

MINUTES OF A REGULAR MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON MONDAY, MAY 7, 2007, AT 1 P.M.

Present: Commissioners: Walter, Hancock, Cordero, Hankla
Absent: " Topsy-Elvord

Also present:

R. D. Steinke	Executive Director
C. Lytle	Managing Director
D. A. Thiessen	Managing Director
R. G. Kanter	Managing Director
G. T. Hein	Executive Officer to the Board
S. Larson	Interim Director of Human Resources
H. C. Morris	Director of Communications
S. Joumblat	Chief Financial Officer
D. L. Albrecht	Director of Information Management
R. Rich	Director of Maintenance
A. J. Moro	Acting Chief Harbor Engineer
K. J. Adamowicz	Acting Director of Real Estate
C. Perrone	Director of Security
D. B. Snyder	Director of Trade Relations
S. Ashley	Director of Government Affairs
R. S. Baratta	Director of Risk Management
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT HANKLA PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Walter, seconded by Commissioner Cordero and unanimously carried, the minutes of the regular meeting and the special meeting of April 30, 2007, were declared read and approved as read.

PUBLIC COMMENTS.

Mr. Ken Uriu introduced Mr. Shieh, Deputy Director General, Sister Port of Hualien in Taiwan. Mr. Shieh stated he had recently attended the IAPH meeting in Houston, Texas, and wanted to visit the Port of Long Beach to view the progress the Port has made.

President Hankla welcomed Mr. Shieh and thanked him for his comments.

CONSENT CALENDAR – ITEMS NOS. 1-5.

1. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Richard D. Cameron, Manager of Environmental Planning, dated May 1, 2007, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #07-035	ARCO Terminal Services – Pipeline Survey
HDP #07-039	Vopak Terminal – Fire Check Valve Replacement
EMP #07-040	Paramount Petroleum – Emergency Pipeline Repair

was presented to the Board. The request was approved by the Executive Director.

2. EARTH TECH, INC. – DOCUMENT NO. HD-7162 – LEIGHTON CONSULTING, INC. – DOCUMENT NO. HD-7163 – TETRA TECH, INC. – DOCUMENT NO. HD-7164 – THE RETEC GROUP, INC. – DOCUMENT NO. HD-7165 - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACTS FOR HAZARDOUS MATERIALS SITE REMEDIATION PROFESSIONAL SERVICES.

Communication from Richard D. Cameron, Manager of Environmental Planning, dated May 2, 2007, recommending authorization of Contracts with Earth Tech, Inc., Leighton Consulting, Inc., Tetra Tech, Inc., and The RETEC Group, Inc., for hazardous materials site remediation professional services, each in the amount of \$500,000, and for a period of three years, was presented to the Board. The recommendation was approved by the Executive Director.

3. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.

Communication from Sam Joublat, Chief Financial Officer, dated May 2, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
96,950.08	Insurance Fund – Worker’s Compensation for May 2007
133,183.92	Employee Benefits Fund – pension obligation bonds for May 2007
186,152.33	General Fund – transfer of the May 2007 estimated City general administration costs

26,199.00	General Fund – adjustment for additional cost of indirect overhead for prior year – FY 2005
11,058.37	Technical Systems – financial information system for May 2007
18,159.94	Gas & Oil Department – temporary installation of 4-inch bypass
227.29	Water Department – reimbursement for 1 water meter purchased on 4/13/07

was presented to the Board. The request was approved by the Executive Director.

4. RICHARD A. WITHERS – ROGER Y. WU – APPOINTMENTS.

Communication from Steve Larson, Interim Director of Human Resources, dated May 2, 2007, requesting approval of the appointments of the following individuals:

<u>Appointment</u>	<u>Classification</u>	<u>Range & Step</u>	<u>Effective Date</u>
Richard A. Withers	Assistant Director of Security for Homeland Security	E00	5/29/07
Roger Y. Wu	Marketing Manager	680/03	5/14/07

was presented to the Board. The request was approved by the Executive Director.

5. AON RISK SERVICES, INC. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE PAYMENT OF THE PREMIUM FOR THE EXCESS LIABILITY INSURANCE POLICY.

Communication from Rich Baratta, Director of Risk Management, dated May 1, 2007, recommending that the Executive Director be authorized to execute payment of the premium for the Excess Liability Insurance policy to AON Risk Services, Inc., for the period of May 20, 2007, to May 20, 2008, in the amount not-to-exceed \$275,000, was presented to the Board. The recommendation was approved by the Executive Director

Commissioner Walter moved, seconded by Commissioner Hancock that the communications be received and filed and that Items Nos. 1-5 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	“	None
ABSENT:	“	Topsy-Elvord

REGULAR AGENDA.

6. FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR FIRST HALF OF FISCAL 2007 – RECEIVED AND FILED.

Communication from Sam Joublat, Chief Financial Officer, dated April 25, 2007, requesting the financial statements for the Long Beach Harbor Department for the first half of fiscal 2007, be received and filed, was presented to the Board. The financial statements were approved by the Executive Director.

Commissioner Hancock moved, seconded by Commissioner Cordero that the communication and financial statements transmitted therewith be received and filed. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	“	None
ABSENT:	“	Topsy-Elvord

7. TOTAL TERMINALS INTERNATIONAL, LLC – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE RIGHT OF ENTRY AGREEMENT FOR INSTALLING CABLING FOR COMMUNICATION AND SECURITY SYSTEMS - DOCUMENT NO. HD-7166 - RESOLUTION NO. HD-2364 – ADOPTED.

Communication from Karl Adamowicz, Acting Director of Real Estate, dated April 30, 2007, recommending authorization of the Right of Entry Agreement with Total Terminals International, LLC, for installing cabling for communication and security systems, was presented to the Board together with the authorizing resolution therefore. The recommendation was approved by the Executive Director.

Commissioner Hancock moved, seconded by Commissioner Cordero that the communication be received and filed and that the resolution entitled “A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND TOTAL TERMINALS INTERNATIONAL, LLC, FOR TEMPORARY ENTRY ON CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO,” be declared read and adopted as read. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	“	None
ABSENT:	“	Topsy-Elvord

8. PORT OF LONG BEACH TARIFF NO. 4 – ITEM 406 – FREE TIME COMMENCES – RESOLUTION NO. HD-2365 - ADOPTED – FIRST READING OF ORDINANCE.

Communication from Donald B. Snyder, Director of Trade Relations, dated May 2, 2007, recommending approval of the implementation of additional language to Port of Long Beach Tariff No. 4, Item 406, Free Time Commences, was presented to the Board together with the authorizing resolution and ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Cordero moved, seconded by Commissioner Walter that the communication be received and filed and that the resolution entitled "A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG-BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING ITEM NO. 406 FOR A PERIOD OF NINETY DAYS COMMENCING MAY 15, 2007," be declared read and adopted as read. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	"	None
ABSENT:	"	Topsy-Elvord

Commissioner Cordero moved, seconded by Commissioner Walter that the ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING ITEM NO. 406," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	"	None
ABSENT:	"	Topsy-Elvord

NEW BUSINESS.

SERVICE PIN RECOGNITION.

The following were presented to the Board in recognition of their service to the City:

Karl Adamowicz, Acting Director of Real Estate	10 years
Kerry Stewart, Senior Surveyor	25 years
Terry Murray, Principal Construction Inspector	25 years

President Hankla congratulated the service pin recipients on their years of service.

Ms. Morris gave a presentation on the recent activities of Harbor Arbor Day, the cyclist night tour of the Port, hosted by Mr. Art Wong, and the first summer public harbor cruise.

President Hankla announced that Mr. Gill Hicks and he had been recognized by the American Society for Public Administration (ASPA) with the 2007 Clarence A. Dykstra Award for Excellence in Government work for the Alameda Corridor.

President Hankla gave a report on the recent trip to the American Association of Port Authorities Conference in Rosario, Argentina. He stated the Commissioners had visited a soy bean and cotton oil terminal while attending the conference.

Commissioner Cordero stated that next to the soy bean/cotton oil-terminal was the bio diesel terminal and it was getting ready for its Grand Opening.

CLOSED SESSION.

At 2:05 p.m., President Hankla recessed the Board meeting to hold a closed session:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed session pursuant to Section 54956.9(a) of the Government code regarding:

1. Brutoco Engineering & Construction, Inc. (Brutoco) vs. Port of Long Beach, et al., Superior Court Case No. NC034761.
2. Shanghai Zhenhua Port Machinery Co., Ltd. (ZPMC) vs. Port of Long Beach, et al., Superior Court Case No. NC037336.
3. Steiny and Company, Inc., (Steiny) vs. Johnson Controls, Inc., and related cross-actions, Superior Court Case No. BC343781.

At 2:55 p.m., the meeting was again called to order by President Hankla.

ADJOURNED.

At 2:56 p.m., Commissioner Walter moved, seconded by Commissioner Cordero that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Comms:	Walter, Hancock, Cordero, Hankla
NOES:	“	None
ABSENT:	“	Topsy-Elvord

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S**F E B R U A R Y 1 5 , 2 0 0 7**

The regular meeting of the City Planning Commission and public hearing convened on February 15, 2007, at 1:36pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Leslie Gentile, Morton Stuhlbarg,
Matthew Jenkins, Nick Sramek

ABSENT: EXCUSED: Charles Greenberg, Charles Winn

CHAIRMAN: Leslie Gentile

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Lemuel Hawkins, Planner
Derek Burnham, Planner
Steven Valdez, Planner
Craig Chalfant, Planner

OTHERS PRESENT: Lisa Peskay Malmsten, City Attorney
Dave Roseman, City Traffic Engineer
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Stuhlbarg.

S W E A R I N G O F W I T N E S S E S**C O N S E N T C A L E N D A R**

Item 1A was removed to the Regular Agenda at the request of audience members.

Commissioner Sramek moved to accept Items 1B, 1C, and 1D of the Consent Calendar as presented by staff. Commissioner Jenkins seconded the motion, which passed 4-0. Commissioners Greenberg and Winn were absent.

1A. Case No. 0610-05, Condominium Conversion, CE 06-228

Applicant: Alicia Thomas, Thienes Engineering
Subject Site: 500 Ximeno Avenue (Council District 3)
Description: Request for approval of Tentative Tract Map No. 67392 for the conversion of 74 apartment units into condominiums.

Removed to Regular Agenda for discussion.

1B. Case No. 0507-19, General Plan Amendment, Local Coastal Program Amendment, PD Planned Development Amendment, Local Coastal Development Permit, Site Plan Review, Tentative Map, Standards Variances, EIR 19-05

Applicant: Lennar Seaport, LLC c/o Bea Bea Jimenez
Subject Site: 6400 E. Pacific Coast Highway
(Council District 3)
Description: Review the adequacy of Environmental Impact Report No. 19-05 in accordance with Section 15204 of the CEQA Guidelines; request to amend the General Plan, Local Coastal Program, and Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) to allow residential use and adopt residential standards; and a request for approval of Site Plan Review and a Tentative Map to construct a mixed-use project consisting of 425 residential units, 170,000 sq.ft of commercial space, and 1,700 parking spaces with the following code exceptions: (1) Less than code-required parking; (2) Building setback of 10 feet along 2nd Street (instead of not less than 20 feet); (3) Less than required useable open space.

Continued to the March 15, 2007 meeting.

1C. Case No. 0608-21, Conditional Use Permit, CE 06-180

Applicant: El Paisano Market c/o Pat Brown
Subject Site: 245 W. Pacific Coast Highway
(Council District 6)
Description: Conditional Use Permit to add alcohol sales to an existing market.

Approved Conditional Use Permit request subject to conditions.

1D. Case No. 0606-18, Condominium Conversion, CE 06-127

Applicant: Amit Weinberg
Subject Site: 744 Rose Avenue (Council District 2)
Description: Request for approval of Tentative Tract Map No. 66239 for the conversion of nine apartment units into condominiums.

Approved Tentative Tract Map No. 66239 subject to conditions.

R E G U L A R A G E N D A

1A. Case No. 0610-05, Condominium Conversion, CE 06-228

Applicant: Alicia Thomas, Thienes Engineering
Subject Site: 500 Ximeno Avenue (Council District 3)
Description: Request for approval of Tentative Tract Map No. 67392 for the conversion of 74 apartment units into condominiums.

Steve Valdez presented the staff report recommending approval of the map since the project would provide increased home ownership opportunities while complying with Subdivision Requirements and the Land Use Element of the General Plan.

Ed Soule, 647 Grand, Project Manager, stated that he felt the project had plenty of parking with three new street spaces.

Jeffrey Raven, 4421 E. 5th Street, adjacent property owner, expressed support for the conversion, saying he felt staff had addressed access concerns but that parking requirements should be higher.

Malcolm Johnston, 4316 E. 6th Street, adjacent property owner, expressed opposition to the project on the grounds that it was too dense and underparked, since many residents had multiple vehicles.

Vicky Demirsi, 500 Ximeno Avenue, tenant, also spoke against the project, saying she would have to move out because she couldn't afford to buy a unit.

Arturo Macias-Pedroza, 500 Ximeno Avenue #310, tenant, also spoke against the project because he felt there was insufficient access for disabled persons and parking.

Fred Denny, 4403 E. 4th Street, area commercial property owner, expressed support for the project, saying it would improve the building and that parking would not be impacted with no change in the number of residents.

Applicant Soule said it would not be feasible to change the number of units planned since the building was new, and although they were not required to meet current ADA requirements, he was willing to alter the rear stairway to accommodate a handicapped ramp if it was possible.

Commissioner Stuhlbarg noted that area parking had always been impacted, and that this project would not effect that situation and conforms to all standards. Mr. Stuhlbarg agreed that there was rental unit loss throughout the City which he felt was a trade-off for creating new affordable ownership housing.

Commissioner Stuhlbarg moved to approve Tentative Tract Map No. 67392 for the conversion of 74 apartment units into condominiums. Commissioner Jenkins seconded the motion.

At the suggestion from Commissioner Sramek that a condition be added to require the ramp stairwell, Commissioners Stuhlbarg and Jenkins accepted the addendum to their motion with the addition of 'if feasible' to the language.

The question was called and the motion passed 4-0. Commissioners Greenberg and Winn were absent.

C O N T I N U E D I T E M S

2. Case No. 0607-24, Administrative Use Permit, Local Coastal Development Permit, CE 06-158

Appellant: Albert Espinoza for Pet Partners Animal Hospital

Subject Site: 1058 E. Broadway (Council District 2)

Description: Appeal of the Zoning Administrator's decision to deny a request for a Local Coastal Development Permit and Administrative Use Permit to convert a commercial lease area in a residential zone to a veterinary clinic without boarding.

Lynette Ferenczy presented the staff report recommending denial of the appeal due to the proximity of the use to residences; small lot size; inadequate storage area; lack of a trash

enclosure, on-site parking and loading areas; odor problems and code enforcement issues.

Doug Otto, 111 W. Ocean Blvd. #1300, appellant representative, claimed that the illegal addition was a pre-existing patio area, and that parking impacts would not be exacerbated by this use since many clients were pedestrians. Mr. Otto added that the veterinary clinic had shut down for a year when cited by code enforcement, and that this use was a crucial one for the area. Mr. Otto also agreed to construct a trash enclosure.

Julia Selva, 4121 Country Club Drive, Lakewood, appellant's lawyer, stated that her client's business had evolved to serve community-based animal demands, and that they were always making efforts to comply with City requirements. Ms. Selva added that the half of the illegal outside storage area had been removed and that they were willing to remove the remaining half.

George Romo, 2037 Appleton St. #7, Vice President, Alamitos Beach Neighborhood Association, stated that the Board was in support of the appellant's request.

Pat Brown, 5390 E. 8th Street, client, also spoke in favor of the appellant, saying that he appreciated the service provided and never had any problem parking at the site.

Kevin Collins, 1078 E. Ocean, apartment building manager, expressed support for the appellant, saying that many of his tenants owned pets and relied on the neighborhood service.

Mary Czuba, 1061 E. Broadway, also spoke in support of the appellant, saying the area around the clinic was clean and the service was vital to local residents.

Pam Duran, 50 Pomona Avenue, also expressed support for the appellant, saying he provided an affordable neighborhood service, and that the nearest vet otherwise was in Signal Hill.

Oliver Lazares, 3600 E. 4th Street #202, agreed, adding that the clinic had been operating without any inconvenience to nearby neighbors, and that parking demands were minimal.

Maria Azerine, 939 E. 1st Street, agreed with the previous speakers, adding that the vet kept the premises clean and was very involved in the community.

Paul Hernandez, 10000 E. Imperial Hwy, Downey, appellant business representative, outlined the services provided at the site and said they were fully and legally licensed.

Lucia Rodriguez, 1515 E. 3rd Street, expressed support for the appellant saying the vet was pedestrian-friendly and affordable.

Marni Johnson, 1050 E. Broadway, adjacent resident, also spoke in favor of the appellant, saying the parking problems had nothing to do with the business in question since there were never more than two customers there at any one time. She also said there were no trash or litter impacts on the neighborhood as a result of the business.

David Havens, 1105 E. Broadway, veterinarian, also expressed support for the 'neighborhood business.'

Cathy Stansell, 263 Molino Avenue, agreed that it was nice to have an affordable vet so close.

Chairman Gentile stated she would not be voting since she had not attended the original hearing on the item.

Commissioner Jenkins said he had visited the facility and found it to be clean, and a one-stop service for neighborhood pet needs.

Commissioner Jenkins then moved to grant the appeal, with a continuation to allow new conditions of approval to be worked out with staff.

Ms. Bihn noted that Planning and Building had received information that the veterinary clinic was in full operation in October 2006 without proper licensing.

Commissioner Sramek commented that the parking impact in the area was great but that this service was a valuable one in the community, and asked that staff work out the issues of outdoor storage and the illegally-added space between buildings.

Commissioner Sramek seconded the motion to continue the item to the March 15, 2006 meeting to allow staff time to prepare revised findings and conditions of approval.

The question was called and the motion passed 3-0-1. Chairman Gentile abstained and Commissioners Greenberg and Winn were absent.

3. Case No. 0609-39, Conditional Use Permit, CE 06-226

Appellant: Royal Street Communications (Metro PCS)
c/o Pacific Communications Groups
Leslie Paramo, Representative
Subject Site: 194 E. Artesia Blvd. (Council District 9)
Description: A Conditional Use Permit to construct and maintain a ground-mounted cellular and personal communication services facility, consisting of a 60-foot high monopole antenna structure designed as a pine tree with accessory equipment.

Lemuel Hawkins presented the staff report recommending denial of the request since the proposed monopole would be located within 125 feet of any existing one; since the carrier had the ability to install a two-carrier monopole on an abutting property, and because visual impact would be reduced if the appellant co-located on a previously approved monopole with a disguising technique.

Leslie Paramo, P.O. Box 85, Lakewood, 90714, applicant, noted that no additional structures would be built because their equipment would be placed within an existing building. Ms. Paramo added that the monopole was necessary at this exact location to provide customer coverage to the 91 Freeway, and that the other facility in the staff report was concrete and could not accommodate co-location. She asserted that the proposed monopine would be located adjacent to the freeway and easily blend into the area.

In response to a query from Chairman Gentile regarding discussions with competitor T-Mobile, Ms. Paramo stated that T-Mobile would not contribute to the costs of co-location and that her group was unable to establish an economically-feasible agreement with the owner of the adjacent property, who had quadrupled the going lease price.

Mindy Hartstein, 350 Commerce Drive St. 200, Irvine, Project Manager, added that they could not co-locate on the concrete pole due to its solid construction. Ms. Harstein stressed that their proposed location was invisible from any street.

Richard Gutierrez, 350 Commerce Drive, Irvine, Construction Manager, confirmed that a concrete pole precluded co-location without going over height and requiring external equipment storage to become more of an eyesore.

Lemuel Hawkins agreed that it would be difficult to co-locate on the concrete pole without removing and replacing it with modern materials. He also pointed out that staff was not privy to lease negotiations and that they still believed there was a chance for co-location as per one of their recommendations.

Ms. Hartstein disagreed, saying that the high rent, cost of reconstruction and new pole made the location economically infeasible.

Steve Carias, P.O. Box 85, Lakewood, Site Acquisition Specialist, said the new space was a mini-storage site where they could replace the existing flagpole to hide their equipment.

In response to a staff query from Chairman Gentile regarding phasing out of monopoles in certain areas, Mr. Hawkins noted that current sites were limited to ten years of service to allow staff a review, possible redesign, and for co-location possibilities.

Commissioner Sramek moved to continue the item to the March 15, 2006 meeting to accept approval of the Conditional Use Permit and have staff return with revised findings. Commissioner Jenkins seconded the motion.

Commissioner Stuhlbarg said he thought the applicant could just co-locate on the concrete pole by dropping a wire.

Chairman Gentile agreed that the carrier locations were too close, and believed there was an opportunity for co-location elsewhere.

The question was called and the motion failed 2-2. Commissioners Gentile and Stuhlbarg dissented, and Commissioners Greenberg and Winn were absent.

Commissioner Stuhlbarg moved to continue the item to the March 15, 2007 meeting to allow staff to research the possibility of co-locating on the concrete pole. Commissioner Jenkins seconded the motion, which passed 4-0. Commissioners Greenberg and Winn were absent.

REGULAR AGENDA

4. Case No. 0510-03, PD Amendment, Site Plan Review, Tract Map, Standards Variances, EIR 28-05

Applicant: Press-Telegram Lofts c/o Jim Brophy
Subject Site: 604 Pine Avenue (Council District 1)
Description: Request to amend the Downtown Planned Development District (PD-30) to change the subarea designation for the subject site from Downtown Mixed Use to Downtown Core and amend the allowable height from 100 feet to 250 feet; and request for approval of Site Plan Review and a Tentative Map to demolish portions of the Meeker-Baker Building and portions of the Press-Telegram Building to construct two 22-story buildings and various four- to five-story buildings to develop a mixed-use project consisting of 542 residential units, 14,000 sq.ft. of commercial space; 24,000 sq.ft. of office/gallery space and 1,186 parking spaces, with the following code exceptions: (1) Less than code-required parking; (2) Building setback of 7'6" along portions of Pine Avenue (instead of 0 feet); (3) Building setback of two feet along Locust Avenue (Instead of not less than 10 feet); and (4) Parking structure at the property line along Locust Avenue and 7th Street (instead of a setback of 10 feet).

Derek Burnham presented the staff report recommending adoption of the resolution since staff believes the project has the potential to be an asset to the downtown area and anchor its northern part; however, staff has issues with building design, pedestrian connections and parking, addressed by the suggested conditions of approval.

Craig Chalfant described the significant unavoidable adverse effects the project would cause on aesthetics, air quality, cultural resources, land use and planning, traffic and noise, as well as the overriding social and economic impacts that provide support for proposed project.

Greg Carpenter shared a set of recommended conditions of approval from the Cultural Heritage Commission to address potential significant cultural resources impacts.

Commissioner Sramek expressed concern about approving changes to PD-30 before receiving input from downtown associations.

Bob Stemler, 400 Oceangate, applicant representative, professed that the project would materially restore both buildings to their original grandeur while bringing Pine Avenue up to its intended look and feel, with benefits for nearby schools impacted by the project. Mr. Stemler declared that they agreed with all the conditions of approval except for those related to tower separation, the Locust Avenue setback, parking and a requirement for off-site intersection improvements. Mr. Stemler said he felt that the open space issue was addressed by Condition 5, and that they had also successfully addressed pedestrian access.

Mark Donahue, 650 California Street #400, San Francisco, architect, explained that the project would contain high-caliber housing with attention to historical aspects of the buildings and their unique local character. Mr. Donahue reviewed the design history of the project with a movie showing the proposed renovation from the streetscape and from above.

Pat Gibson, 201 Santa Monica Blvd., Santa Monica 90401, parking consultant, declared that the staff was using inappropriate parking guidelines for the project, and he presented a shared analysis including pedestrian visitors and public transit, showing only a 92-space deficit based on City requirements. Mr. Gibson claimed that staff was not taking into account the historical aspect of the building and subsequent discounts.

Jim Brophy, 604 Pine Avenue, applicant, outlined the original project goal of creating a middle-income housing project and said he understood that the Arts Council, Convention and Visitors Bureau and Economic Development Commission were all in support of the project. Mr. Brophy mentioned the \$62 million expected to be generated in tax revenues over the next 10 years with a portion set aside for affordable housing.

Regarding staff recommendations, Mr. Brophy then stated that they could not have a 10' setback along Locust Avenue since it would make certain units unacceptable and because there was no precedent for that in the area. He said he would be willing to discuss the intersection improvements, but that the tower separation they requested was crucial because of the need to retain the historical aspects of the site.

In response to a query about parking from Commissioner Sramek, who noted he had toured the site, Mr. Brophy said that they would have to add another half level below the project to accommodate additional parking which would add costs to the

units, and that he understood that they were entitled to a parking waiver since they were saving 60% of the historical building.

Dave Roseman, City Traffic Engineer, noted that the project was bringing housing and workforce together, thereby facilitating transit, but that based on City codes and experience, he felt it would be reasonable to use a compromise figure between City parking requirements and the applicant's request.

In response to a query from Chairman Gentile regarding the feasibility of using the parking garage across the street, Mr. Carpenter noted that most of the spaces were already leased out, but that the City was reserving the remaining spaces. He added that given the number of existing buildings downtown without any parking, and the fact that this new development has the ability to provide its own parking, any available spaces should be preserved for non-conforming existing uses.

Mr. Brophy contended that he would have to reduce the no-cost housing set aside in the project for University uses if they had to re-design to meet parking requirements.

Dave Roseman stated that the City garage could use the extra income if spaces were leased out. Mr. Roseman added that the reason for the curb relocation was to accommodate turning public buses to avoid interfering with traffic.

Mo Tidemanis, 6300 State University Drive, Suite 260, expressed support for the project, saying it will provide affordable housing for University faculty and staff while giving the school a downtown presence.

Cheryl Perry, 351 Magnolia, President, adjacent Willmore City Heritage Association Historical District, expressed concerns about the height of the project and its effect on parking, traffic and open space. Ms. Perry asked that the Commission review of PD-30 be completed before the project was approved, and then only with all conditions of approval intact.

Thomas Martin, 440 Chestnut Avenue, expressed opposition to the project, saying it should be 100% parked.

Kraig Kojian, President and CEO, Downtown Long Beach Associates, said they were in full support of project as an opportunity to bring in more residential development downtown.

Richard Fehr, 628 W. 10th Street, said the project would be a good bridge-builder between 6th and 10th Streets, but agreed it should be fully parked.

Shirley Buchanan, West End Community Association, agreed with the staff recommendation.

John Thomas, Long Beach Heritage, 280 Molino Avenue, said he supported the Cultural Heritage Commission recommendations, especially those dealing with preservation of the original lobby, enforcement of the Mitigation Monitoring Plan and waiting for the final review of PD-30.

Don Darnauer, 801 Pine, said he felt this was a great project but that all staff recommendations should be followed to satisfy their concerns.

In response to queries from Chairman Gentile, Mr. Brophy stated that regarding the intersection improvements, it was not so much the cost as the resources, which could be addressed in the future, and that adding a level to accommodate extra parking spaces and redesign of the tower separation was possible if both were issues.

Commissioner Sramek said he felt this was a wonderful project for downtown and agreed with Mr. Roseman that a compromise parking number could be used. Mr. Sramek added that he did not see tower separation as a problem since there is already a diagonal separation designed in, but that there would be a problem with the overlay since it is precedent-setting. Mr. Sramek stated that re-setting the minimum standard for PD-30 without the visioning process to know if this fits in, made it hard to support the project at this moment.

Commissioner Stuhlbarg agreed it was a tough call and that parking shortfalls could be disregarded if local garages could be found to be a source of visitor parking. Mr. Stuhlbarg said he felt the half empty garage across street could be used to satisfy parking requirements, and that the required street improvements was important to accommodate increased traffic. Commissioner Stuhlbarg stated that this project should set a precedent to bring more affordable housing to the City, thereby putting money back into the University and hospitals.

Commissioner Stuhlbarg moved to

- Review and consider EIR 28-05/SCH #2006031124;
- Adopt the Resolution with Findings of Fact and a Mitigation Monitoring Program with revised mitigation measures; and
- Adopt the Resolution with Statements of Overriding Consideration;
- Forward a recommendation of approval to the City Council regarding the proposed amendments to the Downtown Planned Development District (PD-30);
- Approve the requests for Site Plan Review, Tentative Map and Standards Variance requests, subject to conditions of approval to include a requirement for 1186 parking spaces, allow the proposed setbacks, remove the conditions related to tower separation.

Commissioner Jenkins seconded the motion.

Commissioner Jenkins said he felt the potential benefits outweighed the potential negatives, citing the City's need for affordable housing, and saying he could not wait for the determination of the visioning committee.

Chairman Gentile said she thought it was important to have project of this scale and density to create downtown growth, and did not feel there was a parking problem.

The question was called, and the motion passed 3-1. Commissioner Sramek dissented, and Commissioners Greenberg and Winn were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Mr. Carpenter noted that the Commission's approval of the Del Amo childcare facility was being appealed to the City Council.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 5:50pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk.