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WRITTEN TESTIMONY of THOMAS WARE,  
prepared on June 19, 2004,  
regarding the Long Beach City Council Public Hearing  
to be held June 22, 2004 on the  
Proposed Expansion of Preferential Parking District F,  
having interest and standing in this matter as

Owner & Resident of  
4408 Hazelbrook Ave.  
Long Beach, CA 90808  
phone (562) 425-1649

As a 12 year resident of 4408 Hazelbrook Ave., I strongly oppose any Expansion of Residential Preferential Parking District F, with or without the immediate implementation of parking restrictions in the expanded area. The area to be added to District F by this proposed expansion, as defined in the June 22, 2004 public hearing notice, does NOT meet any reasonable criteria justifying the enactment of Residential Preferential Parking, and does not follow the clear intent of the Long Beach City Municipal Code governing the due process by which such Preferential Districts are to be enacted.

**Arbitrarily rearranging the well established process sequence given in the City Code unfairly disadvantages those Residents who oppose parking restrictions, compromises the validity of the required Traffic Engineer assessment, and can lead to significant differences in district parking restriction boundaries than what would have been otherwise implemented.**

The notice indicates District F will FIRST be expanded, and THEN Residents will have the choice of circulating petitions to enact Residential Preferential Parking restrictions provided those petitions demonstrate a contact rate of at least 90% and a level of support of at least 67%. Such a process is not consistent with the well considered, fair and thoughtful process given in the City Code. The plain language process given in Code Chapter 10.32 is clearly given as: (step 1) Two-thirds of the Residents petition for Preferential Parking, (step 2) a Public Meeting is held, including notifying all Residents within 400 ft. of the proposed boundary of the Preferential Parking district, and (step 3) the City Traffic Engineer conducts a study to determine if the proposed district meets the criteria for such districts as outlined in the Code.

**Therefore, I protest this Public Meeting as it is being held prematurely. I believe the City should cease all further efforts to expand District F until Petitions have been circulated and submitted.** Residents outside of the present District F boundary were NEVER invited to meetings held among Residents within the current boundaries, when the current District F parking restrictions were implemented two years ago, even though many of us (myself included) lived well within 400 yards.

The City should NOT assume that Residents in the area targeted for expansion have had adequate time to discuss and conclude that the best course of action is to, first, expand the district, and second, to then vote street by street on what restrictions should be implemented. The reason MOST of these newly affected residents have NOT actively considered this matter to date, is because the purported "problem" has been greatly exaggerated by the few, vocal residents who are pushing for this expansion.

I and others who would be impacted by any resulting new parking restrictions, have trusted the plain language reading of the City Code, and have assumed the next step in the process would be the required Petitions. I strongly protest this willingness of the City to "bend the rules" and allow this Hearing to proceed out of sequence with the normal process, simply because of the vocal handful of proponents who speak on behalf of the "Lakewood Village Neighborhood Association." LVNA has never taken a poll, nor taken a vote, to measure the support for this initiative throughout the area targeted for expansion.

Barely ten days notice has been given for this Public Hearing. It is being dubiously scheduled for the peak of the vacation season, while the impacted local elementary school (Mark Twain) and junior high school (Bancroft) are out of session. Greenbrier, Heather and Charlemagne, just south of Centralia, are all used by parents (such as classroom parent volunteers) attending daytime events at Mark Twain, and during the larger events at Bancroft. The PTA and school administrators are being unfairly handicapped by this bastardized process, as insufficient advance warning has been given (which otherwise would have occurred had petitions been circulated), and as the required public hearing is being held during summer vacation.

The "parking problem" is said to stem from college students, from the adjacent Long Beach City College, parking curbside on the surrounding residential streets, and thereby disturbing the residents because of their car stereos, by blocking driveways and by littering. The proponent of this expansion indicate the targeted area has been selected as being the overall boundaries of where student parkers will migrate, after each successive street votes to implement restrictions. That is, even the proponents admit the proposed boundaries include large areas where the purported problem does not yet exist.

However, the timing of this Public Hearing does not allow residents of these outlying streets to fully test the voracity of the proponents' claims that the problem is so large it will migrate. By not earlier announcing that this Hearing would be occurring, the City has given the proponents a convenient excuse when opponents try to challenge their statements about the PRESENT size of the problem and its potential to migrate. When we argue that the problem was already largely solved two years ago, and any remaining problem is being greatly exaggerated, we will be given the following excuse by the proponents: "Well, of course it is NOT bad now because it is SUMMER... but of course 'everyone knows' that it will be much worse when City College classes return into full session this Fall."

The proponents clearly want to rush this expansion through, before their assertions can be seriously questioned. They are using fear tactics. They are telling residents that if they don't hurry up and agree, and then quickly vote for restrictions, that the City is apt to "change its mind" and any chance to expand the district, and to restrict parking on their street should a problem ever materialize, will be forever lost.

What is the hurry? Why can't the proponents follow the process everyone else has used to get these districts implemented (i.e., first step: go convince your neighbors and get them to sign your petition)? Is this the resident's last and only chance to modify District F? Is the City really going to ignore our legitimate petitions if we have cause to submit them in the future, if we don't immediately rush to support the City's acquiescence to LVNA's request to expand the district ahead of time? I pray this is not the case.

The City Code should be followed as intended. The proponents have plenty of time to circulate their petitions. Assuming they can get at least one street to agree at the required 66% approval rate, this will then lead to hearings this Fall when schools are back in full session. Circulating the petitions in this manner, before the meeting, will lead the residents to be more active in the process. It will thereby lead to a more fully attended and meaningful public hearing and debate, which will then provide the Traffic Engineer with greater insight into the concerns and daily observations of the traffic patterns witnessed by the residents. It will thereby better assure that IF there is need to expand the district, the selected boundaries will best meet that need.

Circulating the Petitions BEFORE the final City Engineer assessment will allow the Engineer to better understand exactly where the Residents perceive the problem to exist. This sequence will allow the Engineer to take notice of those street segments where the petitions did NOT gain the required two-thirds support from the residents.

I appreciate that actual restrictions will not be implemented until the two-thirds support levels on each street are validated. However, my point is that the process is purposely intended to assure that parking restrictions are only implemented if there is an undisputable need and desire to do so. Preferential parking restrictions trade one resident's desires against the desires of other residents. MANY residents simply don't like ANYONE parking in front of their home, at ANY TIME OR FOR ANY REASON. Hence, District F currently prohibits non-resident parking on Saturdays, EVEN THOUGH CITY COLLEGE DOES NOT HAVE SATURDAY CLASSES!

Such desires of residents to "personally own" the curbside in front of their homes is not presently, and should never be, the standard for setting residential preferential parking restrictions. By their nature, such restrictions often simply shift the "problem" (at least partially) from one street to the next. Eventually, two or three times as many residents can be adversely impacted by the restrictions, compared to the number of residents who were initially impacted by the "problem."

In District F, this "problem" has never been that residents were not able to park near their homes. All homes on the targeted streets have ample private driveways and garages. As explained by the proponents, the problem can simply be stated as: (a) "Because the students take up all the curbside parking, and so there is none for my guest," and (b) "I don't like those noisy, messy college students parking in front of my house."

Of course, the parking restrictions would solve this "problem" to whatever limited extent it might still exist. However, such parking restrictions severely impose upon the civil liberties of all residents. With parking restrictions, it is no longer feasible for residents to host afternoon boy scout troops, bridge clubs, art classes, or any of the other things people do in the daytime involving groups of visitors to their home. The allotted single annual guest pass will not cover such groups, and obtaining multiple guest passes is a very laborious process which must be repeated for each one-day event.

The area targeted for District F expansion is a very clear example of BAD PUBLIC POLICY. The normal process for public debate, on whether the solving the current "parking problem" outweighs the civil liberties that such parking restrictions entail, is being modified without good reason.

By proceeding in this fashion, the City Council is implying that this is NOT an important public policy issue, and that the Council is willing to simply let the local residents vote on whether or not to restrict parking on their street, without thoroughly demonstrating the other requirements for such restrictions have been met. Such an attitude is wrong, and the City is thereby shirking its duty to balance the legal restrictions it imposes, against their overall impact on ALL residents' civil liberties.

As this time, I do not know what efforts, if any, have been made regarding the required City Traffic Engineer study. However, based on hear-say from the self-appointed "Lakewood Village Neighborhood Association" I presume that the City simply ASSUMES that certain reasonable criteria exist to justify the implementation of residential preferential parking in the area targeted for District F expansion. I agree that the present District F had a plainly observable "student parking nuisance problem" BEFORE the current parking restrictions were imposed two years ago. Hence, I can understand how someone not living in Lakewood Village might assume (without doing further thorough research) that similar conditions do currently exist in the areas immediately outside the present District F, if they are told that the problem has simply migrated. However, this is absolutely NOT the case for District F. The proposed expansion is complete overkill for whatever problem (if any) remains.

The three criteria for these districts as specified in the City Code are: (1) More than 75% of on-street parking spaces are occupied during the time period envisioned for the new parking restrictions, (2) the area represents a logically defined boundary, where there is a self-contained supply and demand for parking, and (3) for daytime only parking restrictions, more than 50% of the curbside vehicles belong to non-residents. **The present situation does not come close to meeting any of these three criteria** (unless one perversely insists condition 3 is met if there are only three cars on the entire street, and two of them belong to your visiting mother and aunt!)

When I first heard LVNA was pushing to expand the district, I asked them why. When their reasons rang hollow, I took the attached three photographs with the intent on sharing them with my neighbors if and when the petitions were ever circulated.

tgw  
Thursday

I took these photographs at approximately 10 am, on ~~Tuesday~~ Thursday, March 18, 2004. This time and date represent a typical "peak morning traffic and parking rush hour" on a day while Long Beach City College was very much in session.

Photo 3 is of Hazelbrook Ave., about halfway between Centralia and Harvey Way, looking south toward Harvey Way. My home is the two-story house on the left side. Hazelbrook is the next street immediately to the west of the CURRENT District F parking restrictions, and my home is well within 1,500 feet of the college. As you can see, there is plenty of unused on-street parking. The first four cars you see on the left belong to myself and my neighbors, as do perhaps half of the other handful of cars you see further in the distance.

Photo 2 is of the intersection of Charlemagne and Harvey Way, looking north along Charlemagne. This intersection is only about 900 feet from the college. Your proposal is to allow the residents to restrict parking on Charlemagne for several hundred feet north and south of this intersection. As you can see, there is plenty of unused curbside parking which you see in this view to the north. I assure you that looking south would show you the same situation.

Photo 1 is of the intersection of Centralia and Whitewood, looking east along Harvey Way. This intersection is at the center of the northern boundary of both the present District F, and the proposed expanded District F. It is about 1,500 ft. feet from the college. If you look closely, you can see a student has just parked on Centralia, and is walking along the curb and around the corner onto Whitewood, where he will proceed south to the college.

This last photo (Photo 1) illustrates what I said earlier about the present bastardized process potentially leading to boundaries which are likely different than what ~~we~~ would be implemented in the codified process. The current target expanded area includes streets east and west of the present district, but NOT to the north of the present district. Here we have a student who is parking just north of the present district. It is obvious this particular student would rather walk 1,500 feet to class, rather than pay for a parking permit for the student parking lot.

The expansion would, for example, push the northeast boundary out to Charlemagne and Centralia, which is about 50% further than this student is already walking. Yet, these new boundaries do not prevent this student from continuing to park exactly where he did (or from parking on Whitewood immediately to the north).

How can this be? The obvious answer is that expanding the district to include any of the streets north of Centralia is NOT supported by the parking patterns experienced since the current District F restrictions were implemented. I fully agree with this conclusion. But Photo 3 also clearly shows that this area (which is NOT being targeted for expansion) is neither "better" nor "worse" than those areas (Photo's 1&2) which ARE being targeted, and this area in Photo 3 is actually CLOSER to the college than much of the area targeted for expansion.



So, then, how were these new proposed boundaries for District F set? I believe the only real difference between much of the area targeted for expansion, compared to those adjacent areas NOT being targeted, is that there is at least ONE resident on each the streets targeted for expansion who agreed with LVNA that we should expand the district. That is, as I understand it, those streets which are being included for expansion each had at least one squeaky wheel. And this squeaky wheel was not offset by someone of greater influence with LVNA who didn't want parking restrictions.

When I asked LVNA leadership how they arrived at their decision, they admitted their recommendations for this expansion were not based on a formal vote or survey of the affected residents, or on petitions. Their decision apparently simply reflects the personal preferences of the leadership. They apparently have no problem with ignoring data or residents who express views contrary to their preconceived ideas on how they can best "improve the neighborhood."

The Code clearly intended that such boundaries are to first be proposed by a full two-thirds petition, followed by an independent professional engineering validation and adjustment as needed. Letting Neighborhood Associations essentially set parking boundaries, without close scrutiny and oversight from duly elected public officials, is a terrible method of setting public policy. I pray this is not the case.

However, absent any evidence to the contrary, I have no choice but to conclude that this is exactly how these boundaries were set. **And I therefore question what other data (if any) was used by the City to support the proposed new boundaries.** My own observations are that, since the present restrictions were imposed in the current District F, only a very small portion of the total area targeted for expansion experiences times when curb parking is not readily available. My observations are that traffic congestion, excessive noise or litter is a very rare problem (if ever) on most (if not all) of this area targeted for expansion.

**In conclusion, it is clear that the City's current proposal simply makes it too easy for residents to implement new parking restrictions over an area that is much larger than whatever small, localized parking nuisance issues remain since the current parking restrictions were implemented within the present District F. The City has not presented any logical reason of why this abbreviation of the normal process is warranted in this case.**

**I formally request that I be provided, either at the upcoming Public Hearing or through some other mechanism, the official justification (supported by whatever facts or summary survey results are available) of WHY the City believes that there is already sufficient justification for expanding District F so extensively, absent the petitions to do so.**

Sincerely,



Thomas Ware

Looking East on Centralia St. at  
White wood Ave.



PHOTO 1



Looking North PHOTO 2  
on Charlemagne  
at Harvey Way Thursday 3/18/04  
≈ 10 AM



PHOTO 3

Thursday 3/18/04  
≈ 10 AM

Looking South on Hazelbrook Ave.  
Between Centrailia St. and  
Harvey Way