

Note: I do not have time to edit this but I believe it is sufficient to make my points. I plan to speak to this tonight in the council meeting and am prepared to answer any questions you may have...

May 14, 2019

To: Mayor Armato and City Council Members

Fm: Anthony Higgins

PURPOSE OF MY COMMUNICATION:

It is a matter of record that from the beginning of the Hermosa Avenue Project to the end the city was unable to enforce project-specific truck routes.

This was discussed by the council in the 3/12 council meeting.

See 4.5-minute videoclip of discussion:

https://hermosabeach.granicus.com/MediaPlayer.php?view_id=6&clip_id=4901&starttime=6005&stoptime=6280&embed=1

By any reasonable interpretation of this discussion, city staff was asked to come up with better ways to enforce both project specific truck routes that will be required for the Plaza Hotel and North School project AND come up with methods to quell the illegal truck traffic on 27th street.

I want to bring 3 matters to the attention of the council:

1. With respect to the Plaza Hotel EIR and the North School Memorandum of Understanding, Project Specific Truck Routes will be an integral part of mitigating, safety, noise and vibration impacts.
2. Given the overwhelming evidence of the cities failure to enforce project specific truck routes during the Hermosa Ave project, it is clear that plans to better manage these routes must be developed and verified if the mitigations identified in the Plaza Hotel EIR, that are based on these routes, are to be taken seriously.
3. Therefore, until the city develops plans to manage and enforce these project specific truck routes, I believe any approval of the Plaza Hotel FEIR would premature.

This is especially true since there is plenty of anecdotal evidence that the City Administration is not taking the responsibility to develop these plans seriously.

Here is the text of an Email from the City Manager regarding my request for a status of the progress made since this matter was discussed by Mayor Armato, Councilman Duclos and City Manager Leventhal in the 3/12 Council Meeting:

Hi there, Mr. Higgins. Your written communication on March 12, 2019 was received and filed by the Council. On October 25, 2018, Ms. Yang provided a written description of what a receive and file action means. I have copied it here below.

In response to your email dated Oct. 24 (attached for reference), Council's action was to "receive and file" your communication which means that they acknowledge receipt of your communication and have included it in the official record of the meeting. The action does not convey assent and Staff (City Manager or other staff) was not directed to take action or bring the item back at a future meeting.

As to the March 12, 2019 communication you reference below, it was received and filed by the Council. Your input is greatly appreciated by the Council and noted. The Council instructed City Attorney Jenkins to provide you with a letter regarding 27th Street. You have acknowledged receipt of this letter. I have attached it here for reference.

Here is the problem with the City Managers Response:

1. The city manager denied that there were any action items coming out of the 3/12 council meeting when Mayor Armato, Councilman Duclos addressed the city manager about the matters I raised in my written communications; when by any reasonable interpretation the council asked for plans to address project specific truck routes and how to better enforce the laws that were on the books related to truck-traffic using 27th illegally.
2. There were no records ever found of any follow-up requests by the city manager to staff to look into these matters or produce any plans. There were not even any records found of contemporaneous notes taken by the City Manager during the Councilmembers comments, per my Public Record Request.
3. There were no records whatsoever of any follow-up by staff on these matters.
4. Finally, the letter mentioned by the City Manager from City Attorney Jenkins **had nothing to do with project specific truck routes or enforcing direct route laws.**

Mr. Jenkins memo was concerning why the no trucks signs on 27th were not being enforced and the memo and basically, it said that trucks were permitted to use 27th for thoroughfare, if and only if it was the most direct route.

The letter went on to say that trucks using 27th for delivery to Northwest Hermosa was permitted and there was a long history of this. It did NOT say that trucks could use 27th street for thoroughfare to downtown Hermosa or there was any history of this. That's why the no trucks signs were put on 27th in the first place.

Other correspondence I can provide from Mr. Jenkins and Captain McKinnon very clearly point out that trucks NOT proceeding by the most direct route were NOT allowed to use 27th street for thoroughfare to downtown Hermosa. The PCH/Pier route is at least 33% shorter than the 27th street route downtown.

Moving on, regardless of which truck routes are chosen for the Plaza Hotel or other large projects, the city will face the same well documented problems it experienced trying to enforce the Herondo truck route for the Hermosa Avenue Project.

This needs to be addressed now. What purpose is served by delaying an analysis of the problems and corrective measures.

Questions like:

1. What are the monitoring and enforcement options?
2. Do we have adequate resources and if not can we use the building permit process or business licensing process to charge fees to cover enforcement costs?
3. Should we require performance bonds related to project specific truck routes
4. Are our city ordinances adequate to enforce project specific truck routes?

I could go on and on here...

The point is its going to take hard work to solve this problem and denying that there was any instruction by council for staff to develop plans to address this matter does not bode well for coming up with a solution in my view.

For those of you that may have trouble viewing the above URL of the conversation between Mayor Armato, Councilman Duclos and City Manager Leventhal here is a quick synopsis of the discussion as best I can do.

Please keep in mind I am paraphrasing. I did ask the city for a transcript of this discussion, as yet to no avail.

MAYOR ARMATO:

What measures are we taking to ensure trucks are not taking that route (is using 27th Street inappropriately)?

What efforts are we making to ensure trucks don't use the 27th Street Route? We have a couple of major projects coming online.... North School and potentially the Plaza Hotel....

CITY MANAGER:

The city staff is very aware of the impacts and burdens to 27th and WE are WORKING ON TRYING TO FIND ALTERNATIVES... but without any project applications in place, we are aware that these projects will require a truck route BUT WE are NOT TAKING ANY ACTION AT THE MOMENT.

Comment: "Huh?"

CITY MANAGER:

With our own projects (i.e. CIP Projects) we have more control but with other projects (e.g. Plaza Hotel or North School) we rely on resident complaints to manage enforcement of truck routes.

MAYOR ARMATO:

Do we had the police resources to post an officer at 27th on a semi-regular basis?

CITY MANAGER:

The city Manager stated she would check with Captain McKinnon about resources.

COUNCILMAN DULCOSE:

There has got to be a way that we can do a targeted effort to enforce the law rather than just posting a police officer (as a deterrent). And there has got to be a way to enforce the law and ensure there is a consequence when Truck drivers knowingly disobey the Law....

END.... Please see the video.

Its clear that there was an intent by the council for the city to take action on this matter but as I said before there is no record of any action being taken.

ANALYSIS

I believe it was reasonable to assume that Mayor Armato's intent was to dissuade trucks from using 27th illegally as an arterial and a truck route to plaza and Hermosa Avenue businesses in clear violation of the direct route laws. She was not just speaking to the issue of project specific truck routes.

The 27th Route from the PCH/Artesia intersection to the Pier/Hermosa Ave intersection is 33% longer and nearly 100% residential. Using the 27th street route clearly violates the direct route laws.

There are legitimate safety concerns. Heavy trucks running inches from a narrow-obstructed sidewalk on a steep narrow street.

There are legitimate noise and vibration issues. Noise and vibration cannot be mitigated to tolerable levels even if the road were repaired because of the close proximity of homes to the road.

The only solution for residents is to either move or build a large soundproof & vibration proof home and stay off the unsafe sidewalks bordering the truck route.

Some solution.

Anthony Higgins