to be negotiated. As a result of the questions raised, the establishing documents have become quite complex as the appellants seek any way possible to gain control of the environmental funds and granting process.

### Summary

The City Charter contemplates a role for Neighborhood Councils in city governance. Yet, in this entire process, and in the process going forward, there is not one word and no role whatsoever for Neighborhood Councils. At any time during the process the Council Office, the Board of Harbor Commissioners, and any member of the Appellants Group could have recognized the role the NC's play in governance and provided for it. They did not even notify the Neighborhood Councils that the matter was being considered.

The going-forward process for environmental mitigation impacts every one of the local Neighborhood Councils. They should be involved in the decision making process in the areas they represent.

Although not addressed specifically in the attached resolution, one possibility for going forward would be to establish the seven presidents of the Neighborhood Councils as a review panel for the mitigation proposals. Such a group would comply with the MOU and wouldn't cost our communities anything.

The resolution asks the Board of Harbor Commissioners and the Council Office to recognize the role of the Neighborhood Councils and provide a role for them in deciding what projects should be funded and how much of the available funding should be allocated to those projects.

NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL  
RESOLUTION REGARDING PORT MITIGATION FUNDING

WHEREAS, the Charter of the City provides for a system of elected Neighborhood Councils, with specified powers and obligations to represent their areas; and

WHEREAS, the entire geographic area around the Port of Los Angeles is represented by the Coastal San Pedro, Central San Pedro, Northwest San Pedro, Wilmington, Harbor City, Harbor Gateway South, and Harbor Gateway North Neighborhood Councils; and

WHEREAS, the Charter requires the Board of Harbor Commissioners and the City Council to provide “notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made”, and “monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials”; and

WHEREAS, the Board of Harbor Commissioners [BHC], with the assistance of the Council Office, has entered into an MOU with a group commonly referred to as the “Appellants Group” for providing input concerning mitigation funding for Port projects; and

WHEREAS, the BHC and Appellants Group now propose to establish a private non-profit corporation to receive substantial public funds from the BHC and disburse them in accordance with priorities and in amounts to be determined by the non-profit; and

WHEREAS, the agreement establishing the non-profit corporation contemplates control over mitigation aspects of projects that affect areas of San Pedro, Wilmington, Harbor City, and Harbor Gateway; and

WHEREAS, at no time and at no point prior to or after entering the MOU and at no point during the negotiations for the establishment of the non-profit have the Neighborhood Councils been notified or consulted; and

WHEREAS, the proposed documents establishing the non-profit completely eliminate any review or participation rights by the Neighborhood Councils for now and in the future over the spending of substantial public funds;

NOW THEREFORE, BE IT RESOLVED, that in recognition of the system of City governance contemplated by the Charter, the Northwest San Pedro Neighborhood Council hereby requests that the Board of Harbor Commissioners and the Council Office include the seven harbor area Neighborhood Councils in all aspects of the review of mitigation projects and funding decisions for those projects which will use public funds; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Board of Harbor Commissioners, the Council Office, the State Lands Commission; and

BE IT FURTHER RESOLVED, that this Resolution be forwarded to the six other Neighborhood Councils in the harbor area so that they may consider whether they wish to take a similar action.

Approved August 9, 2010